PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Thursday, 19 July 2007

(Extract from book 10)

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By authority of the Victorian Government Printer

The Governor

Professor DAVID de KRETSER, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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Standing Orders Committee — The Speaker, Ms Barker, Mr Kotsiras, Mr Langdon, Mr McIntosh, Mr Nardella and Mrs Powell.

Joint committees

Dispute Resolution Committee — (*Assembly*): Mr Batchelor, Mr Cameron, Mr Clark, Mr Holding, Mr McIntosh, Mr Robinson and Mr Walsh. (*Council*): Mr P. Davis, Mr Hall, Mr Jennings, Mr Lenders and Ms Pennicuik.

Drugs and Crime Prevention Committee — (*Assembly)*: Mr Delahunty, Mr Haermeyer, Mr McIntosh, Mrs Maddigan and Mr Morris. (*Council*): Mr Leane and Ms Mikakos.

Economic Development and Infrastructure Committee — (*Assembly*): Ms Campbell, Mr Crisp and Ms Thomson. (*Council*): Mr Atkinson, Mr D. Davis, Mr Tee and Mr Thornley.

Education and Training Committee — (*Assembly*): Dr Harkness, Mr Herbert, Mr Howard and Mr Kotsiras. (*Council*): Mr Elasmar, Mr Finn and Mr Hall.

Electoral Matters Committee — (*Assembly*): Ms Campbell, Mr O'Brien, Mr Scott and Mr Thompson. (*Council*): Ms Broad, Mr Hall and Mr Somyurek.

Environment and Natural Resources Committee — (*Assembly*): Ms Duncan, Mrs Fyffe, Mr Ingram, Ms Lobato, Mr Pandazopoulos and Mr Walsh. (*Council*): Mrs Petrovich and Mr Viney.

Family and Community Development Committee — (*Assembly*): Ms Beattie, Mr Dixon, Mr Perera, Mrs Powell and Ms Wooldridge. (*Council*): Mr Scheffer and Mr Somyurek.

House Committee — (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Mr Delahunty, Mr Howard, Mr Kotsiras, Mr Scott and Mr K. Smith. (*Council*): The President (*ex officio*), Mr Atkinson, Ms Darveniza, Mr Drum, Mr Eideh and Ms Hartland.

Law Reform Committee — (*Assembly*): Mr Brooks, Mr Clark, Mr Donnellan and Mr Lupton. (*Council*): Mrs Kronberg, Mr O'Donohue and Mr Tee.

Outer Suburban/Interface Services and Development Committee — (*Assembly*): Ms Green, Mr Hodgett, Mr Nardella, Mr Seitz and Mr K. Smith. (*Council*): Mr Elasmar, Mr Guy and Ms Hartland.

Public Accounts and Estimates Committee — (*Assembly*): Ms Graley, Ms Munt, Mr Scott, Mr Stensholt, Dr Sykes and Mr Wells. (*Council*): Mr Barber, Mr Dalla-Riva, Mr Pakula and Mr Rich-Phillips.

Road Safety Committee — (*Assembly*): Mr Eren, Mr Langdon, Mr Mulder, Mr Trezise and Mr Weller. (*Council*): Mr Koch and Mr Leane.

Rural and Regional Committee — (*Assembly*): Mr Eren and Mr Northe. (*Council*): Ms Darveniza, Mr Drum, Ms Lovell, Ms Tierney and Mr Vogels.

Scrutiny of Acts and Regulations Committee — (*Assembly*): Mr Brooks, Mr Carli, Mr Jasper, Mr Languiller and Mr R. Smith. (*Council*): Mr Eideh, Mr O'Donohue, Mrs Peulich and Ms Pulford.

Heads of parliamentary departments

Assembly — Clerk of the Parliaments and Clerk of the Legislative Assembly: Mr R. W. Purdey

Council — Clerk of the Legislative Council: Mr W. R. Tunnecliffe

Parliamentary Services — Secretary: Dr S. O'Kane

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. JENNY LINDELL

Deputy Speaker: Ms A. P. BARKER

Acting Speakers: Ms Beattie, Ms Campbell, Mr Eren, Mrs Fyffe, Ms Green, Dr Harkness, Mr Howard, Mr Ingram, Mr Jasper, Mr Kotsiras, Mr Languiller, Mr Lupton, Ms Marshall, Ms Munt, Mr Nardella, Mrs Powell, Mr Seitz, Mr K. Smith, Mr Stensholt and Mr Thompson

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Deputy Leader of the Parliamentary Labor Party and Deputy Premier:
The Hon. J. W. THWAITES

Leader of the Parliamentary Liberal Party and Leader of the Opposition:
Mr E. N. BAILLIEU

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:
The Hon. LOUISE ASHER

Leader of The Nationals:
Mr P. J. RYAN

Deputy Leader of The Nationals:
Mr P. L. WALSH

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Andrews, Mr Daniel Michael	Mulgrave	ALP	Lobato, Ms Tamara Louise	Gembrook	ALP
Asher, Ms Louise	Brighton	LP	Lupton, Mr Anthony Gerard	Prahran	ALP
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Brumby, Mr John Mansfield	Broadmeadows	ALP	Munt, Ms Janice Ruth	Mordialloc	ALP
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Carli, Mr Carlo Domenico	Brunswick	ALP	Northe, Mr Russell John	Morwell	Nats
Clark, Mr Robert William	Box Hill	LP	O'Brien, Mr Michael Anthony	Malvern	LP
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Crutchfield, Mr Michael Paul	South Barwon	ALP	Pallas, Mr Timothy Hugh	Tarneit	ALP
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Delahunty, Mr Hugh Francis	Lowan	Nats	Perera, Mr Jude	Cranbourne	ALP
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Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
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Graley, Ms Judith Ann	Narre Warren South	ALP	Scott, Mr Robin David	Preston	ALP
Green, Ms Danielle Louise	Yan Yean	ALP	Seitz, Mr George	Keilor	ALP
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Hardman, Mr Benedict Paul	Seymour	ALP	Smith, Mr Kenneth Maurice	Bass	LP
Harkness, Dr Alistair Ross	Frankston	ALP	Smith, Mr Ryan	Warrandyte	LP
Helper, Mr Jochen	Ripon	ALP	Stensholt, Mr Robert Einar	Burwood	ALP
Herbert, Mr Steven Ralph	Eltham	ALP	Sykes, Dr William Everett	Benalla	Nats
Hodgett, Mr David John	Kilsyth	LP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Holding, Mr Timothy James	Lyndhurst	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Thwaites, Mr Johnstone William	Albert Park	ALP
Hudson, Mr Robert John	Bentleigh	ALP	Tilley, Mr William John	Benambra	LP
Hulls, Mr Rob Justin	Niddrie	ALP	Trezise, Mr Ian Douglas	Geelong	ALP
Ingram, Mr Craig	Gippsland East	Ind	Victoria, Mrs Heidi	Bayswater	LP
Jasper, Mr Kenneth Stephen	Murray Valley	Nats	Wakeling, Mr Nicholas	Ferntree Gully	LP
Kosky, Ms Lynne Janice	Altona	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Kotsiras, Mr Nicholas	Bulleen	LP	Weller, Mr Paul	Rodney	Nats
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
Languiller, Mr Telmo Ramon	Derrimut	ALP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Lim, Mr Muy Hong	Clayton	ALP	Wynne, Mr Richard William	Richmond	ALP

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THURSDAY, 19 JULY 2007

Thursday, 19 July 2007

The SPEAKER (Hon. Jenny Lindell) took the chair at 9.33 a.m. and read the prayer.

NOTICES OF MOTION

Notices of motion given.

Mr JASPER having given notice of motion:

The SPEAKER — Order! I do not have a copy of that notice of motion, and therefore the notice is out of order.

Further notices of motion given.

PETITIONS

Following petitions presented to house:

Gas: Creswick supply

To the Speaker and members of the Legislative Assembly for the state of Victoria:

This petition of certain residents of Creswick draws to the attention of the Assembly that the Victorian government has made numerous announcements and held community meetings in the township advising that all Creswick residents would have the opportunity to connect their homes to natural gas.

Your petitioners request of the house that the natural gas pipeline be extended through Luttet Street, Elizabeth Street, Phillip Street, Charles Street and Ellis Street so that these residents of Creswick be given the same opportunity as the other residents of Creswick to connect to the grid.

And your petitioners humbly pray.

By Mr HOWARD (Ballarat East) (94 signatures)

Water: north–south pipeline

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house the proposal to develop a pipeline which would take water from the Goulburn Valley and pump it to Melbourne.

The petitioners register their opposition to the project on the basis that it will effectively transfer the region's wealth to Melbourne; have a negative impact on the local environment; and lead to further water being taken from the region in the near future. The petitioners commit to the principle that water savings which are made in the Murray–Darling Basin should remain in the MDB. The petitioners therefore request that the Legislative Assembly of Victoria rejects the proposal and calls on the state government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater.

By Dr SYKES (Benalla) (2655 signatures)
Mr TILLEY (Benambra) (609 signatures)
Mr JASPER (Murray Valley) (2004 signatures)
Mr WELLER (Rodney) (1172 signatures)
Mrs POWELL (Shepparton) (3956 signatures)
Mr WALSH (Swan Hill) (1300 signatures)

Water: north–south pipeline

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Assembly of Victoria the proposal to develop a pipeline which would take water from the Goulburn River and pump it to Melbourne.

The petitioners are opposed to this project on the basis that it will effectively transfer the region's wealth to Melbourne; have a negative impact on the local environment and lead to further water being taken from the region in the future. The petitioners commit to the principle that water savings which are made in the Murray Darling Basin should remain in the basin.

Your petitioners therefore request that the state government abandons their proposal to pipe water from the Goulburn River to Melbourne and calls on the state government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater.

By Mr TILLEY (Benambra) (221 signatures)

Rail: Melbourne–Shepparton line

To the Legislative Assembly of Victoria:

The petition of concerned residents and V/Line Shepparton and Seymour line travellers draws to the attention of the house that the changes to V/Line timetables effective 4 March 2007 have not only further slowed train services, but have also resulted in longer distance travellers to Cobram, Echuca, Griffith, Murchison and Numurkah sharing the 1833 Shepparton train with short-distance commuters to stations between Craigieburn and Seymour. The petitioners therefore request that the Legislative Assembly of Victoria restores the previous departure time of 1815 for the Shepparton train and that it resumes its previous express running between Broadmeadows and Seymour.

And your petitioners, as in duty bound, shall ever pray.

By Mr MULDER (Polwarth) (1319 signatures)

Water: north–south pipeline

To the Legislative Assembly of Victoria:

The petition of the following residents of the electorate of Rodney draws to the attention of the house that we strongly object to the proposal to pipe water from the Goulburn irrigation district to Melbourne.

The petitioners therefore request that the Legislative Assembly of Victoria block plans to pipe northern irrigation water savings to Melbourne.

By Mr WELLER (Rodney) (2626 signatures)

Bridges: Echuca-Moama

To the Legislative Assembly of Victoria:

The petition of the following residents of Echuca-Moama and district in the electorate of Rodney draws to the attention of the house that there is an urgent need for a new river crossing to be built at Echuca-Moama and we demand that the new bridge be built at the western option.

The petitioners therefore request that the Legislative Assembly of Victoria instruct VicRoads to lodge a fresh application under the new Victorian Aboriginal heritage legislation so the Yorta Yorta's decision to refuse consent to a western option bridge can be appealed to the Victorian Civil and Administrative Tribunal.

By Mr WELLER (Rodney) (9693 signatures)

Tabled.

Ordered that petition presented by honourable member for Swan Hill be considered next day on motion of Mr WALSH (Swan Hill).

Ordered that petition presented by honourable member for Shepparton be considered next day on motion of Mrs POWELL (Shepparton).

Ordered that petition presented by honourable member for Ballarat East be considered next day on motion of Mr HOWARD (Ballarat East).

Ordered that petition presented by honourable member for Murray Valley be considered next day on motion of Mr JASPER (Murray Valley).

Ordered that petitions presented by honourable member for Benambra be considered next day on motion of Mr TILLEY (Benambra).

Ordered that petitions presented by honourable member for Rodney be considered next day on motion of Mr WELLER (Rodney).

Ordered that petition presented by honourable member for Benalla be considered next day on motion of Dr SYKES (Benalla).

DOCUMENTS

Tabled by Clerk:

EastLink Project Act 2004:

Order varying the project area

Order extending the project area

Interpretation of Legislation Act 1984 — Notices under s. 32(3)(a)(iii) in relation to Statutory Rules 76, 77.

BUSINESS OF THE HOUSE

Adjournment

Ms NEVILLE (Minister for Mental Health) — I move:

That the house, at its rising, adjourn until Tuesday, 7 August.

Motion agreed to.

MEMBERS STATEMENTS

Anzac Day: Sandringham electorate

Mr THOMPSON (Sandringham) — Anzac Day was commemorated across the seat of Sandringham with greater attendances than last year. Of particular note, the Sandringham Yacht Club, assisted by lifesavers, sea scouts, and yacht and motorboat clubs, conducted a re-enactment of the 1940 Dunkirk evacuation to honour all who fought and suffered in war. Over 100 yachts and motorboats participated together with 30 vehicles from the Victorian Military Vehicle Corps. The 100-plus 'soldiers' were crew members of yachts, junior members of the yacht club and members of the lifesaving clubs and scouts. The project emulated the 800-boat flotilla that carried the 338 000 allied soldiers off the Dunkirk beach over those 10 dark days in May and June of 1940.

Overhead the Royal Australian Air Force Roulettes and aircraft from the Royal Australian Air Force Museum and the Royal Victorian Aero Club and privately owned Warbird and recreational aircraft provided a reminder to the several thousand spectators of the air war that was fought between the Luftwaffe and the Royal Air Force during the 10-day evacuation.

An education pack was prepared for use in schools. The vision to organise and conduct such an appropriate Anzac Day commemoration was started by George Shaw, and assisted by Ian Whitbread and Allen Page, all members of the Sandringham Yacht Club. The

untiring efforts of a dozen other volunteers and staff members on the Dunkirk committee enabled the spectacle to happen. The aim of that committee to bring the club and the community together with a hands-on Anzac Day remembrance activity was achieved mightily.

Ocean Grove/Barwon Heads Lions Club: achievements

Ms NEVILLE (Minister for Mental Health) — It was an honour to be invited to propose the toast to Lions Clubs International at the recent changeover dinner of the Ocean Grove/Barwon Heads Lions Club. As the member for Bellarine I was delighted to also have the opportunity to congratulate the Lions Club on its significant contribution to our local community, in particular by its outgoing president, John Brady. It was also a chance to acknowledge the hard work and commitment of all those involved, including secretary Don Smith and the committee, and to add my best wishes to Ed Corless, the incoming president. As members would know, Lions was formed in 1917 in Chicago by a collection of friends who decided that a group working together could do much more than a single person working alone. It is now represented in over 200 countries. In Geelong and Bellarine there are now 15 Lions Clubs with approximately 400 members.

The Ocean Grove/Barwon Heads Lions Club is now in its 52nd year. It has undertaken a wide range of projects that have meant a great deal to many people both locally and internationally. They include the Scope Young Ambassadors scheme, which assists in the assimilation of disabled children in mainstream schools, the Grace McKellar mobility garden project and the presentation of money to local primary schoolchildren as encouragement awards. On behalf of the community of Bellarine I would like to thank the members of the Ocean Grove/Barwon Heads Lions Club for their ongoing contributions to the local community. In each community there is evidence of their hard work and dedication.

Housing: Shepparton property

Mrs POWELL (Shepparton) — On Friday, 13 July, Ivan and Jenny Barber of 50 Sheehan Crescent, Shepparton, came to my office to discuss problems they are having with the Office of Housing regarding the new house that was purpose built for them in 2003 in consultation with an occupational therapist. Jenny is profoundly deaf and has a disability which causes her to be wheelchair bound. Both Jenny and Ivan are very frustrated and angry that some of the problems with the house have still not been rectified.

Jenny and Ivan came to see me originally in 2004 about the faults with the house, and I raised the issue in this house for them with the then Minister for Housing. At that time 34 faults with their house were found upon inspection. After my raising this matter in this place some of the faults were rectified, but there are still some major issues outstanding that need urgent action. Jenny and Ivan have been living in the house for three years now and have documented to my office the issues that need resolving — a stovetop that moves and is dangerous for Jenny to use; plaster cornice sagging from the kitchen roof that is so wide Ivan can fit his fingers into the gaps; and the Barber's driveway and special front path are dangerous and require a front fence and gates to stop neighbourhood children from riding their bikes up and down them, which the children do — using them like a skate park.

Ivan has complained to Shepparton police and the Office of Housing as he and some of the carers have nearly run over children several times. If a basic front fence and gates were fitted, it would remove the problem and make it safer for the children and the Barbers. I ask the minister to direct the Office of Housing to investigate the problems and deal with them urgently.

Wyndham: Best Start program

Mr PALLAS (Minister for Roads and Ports) — I recently had the opportunity to join the excellent Minister for Mental Health, who is also the Minister for Children and the Minister for Aged Care, to launch the Wyndham Best Start program. The program is part of the Bracks government's Growing Communities, Thriving Children initiative, which aims to support the developmental progress of children through early childhood welfare and health services.

By promoting a prevention approach, the program will help improve the health and wellbeing of infants and children up to eight years of age. The project will initiate programs in the community to ensure that children who are not reaching developmental milestones are recognised at the earliest possible stage and receive the help they need. The Bracks government is providing Wyndham City Council with $800 000 to offer these services. As members may be aware, Wyndham is one of the fastest growing areas in Victoria, and its current population has a substantially high proportion of young people compared to the metropolitan average.

Since coming to office the Bracks government has been dedicated to providing every child in our community with the best start possible in life. We have been

investing in kindergartens, maternal and child health, community-based child care and children's disability services. The Wyndham Best Start program is indicative of the government's dedication to its commitment to children in the community. It will help ensure that children across Wyndham have access to high-quality care services from the start of their lives.

I would like to thank the Minister for Children, Lisa Neville, for launching the program and Wyndham City Council for its active participation and strong partnership in this project. I look forward to watching this program help children throughout my electorate.

Member for Warrandyte: electorate access

Mr R. SMITH (Warrandyte) — The Warrandyte township within the Warrandyte electorate is an extremely community-minded place where residents rightly pride themselves on the country town feel their community has. It is a place where you will find church leaders having coffee with the local police, where those who run the local monthly handicrafts market raise funds for repairs to the primary school down the road, and where the Bendigo Bank manager works with the local sporting clubs to find ways to improve their facilities.

Warrandyte is a place that has a great deal of voluntary involvement, and it all works very well because people are constantly engaging with each other on a regular, informal basis. As the recently elected state member, it is easy for me to find the opportunity to speak on a regular basis with many of the major stakeholders and community leaders of Warrandyte. My most recent visit to the Warrandyte State Park rangers office included a very pleasant informal chat with the staff, and I was invited back at any time for a cuppa.

The Bracks government wants to change these easy and open relationships. I recently tried to meet with the new ranger who oversees Warrandyte State Park and ran into a brick wall. I received an email from the ranger saying that I now have to provide a written request, seeking approval for the visit from the environment minister's office and detailing the topics I wished to discuss; apparently I am forbidden to stop at the ranger's office even in an informal capacity.

I and, I am sure, members of the Warrandyte community find this ridiculous Big Brother control to be absolutely abhorrent and totally at odds with the way Warrandyte works. I call on the minister to stop trying to block democratically elected members of opposition parties from discharging their day-to-day duties within their own electorates and to allow the lines of communication to remain open.

Darrell Treloar

Ms BEATTIE (Yuroke) — I would like to send my best wishes to the CEO (chief executive officer) of Hume City Council, Darrell Treloar, who is retiring after nine years on the job. Darrell graduated from the University of Melbourne in 1970 as a civil engineer and spent the first three years of his career in private enterprise on the construction of the Malvern freeway, subdivisions in the city of Waverley and a major water storage at Port Campbell. For 27 years he has worked in local government at the Stawell shire, the Bulla shire, the Rosedale shire and the former Heidelberg council.

After a three-year term as CEO of Mitchell shire, he was appointed CEO at the City of Hume in 1998. He is a past president of the Institute of Municipal Engineering Australia, Victoria division. Other achievements include a five-year term as a councillor in the town of Stawell during which time he spent a year as mayor, and 21 years service with the Army Reserve. He is now retired and holds the rank of major, his last posting being officer commanding 91 Forestry Squadron, Royal Australian Engineers.

Darrell has proactively worked towards building a confident and competent organisation and in particular has overseen the recent relocation of the 5-green-star-rating offices in Broadmeadows. Darrell can be proud of the many positives that he has achieved for the city during his period of service. He has made a worthwhile and valuable contribution and leaves behind a council that is financially secure. I wish him well.

Water: Victorian plan

Mr TILLEY (Benambra) — I wish to raise concerns about the haste with which this government intends to redirect precious agricultural water from northern Victoria to Melbourne when it has at its disposal more than 18 times the amount it intends to siphon off from northern Victoria. With information sourced from the Labor government's own publications from the water resources department in 1989, figures can be extrapolated which show an availability of water from south of the Great Dividing Range of a whopping 1415 gigalitres. Even if 50 per cent of that water has since been developed, the total water availability still far exceeds the 75 gigalitres the government intends to siphon off through the pipeline from Goulburn to Melbourne.

This is water from the Thomson and Mitchell river basins and from the Otway coast. Figures show that the annual water flow below the Thomson River Narrows station at the confluence of the Aberfeldy River totals more than 400 gigalitres, and that is just surface water. The total availability of undeveloped water from the Thomson and Mitchell river basins — both surface water and groundwater — and Latrobe River groundwater is 1065 gigalitres. Adding this to the available undeveloped surface water and groundwater from the Otway coast and the Barwon River of 350 gigalitres gives a rounded total of 1415 gigalitres undeveloped water that the Bracks government could utilise instead of wasting millions and millions of dollars of taxpayers money building lengthy pipelines.

Yarra Trail: Darebin link

Ms RICHARDSON (Northcote) — I wish to bring to the attention of the house an apparent obstacle being presented by some Boroondara councillors, and in particular the mayor, Phillip Healey, to the completion of the Darebin bridge and trail link to the main Yarra Trail. The importance of the completion of this trail should not be underestimated. It is the last remaining incomplete section of Melbourne's bicycle network. Thousands of cyclists and pedestrians will benefit greatly from its completion, and in this context many are anticipating completing their first successful trip.

The Labor government recognises the significance of this link, and the minister has moved to make the required planning amendments so that construction of the link may proceed. The government is now keen to get all stakeholders on board. Unfortunately there is one very real obstacle to a speedy resolution. The mayor of Boroondara, Phillip Healey has expressed his opposition to the proposed route, claiming that it will have an environmental impact on the Kew Billabong adjacent to Willsmere-Chandler Park.

I too would be very concerned about the environmental impact any trail would have. However, I have been assured that the proposed route will not have the environmental consequences that Mr Healey claims because the path goes around the billabong reserve. I appreciate that alternative routes have been suggested by Cr Healey, but I understand from Bicycle Victoria, Parks Victoria and a range of other stakeholders that these routes are unworkable. I urge Cr Healey to reconsider his position and join with other Boroondara councillors, who support the proposed route and do not want to see further delay. Perhaps the member for Kew could become active on this issue and help facilitate a speedy resolution to ensure that this significant trail link is completed to the benefit of all.

Water: Big Buffalo dam

Mr JASPER (Murray Valley) — I bring to the attention of the house and the Minister for Water, Environment and Climate Change the growing support for extending existing water storages and considering the construction of new water storages at strategic locations. The latest support has been provided by the influential Murray Darling Association, which last Friday met at Corowa, where the regional municipalities of Wangaratta, Wodonga, Corowa, Towong, Greater Hume and Tumbarumba unanimously supported a resolution calling for a feasibility and impact assessment study on the building of Big Buffalo dam in Victoria's north-east.

The house will be aware that the government and water authorities have consistently rejected the calls that I have been making for the building of Big Buffalo dam and extending Lake William Hovel to underpin the supply of water to north-east Victoria and the Murray River system. However, together with the member for Benalla, I am receiving overwhelming support from organisations, municipalities and the general public, and that has been backed up by a petition signed by over 10 000 people in the Wangaratta, Myrtleford and surrounding areas asking for an extension of the capacity of these dams.

Logic tells us not only that we need to implement water conservation measures but that we desperately need increased water storages, recognising that no new dams have been constructed in Victoria since 1981, when the huge Dartmouth Dam was completed. Of course further evidence in support of my case was demonstrated by the recent floods in Gippsland, where increased water storages would have minimised the resultant damage and water loss to sea.

Metropolitan Ambulance Service: dispatch centre

Ms MORAND (Mount Waverley) — Last week I had the opportunity to visit the Metropolitan Ambulance Service headquarters in Doncaster. The CEO (chief executive officer) of MAS, Greg Sassella, and I then also visited the dispatch centre in Burwood. One of my roles as Parliamentary Secretary for Health is to chair the ambulance service's policy consultative committee. I was therefore really pleased to have the opportunity to visit the Metropolitan Ambulance Service headquarters to be briefed by Greg Sassella and see the dispatch centre in operation.

The system that guides our dispatch service is incredibly impressive, with advanced technology that includes the GPS (global positioning system) tracking of each ambulance in operation and a sophisticated system for predicting need and allocating resources. I was able to listen to the emergency calls being made for ambulances, and I was really impressed with the way the dispatch staff handled the calls and how each call was managed in terms of dispatch of the nearest unit by paramedics, who are rostered on week to week in the dispatch unit. This is leading technology developed right here in Melbourne. I can report to members that the CEO and the staff and paramedics at MAS work very hard to ensure that Victorians are served by a very professional and advanced system and responses that focus on patient outcome.

The Bracks government has over the past seven years significantly invested in ambulance services in Melbourne and across Victoria. There are now 690 more paramedics and 100 more ambulances on the road. These resources are very much needed to meet the growing demand for our services.

Planning: boarding house controls

Mr WAKELING (Ferntree Gully) — I wish to raise a matter of grave concern and call upon the Minister for Planning in the other place to implement tighter planning controls over boarding houses.

Earlier this year I raised this important issue in the house. In a written response the minister ducked responsibility on this issue, mandating that local councils are required to register rooming houses and enforce planning controls. What the minister failed to understand is that it is difficult for councils to register boarding houses when such facilities with less than 10 rooms do not require regulation.

Furthermore the minister alludes to the state government's social housing policy and about social housing being dispersed throughout the community; but given the minister's lack of action to strengthen current planning controls in regard to social, health and law enforcement considerations, there is nothing to prevent an oversupply of unregulated boarding houses being clumped together, in which case my local community would be powerless to intervene. The time has come for the minister to listen and act on this important issue.

Graffiti: removal

Mr WAKELING — I wish to also raise a matter of concern for the Minister for Police and Emergency Services, about increasing efforts to target graffiti offenders. Many residents in my local community have contacted me about the prevalence of graffiti, which causes residents to feel less safe as it indicates antisocial behaviour being acceptable. I advise the Bracks Labor government that residents in the Ferntree Gully electorate do not accept graffiti and expect the minister to act.

It would seem that Knox City Council has identified the importance of this issue as they are diligently removing graffiti in my community. One only needs to catch a train, however, from Ferntree Gully railway station to Flinders Street to see the prevalence of graffiti along the Belgrave railway line. It is time for the government to act.

Lygon Street precinct project

Mr CARLI (Brunswick) — Two weeks ago I attended a meeting at St Jude's Church, Carlton, called by the Victorian Multicultural Commission, to basically get the local community involved in the Lygon Street precinct project.

This project is part of an $8 million commitment by the Bracks government to enhance three precincts in Melbourne — Little Bourke Street, or the Chinese precinct; Lonsdale Street, the Greek precinct; and Lygon Street, the Italian precinct. The project, involving the Melbourne City Council, local traders, the Italian community and residents, is looking at various projects to enhance the attributes of that area. In Lygon Street it is the culture, the shopping area, the village atmosphere and of course the importance it has to Melbourne's Italian community. It is also important to think of it as a precinct that involves the university, so there really is a need for broad partnerships and broad support.

The meeting was very successful, and as a result a committee is being set up to further pursue action on the project. In August expressions of interest will be called for various groups to put up proposals to a working committee.

Thomson River: flooding

Mr BLACKWOOD (Narracan) — During the last sittings of Parliament I raised the issue of a faulty flood warning device at Coopers Creek on the Thomson River and the risk that it posed for residents in the area below the Cowwarr Weir. I was devastated upon hearing the response from Melbourne Water's spokesperson Ben Pratt in the *Sunday Age* of 1 July, where he claimed that the flood warning devices had been checked and were found to be working correctly.

Anyone who cared to check the validity of this response had only to look at the online data recorded by the gauge in question to see it was completely out of whack with correct readings from other gauges. For Melbourne Water to attempt to cover up its negligence is evidence that the culture of disregard for country communities that has been allowed to develop by the Bracks government is spreading like a cancer out of control.

The consequences of this breach of duty of care could have been devastating and the communities below the Thomson Dam could have suffered the same fate as the people of Newry, who were completely inundated without warning. The people of Newry and all others living in the lower reaches of the Thomson, Macalister and Mitchell rivers should not have had to suffer being flooded for the Treasurer to announce that flood warning devices across these three catchments would get a multimillion-dollar upgrade.

Mrs Peulich (South Eastern Metropolitan): pamphlet

Ms MUNT (Mordialloc) — I read, with wide-eyed wonder, a recent flyer sent to homes in my electorate by a member for South Eastern Metropolitan Region in the other place, Mrs Peulich. She says, among other things, that the Victorian budget ignores our water crisis and contains no plans or ideas for any major water infrastructure project. She has ended up with egg on her face following the announcement of the government's comprehensive plan to secure Victoria's water future — a big difference from the Liberal's plan to dam the Maribyrnong River! She also wrote that there is no money in the budget for the building of stages 2 and 3 of the Dingley bypass. Who has built stage 1, due to be opened this year? In my first term I have achieved more for this plan than the 10 years of my Liberal predecessor.

She also says violent crime across the South Eastern Metropolitan Region continues to grow and overall crime is up nearly 6 per cent. Crime rates in Kingston in fact continue to fall. We have more police and new police stations. Our zero tolerance on domestic crime has seen an increased focus on this crime. Does she not support this crackdown on domestic violence for our women and children?

She says our school maintenance backlog is growing. I well remember that Mrs Peulich was part of the Kennett government that closed primary schools in Highett and Cheltenham. Our rebuilding program has builders working flat out on our schools after 10 years of neglect by the previous local Liberal member.

Finally, if she represents us, the least she can do is spell 'Mordialloc' correctly in her literature. Wrong again!

Preschools: speed zones

Mr BURGESS (Hastings) — Currently reduced speed zones of 40 kilometres per hour exist around Victoria's primary and secondary schools during commencement and cessation times of the schools.

Unfortunately preschools such as the Somerville kindergarten have been neglected by this initiative and are not protected adequately from road traffic. It is the view of VicRoads that preschool children do not require reduced speed zones because they are under the care of parents or guardians. Even if that were the case, that still offers no protection from speeding or non-vigilant drivers, where such protection could easily be accommodated. School equivalent zones around preschools would slow drivers down and advise them to be more alert, thus making vulnerable children safer as they access preschool facilities.

The government's solution to the question of road safety for preschools was the Starting Out Safely initiative in 2003. This initiative involved activities for children and issuing a series of posters about road safety but did little to address the issue of better visibility of children by motorists or signage about reduced speeds.

Community awareness of preschool locations needs to be raised with the introduction of school equivalent speed zones which are just as necessary here as they are for primary and secondary schools. Inexplicably, VicRoads' policy seems to put traffic flow above the safety of our most vulnerable pedestrians.

Casey Kidz Klub: funding

Mr BURGESS — Casey Kidz Klub is the only after-school care available for 12-year-old handicapped children and urgently needs funds to continue to operate. Casey council and the federal government have agreed to commit funding to keep this vital facility functioning. To date the state government has refused to do so. I call on the state government to commit funding to the Casey Kidz Klub as a matter of urgency.

Water: Ballarat supply

Mr HOWARD (Ballarat East) — On 5 July I was very pleased to be at White Swan Reservoir near Ballarat when the Premier came out to turn the first sod in the Ballarat leg of the super-pipeline. This is a very important project, and it is good to see it getting away on time, which will see by the middle of next year the

super-pipe being completed so that Ballarat people and Ballarat businesses know they will have water security into the future.

The work which is now under way — that is, the leg from Sandhurst Reservoir to Ballarat — is going to cost of the order of $180 million, and it is certainly pleasing that the Bracks government has committed $70 million to the project, Central Highlands Water has committed $20 million, and it would have been hoped that the federal government, as they have with so many other projects around this country, would have committed $90 million in line with their policy.

The people of Ballarat know that the Leader of the federal Opposition, Kevin Rudd, many months ago made a commitment on behalf of the federal Labor Party to say that if they came to office, they would commit the $90 million, but the federal Liberal candidate for Ballarat seems very uninterested in this project, is not supporting the people of Ballarat and is not going after the federal government to have it make a similar promise. We want the federal government to promise that $90 million; we want it promised very soon so that Ballarat will be able to have security in its water supply in the future.

Children: early childhood profession

Mr WELLER (Rodney) — The early childhood profession is undervalued not only by the general community but also by the Bracks government. The current children's services regulations are failing the early childhood profession and the children and their families of Victoria.

Current staff-to-child ratios are 1 to 5 for children aged under three, and 1 to 15 for children aged three years and over. There is no guaranteed program preparation time and no minimum qualifications required to work in the early childhood profession.

I call on the Bracks government to support the early childhood profession by phasing in desperately needed changes in a structured and consultative manner, which is both affordable to the service and achievable, improve staff-to-child ratios to 1-to-3 for children aged under two, 1-to-5 for two to three-year-olds, and 1-to-8 for those aged three years and over.

I ask for more weekly planning time — 4 hours for team leaders and 1 hour for co-workers. I ask for minimum qualifications of certificate III in children's services for co-workers. In the past the links between training and the support of early childhood professionals, including appropriate pay and conditions, have been directly associated with the quality-of-care outcomes for children involved. This should not be acceptable. The dedicated professionals who work tirelessly and passionately in early childhood should be supported by regulations that reflect best practice and quality outcomes for all involved. They deserve — —

The ACTING SPEAKER (Mr Seitz) — Order! The member's time has expired.

Gregory Burgess

Mrs MADDIGAN (Essendon) — Today I would like to congratulate Gregory Burgess from Gregory Burgess Pty Ltd Architects for winning the Royal Australian Institute of Architecture's best public architecture category award this year. Gregory is responsible for the architecture for the Victorian Space Science Education Centre built at Strathmore Secondary College in my electorate. The centre is a statewide body, even though it is erected in my electorate, and its aim is to promote science within the community by engaging students and getting them excited through space science laboratory experiences.

It is the first building of this kind in the Southern Hemisphere, and Gregory really did a terrific job of the architecture relating to it. On his web page he says of the building that the architecture, through its spatial formation, is a space-age building and is designed:

> … to support the space education program by immersing participants in a challenging world of space travel, experiments, problem solving and teamwork.

This is a great project of the Bracks Labor government, and I congratulate Gregory Burgess on his prize.

Casey Kidz Klub: funding

Mr HODGETT (Kilsyth) — As a strong advocate for disability services you come into contact with many people with a disability who are in need of support and assistance from the government. As an MP you learn about many worthwhile programs across Victoria that greatly assist people with a disability. Today I draw to the government's attention a terrific program which is desperately in need of state government support and funding — the Casey Kidz Klub. The Cranbourne-based Casey Kidz Klub is a groundbreaking Australian-first respite and social activities program for disabled children who are excluded from mainstream out-of-school programs.

The program has been plagued by funding problems since its inception and has found itself in a service gap not covered by local, state or federal funding. Amanda

Stapledon, the program founder, has worked tirelessly to keep this fantastic program running while she looks for a political home for the service gap. I am informed that the City of Casey, through the efforts of Cr Steve Beardon, has stepped up to the plate and proposed a funding commitment conditional on the federal and state governments contributing funds. The hardworking federal member for Flinders is prepared to get in and work towards a three-way deal, but the state government's response to funding requests has been negative.

The Minister for Community Services in the other place, Gavin Jennings, wriggles out of it by fobbing it off as an after-school service and conveniently handballing it into the federal arena. I ask the minister to take some responsibility. I implore him to visit the Casey Kidz Klub and witness firsthand this terrific respite and social activities program that delivers positive outcomes in the lives of disabled children. It was embarrassing to hear that the local MP, the member for Cranbourne, has never set foot in the place. He does not care about kids with disabilities or hardworking mums and dads who seek respite services. I entreat the minister and the member for Cranbourne to get out from behind their desks and meet with Amanda Stapledon, this wonderful woman who seeks a small amount of government support — —

The ACTING SPEAKER (Mr Seitz) — Order! The member's time has expired.

Sir Edward Dunlop Medical Research Foundation

Mr LANGDON (Ivanhoe) — Last Friday I had the great pleasure of attending the centennial gala dinner of the Sir Edward Dunlop Medical Research Foundation. The dinner celebrated 100 years since the birth of Sir Edward 'Weary' Dunlop. His name and his reputation do not need me to expand on this event, but it was an honour to be there. The foundation was set up to honour Sir Edward, and I will refer to one of his statements:

> The impact of the stress and strain of war upon the physical and mental health of veterans and upon ageing processes is a vital area of research, with ultimately immense application to the community as a whole.

The purpose of the gala dinner was to fund greater research into what Sir Edward wanted us to do more work on. It was a great pleasure to be there, and I commend the organisers of the event for such a fabulous dinner.

The ACTING SPEAKER (Mr Seitz) — Order! The member for Frankston has 39 seconds.

Climate change: federal policy

Dr HARKNESS (Frankston) — The Bracks government is steadfastly tackling climate change and increasing water supplies with strong and sensible solutions based on expert advice and detailed design work. However, John Howard has been asleep on climate change. He has attempted to address his 11 years of inaction on climate change by saying he would introduce an emissions trading scheme, but he has refused to set a date. He has also refused to sign the Kyoto protocol on climate change. The good news, however, is that federal Labor has strong and detailed plans on climate change, including ratifying the Kyoto protocol, setting up a national emissions trading scheme, cutting Australia's greenhouse gas emissions by 60 per cent on 2000 levels for 2050, and setting up the $500 million national clean coal fund.

The ACTING SPEAKER (Mr Seitz) — Order! The member's time has expired, and the time for making statements has now ended.

ROYAL CHILDREN'S HOSPITAL (LAND) BILL

Statement of compatibility

Mr THWAITES (Minister for Water, Environment and Climate Change) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

> In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Royal Children's Hospital (Land) Bill.
>
> In my opinion, the bill, as introduced in the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.
>
> **Overview of bill**
>
> The bill will:
>
> > remove the permanent reservation on the proposed site of the new Royal Children's Hospital in Royal Park to facilitate development of the new hospital;
> >
> > ensure that the project does not result in any net reduction in the size of Royal Park, by limiting the size of the new hospital and requiring the return to parkland of the surplus construction site land and the site of the old hospital; and

allow the committee of management of the new hospital to enter into a lease or a licence over the new site for a period up to 30 years.

Human rights issues

1. Human rights protected by the charter that are relevant to the bill

The right to freedom of movement is relevant to the bill. This right is protected by section 12 of the charter. Section 12 stipulates that every person lawfully within Victoria has the right to move freely within Victoria and to enter and leave it and has the freedom to choose where to live.

The right's broad focus is to protect against arbitrary restrictions on people's ability to move freely. A particular aspect of the right is protection of people's ability to choose their own route when exercising their right to move freely within the state. The bill will touch upon this aspect of the right.

Presently, all of the open areas of Royal Park are available to people to choose as part of their route when moving freely within Victoria. The new hospital site is part of that area. People are presently free to pass through the site, as with any other area of the park.

When the bill removes the new hospital site from Royal Park, people will no longer have the Crown's implied permission to enter and pass through the site. People will need to choose alternative routes, such as walking around, rather than through, the new hospital site. This consequence can be perceived as a limitation on the right to freedom of movement protected by section 12 of the charter.

Section 20 of the charter, which protects against deprivation of property other than according to law, also requires consideration in the context of this bill. This is because clauses 5 and 10 of the bill remove reservations over land associated with the project. In doing so, these clauses could also be perceived to take away proprietary interests, which would amount to a deprivation of property in contravention of section 20 of the charter. However, there will not be any deprivation of property as a result of these clauses, because:

there are no leases or other proprietary interests in the land affected by clause 5 (being land currently forming part of Royal Park and set aside for the new hospital site); and

although there will be some leases (or similar interests) over the land affected by clause 10, the bill makes it clear that the status of those leases (and similar interests) is not affected by clause 10. The leases referred to include those already in place over the old hospital site, and any short-term construction leases created over the new hospital site during the construction phase.

For these reasons, it is not expected that this bill will deprive any person of property. Accordingly, there will not be any limitation of the property rights protected under section 20 of the charter.

2. Consideration of reasonable limitations — section 7(2)

To the extent that the right to freedom of movement will be limited, I consider that the limitation will be reasonable, in accordance with section 7(2) of the charter. I provide the following reasons for this view.

(a) the nature of the right being limited

The right to freedom of movement is a fundamental human right which protects against restrictions on people's ability to move freely within the state. The right is not an absolute right at international law, and under the charter may be subject to such reasonable limitations as are demonstrably justified in a free and democratic society.

(b) the importance of the purpose of the limitation

The aspect of the bill which will limit freedom of movement is the excision of the new hospital's construction site from Royal Park. The purpose of this aspect of the bill is to enable construction of the new hospital to proceed and for the land to be dealt with in a manner which reflects its status as the site for a hospital. The new hospital will provide world-class medical facilities to the children of Victoria in a central, easily accessible and peaceful location. This objective will serve all Victorians by providing them with access to outstanding paediatric medical services for many years to come. It is of high importance.

Further, the excision of the new hospital's construction site from Royal Park will protect the safety of the public by effectively revoking the Crown's implied permission for the public to enter the construction site. The purpose of doing so is to allow construction to occur, and to occur safely, without endangering members of the public who enjoy Royal Park. This purpose is also of high importance.

(c) the nature and extent of the limitation

The limitation resulting from this bill will only affect people insofar as they will no longer be able to move freely through the construction site for the new hospital. They will still be able to move freely elsewhere, including around the perimeters of the construction site and throughout the balance of Royal Park. All other aspects of the right to freedom of movement — including Victorians' rights to freely enter and leave the state, to choose where to live, and to move around the state — will remain unaffected. Having regard to the overall breadth and nature of the right to freedom of movement, the extent of the limitation is considered to be relatively negligible.

(d) the relationship between the limitation and its purpose

The excision from Royal Park is necessary because it would be dangerous, if not impossible, to construct the new hospital on the proposed site while simultaneously preserving the site's existing status as public park. Excision of the construction site from Royal Park is a proportionate legislative response to the objective of constructing a new hospital because it would, put simply, be impossible to construct the hospital without doing so. Accordingly, the resulting limitation on the right to freedom of movement is also a proportionate outcome given the purpose of the excision, namely to allow for the safe construction of the hospital.

(e) any less restrictive means reasonably available to achieve its purpose

There are no less restrictive means available to achieve the purpose of facilitating the development of the new hospital.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because it will not limit the property rights protected by section 20, and, although it will limit the right to freedom of movement, the limitation is reasonable.

JOHN THWAITES, MP
Minister for Water, Environment and Climate Change

Second reading

Mr THWAITES (Minister for Water, Environment and Climate Change) — I move:

That this bill be now read a second time.

The purpose of this bill is to enable the development of the new Royal Children's Hospital on Crown land in Parkville.

The Royal Children's Hospital is a world-class paediatric hospital. However, the current design of the hospital is no longer consistent with this status. To preserve the hospital's outstanding reputation into the future, and to better support modern approaches to the provision of high quality medical care and leading research, the government believes it is now time for the Royal Children's Hospital to be rebuilt.

To realise this vision, in May 2005 the Victorian Premier and the Minister for Health announced that a new Royal Children's Hospital will be built for the children of Victoria. The new hospital will be more spacious, with more single rooms, neonatal cots and operating theatres. It will be able to treat 35 000 more patients every year and will have:

improved accommodation and other facilities for parents and siblings;

more play areas, better park access and expanded child care;

new facilities for mental health, rehabilitation and research; and

more shops, cafes and other amenities for staff, patients and other campus users.

The $850 million facility will be delivered under the government's Partnerships Victoria policy, using the skills and abilities of the private sector to design, build, finance and maintain the hospital. Management of the hospital and provision of all clinical services will continue to be the responsibility of the state.

This bill will allow the new hospital to be developed on Crown land immediately to the west of the existing hospital. A majority of the new site presently forms part of Royal Park. The bill will facilitate the development by removing part of the Royal Park permanent reservation, as it relates to the new site.

The site was chosen after a rigorous examination of alternative site options. A range of factors were considered, including the size, cost, access, construction impacts and community feedback. This process took almost a year and involved extensive consultation with hospital staff, families and the community. Ultimately, the chosen site was selected as the one that best meets the needs of sick children and their families.

The new hospital will continue to be surrounded by parkland, which provides one of the most powerful forces in lifting a child's morale and helping them feel better. It will also remain within the Parkville medical precinct, which means the new hospital will be surrounded by Victoria's latest medical research and technology, giving our kids the best possible treatment. The Parkville location also ensures that the new hospital will continue to enjoy good accessibility by public transport and road for all users of the hospital.

The removal of the permanent reservation will affect only the land required for the development of the new hospital. The land will include an area to accommodate the final hospital site as well as areas to accommodate construction site activities, equipment and offices, as well as a safety buffer to protect the public from those activities.

The government is committed to minimising the impact of this development on Royal Park. For this reason, the bill includes a framework to ensure that the final size of the development is contained to protect against any net reduction in the size of Royal Park. When the old hospital is demolished and the final boundaries of the new hospital site are settled, a range of deeming provisions in the bill will be triggered. The provisions will:

limit the size of the new hospital to less than 4.1 hectares, which is less than the size of the old hospital;

return project land not forming part of the final hospital site (such as the land used for construction site purposes) to Royal Park, by permanently reserving it for public park purposes;

add all of the land cleared by demolition of the old hospital buildings to Royal Park by permanently reserving it for public park purposes; and

temporarily reserve the new hospital site for hospital purposes under the Crown Land (Reserves) Act 1978 and appoint the Royal Children's Hospital as committee of management.

All of the bidders for the delivery of the new hospital project have been made aware of the size limitation in this bill and have designed their proposals. The government believes that this framework will not only ensure that the new hospital is designed efficiently but that it will also result in a net increase in the size of Royal Park, after the construction and demolition phase of the development is completed.

In line with the government's Partnership Victoria policy, the bill will enable the committee of management of the new hospital site to enter into an operating lease or licence over the new site for a period up to 30 years. This long-term leasing and licensing power will allow the state, through the committee of management, to enter into an arrangement with its private sector partner for the maintenance of the new hospital facility, as part of the Partnerships Victoria arrangements.

The government is committed to ensuring that the Royal Children's Hospital remains a world-class facility for child and adolescent health care and an international leader in research and education. This bill will facilitate the construction of a state-of-the-art facility that will assist in ensuring we can deliver the best care to our sick children for years to come.

I commend the bill to the house.

Debate adjourned on motion of Mr WELLS (Scoresby).

Debate adjourned until Thursday, 2 August.

GENE TECHNOLOGY AMENDMENT BILL

Statement of compatibility

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Gene Technology (Amendment) Bill 2007.

In my opinion, the Gene Technology Amendment Bill 2007, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of the bill

The object of the Gene Technology Act 2001 is to protect the health and safety of people and to protect the environment by identifying risks posed by or as a result of gene technology and regulating certain dealings with genetically modified organisms (GMOs). Dealings with GMOs that involve release into the environment (DIRs) are typically agricultural field trials, or commercial release licence applications.

An applicant makes an application to the regulator for a licence to deal with a GMO and the licence, if approved, will have conditions attached to it such that the dealing can be conducted while ensuring that the object of the act is met.

The bill amends the Gene Technology Act 2001 by inserting provisions enabling the responsible Victorian minister to issue an emergency dealing determination in response to a determination made by the responsible commonwealth minister and otherwise incudes provisions to improve the efficient operation of the act, allocate resources to areas of greater risk, reduce the regulatory burden and combine two advisory committees (the Gene Technology Ethics and Gene Technology Community Consultative Committee) into one committee. The bill concludes with a series of technical amendments.

The proposed Gene Technology Amendment Bill will ensure that the Victorian act is brought into line with the commonwealth legislation as amended and that the national regulatory framework for gene technology continues to operate in Victoria in a seamless and coherent manner, giving certainty to industry and stakeholders.

1. Human rights protected by the charter that are relevant to the bill

Section 13(a) of the charter states that a person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with.

Clause 22 of the bill potentially engages the right to privacy. This provision relates to administration of emergency dealing determinations (EDDs). An EDD enables the responsible minister, on advice, to allow the use of a genetically modified organism (GMO) in an emergency situation, where that GMO is to be used to remedy the emergency. A GMO EDD, like a GMO licence, may have conditions attached to it so that, in complying with these conditions, the GMO itself can be managed such as to protect the health and safety of people and the environment.

Clause 22 of the bill inserts a new section (152(2)(d)) into the principal act. This provision enables an inspector to enter the premises of a person (for purposes of finding out if the act and regulations have been complied with) where the occupier of the premises is a person dealing with, or who has dealt with, a GMO specified in an EDD and the entry is at a reasonable time. This provision enables inspectors to monitor the EDD, just as they are currently able, under the act, to monitor other dealings with GMOs. There is also a power for the regulator to access records and information, but this is information regarding the GMO and the behaviour of a GMO for

purposes of securing the objective of the Act and not personal information.

While this provision potentially engages the right to privacy, it does not constitute unlawful or arbitrary interference.

The provision is precise and circumscribed by specific criteria in the act. In relation to the powers of entry it is noted that:

1. the entry relates to potential risks to the health and safety of people and the environment;

2. not any person, but only those dealing with or who have dealt with, a GMO that is subject to an EDD are captured in the provision;

3. dealings with GMOs are typically conducted on premises with appropriately certified facilities by authorised personnel.

2. Consideration of reasonable limitations — section 7(2)

The bill does not limit any human right and therefore it is not necessary to consider section 7(2) of the charter.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because even though it potentially engages the right to privacy, it does not limit this right.

HON. BRONWYN PIKE, MP
Minister for Health

Second reading

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — I move:

That this bill be now read a second time.

The Gene Technology Act 2001 is the mechanism by which Victoria participates in a nationally consistent regulatory scheme for gene technology, established by the intergovernmental gene technology agreement of 2001. The object of the scheme is to protect the health and safety of people and the environment by identifying risks posed by gene technology and then managing those risks by regulating certain dealings with genetically modified organisms (GMOs).

In 2005–06, the Commonwealth Gene Technology Act 2000 underwent a statutory review of its operations. The review panel concluded that the gene technology regulatory framework is working well and recommended changes to consolidate the efficient operations of the act. A national whole-of-governments response to the review recommended giving effect to the review findings.

The response was endorsed by the Gene Technology Ministerial Council in October 2006 and formed the policy basis for legislative amendments to the commonwealth act and thereby to mirror gene technology legislation in Victoria and other states and territories.

This bill introduces:

1. provisions to enable the responsible minister to make emergency dealing determinations for Victoria that mirror those made by the responsible commonwealth minister;

2. provisions to improve the mechanism for providing advice to the gene technology regulator and Gene Technology Ministerial Council on ethics and community consultation;

3. provisions that streamline the process for initial consideration of licences and reduce the regulatory burden for low-risk dealings;

4. provisions to clarify the circumstances in which licence variations can be made;

5. provisions clarifying the circumstances under which the regulator can direct a person to comply with the act;

6. provisions granting the regulator power to issue a licence to persons who find themselves inadvertently dealing with a genetically modified organism (GMO) for purposes of disposing of that organism; and

7. technical amendments to improve the operation of the act.

Three major changes are proposed in this bill.

The first change relates to emergency-dealing determinations. The commonwealth act allows the responsible commonwealth minister to make an emergency-dealing determination in response to an emergency. This enables an identified genetically modified organism (GMO) to be used quickly in response to an emergency without the need for the GMO to go through a relatively lengthy licence application process. A GMO to be specified in an emergency-dealing determination must still undergo a rigorous scientific risk assessment.

The commonwealth act obliges the responsible commonwealth minister to take scientific advice before making an emergency-dealing determination. The advice must be that there is an emergency, that the identified GMO can help address the emergency and that the GMO itself can be appropriately managed. If

this advice is not given, the emergency-dealing determination cannot be made. The provisions of this bill allow the responsible Victorian minister to make a corresponding emergency-dealing determination when one is made by the commonwealth minister.

An emergency-dealing determination cannot be extended without reconfirmation of the original scientific advice and the majority agreement of the Gene Technology Ministerial Council, through which all jurisdictions, including Victoria, are consulted. Provisions in this bill will ensure a perfection of coverage in Victoria so that the national regulatory framework will continue to operate in this state in an integrated and seamless manner.

The second change is to divide GMO releases into two categories — field trials and commercial release. Some GMO dealings will be restricted field trials for the purpose of scientific assessment and others will be dealings for commercial release. The bill provides for different time frames and information requirements for these dealings to ensure that the regulatory burden is commensurate with risk. Assessment of field trials of GM crops can continue, with their potential for agricultural and environmental benefit, while ensuring that the health and safety of persons and the environment remains safeguarded. The gene technology regulator will have up to 170 days in which to make a licence decision about the release of GMOs for scientific field trials and 255 days for decisions about the commercial release of GMOs.

The third change is to amalgamate two advisory committees established under the Commonwealth Gene Technology Act, namely, the Gene Technology Ethics Committee and the Gene Technology Community Consultative Committee. There has been considerable overlap in the roles and functions of these two committees. The new committee will be called the Gene Technology Ethics and Community Consultative Committee and will advise the Gene Technology Ministerial Council and the gene technology regulator on ethical issues involving gene technology. This includes providing advice on community consultation and risk-communication matters relating to commercial GM licence applications. Committee deliberations recognise that science is located in a broad social and ethical context.

The proposed amendments are not fundamental changes to regulatory policy; they improve the efficient operation of the act. The rigorous scientific assessment and management of risk remains a cornerstone of the act.

The bill ensures that the Victorian act will remain consistent with the commonwealth legislation and ensures that the national regulatory framework for gene technology continues to operate in Victoria in an integrated and seamless manner. The bill provides certainty to industry and stakeholders and also gives them access to the benefits of greater efficiency; any delay in passage of the bill would defer delivery of its benefits.

The bill furthers the objectives of the Victorian Biotechnology Strategic Development Plan 2004. This plan aims to capture the economic and other benefits of biotechnology in a manner that is ethically and socially responsible. An ethically and scientifically robust regulatory framework focused on the protection of human health, safety and the environment contributes materially to this objective.

I commend this bill to the house.

Debate adjourned on motion of Mr WELLS (Scoresby).

Debate adjourned until Thursday, 2 August.

GAMBLING REGULATION AMENDMENT BILL

Second reading

Debate resumed from 7 June; motion of Mr ANDREWS (Minister for Gaming).

Mr O'BRIEN (Malvern) — This bill contains measures which can be summed up as the good, the bad and the ugly — very much like this government's handling of the gaming portfolio.

The most laudable aspect of the Gambling Regulation Amendment Bill is that which adopts Liberal Party policy, and it is not the first time the Labor Party has been seen to accept Liberal Party policy and introduce it into government. We do not mind this. We obviously have the preference of introducing these measures ourselves as a government, but that is not to be. In any event, we think good policy should be applauded, whoever is implementing it, but obviously as the authors of the policy we would wish to receive some level of credit.

The particular measure in the bill relating to Liberal Party policy is the measure to limit the payouts from poker machines to a cheque payment where the accumulated credits being paid out amount to $1000 or more. The opposition thinks this is a very sensible

measure in trying to deal with some problem gambling issues. It gives players who win a significant amount of money on the poker machines — and there are very few of those — the opportunity to pause and, instead of immediately attempting to reinvest that money into the poker machines, consider whether they should walk away with their winnings or return to the game. So we think this is a very laudable measure and something we find ourselves able to support.

Another aspect of the bill which is quite laudable is the four-year extension of $45 million, which would otherwise go into the Community Support Fund but which will be instead used for drug and alcohol programs. Something which has been raised in the past is whether there is a direct link between gambling problems and drug and alcohol problems, and there have been suggestions that perhaps this money from the poker machine profits should not be diverted into drug and alcohol programs.

The jury is still out as to whether there can be seen to be a direct link between gambling addictions and drug and alcohol addictions, but certainly it cannot be dismissed that there is any such link, and in any event $45 million towards drug and alcohol programs is something that the community would broadly support. The government will not receive any opposition from the Liberal Party in relation to this measure.

Turning to some of the slightly more contentious aspects of the bill, the government uses this bill to attempt to amend provisions relating to community benefit statements. Presently community benefit statements have to be provided by clubs with poker machines and by hotels with poker machines. Hotels with poker machines are required to pay 8.33 per cent of their net gaming revenue into the Community Support Fund. That tax is to ensure that in addition to the general share of their profits they pay to the government as a revenue taxation, they are also required to identify that 8.33 per cent of their revenue and put that into the Community Support Fund, which is then used for various community purposes.

Clubs with poker machines, on the other hand, do not have to provide that level of funding to the Community Support Fund. Instead they are required to demonstrate to the public at large that they have spent an equivalent amount to 8.33 per cent on items that benefit the community. Whereas hotels effectively have the money appropriated from them and the government says, 'We will spend this on community benefits', clubs themselves — and this is driven by the view that clubs are mutual organisations and not-for-profit organisations — are given the opportunity to demonstrate to the government and to the public at large that they are spending an equivalent amount of money on community benefit items.

What this bill seeks to do in one part is to remove the requirement for hotels with poker machines to provide a community benefit statement. As shadow Minister for Gaming, I have consulted widely on this, and while some organisations have suggested that it would be a retrograde step to remove this requirement for hotels with pokies to provide a community benefit statement — because they believe this may lead to some dropping-off of community benefits provided by hotels beyond the 8.33 per cent — the opposition takes the view that it is a sensible reduction in red tape.

The purpose of the community benefit statement for clubs with pokies is absolutely crystal clear. They need to demonstrate that they are spending an equivalent amount to the 8.33 per cent on things which benefit the community. For hotels it is really just another piece of paperwork they need to fill out. It is another form of demonstration of what they do, but in circumstances where they do not have any choice but to pay their tax to the Community Support Fund, the opposition thinks this requirement to provide a community benefit statement is something which is not necessarily delivering a great benefit to the community, and we support the proposal in the bill in this regard.

In relation to other amendments to the community benefit statement provisions, this bill effectively sets up what I could term penal provisions for clubs with pokies which fail to demonstrate that they have provided an amount equivalent to 8.33 per cent to the community. While the definition of 'a community benefit' is not contained within this bill — and I will briefly touch on that in a minute — the bill provides the trigger for penalising clubs which are not able to demonstrate to the government and to the community that they have provided the equivalent of 8.33 per cent of their net gaming revenue in community benefit.

Mr Nardella interjected.

Mr O'BRIEN — I will take up that interjection, against my — —

The ACTING SPEAKER (Mr Seitz) — Order! Interjections are disorderly, and the honourable member for Malvern should disregard them.

Mr O'BRIEN — I thank the Acting Speaker for his guidance, but let me just say that the opposition does not oppose this aspect of the bill, because we think it is important that clubs with pokies demonstrate to the

broader community that they have provided the equivalent of 8.33 per cent return to the community.

Mr Nardella — And if they do not provide that, what do you do?

Mr O'BRIEN — We would also say that if they do not provide it, there should obviously be a form of contribution to ensure the community does get the required benefit.

Mr Nardella — Good.

Mr O'BRIEN — There is no dispute with the opposition on that, and I am sure the member for Melton would recognise, appreciate and welcome that.

The ACTING SPEAKER (Mr Seitz) — Order! The member for Malvern will direct his remarks through the Chair and not to the member for Melton.

Mr O'BRIEN — Thank you for your guidance, Acting Speaker.

The government has bungled the consultation process regarding what constitutes a community benefit. This issue has been around for a considerable time. Earlier this year, when the government started getting some bad press, we finally started to see a little bit of movement take place. However, the movement did not actually take place publicly until 30 May — and what happened on that day? That was the day the Minister for Gaming appeared before the Public Accounts and Estimates Committee.

That was the day the minister wanted to have a few stories to tell to try to distract the press from what he was being questioned about. So he dropped this press release, saying, 'We are going to make these wonderful changes to reform the way clubs are able to claim community benefits in their community benefit statements. We are releasing this today and we are going to have a two-week consultation period, finishing on 15 June, and then we are going to implement these reforms on 1 July'.

I wonder whether the minister has ever dealt with a club. Does he have any idea what sort of finances are involved in the sorts of clubs we have in Victoria? These are in some cases multimillion-dollar enterprises, and for the minister to say that you can turn around the *Titanic* in four weeks — in other words, tell the clubs they need to completely revamp the way they deal with their finances after only a two-week consultation period and another two weeks for implementation — was an absolute joke.

All that information was put out on that day by the government purely to try to distract the media's attention away from the minister's performance before the Public Accounts and Estimates Committee.

Mr Andrews — I thought I did all right.

Mr O'BRIEN — The minister thinks he did all right. I suspect if the minister checks the media of that night, he will find out that he did not do all right, because the media were not distracted. The media were far more interested in the fact that the minister had to concede that this so-called review panel, riding shotgun over this government's gaming licensing process, had never met, had no budget and had no staff. That was of far more interest to the media — as it should have been.

Mr Andrews — Just keep attacking Ron Merkel, go on. That's what you are doing.

The ACTING SPEAKER (Mr Seitz) — Order! The minister!

Mr O'BRIEN — I will attack the minister, who has not given a budget to the review panel, has not given any staff to that panel, has not had a meeting — —

The ACTING SPEAKER (Mr Seitz) — Order! The member for Malvern will address his remarks through the Chair and ignore the interjections.

Mr O'BRIEN — The minister wants to have someone riding shotgun with no bullets in the gun.

With the minister embarrassed by his performance before the Public Accounts and Estimates Committee, and having completely failed in his attempts to distract the press by dropping out a few other stories, the poor old clubs got caught up in the process. They became part of this government's political spin machine. The government said that these clubs would have two weeks for consultation on these changes and then two weeks to implement them.

Then what happened to the government? It was completely embarrassed. It was forced to back down yet again — another flip-flop from a minister who just does not understand his portfolio. He does not get it; he does not understand. The government had to rush out a press release saying, 'We are not going to implement any changes until 1 July 2008'. I am not going to sheet all responsibility home to this minister, because he came into the portfolio relatively late in the piece. However, if this government took this issue of reforming community benefit statements seriously, it would have moved on this last year.

Mr Nardella — Hang on. You were saying it was too fast; now you think it was too slow!

The ACTING SPEAKER (Mr Seitz) — Order! The member for Malvern, without assistance!

Mr O'BRIEN — The government has had this issue, as I said, kicking around for quite some time. It is absolutely typical of this government's behaviour. It knows it has a problem, it sits on it and sits on it, and then it rushes out a supposed solution, which it bungles. I know it is a bit too difficult for some members on the other side to understand how good policy making works. They have not seen much of it in the time of this government.

This is how you do it: you identify a problem early on in the piece; you then consult on a solution to the problem early in the piece; you then announce proposals for implementing those solutions; then you give people time to adjust. You do not identify a problem, sit on it and sit on it, then rush out a bungled solution at the very last minute, giving clubs no time at all to adjust. That is bad policy, and it is bad politics, as the minister is finding out.

This bill indicates there will be a mechanism for ensuring that clubs which do not meet the 8.33 per cent definition of community benefit will have to make a contribution to make up the shortfall. We approve of that. However, this minister has blown every bit of goodwill he might ever have had with the clubs. He is now very much on his last warning, according to the clubs, and he better get this one right.

The ministerial direction that defines what the community benefit is will not come before this Parliament. I will not have the chance, and none of the members on our side is going to have the chance, to reject or amend what is in the ministerial determination. So it comes down to the minister. He has messed up the process badly once, and he had better get this one right. Club directors were resigning on 30 June because they would have gone bankrupt. They were not prepared to be directors of clubs that would have been insolvent under the minister's original proposal. The minister had better realise exactly how much is riding on this, and he had better get it right. He needs to lift his game, and he certainly has not demonstrated that ability up to this point.

Another organisation that has expressed concerns about aspects of the bill is the RSL — and perhaps the minister would like to attack it as well. The RSL has written to me — and I know it has also written to the department — noting that new subsection 4A which is to be added to section 3.6.8 of the act requires a club that does not submit its community benefit statements in time to pay taxes at the pub rate during the period in which the statement is outstanding. The RSL has recommended that some level of discretion be available to the department or to the Victorian Commission for Gambling Regulation when there are circumstances that explain why the club was late. That is a sensible position to take.

We have to acknowledge that when you are dealing with clubs you are not necessarily dealing with organisations that have the same levels of professionalism or assistance as hotels with pokies have. That is not an excuse for people not complying with the rules — I am not saying that for one second — but where there are extenuating circumstances that warrant a level of discretion being extended to a club that has not been able to submit its community benefit statement by the required time, that is something this bill should deal with. I urge the minister to read the RSL's position, if he has not already done so, and take it on board.

I now turn to the question of electronic gaming machines, which are dealt with in the bill. The bill amends the way in which regional caps can be set. There is no evidence so far — there is certainly no academic research available — that the regional caps that have been introduced by this government have been effective in dealing with problem gambling. People who deal with problem gamblers have not suggested to me that this has been some sort of silver bullet or that it has made any great impact. Before the minister gets up and tries to claim that the government has halved the prevalence of problem gambling, I refer him to the work of Dr Doughney from Victoria University.

Mr Andrews interjected.

Mr O'BRIEN — The minister groans across the table. He hates being shown up by academics. They are actually people who do not have a political barrow to push. I am sure Dr Doughney is not a member of the Liberal Party, and he is not a member of the Labor Party or any political party as far as I am aware. He is an economist who calls it as he sees it. Dr Doughney has shown in a paper that the minister has been trying to compare apples and oranges. This government's claim to have halved the prevalence of problem gambling is a lie. No-one who deals with the gambling community believes it.

This minister keeps trotting out the lie that it has halved the prevalence of problem gambling, and I see that is

spreading, because now the minister's colleague in New South Wales claims to have done even better, again on the basis of research that compares apples and oranges. Essentially the minister thinks that if researchers call up people at home during the day and ask, 'Are you a problem gambler?', and they say no, they must not be problem gamblers. Let us ignore the fact that problem gamblers are more likely to be found at pokies venues than at home waiting for a telephone survey.

I would also like to draw to the house's attention the political factors that have obviously been at play in the setting of regional caps by this government. For example, let us randomly take an electorate such as Williamstown. It is a relatively affluent area; certainly if you go by housing prices in Williamstown, people seem to be doing pretty well down there. I would not have thought there was a massive amount of socioeconomic disadvantage in that electorate compared to some other electorates in this state. However, the two local government areas that cover the Premier's electorate of Williamstown are the city of Hobsons Bay, which has had its poker machine numbers frozen, and the city of Maribyrnong, which has had its poker machine numbers capped and reduced. The only two local government areas in the Premier's electorate can have no more poker machines, and in fact they will have a reduction in poker machine numbers. The leafy, beautiful bayside town of Williamstown is completely protected from any more poker machines.

Let us look at a rural electorate. We all know that country Victoria is not necessarily in the best shape. How about Gippsland East? The member for Gippsland East would be the first to say that it is not the wealthiest electorate in the state. The shire of East Gippsland covers part of Gippsland East. It has 10.73 poker machines per thousand adults, which is in excess of the government's caps. The shire of Wellington has 10.28 poker machines per thousand adults. In Williamstown's local government area of the city of Hobsons Bay the number of poker machines is frozen at 8.86 per thousand adults, but Gippsland East's local government areas have rates of 10.73 and 10.28, with no caps and no freezing.

The government uses caps for political purposes. It does not care about problem gambling; all it cares about is protecting its own seats. It is a disgraceful performance by a minister and a government that want to use problem gambling and gamblers for political purposes. Why else would there be that disparity in the caps? Why else would the Premier's electorate be protected while Gippsland East can go to hell? That is the way this government has dealt with them.

Through this bill the minister proposes to introduce a municipal district cap. As I understand it, this cap will apply to local government areas to the extent that they are not already dealt with by a regional cap. The government announced in its policy before the last election that the cap in municipal districts would be set at 10 poker machines per 1000 adults. How did the government get to the position of deciding that 10 is the right number?

This government actually set up a 'broad-ranging, bipartisan group' called the Regional Electronic Gaming Machine Caps Review Panel, which issued its final report in November 2005. The panel recommended that a cap set at 8 machines per 1000 adults would deal best with problem gambling and accessibility. The panel acknowledged that the level of 8 machines was far in excess of what many local governments had wanted and far in excess of what a lot of problem-gambling service providers recommended. Nonetheless it thought that a cap of 8 per 1000 adults was the appropriate number.

I forgot to mention the names of the members of the panel that the government charged with the task of making a recommendation about the cap. The panel members were the member for Bentleigh, who was the chair; the member for Narre Warren North; and the member for Ballarat West. The government put its own backbenchers on this panel, so let us not have any talk that the government did not have confidence in this panel. They are the government's own people. Certainly it does not say much for the government if it does not have confidence in its own backbenchers. It also does not say much for the backbenchers concerned, although the fact that none of them has made the ministry since the election might indicate that this government does not have a lot of confidence in them.

Certainly when it came to this recommendation of a cap of 8 poker machines per 1000 adults the government trashed it, saying, 'We are not going to do that. We are going to set our level at 10 per 1000 adults'. There was a most pathetic and weak attempt at justification when the government announced it was going to ignore its own members' recommendations. It said, 'There is still some research out there that means we are not quite sure if this is the right way to go'. There was no justification as to why 10 was better than 8.

To their credit the members for Bentleigh, Narre Warren North and Ballarat West did go out and consult.

They consulted with local governments, they consulted with industry and they consulted with gambling service providers. They got over 80 submissions. This was a serious exercise, and it should have been taken seriously by the government. But the government does not take this matter seriously. It likes to have reports and set up panels and inquiries. It just does not want to get any answers from them. If any of these members had dared to actually give any answers, the government would certainly not have acted on them. It has ignored them. So you have the Hudson report suggesting 8 per 1000, but this government has ignored that and introduced municipal limits of 10 per 1000.

Let us have a look at exactly what that is going to mean for various electorates in this state. Let us look at how many gaming machines they have at the moment, how many gaming machines they would have if the Hudson recommendations had been accepted by this government, and how many gaming machines they are going to get under this government's municipal district cap.

Let us take Eltham, for example. There are two local government areas in Eltham: the city of Banyule and the shire of Nillumbik. Banyule currently has 564 gaming machines. If the member for Bentleigh's recommendations had been taken up, there would be 582. But under this government's policy there will be 727 — a 145-machine increase. The shire of Nillumbik currently has 142 machines. Under the Hudson recommendation there would be 354, but under the government's policy there will be 443 — an extra 89 machines over the number in the member for Bentleigh's report.

In Forest Hill, an area of the city of Monash and not part of the cap, there are 397 machines at present. Under the Hudson report there would be 673, but under the government's proposal it will be 841, an additional 168 pokies. In the city of Whitehorse there are 554 machines at present; there would be 942 if a cap of 8 per 1000 applied, but there will be 1177 under this government's proposal — that is, 235 extra machines. The city of Whitehorse also falls within the electorate of Mitcham. The member for Mitcham can look forward to an extra 235 machines — not over and above what his area has at the moment but an extra 235 machines over and above what there would be if the Hudson report had been accepted.

I would happily go through all the government's marginal seats, but given the time available I will have to do it by other means. This government has set its marginal seat members up for a big fall, because not only is it doing nothing to assist them on poker machines, it is actually doing a huge amount of damage. The trouble is that this government does not understand that you do not solve these problems by moving machines, you solve the problems by removing them!

Under standing orders I advise the house of the opposition's proposed amendments to the Gambling Regulation Amendment Bill and request that they be circulated.

Opposition amendments circulated by Mr O'BRIEN (Malvern) pursuant to standing orders.

Mr O'BRIEN — While they are being circulated, can I say that this is about removing machines, not moving them. The Liberal Party took to the last election a policy to cut the number of machines by 5500. But before the next election this government will have given poker machine operators enough licences for the next 20 years. This is a once-in-a-generation opportunity for this government to do something positive about problem gambling in this state by cutting the number of poker machines in Victoria. If it does not, the blood will be on its hands. If it does not cut the number of poker machines, it will be condemning a generation of Victorians to all the problems that that will entail.

I urge the minister to finally do something positive for Victoria and do something positive for those people who have been affected by problem gambling. It should take a serious position on problem gambling. It should not just move the machines but do something serious and remove the machines.

Mr RYAN (Leader of The Nationals) — May I say at the outset that I seek leave, which I understand will be granted, to have an extra 10 minutes to enable me to make a contribution over 30 minutes.

Leave granted.

Mr RYAN — I thank the government for that. It is my pleasure to join the debate on the Gambling Regulation Amendment Bill.

This bill has four principal purposes, and they are, in no particular order, firstly, to enable ministerial orders to be made to limit the number of gaming machines in municipal districts, to amend the way in which regional limits are set and to do other things with regard to setting criteria to enable the Victorian Commission for Gambling Regulation to be involved in that sort of work; secondly, to prohibit a gaming venue operator paying out $1000 or more in accumulated credits in

cash and to therefore require that these payments be made by cheque; thirdly, to amend the requirements for venue operators, including club and pub operators, to lodge community benefit statements, including the general content of those statements; and fourthly and finally, to extend the time frame by a further four years in relation to the $45 million annual payment which comes from the hotels out of their net benefits, which would otherwise go to the Community Support Fund (CSF) but which is now to be retained in consolidated revenue to go to the hospitals.

There are two aspects of this which The Nationals are unconcerned about, and I will deal pretty quickly with those. The first is the question of the payment of the accumulated benefits by cheque if those benefits total $1000 or more. The only thing I would say about it is that I do not know why the government has selected that amount and why it is not $500 or some other figure. I must confess I do not play gaming machines, and I do not have any interest in them at all in an operational sense. I confess that I have the odd hand of blackjack. I am surprised that the figure of $1000 has been selected. I would have thought that if a figure was to be nominated that is different from the one that now applies, it might have been better to have nominated $500. But it is neither here nor there so far as we are concerned.

The other area which is of no particular concern to us — indeed we agree with the initiative — is the extension by four years of the arrangements relating to the payment of the $45 million. The only qualification I put on it is that the government needs to be aware of the basic functions of the CSF. It fair to say that the government should continue to be on a warning about using the CSF to meet obligations which otherwise should be line items of budgetary expenditure in relevant departments. The original design of the CSF was, just as it sounds, that it be a community benefit support system. The Community Support Fund was nominated by the former government to be of general community support. Whilst the programs in relation to drug and alcohol are laudable and necessary, they are on the fringe, I suppose, to the point where CSF money as originally intended is being hived off to an area that more properly ought be the province of the health area. I will return to that point shortly.

I want to spend some time talking about the other two elements of this legislation — they being the way in which regional and municipal limits are established with regard to gaming machine numbers and the community benefit statement. Before moving to those I want to make some general observations about the industry.

The gaming industry is an important aspect of the Victorian community from a number of perspectives. The industry has been directly responsible for the creation of many magnificent facilities within the metropolitan area and country Victoria. That applies to both hotels and clubs. The industry has overseen the investment of massive amounts of capital into ensuring that the sorts of facilities that we have in Victoria are second to none Australia wide. The industry has much to be proud of in what it has done in that regard. Those in the private sector who own and operate the hotels and those who are associated with the operations of community clubs can justifiably take a lot of credit for the creation of facilities which provide outstanding opportunities for people in all our communities to enjoy the benefits of surroundings that are safe, of the highest quality, clean, provide excellent service and have done much to add to the way in which we function as a state. To that extent the legislation we are now debating offers the opportunity to pay them due regard. In addition to that, of course, they provide employment.

By necessity, given its multibillion-dollar nature, the industry is heavily regulated. Victoria's structure is probably the most heavily regulated in the nation. That is more particularly the case with our electronic gaming machines, in that we have a system that ensures that, through the two operators, all the machines are logged in to a central computing system. We therefore have an opportunity that is second to none to make certain that criminal issues to do with the movement of money through these machines are able to be minimised. The former government can take an enormous amount of credit for bringing that regulatory structure to Victoria. The current debate enables that observation to legitimately be made.

The industry produces enormous amounts of taxation benefits for the state of Victoria. The present government was going to play merry hell with a big stick on the issue of taxation prior to its coming to office in 1999. Of course as a concept that has largely disappeared into the ether. The fact is that the revenue from gaming machines continues to constitute a substantial part of this government's income, notwithstanding that this government enjoys the benefit of deriving 26 per cent of its annual budgetary income from GST payments and a further 20 per cent from special purpose payments from the commonwealth. Forty-six per cent of its income therefore is derived from commonwealth sources of one or the other type, yet the government continues to derive massive amounts of income from the operations of gambling generally and from electronic gaming machines in particular.

Problem gambling continues to be an issue. The Nationals believe that the government has not got it right with regard to the general treatment of problem gambling. We stand by our policy at the last election, the essence of which is about treating problem gambling as a health issue. We would like to see the health agencies operated by government having a more substantial involvement in dealing with problem gambling.

We would like to see much better liaison between the industry and the government and those areas, particularly at the university level, which have a capacity to establish an integrated means of getting proper research done in Victoria which is Victorian based and which is the equivalent, if you like, of the gambling research institute which has been running for some time in Sydney. We appreciate some steps have been taken in that regard, but we believe much more work can and should be undertaken to see us equipped in Victoria with an entity which enables us to have the proper research base to be making the sorts of decisions which are important in relation to problem gambling.

As we advanced in our policy at the last election we set out there a number of initiatives that we would invite the government to adopt. It has adopted an element of the policy with regard to the maximum amount of money that can be gambled on a 'spin' in a machine, and we are pleased to see that has happened, but by the same token we think there is plenty of scope to do other things, as set out in our policy.

I must say we do not agree with the proposition advanced in the amendment which has been tabled by the Liberal Party which would see a reduction of machines as being an approach to this. We do not believe that is appropriate because experience has shown, particularly in South Australia, that it simply does not work. It was done in South Australia; the numbers were reduced, and the next year the turnover went up and the figures increased. Our fear about adopting a measure such as that is that it takes the eye off the ball. Rather, the government here should be under the pump, if you like; it should have the focus upon it to treat problem gambling as a health issue. I do not believe it is doing that to any significant level. We believe that going down the road of looking at reducing the number of machines as a response to this is not an appropriate way to deal with it.

In relation to the other two areas that I have referred to, I turn first to the question of gaming machine numbers and what is intended to be done under the terms of this legislation. Currently there are 19 regions that have been determined by the government as subject to control by this process of caps. It was five, up until October 2006, and then it was increased to 19. I pause to say that there are many sceptics about whether this approach is going to be successful in any way, shape or form. Certainly The Nationals are yet to be convinced in relation to it. I do not think there is any credible clinical evidence to support the contention that these caps are working, and of course in the way in which they are applied they can have serious implications for the industry itself, and that is something that I will return to in a moment. There has been commentary from the member for Malvern about the report from Dr Doughney, and The Nationals are also very aware of that report. That report shoots holes in the contentions of the government about the extent to which problem gambling is purported to have been reduced in Victoria. I do not intend going over it again; suffice to say it is an example again of how there is plenty of contention around this issue.

The changes that are proposed are set out in clause 6. Clause 6 will insert into the principal act new section 3.2.4, which is to deal with regional and municipal limits on gaming machines. In essence what it intends is that by ministerial order there will be a capacity to determine regions and there will also of course be the ongoing capacity for municipal districts to be used as a basis for the operation of the position with regard to caps. So we will have those two options: the caps can be imposed in regions or in municipalities. That order will have an ability to determine the maximum number of machines within either the region or the municipality, or it will set out the criteria that will require the Victorian Commission for Gambling Regulation to set those maximum numbers and the ministerial order will also set out the criteria which require the commission to go through a process that might be necessary if machines are to be actually reduced in a given region or municipality.

It will also set out issues to do with the time for removal, although that time cannot be more than five years, and it will set out the criteria for the timing that is to apply insofar as any decision of that nature is to be undertaken. It may be that the directions that are made through the order relate to part of a municipal district, so there is provision there allowing that outcome, and it sets out the fact that if there are regional limits in place they will have priority over any other directions that may be given.

Just to return to this point about the implications of the caps and their operation, the issue of course is that they can have enormous implications for the industry itself. I give the example of a hotelier who might have invested a substantial amount of money in upgrades of a given

facility, who then finds that as a result of the caps being applied that machines are to be removed from the facility. That can in turn threaten the viability of the financial arrangements with regard to whatever that entity might be and indeed the whole structure upon which financing arrangements might have been put in place with whomever the financier might be. That can all be brought into question. So there is a cause and effect here that members of The Nationals are concerned about insofar as the operation of a process, about which we are sceptical anyway, is actually put into effect.

The member for Malvern has provided an outline as to the issues surrounding the way in which the caps came to be, and it will be interesting to see in the light of this legislation before the house and the policy position which was adopted by the government over the upper level of the caps whether it now uses this legislation to apply its own policy in those areas to which the member for Malvern has referred — one of them relating to the Wellington shire in my electorate.

We are yet to see the outcome of all of that and whether the government is truly committed to all of this. But as an overview, I want to make this further point: this legislation in many senses, and certainly in the industry's eyes, further muddies the water as to who is exactly doing what to whom. From a public policy perspective, the government is going to have to come to grips with the notion of whether the minister will be directly involved in the hands-on management of the evolution of these mechanical issues to do with gaming machine numbers over the passage of time or will it have faith in the commission to be able to do that?

What we have at the moment, I fear, is a state of half pregnancy. The government is trying to straddle the fence over this. On the one hand it is concerned about issues to do with the industry and their many implications, while on the other hand it does not seem to have enough faith in the commission to be able to hand over the responsibility for the day-to-day running of the industry to that independent entity and allow it to do what it thinks is appropriate. That is a fundamental public policy decision that the government has to grapple with.

I know it is causing disquiet within the industry because, if the government is going to be true to its notions about problem gambling and the general management of the industry at large, it is going to have to face the fact it either takes its hands off it and allows the industry to be administered by this independent commission, or it abandons the work of the commission and re-enters the fray or enters it entirely as opposed to the half-baked manner in which this legislation further confirms it is doing. It is a basic decision that the government has to make, and I know the industry is very keen to have the outcome of what the government may ultimately decide on that.

Before moving to the next of the primary points, I note a clause of interest in this legislation, and I would like the minister's comment on it ultimately. Clause 7 deals with the issue of no compensation being payable. When you look at the provisions of section 3.2.5 of the principal act, this enormous tome, which I dread ever dropping on my foot, it says:

> No compensation is payable by the State in respect of any direction given or anything done under or arising out of —
>
> (a) any direction given by the Commission under section 3.2.4; or
>
> (b) any action taken by the Commission under section 3.4.17(6); or
>
> (c) any decision made by the Commission arising out of an amendment proposed under section 3.4.17(6).

Clause 7 contemplates the deletion of subparagraphs (b) and (c) of section 3.2.5. I am interested in why that is so and what is the rationale behind actually doing that. Again, it throws up this question of just exactly who is doing what to whom. Is the state looking, as would appear to be the case on the face of it, to assume ultimate responsibility for whatever might happen, be it by way of the ministerial deliberations and decisions here or by what the commission is doing? Exactly how does that clause fit into the framework of the government's policy over all of this?

I now want to move to the issue of the community benefit statements. This has been a bit of a mess, putting it at its lowest. The clubs themselves make a terrific contribution to Victoria. What the minister did in the course of his endeavours to address issues regarding the community benefit statements caused an enormous furore amongst the clubs, and not surprisingly. What we saw was on 30 May, if I remember or have it correctly, the minister issued his document termed *Community Benefit Statements — A New Direction*. He accompanied that with a press release of the same date, headed 'Reforms to community benefit statements'. He allowed 15 days — to 15 June, inclusive of weekends, thank you! — to get responses about what was intended to flow out of this so-called consultation process taking effect by way of a new ministerial order on 30 June.

Not surprisingly, there was absolute furore from the industry. The industry made submissions to the minister

about it. We, as a party through a press release that I issued, raised concerns with the government about it, and we did so particularly around the question of process that the issue of what might happen ultimately with the terms of the ministerial order and its actual application and how that might impact upon the clubs was one thing, but the more critical thing was the fact that you just simply cannot in a business sense do this sort of thing within that time frame because it could have absolutely calamitous impacts.

I received many submissions. Amongst them was a submission that came to me via the member for Shepparton concerning a club at Shepparton. I also received an excellent submission from Mildura that I thought had been very well constructed and which I thoroughly enjoyed reading. It was from a lady named Suzi Enright at the Mildura Workers Club, and she did not muck around at all, I can tell the house.

We had photographs of the family, we had photographs of the club, we had brochures of Australia, we had the Mildura Football and Netball Club, and we had some terrific commentary in it, including about a half-page document that said, 'Do I have your attention, Mr Bracks?'. Whether it be through the efforts of Suzi Enright personally or others — —

Mr Andrews interjected.

Mr RYAN — The minister confirms that it certainly got his attention, too, but she did a great job. I say again that she was one of many who put their hands up in relation to the problems which were likely to flow from the imminent introduction of what the minister was then proposing. I might also say the clubs at Sale came to speak to me about it, so there was hell to pay.

The government very sensibly, I think — to give credit where it is due — took appropriate notice of the commentary from the clubs, and that resulted in a further press release being issued by the minister on 22 June in which he advised that the new ministerial order would be issued on 31 August this year but would not take effect until 1 July next year. I think that is a good and sensible outcome and will give everybody a chance to have a proper look at what is to be involved in the way in which the community benefit statements are to be reviewed.

A lot of this came out of the Kirby report of last year, and it has taken some time to come through, but we have it now and we have to deal with it. The information paper set out the general intention and direction of the government, and contained within that paper are some aspects which offer appropriate hope to the clubs, and it is reflected in the legislation also, that there will not be too hard and fast an approach taken to this. There needs to be a measure of discretion exercised.

We are dealing with clubs that, for the large part, are operated by volunteers. Certainly they have commercial aspects to them, quite obviously, and they have an obligation to meet the provisions of the law which require them to account for their 8.33 per cent. That is certainly so, but there is a necessary measure of discretion appropriate. I note that in the provisions contained in clause 12 to do with community benefit statements where there will be relevant amendments made, section 3.6.8(2) is going to be substituted by a new provision, part of which, in any event, talks about the fact that the commission may extend the time for payment of any amount by way of penalty which is due to the government if the commission feels that the licence-holder is going to be subject to significant financial hardship.

That is an important provision in the context of this whole debate, and I again applaud the government for doing that. I implore the government to ensure that, inasmuch as ministerial orders are able to give a measure of discretion to the commission to exercise appropriate standards of judgement in that regard, that the commission does just that.

I also ask the government to consider what is happening in New South Wales in relation to the clubs. This is around the question of the extent to which they make a social contribution. There is a review of the registered clubs industry in New South Wales that has been commissioned by the New South Wales government, and that government has done that for reasons different from the historical context that applies in Victoria. For example, the industry up there comprises something like 1545 registered clubs, which is more than the number in Victoria, and of course the historical origins of the development of the clubs industry in New South Wales is very different from the position that applies in Victoria — but, by the same token, there are elements of similarity.

One of the issues that will be the subject of investigation by the Independent Pricing and Regulatory Tribunal of New South Wales will be the extent to which the clubs make what is termed a 'social contribution' to the operation of the community in that state. This is a pertinent issue coming back to the notion of community benefit and how we judge community benefit in Victoria. I think there is a strong argument to say that, in the case of the clubs, when you are looking at community benefit statements and community

benefit per se, you have to take into account issues of social contribution. I think the study being undertaken by New South Wales is handy inasmuch as it sets out some aspects of mechanisms whereby judgements can be made in a qualitative and a quantitative way, which can be a guide for us here in Victoria with regard to the future treatment of this important issue in the context of community clubs.

I note also that the legislation will now allow for the position whereby the pubs no longer have to lodge community benefit statements, which is sensible because, after all, they are transparently making their contribution in the way in which they pay to the Community Support Fund. That contribution is very substantial; I think I am right in saying it was about $92 million last year. It might have been $100 million-plus — but what is a few million between friends? It is a lot of money, and it is a great attribute of the pubs that they make that contribution.

Therefore it is only fair that the clubs have to face up to their responsibilities. I do not think they resile from that at all or are troubled by it. The question is how we make proper judgements about the extent of that contribution and how it is to be applied. For the reasons I have mentioned I think there are elements to this that perhaps are broader than we have historically taken into account in Victoria, but there is scope in this legislation to allow for that to be brought to it.

Overall we do not oppose the legislation. We are pleased that the government has agreed with the submissions being made to it to allow some more appropriate time limits to apply to the process of the changes that are to be effected to the community benefit statements.

Mr LUPTON (Prahran) — I am pleased to make a contribution this morning on the Gambling Regulation Amendment Bill. I support the bill and its passage through this house.

The bill amends the Gambling Regulation Act to make a number of improvements in relation to taking action on problem gambling, reforming community benefit requirements for hotels and clubs, and implementing the government's 2006 election commitment to provide a further $180 million from hotel and gaming taxation revenue for drug and alcohol programs. I wish to deal with those separate items, one at a time.

There are two components about taking action on problem gambling that this bill deals with. Firstly, the existing measures require that the limit for payment entirely by cheque of all winnings and accumulated credits in non-casino gaming machines is $2000. This legislation will reduce that amount to $1000, so whenever anybody has winnings and a stake amounting to $1000 or more, they must be paid that amount by cheque. That removes the possibility of people who have winnings at gaming machines immediately being able to pour large amounts of money back into the machines.

The other measure about problem gambling will enable maximum gaming machine density limits to be set for local government areas. Currently Victoria has a statewide cap of 30 000 gaming machines, some 2500 of which are at the casino and 27 500 in the licensed venues in the rest of Victoria. The maximum density limits for local government areas are an important additional community safeguard.

There are now regional caps set in 19 regional areas of Victoria with limits of poker machine numbers set at a maximum of 10 per 1000 adults in that region. Where the caps have been introduced, if the current number of poker machines was less than that cap, then the number was frozen at that lower level. The government is now moving to introduce a sensible extension of that process whereby in municipal areas around the state that are not covered by regional caps a similar limit of 10 machines per 1000 adults in the municipal area will be set in place; there is a process established whereby no part of a municipal district will be subject to two different limits at the same time so that if part of a municipal area is subject to a current regional cap, the municipal district limit will only apply to any parts of the municipality that are not covered by that regional limit.

These are sensible and appropriate improvements to the regime in respect of the number and appropriate location of gaming machines in this state. It is an important fact to bear in mind that Victoria has a statewide limit on the number of poker machines. Members of the opposition often go about different parts of Victoria — —

Mr Andrews — Simultaneously!

Mr LUPTON — Yes, simultaneously, as the minister rightly says. Members of the opposition suggest that all different areas of Victoria are going to be subject to mysterious simultaneous increases in the number of poker machines allowed.

Mr Andrews — A magic pudding!

Mr LUPTON — Exactly! It is a magic-pudding-type approach. We have a statewide limit on the number of poker machines in this state, with a range of regional and now municipal caps, and

that is a very sensible way in which to properly regulate this industry in the community interest.

Further reforms and improvements are contained in this legislation, particularly those relating to the community benefit requirements for hotels and clubs. The ways in which hotels and clubs with gaming machines are subjected to making contributions to the community differ. Hotels with gaming machines pay an additional 8.33 per cent of their net gaming revenue into the Community Support Fund, so they are taxed directly in that way. Clubs do not pay this tax because they make an equivalent community benefit contribution directly to their local community.

Clubs and hotels are taxed to the same amount, but they are taxed in a different way, because we understand that clubs, as essentially non-profit community-based organisations, provide a particular type of benefit to their community which privately operated and owned hotels do not, so the hotels pay a direct tax and the clubs pay an equivalent amount based on their community benefit contribution.

The way in which the system currently works is that if a club fails to spend at least 8.33 per cent of its net gaming revenue, which is the same amount as the hotels pay in taxation, on activities that benefit the community, then it may be required to pay the additional 8.33 per cent tax as if it were a hotel.

While only clubs are required to make that community benefit contribution, both hotels and clubs must also lodge community benefit statements. This has also created some confusion within the community and imposed an extra burden on hotels which serves no community purpose whatsoever. This bill amends the act to remove the unnecessary administrative burden currently imposed on hotels to provide a community benefit statement when in fact they do not have to justify the community benefits but simply pay their taxes in any event.

This bill also requires a club that fails to make a community benefit contribution of 8.33 per cent of its net gaming revenue to make up the shortfall by the payment of additional tax. At the moment clubs may be subject to a discretionary extra payment if they fail to make that contribution. This bill will make that requirement mandatory; that is very sensible and appropriate for the clubs. It will mean that their community benefit contributions will be more effectively made and more appropriately guaranteed.

It is important to note that the government is currently undertaking a review of the way community benefit statements are put together. Regarding the matters that are properly viewed as being of community benefit, there has been considerable criticism in the past about clubs claiming a number of normal business expenses as community benefits. As a part of the reform of community benefits, a new ministerial order will be made that will mean that the focus of claimable activities and purposes will be on expenditures of direct community benefit rather than normal operating costs. A draft of the revised ministerial order has been released for public comment. It was initially proposed that the process would be concluded to enable the new arrangements to come into effect on 1 July this year, but the consultation process has now been extended until 1 August. The new arrangements will now come into effect in the 2008–09 financial year.

The other item of particular importance in this legislation is the delivery of the government's election commitment to provide a further $180 million in funding from hotel gaming taxation revenue for drug and alcohol programs. That is an important matter that the community will be pleased about. That amount adds to our important investment in the A Fairer Victoria program to make sure we address disadvantage right across Victoria as we go forward. These benefits will be important to the state. This is a good piece of legislation, and I commend it to the house.

Debate adjourned on motion of Mr R. SMITH (Warrandyte).

Debate adjourned until later this day.

OUTWORKERS AND CONTRACTORS LEGISLATION AMENDMENT BILL

Second reading

Debate resumed from 23 May; motion of Mr HULLS (Minister for Industrial Relations).

Mr CLARK (Box Hill) — The Outworkers and Contractors Legislation Amendment Bill corrects two straightforward flaws in the Bracks government's Outworkers (Improved Protection) Act 2003 and Owner Drivers and Forestry Contractors Act 2005. Although this bill is narrow, I expect that when government members rise to speak on it they will be speaking from briefing notes prepared for them by the government's spin doctors and media unit. Those government members will tell us at length about the alleged woes and failings of the commonwealth government and about the alleged threats to ordinary working people posed by the Howard government.

Mr Lupton interjected.

Mr CLARK — The member for Prahran is already winding up on themes which are reflected in some of the verbiage in the minister's second-reading speech. He carries on about attacks on ordinary working people and the Bracks government's alleged commitment to ensuring fairness for Victorians in the work arrangements which exist in our community. I pose one question to those honourable members on the government benches who will stick their heads up on this legislation: will they inform the house why has it taken 15 months for this government to bring in legislation to restore operational effectiveness to its own outworkers legislation? If there is such a threat posed to outworkers who are so in need of protection from the Bracks government's legislation, why has it taken the government from March 2006 to today to bring in a simple amendment which will actually give effect to its own act?

In 2005 the government came into this house and made extensive amendments to its own legislation of 2003 by inserting a regime that required common-rule award conditions under commonwealth awards to apply to outworkers in the Victorian clothing industry. The government went to great lengths to tell us about the plight that faced outworkers if that legislation was not passed and about how brave, noble and wonderful a working-class hero the government was in protecting outworkers. These marvellous working class heroes have now taken 15 months — that is, since March 2006 — to restore operation to their own legislation, even though they well know, as they knew well before March 2006, that on 27 March 2006 the commonwealth government's industrial relations reform package was to take effect.

One of the consequences was that pay rates and other provisions that were set out previously in awards were instead to be set out in an Australian fair pay and conditions standard, and if the legislation were not amended, then the operation of the legislation which refers to federal awards would become ineffectual, because those federal awards which the state legislation picked up would no longer set out the pay scales to be applied to outworkers, which the state government, by its policy, claimed were so vital.

However, this government which has time and again told us that it cares for Victorian workers, that it stands up for and will defend them, has waited 15 months before it introduced amendments which will restore efficacy to its own legislation. In the meantime this legislation, which it claimed was so important and vital, has stood largely ineffectual, because without the cross-references to the fair pay and conditions standard, none of its main operating provisions works.

Outworkers in the clothing industry in Victoria did not obtain the benefit of the mandated pay or remuneration levels which the Bracks government claimed were so important. So much for the real care and concern of this government and its members for working people in Victoria.

There are really only two logical explanations. One is that they know their own purported concerns about commonwealth government legislation are a sham; the other is that they recognise in their heart of hearts what we have been saying all along — that is, the best way to improve the living standards of working Australians and indeed of all Australians is through a commonwealth coalition government that has brought about decades-low unemployment rates, record low rates of industrial disputes, steadily rising real wages in a low inflation environment and rising standards of living and rising prosperity in consequence.

That is the truth of the matter. One explanation of the Bracks government's tardiness in bringing this legislation forward is that in its heart of hearts it knows that the legislation it introduced in 2005 is just a charade which makes not a row of beans of difference for outworkers in Victoria and which may even be counterproductive in terms of driving jobs offshore and depriving people of the opportunity to earn a decent living in the clothing industry. That is one possible explanation for their tardiness.

The other possible explanation is that the government has become so out of touch with the people it purports to represent and so engrossed with the perks of office, that it could not care tuppence about what happens to outworkers. It does not care at all that it has taken 15 months for this legislation to be amended and for its own policy to be restored to effectiveness. In fact that great working class hero, the Attorney-General, is more interested in his $10 000 flying visit to Paris and dining out at swish Paris restaurants than about working Victorians. He has the boss's job at last and he is treating the workers of Victoria with contempt, which exposes the utter sham of the Bracks government on this score.

If government members were fair dinkum about their professed concerns for outworkers and if they were truly focused on the interests of working Victorians to give effect to what they themselves purport to believe, we would not have waited 15 months for this legislation to be amended and for its own legislation to be restored to operation.

The second aspect of the bill also reveals the vast separation between the rhetoric and spin of the Bracks government and what it actually delivers, and its inattention to detail in implementing its own policy. The second arm of the bill amends the Owner Drivers and Forestry Contractors Act 2005, which again the Bracks government claimed was vital to protect the interests of owner-drivers in the forestry haulage sector. This legislation introduced a regime that provided certain stipulations about what was to happen and how contracts relating to owner-drivers in the forestry haulage industry were to be regulated. In particular, it imposed a set of rules about what was to happen if a contract with an owner-driver were terminated early, and it provided specifications for compensation for payments that were to be made to the owner-drivers in the event of that termination.

The only problem was that the government got the drafting of the relevant provision completely back to front. What it intended to say was that if a contract were terminated early and if the vehicle concerned were subject to finance operations, the owner-driver would be compensated for the fixed costs of the contract. In other words, he or she would be compensated for the ongoing locked-in fixed commitments that the owner-driver faced under the finance contract, to pay the finance company for the vehicle.

What they would not get compensated for were the variable costs they were incurring as an owner-driver in the operation of that contract in performing the haulage arrangements for which they had been contracted. Of course that makes sense, because if the contract were terminated, they would not be incurring variable costs such as petrol and maintenance on the vehicle. But the legislation got it completely back to front. It said that in such a circumstance the owner-driver was to be compensated for the variable costs and not for the fixed costs — a pretty basic error, one would think; and now, two years later, the government comes back to the house to fix up the mistake it has made.

Those are the grand purposes of this bill. The government limps back into this place belatedly to make changes to its own legislation so as to restore its efficacy. Both these pieces of legislation — the extension to the outworkers legislation in 2005 and the introduction of the owner-drivers and forestry contractors legislation in 2005 — were opposed by the Liberal Party. However, these are straightforward amendments to correct obvious flaws, as I have outlined, and therefore we do not oppose this legislation.

I conclude where I began: the best way to provide jobs, to provide prosperity and opportunity for Victorians and for Australians is with the sorts of reforms and with stable and effective economic management that the commonwealth government is providing.

The Bracks government, for all of its purported concern about working Victorians and all the fuss and charade that it went through when it introduced this legislation, and for all the trumpeting that I expect will come from government members during the course of the debate, has when it comes to the crunch taken 15 months to get into the house this legislation that is supposed to be essential to protect working Victorians. That shows just what a charade the Bracks government's stand on industrial relations matters is.

Mr WALSH (Swan Hill) — The Outworkers and Contractors Legislation Amendment Bill amends two acts — the Outworkers (Improved Protection) Act 2003 and the Owner Drivers and Forestry Contractors Act 2005.

It was interesting to listen to the speakers from the government benches during the debate on the business program on Tuesday, and particularly the Minister for Housing, who is at the table now, and the member for Ivanhoe, and how they felt that they were the only people in this Parliament — —

Mr Lupton interjected.

Mr WALSH — No, the member for Ivanhoe mentioned the issue as well. It was interesting to note that those particular members felt that only their side of politics was interested in workers rights. That is absolutely, blatantly wrong. I think all members in this house have a great interest in workers rights and in making sure that we provide jobs. The greatest service that we as a Parliament and the federal Parliament can do is make sure that people have the ability to be gainfully employed in our society. We have all seen the problems of unemployment and particularly of long-term unemployment and the problems created in society by long-term unemployment. I think we all strive to make sure there are employment opportunities for people in our society, and we all strive to make sure that people are treated fairly and equitably in having those jobs. So I think it is blatantly wrong for government members to make an assumption that this side of politics does not care about workers rights.

We have heard a lot of criticism from the other side of the house about the federal coalition government and its industrial relations policies. Again, I believe that is unfounded criticism. We have record low

unemployment in Australia — a 30-year low in unemployment — and that can be put down to the fact that the federal coalition cares about workers and about the ability of workers to have a job in our society. Despite what the Labor Party may be saying, in general the buying power of the average wage is at a record high. This is despite the fact that at the moment the Labor Party — for political reasons, given the upcoming federal election — is painting a picture in which buying power has declined. The buying power of the average wage is also at a record high, enabling people to do many things they want to do with that money.

As I said, the fact that we have record low unemployment means that the conservative side of politics does care about workers rights and about making sure that Australians are employed. As was said when we debated the two principal acts amended by this bill, I believe it is very important for members of Parliament to have actually worked and employed people so that they understand what employing people is all about. A lot of rhetoric about workers rights and how workers should be treated comes from members on the other side of the house who have never been employers and gained an understanding of the issues involved. They have never run a business or invested capital to create jobs.

Both principal acts being amended by the bill before the house were originally introduced, I believe, particularly to appease the unions in this state. The unions have an ingrained hatred of private contractors and of people showing initiative, because when people break out of the union-controlled workforce there is no opportunity for those unions to collect fees from those people any more. They are now private contractors and do not need to pay union fees, so there is no income stream there for the unions. But, more importantly, what that is really about is that the unions then do not have enough money to make donations to the Labor Party. So if you go right back, you see that these two acts were about propping up union membership so that unions could pay money into the coffers of the Labor Party for it to fight elections with. The unions do not want to see initiative from private individuals. They want to control people's lives so that they can collect fees. They want control. They want the nanny state to look after everyone.

We all agree there should be safeguards for the less fortunate in society and those who cannot necessarily negotiate the best deal possible, but we want to make sure that that does not stifle initiative or stop people from getting out there and having a go. One of the sad things we are seeing played out in many industries is that with this sort of control being imposed, which is not enabling market forces to work well, we are finding that we are quite often exporting jobs out of Australia. That is very sad to see with some of the industries. We have made them such closed shops that we have stifled initiative. We have taken away the ability of people to progress in business or in industry, meaning the jobs in them are exported out of the state.

When these two acts were introduced, The Nationals opposed both pieces of legislation. We will not be opposing these particular amendments to those bills. They are not substantive in nature. During the preparation stages of this piece of legislation, particularly with the amendments to the outworkers act, the Family and Community Development Committee provided a report on outworkers. As I understand it, the member for Shepparton, a Nationals member, was part of the committee that did that work. The committee was charged with going out and investigating whether there was exploitation of workers in that industry. The government-controlled majority of that committee wrote its report, and the member for Shepparton and others delivered a minority report.

She had visited work sites and people involved in the industry and viewed firsthand how by being an outworker and being able to work from home they had flexibility in what they wanted to do with their particular lifestyles. They could get their kids off to school, they could look after their children when they were home and they could do work when it suited them. They did not have to go to a particular workplace and work regimented hours, and such requirements may have meant that they could not be part of the workforce. So the member for Shepparton contributed to the minority report, which argued there was not exploitation in that industry. That just goes to reinforce what I was saying about that piece of legislation in some ways being a bit of a charade designed to bolster the government's credentials with respect to how it looks after workers, which as we all know would be a bit of a fallacy.

Clauses in this bill will amend section 14A(1) and section 14A(2) of the Outworkers (Improved Protection) Act 2003, bringing outworker conditions in line not only with the terms and conditions of applicable federal awards but also the terms and conditions of the Australian fair pay and conditions standard.

The clauses amending the Owner Drivers and Forestry Contractors Act 2005, as the previous speaker said, will correct a major blunder that was made when that act was first introduced into this place. They will change variable costs to fixed costs. Previously fixed costs

would be excluded on termination, but now variable costs will be excluded and fixed costs will be included. As we know, when your contract is terminated you no longer need to buy fuel and tyres, et cetera, but you still have the lease or capital costs of the equipment you use. The amendments do not do anything substantial but principally tidy up some problems with the legislation.

When the original bills were introduced one of the issues that The Nationals had with them related to the employment and deployment of what were at the time called information services officers. We had major concerns that they would not only be information services officers but actually become enforcement officers and that ex-union officials or whoever would be employed as information officers, which would give them the opportunity to go into workplaces and effectively become recruitment officers for the unions. It raised the whole issue of the right of entry of union officials into the workplace. We did not want to see an advantage given to them that would disadvantage employers in dealing with their employees.

The Nationals will not oppose the amendments to the Outworkers (Improved Protection) Act 2003 or the Owner Drivers and Forestry Contractors Act 2005.

Mr LUPTON (Prahran) — I am pleased to make a contribution to the debate on these amendments to the outworkers and contractors legislation. It is important to understand that the Bracks government has a very deep commitment to fairness and equity in relation to work conditions and practices in Victoria, and that applies equally to all people in the state's workforce. However, these amendments are particularly directed toward ensuring fairness for vulnerable outworkers and contractors in Victoria.

The Outworkers (Improved Protection) Act protects the conditions of clothing outworkers. When the legislation was introduced it established the Ethical Clothing Trades Council of Victoria, which is an industry council that oversees the operation of the act. The Owner Drivers and Forestry Contractors Act assists contractors in those industries to operate their own businesses by providing them with the information and tools they need to negotiate on an equal footing with those who engage them, and that is a very important principle. Again, the industry council established under the act oversees that process. This bill makes technical but nonetheless important amendments to each of those acts to make sure they remain effective into the future.

I will deal firstly with the aspects of the bill that relate to the outworkers legislation. As a result of the federal government's appalling WorkChoices legislation, many Victorian outworkers entitlements to pay and conditions have been moved from federal awards and are now contained in what is called the Australian fair pay and conditions standard. I must say it is a rather euphemistic name, but that is the name the federal government has given to it. The standard only protects outworkers who are classified as employees.

Of course we know from the history of the industry that many people who operate as outworkers are either asked or required to enter into contracting arrangements that take them outside the definition of 'employee'. They are often vulnerable workers, many of them women or people from non-English-speaking backgrounds. They are required to enter into these contracting arrangements — and they have often been sham contracting arrangements — in order to secure work, particular in the clothing and footwear industry.

The Victorian outworkers legislation makes sure that all outworkers are entitled to the same protection, regardless of whether they are technically called independent contractors or employees. That is to ensure that no-one in a superior negotiating position can force them to enter into sham arrangements that would undermine their pay and working conditions. The amendments we are proposing in this bill will extend the coverage of the Australian fair pay and conditions standard under WorkChoices to all outworkers covered by the Victorian outworker legislation, regardless of whether they are called employees or independent contractors. The legislation is thus very important to protect these workers.

Some elements of these changes are retrospective, and it is important to understand why that is the case. I will take up some of the matters that were raised by the member for Box Hill in relation to these issues. People who engage outworkers have already been required, under a range of transitional provisions and other laws operating in Victoria, to continue to provide minimum wages and conditions for outworkers, regardless of the changes that were made under the WorkChoices legislation that came into place in 2006. The member for Box Hill made a number of incorrect and untrue statements in relation to these matters. The people who are affected by this legislation have effectively been protected by the Bracks government in a range of ways since WorkChoices came into effect.

What this legislation does is put it beyond any doubt that an outworker's entitlement to basic conditions such as wages and annual leave will be continuous and that this will apply to all outworkers in Victoria, regardless of whether they are technically deemed to be contractors or employees. The Bracks government has

continued to effectively maintain the wages and conditions of these outworkers in the face of attacks on their rights and entitlements under WorkChoices.

This legislation puts beyond doubt what we have been doing since April 2006, when the WorkChoices legislation came in and the commonwealth attempted to take those rights and entitlements away from them. We have protected them up until now, and this legislation puts that protection beyond doubt. The government should be commended for the action it has taken in that regard. To put that situation beyond doubt — whether they are called 'employees' or 'contractors', they are protected — it needs to be made retrospective to the time when WorkChoices took effect and attempted to undermine those conditions, so that part of the legislation is retrospective.

Another part of the legislation provides a penalty for failure to provide an outworker with the appropriate and relevant conditions. Those elements of the bill are not retrospective because it would be inappropriate to apply a penalty in a retrospective manner, and that is not being proposed. We are ensuring here, beyond any doubt legislatively, that provisions to protect these vulnerable workgroups since the advent of WorkChoices are in place and are secure.

The second element of this legislation that we are dealing with involves owner-drivers and forestry contractors. The government introduced this legislation initially in 2005, to have a new system of fairness and equality in bargaining for these small business operators. Since its introduction in 2005, this act, along with the many resources that have been developed by the industry councils established under the act, has been a valuable and sought-after resource for all participants in the industry. That is very important.

This bill makes minor technical amendments to provisions in the act, clarifying how payment in lieu of notice of a termination of contract should be made. Firstly, the act provides for deduction of fixed non-variable costs from the gross amount to be paid in lieu of notice. This will be amended to ensure that variable costs are in fact deductible. The member for Box Hill and the member for Swan Hill had that round the wrong way: it is important that people understand what this legislation is about.

Secondly, the act currently provides that where a contractor has no finance costs, the contractor is not entitled to any other fixed costs. The bill before the house ensures that such a contractor would be entitled to payment in lieu of other fixed costs. So they are important, technical, but nonetheless significant changes to the legislation to ensure that forestry contractor owner-drivers not only have a decent, fair and equal bargaining position in running their small businesses in the forestry contracting industry but also that the appropriate costs and expenses can be claimed when contracts are terminated, and that has been taken into account.

It important, if a contract which has a particular term to run is terminated, that the appropriate costs and expenses be taken into account, in the same way that other contracts can compensate somebody by way of payment in lieu of notice of termination of a contract. In making the amendments that this bill makes, we have learnt from practical experience and discussions with people involved in the industry over the last two years. We are making those amendments to improve the efficacy and utility of this legislation. Overall this legislation is very commendable. It protects workplace rights and contract rights in Victoria in important industries. I commend the bill to the house.

Mr WAKELING (Ferntree Gully) — It gives me pleasure to speak on the Outworkers and Contractors Legislation Amendment Bill 2007. Regardless of whatever spin those opposite will put on this piece of legislation, it is a direct reflection of the Minister for Industrial Relations being asleep at the wheel. The minister has had 15 months but chose to do nothing about fixing the problem. It has taken until now for the situation to be brought to the house. It demonstrates the minister's lack of commitment to his portfolio, and we were questioning why that is the case. But we now understand that he is more interested in journeys overseas than in worrying about situations in his own portfolio.

The history of this bill relates to the introduction of WorkChoices legislation amendments which took effect on 27 March last year. They included the removal of certain provisions from federal awards, which included reference to the rate of pay, four weeks annual leave, 10 days carer's leave and 52 weeks unpaid parental leave. That, with the provision of new pay scales under the Australian Fair Pay Commission, formed what is known as the Australian fair pay and conditions standard.

This meant that all those provisions of federal awards were removed and put under the new standard. The net effect of that change was that those provisions in the former clothing trades award, which now applies on a national basis with respect to outworkers in this state, were technically removed. As of March last year those provisions no longer apply to outworkers in this state.

That was not a new concept. I am sure that if the minister did not understand, he had staff within his department who would have been clearly aware of the changes in WorkChoices and aware that those provisions would not have applied. I had assumed the minister or his staff would have picked up mistakes and acted quickly to remedy the situation, but as we know, they did not act; it took them 15 months to do so.

The history of outworkers in this state has fallen under various forms of regulation. I can recall that back in the early 1990s provisions for outworkers fell within the jurisdiction of the then state clothing trades award, so this area has certainly been under scrutiny at a state level. This government hates the fact that people in this state and around this country choose to engage as independent contractors. This party nationally will do whatever it takes to set up deeming legislation to thwart people's ability to be independent contractors. What galls those opposite most is that more Australians are engaged as independent contractors than are members of the trade union movement.

But what we see with this proposal is that this a government that has been asleep at the wheel. It has had 15 months to improve the system. If those opposite thought that the current system was so bad and so abhorrent, the first thing they should have done was enact this legislation 15 months ago to provide that protection. Those opposite know that they can act tomorrow to revoke the referral of industrial relations powers by the previous Kennett government and enact legislation to create a state industrial relations system for unincorporated businesses, many of which may well fall into the outworker category.

What has this government done about that issue? It has done nothing. It has sat on its hands, because it is more than happy to have the federal government regulate unincorporated businesses in this state. It will use whatever opportunity it has at its disposal to attack, criticise, complain, bitch and moan about the current predicament, yet it has done nothing to revoke that referral.

I read just last week about the concerns the Minister for Industrial Relations has about the recent federal changes with respect to the fairness test and how it applies to unincorporated businesses, but not once did I hear the minister say that he was going to revoke the referral of the industrial powers. He is more than happy for the current referral to stand, and he is more than happy to see the federal government rule and regulate for employees in this state. He will use whatever tactics he can to attack the Howard government at a federal level. His are purely crocodile tears. It demonstrates that this is a government that is asleep at the wheel; it is not prepared to act. It has left outworkers out in the cold for 15 months under its own legislation, and it has done nothing to back up the claims made in the second-reading speech.

Debate adjourned on motion of Mr LANGDON (Ivanhoe).

Debate adjourned until later this day.

ENERGY LEGISLATION AMENDMENT BILL

Second reading

Debate resumed from 18 July; motion of Mr BATCHELOR (Minister for Energy and Resources).

Dr NAPTHINE (South-West Coast) — I will continue my remarks from last night, when I was highlighting the deficiency in this legislation in that it does not provide for important alternative energy sources such as geothermal energy and wave energy. I was highlighting in particular the lack of action by the Bracks Labor government, which stood idly by while its own agency, Wannon Water, allowed the only working geothermal energy system in the state to shut down. I was saying what a tragedy that is for Portland and for Victoria, because it is being replaced by a natural gas heating system, at enormous financial cost and at a cost to the environment through the production of greenhouse gases.

In making some further comments I want to quote from a letter from Neil Buckingham which appeared in the *Portland Observer and Guardian.* Neil Buckingham was a long-serving engineer with the Glenelg Shire Council and prior to that the former City of Portland, and he has considerable knowledge of the geothermal system. He said in his letter:

> Since the geothermal system was first commissioned in 1983, it has saved ratepayers an estimated minimum of at least $4 million in rates and thousands of tonnes of greenhouse gas being discharged into the atmosphere.

He further said:

> It is my opinion that if the geothermal system is closed down then this decision will go down in history as one of the most stupid and irresponsible decisions ever to be made in this area, and those involved should be ashamed of the role they played in the decision, even if it was only to do nothing to stop it being closed down.

I say 'Hear, hear!' to that. Among those directly responsible is the Minister for Water, Environment and Climate Change. The minister was alerted to this issue. He is the minister responsible for the water authority and has direct control of this issue, yet he did nothing to protect and preserve this unique and cost-efficient geothermal system. It is outrageous, it is a disgrace and it gives the lie to the claims by the minister and the Bracks government that they are genuinely concerned about promoting alternative energy use and about greenhouse gases. This was an efficient alternative energy system that protected the environment by saving the production of greenhouse gases, yet the government was directly responsible for shutting it down.

At the same time wave energy is a potential energy source. There have been trials of wave energy in Portland Bay, and those trials have proven to have some success, yet the development of that form of energy has received no encouragement and no support from the Bracks Labor government. The Bracks government seems to be very blinkered in its view of alternative energy, and this legislation continues to reflect that blinkered view.

I wish to place on the record that I support the Bracks government in some of the work it does in this area, and I support the development of wind energy. I have been a strong advocate for the wind energy developments at Codrington and Yambuk, where there has been broad community support for those developments. That is line with Liberal Party policy, which supports wind energy developments when there is broad community support. Similarly I supported the development at Challicum Hills near Ararat, and I support the proposed developments in the McArthur-Hawkesdale area, which is in my electorate. There is broad community support for those wind energy developments. The Liberal Party stands up for local communities. It supports wind energy developments when the community supports them and when it creates jobs, such as those at Keppel Prince and Vestas in Portland. I am certainly a strong advocate for those areas.

This legislation provides a mechanism to ensure there is a fair and reasonable price for the feed-in tariffs. We need to make sure that in setting that price the Essential Services Commission does so in a proper way so that we do not get hidden subsidies that impact on and distort the total energy market and investment in future energy. We support a fair and reasonable pricing system. We want to know the mechanism by which the Essential Services Commission will determine that fair and reasonable price.

Once again I say that the legislation is deficient because it does not take account of the major alternative energy sources that should be pursued in Victoria, such as wave energy and geothermal energy.

Mr INGRAM (Gippsland East) — I rise to make a brief contribution to the debate on the Energy Legislation Amendment Bill 2007, which is an important piece of legislation. As someone who is a strong supporter of renewable energy, I think the provision of small generators predominantly based at people's homes or businesses is something we should encourage, and to get investment in that you need to have a mechanism that ensures that the feed-in tariffs are clearly identifiable.

At the moment there is not a lot of clarity in how much people are being paid. The tariffs are not required to be publicised. Basically what this legislation does is allow those tariffs to be identified on the website, and the minister can make a determination on whether they are fair and reasonable. The minister also has the ability to refer those price tariffs to the Essential Services Commission for a determination, if he believes that is necessary.

One of the issues that I raised during the briefing on this bill — and I thank the minister's office for that briefing — is the definition of 'biomass'. Clearly the number of different renewable energy generators that are covered by this are not as detailed as they are in the Victorian renewable energy target scheme legislation. Many members of this house would know that I supported that legislation fully, because it is a good proposal. But the list of generators here is less detailed. The argument that was put by the government is that we are talking about small generators, so because of their size many of those other, larger facilities would not necessarily come under it.

One of the issues I have raised which is important to my electorate is that there is a real potential in my area for sawmill waste to be used for the generation of electricity. Because there is a problem in getting rid of the sawdust and other by-products from the sawmill process, to have on-site generators and a mechanism to do that would be very welcome. I know there are a number of mills in my area that are interested in this opportunity. It is my understanding, from looking at the legislation — I am hopeful there will be some clarification from the government about this — that such a facility would come under biomass. In my view it probably does, but it is an important distinction that we can allow that type of facility to be established.

With those words, I support the legislation. There are some really good opportunities in this area to assist people to hook up those types of generators and to further expand the use of renewable energy in homes and businesses around the state.

Mr NORTHE (Morwell) — It gives me great pleasure to contribute to the debate on the Energy Legislation Amendment Bill 2007. The Nationals do not oppose this bill, which essentially serves two purposes. The first of those is obviously to legislate to require electricity retailers to purchase power from small-scale renewable generators at a fair price. The second purpose of the bill is to deal with the dispute resolution process and the involvement of the appropriate minister and the Essential Services Commission in that particular process.

Obviously there are some criteria set by this particular amendment bill, including that it will apply to retailers with over 5000 customers and to those small-scale producers generating renewable energy of less than 100 kilowatts. Certainly the energy industry has evolved and changed over a period of time, and the demand for energy continues to grow significantly in this state and nationwide.

The member for Mildura in his address to the house on this bill referred to the increase in demand for energy generation throughout Victoria. We know that we are seeing an increase of approximately 2 per cent a year in base demand for energy and a 3 per cent increase in the peak load as well. If you extend that over many years, the figure quoted is a rise of something like 35 per cent over the next 20 years, which is quite significant. That will require an additional 2000 megawatts at base capacity and 1000 megawatts at peak capacity.

When you put that into the context of Loy Yang A, which currently produces approximately 2000 megawatts, you can understand the need to look at alternatives in terms of renewable energy and the like. The government has recently announced a proposed desalination plant. We all know that, in terms of energy levels, to operate it will require 90 megawatts, which will come out of our grid; so it is important, as I just said, that we understand and pursue alternatives such as renewable energy sources like solar and wind energy.

Having said that, there are obviously many clean coal projects being conducted in the Latrobe Valley at the moment, and in some of those cases we are looking at achieving not only a reduction in greenhouse gas emissions but a reduction in water as well. The $750 million HRL project is currently under way; Hazelwood power station has committed significant funds to cleaning up greenhouse gas emissions, with a reduction of 30 per cent on the way; and TRUenergy in Yallourn has also made some significant announcements in terms of reducing greenhouse gas emissions.

Much focus has been on power generators in cutting emissions, but I think if we are going to seriously look at this issue we also need to look at other factors, and one aspect which I believe has gone off the radar to some degree is vehicle emissions. If the government is serious about reducing greenhouse gas emissions, it needs to look at that as well.

The only difficulty I foresee with this bill, as has been mentioned before, is what will be deemed a fair and reasonable price. Due to significant fluctuations in electricity prices, it is important that we get that right. The Nationals did request a response to the criteria from the Minister for Energy and Resources. The minister has advised us that he is currently in negotiation and consultation with the energy retailers, which is pleasing to see. Some would say that probably does not happen across the board with other major projects, but I hope the minister and the energy retailers and the like will come up with what we deem to be a fair and reasonable price. In summing up, The Nationals do not oppose this bill.

Mr WELLER (Rodney) — It is with pleasure that I rise to speak on the Energy Legislation Amendment Bill. The bill will promote the generation of electricity from small renewable energy sources by amending the Electricity Industry Act 2000 to strengthen the provisions for feed-in tariffs for small wind generators and extend those provisions to other forms of renewable generation, including hydro, biomass and solar.

The farming and agricultural industries look forward to this. There are great opportunities for collecting methane gases from the likes of dairy effluent ponds and piggery effluent ponds. There is also the opportunity for composting bedding out of chicken sheds, piggeries and those types of things. There is a great opportunity here for the agricultural industries to actually feed in some power, and they look forward to doing that.

Our disappointment with the bill is that it obviously does not go far enough. There were great opportunities for the government to create more hydro-electricity with new dams. Instead what we have seen is the government creating more demand for power, which is disappointing, because if you do not keep increasing the amount of power, you do not need as much power.

First, we had the pipeline to Bendigo, then a pipeline to Ballarat, then a pipeline to Melbourne, then a pipeline to Broadford and then a pipeline to Hamilton.

It is true that the pipeline that goes to Bendigo and Ballarat will use the same amount of energy as the entire Loddon shire; that is a small pipeline. But if we add in the pipeline to Melbourne, the pipeline to Broadford and the pipeline to Hamilton, the usage then becomes the equivalent of the usage of the city of Greater Shepparton. When you have the energy needs of the city of Greater Shepparton being replicated just because of these pipelines, it clearly creates far greater demand. As a state, we should be looking at using less power and at opportunities for creating more power.

The member for Murray Valley quite regularly states in this house that the Big Buffalo dam should be built. There would be a great opportunity for further hydro power to be generated from a 1 million megalitre storage at Big Buffalo. Also, there are opportunities for further dams on the southern-flowing rivers. I am quite sure that over the last month residents of the southern parts of Victoria would have appreciated having some dams in place for flood mitigation. There would have been a three-way win: flood mitigation, less energy and more water.

The Nationals and the people of Rodney are quite happy to support this bill, but we think that it is insufficient, that it is only fiddling at the edges and that we have missed a real opportunity to have a big impact on being energy efficient in this state.

Ms MORAND (Mount Waverley) — I am pleased to have an opportunity to say a few words in support of the Energy Legislation Amendment Bill. This bill, as other speakers have said, is about encouraging electricity generation from small renewable sources. Amendments to the Electricity Industry Act will also ensure that fair prices are provided by electricity retailers in purchasing energy from small renewable energy sources — that is, a fair feed-in tariff. This is more good public policy to address climate change. The community wants to make a difference, and we in government want to support the community and business in investing in renewable energy and making a tangible difference locally to what is literally a global problem of our own making.

Small-scale renewable energy generators will benefit from this bill, and they are defined as generators whose capacity is less than 100 kilowatts. I understand that there are approximately 1500 households and small businesses that are already selling power to retailers. Renewable energy is central to the Bracks government's climate change policy, and the VRET (Victorian renewable energy target) scheme will increase Victoria's electricity consumption from renewable sources to 10 per cent by 2016.

I briefly want to refer to what the member for Brighton said yesterday in her contribution to the debate, when she supported the aim of the VRET scheme in terms of increasing the amount of renewable energy generated, but she did not support having a target. You really cannot have an aim without a target. Having a target will ensure that there is confidence in investing in renewable energy, and it will give investors confidence in continuing to invest in this new industry. I commend the bill to the house.

Mr BATCHELOR (Minister for Energy and Resources) — I want to thank the members who have contributed to this debate and shown support for the bill, particularly the members for Box Hill, Mildura, Seymour, Brighton, Bentleigh, South-West Coast, Gippsland East, Morwell, Rodney and Mount Waverley. As I understand it, the overwhelming thrust of the debate from both sides of the chamber and from the Independent has been to support the proposals being put forward in this legislation.

This is in essence about those small-scale generators of electricity being able to get a fair and reasonable price for any excess electricity they generate beyond their own needs and feed back into the grid. It applies in particular to those generating less than 100 kilowatts and as such is the first stage of a two-stage process that we intend embarking upon. Under 100-kilowatt generators are those locations that have more than just the household number of photovoltaics. The category applies to small businesses, it might apply to schools, it might apply to other small-scale establishments, and that has been dealt with in this initiative. In addition we will be coming back with later proposals as to what the feed-in price for the domestic market will be, and that is for all those individual householders who have installed or who will install these small renewable energy facilities.

Members have raised with me the issue of how the fair and reasonable test will be applied. We have indicated to The Nationals following their inquiry that we are in fact negotiating, or consulting, with the retailers, and if anybody else would like to put forward any specific comments in relation to that, to make a submission as to what should constitute a fair or reasonable test that will be undertaken and published prior to the enactment of this act, they should let me know now.

The member for Gippsland East raised a specific issue about the definition of biomass, and I will get back to him on how this bill impacts on that.

Mr Mulder interjected.

Mr BATCHELOR — We have run out of time. It is a very, very complex issue. The member for Polwarth would not be able to understand it in the remaining seconds.

Motion agreed to.

Read second time.

Third reading

Read third time.

Sitting suspended 1.00 p.m. until 2.03 p.m.

Business interrupted pursuant to standing orders.

DISTINGUISHED VISITOR

The SPEAKER — Order! Before calling the Leader of the Opposition for questions, I acknowledge the presence in the gallery of the former member for Rodney, Noel Maughan.

ABSENCE OF MINISTER

The SPEAKER — Order! I also inform the house that the Minister for Public Transport is absent from question time today, and any questions for the Minister for Public Transport will be answered by the Minister for Roads and Ports.

QUESTIONS WITHOUT NOTICE

Ambulance services: response times

Mrs SHARDEY (Caulfield) — My question is to the Minister for Health. I refer to Labor's 1999 election promise to reduce ambulance response times to 10 minutes and to the recent dumping of the 13-minute target which this government continually failed to meet, and I ask: how can the minister justify dropping code 1 ambulance response targets for our sickest Victorians when the Premier and his ministers paid $50 000 in London for an instant limousine response service?

Honourable members interjecting.

The SPEAKER — Order! I could not hear the last part of that question.

Honourable members interjecting.

The SPEAKER — Order! The government will allow questions to be answered in silence.

Mrs SHARDEY — How can the minister justify dropping code 1 ambulance response targets for our sickest Victorians when the Premier and his ministers paid $50 000 in London for an instant limousine response service?

Ms PIKE (Minister for Health) — I thank the member for Caulfield for her question. Ever since the Bracks government has been elected, we have been working hard to make sure that Victorians wherever they live have access to the highest quality health services, and of course ambulance services are a very significant and integral part of our overall health service system.

We have been in the business of rebuilding our ambulance service because who can forget the heady days of the Kennett era when, quite frankly, ambulance services were a joke? Who can forget those days?

Honourable members interjecting.

The SPEAKER — Order! The question was asked in silence; the answer will also be heard in silence.

Ms PIKE — Who can forget those days when shonky sham calls — —

Mrs Shardey — On a point of order, Speaker, I appreciate the minister has not long been answering her question, but already she is debating the issue and refusing to answer the question.

The SPEAKER — Order! There is no point of order. The minister, to continue answering the question.

Ms PIKE — Who can forget the shonky sham calls? Who can forget the fact that it was more reliable to dial a pizza than it was to dial an ambulance service in Victoria under the previous government? Part of our commitment is to make sure that wherever you are — —

Honourable members interjecting.

Ms PIKE — Do you want to hear the answer or not?

The SPEAKER — Order! Conversation across the table is not allowed. I ask both the Deputy Leader of the Opposition and the Leader of the Opposition not to

engage in those types of interjections. The minister will ignore the interjections and continue answering the question.

Ms PIKE — The government believes that, whether you live in Bendigo or Croydon, there should be no difference in the expectations over the availability of an ambulance service.

The reforms that we have made have ensured that people in country Victoria and people in metropolitan Melbourne have access to the same reliable response times. What these changes do is set a higher standard for people in relative population groups, so that 85 per cent of code 1 incidents, wherever they are — —

Honourable members interjecting.

The SPEAKER — Order!

Ms PIKE — Eighty-five per cent — —

Mr Mulder interjected.

The SPEAKER — Order! I warn the member for Polwarth. I will have not that type of interjection after I have managed to get the rest of the house quiet.

Ms PIKE — The new standards for code 1 incidents now break down the previous distinction between metropolitan Melbourne and regional areas, and members should remember that the times that were required for regional areas were in fact much longer than the times that were required for metropolitan areas.

What we have also now done is identify population groups, so centres where there are more than 7500 people, which picks up many rural communities that had much slower response time targets than previously, have been raised to the standard of 90 per cent. What this does is establish a common target for similar population groups, whether they are in a metropolitan or a rural setting, and it also better aligns our clinical reporting with international expectations and in fact other jurisdictions.

The other thing that we are doing is, through a whole range of initiatives, providing more accurate data collection methods through the use of new technologies. Through these new technologies we are in fact able to benchmark our performance in things like response to cardiac arrest — for example, Victoria now performs at or above every single international jurisdiction in its capacity to deal with cardiac arrest through our ambulance service. Similarly we have now added additional indicators, such as — —

Honourable members interjecting.

Ms PIKE — Those opposite might not be concerned about the indicator of — —

Mr K. Smith — Come on, get on with it!

The SPEAKER — Order! The member for Bass! If the member for Bass is not interested or has had enough, perhaps he would like to leave the chamber. The minister, to continue.

Ms PIKE — One of the most important indicators of the performance of an ambulance service is in fact the indicator of pain reduction. Pain reduction is an internationally recognised benchmark, and now we are able to include pain reduction in the range of indicators that need to be met by our ambulance paramedics. What we are doing is bringing together — —

Honourable members interjecting.

Ms PIKE — I think if a person is experiencing pain whether the paramedics are able to alleviate that in a timely manner is a very important indicator of the performance of our ambulance system. We have increased — —

Mr Baillieu — On a point of order, Speaker, the minister's response time has blown out. I wonder whether you could draw her to giving a succinct answer as she is required to do.

The SPEAKER — Order! The minister, to conclude her answer.

Ms PIKE — This government has increased funding to our ambulance service by 112 per cent. There are 652 extra paramedics working in the Victorian community who were not working there before. We have upgraded 45 ambulance stations and built 20 brand-new ones. Our commitment to ambulance services is profound, and it is demonstrated, and all of these things are there to improve that service.

Family violence: government initiatives

Ms LOBATO (Gembrook) — My question is to the Premier. Can the Premier advise the house what the government is doing to tackle family violence and provide early and effective services for families?

Mr BRACKS (Premier) — I thank the member for Gembrook for her question. Domestic and family violence is a significant and profound issue right around Australia. It does not matter which part of the country you are in, what your economic circumstances are or whether it is indigenous or non-indigenous Australians,

it is a big issue for our nation, and it is certainly a big issue in Victoria.

Our government has already seen a significant number of reports of domestic and family violence occurring in our state, and that has been increasing as we have required and obliged more reporting of those incidents to occur — for example, the number of family violence incidents reported to Victoria Police in the last 12 months has increased to some 30 000. That is up considerably, and of course a part of that is due to the new code of conduct which has been formulated with Victoria Police and with general practitioners, who are now required to make sure that those matters come before police in a timely way.

But it is believed that this is only the tip of the iceberg and that in Victoria there are something like 120 000 more incidents that are not reported in any one year as well. That is of enormous concern not only because of the occurrence of family violence but also because of the reluctance of people to come forward due to the speedy and urgent action which they require not being forthcoming.

The cost to the community is enormous. It is enormous in financial terms and it is enormous in social terms. Access Economics estimates that the cost to the community in financials terms is something like $2 billion. The social cost of course is much greater than that. Already the government has taken some action, including the doubling of funding for family violence services right across the state, which has made a significant difference. There has been the launching of a 24-hour support and referral service by the government to assist and support families and victims of crimes that occur. But more needs to be done.

Today, with the Attorney-General, the Minister for Police and Emergency Services, the Chief Commissioner of Police and the Chief Magistrate, Ian Gray, and others, I was pleased to launch a proposal, which has been formulated by our government in conjunction with other key agencies around the state, for new family violence safety notices to be undertaken.

These family violence safety notices will ensure that applications for intervention orders do not need to go to the court when there is family violence, but that sergeants of police and above can immediately take action to intervene, to take the perpetrator away, to leave the victim in the family home and to assist directly without the waiting period involved. It will also serve as a violence protection order application to the court, so that immediately that notice is brought in that application effectively goes to the court and the court can make a permanent order in the future. These notices will be in force until the court makes a permanent and ongoing decision. Importantly police can take action to separate the perpetrator from the victim immediately.

Victims of family violence need to be able to speak up, need to be able to report and need to be able to feel assured that intervention will occur immediately and that there is support and assistance there. I believe this measure, with legislation being brought into this house in the second half of this year, will make an enormous and profound difference and will assist families right around the state. It is my belief that Victoria is a great place to live, work and raise a family, but it can be better, and these new safety notices will make it even better in the future.

Ford Australia: Geelong plant

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer to the anticipated loss of 600 jobs in Geelong as a result of Ford's decision to close its engine-making plant. I also refer to the Premier's comments in the house yesterday, and I quote:

> … we need to assist and support Geelong even further, and that is what this government is doing …

I further refer to the Minister for Regional and Rural Development's press release from 31 May, headed 'Bracks government backs Geelong buy-local campaign', and I quote:

> The government is providing $600 000 over three years for buy-local campaigns across Victoria to encourage regional businesses … to source and purchase products from their communities and regions —

and I ask: given the government's commitments to supporting Geelong businesses, can the Premier explain why the member for South Barwon has had his calendar printed by Kosdown Printers at 63–69 Rouse Street, Port Melbourne, and has apparently ignored about 75 local printers who advertise in the Geelong *Yellow Pages*?

Mr BRACKS (Premier) — I thank the Leader of The Nationals for his question. He is quite correct: one thing this government will do is stand by Geelong. If you think about Geelong over the last seven to eight years, you think of the enormous population growth — the biggest population growth for some 40 years — and enormous employment growth. More jobs have been created in Geelong over the last seven or eight years, which is unprecedented. Geelong has had the most buoyant economy that we have seen there for a long time.

You can look at the deliberate investments the government has made in Geelong, including encouraging the relocation of the Transport Accident Commission — which, by the way, enjoyed support from every party in the house, and I will give the Leader of The Nationals some credit for that. He actually supported that, but we had equivocal and unusual statements from the Liberal Party. It supported it in Geelong but disapproved of it in Melbourne — understandably, because you can almost get away with that in opposition.

We will stand by Geelong enormously. One of the policies we have in place, which the Leader of The Nationals mentioned, is about encouraging and supporting, through funding, local sourcing where that can be done. We also have a local participation policy when projects are undertaken where you have to certify that there is a capacity for local manufacturers to bid into projects as well. So we have the right policies and we have the right programs in place. We are seeing regions develop enormously.

Can I add that today I can inform the house of very pleasing news about the June 2007 ABS (Australian Bureau of Statistics) figures for the regional labour force which show — —

Mr Ryan — On a point of order, Speaker, while these matters are, I am sure, of great interest, they have nothing to do with the question that I asked. The Premier is debating the question, and I ask you, Speaker, to return him — —

Honourable members interjecting.

The SPEAKER — Order! I will hear points of order in silence.

Mr Ryan — I ask you, Speaker, to have the Premier return to answering the actual question he was asked rather than debating it.

Mr BRACKS — On the point of order, Speaker, if you look at the detailed question of the Leader of The Nationals, you will see that it probably goes for about two written pages. It covers a whole lot of details — —

Mr Ryan interjected.

Mr BRACKS — One full written page. It covers a whole lot of detail about regional employment and about government support for policies in regional development, including support for Geelong. The latitude of the question asked by the Leader of The Nationals was enormous. If he continues in that mode of asking these questions, I will answer them in the spirit in which they have been offered.

The SPEAKER — Order! I do not uphold the point of order. The first thing that I have written in my notes about the question from the Leader of The Nationals was the loss of 600 jobs in Geelong because of the closure of the Ford factory.

Mr Ryan interjected.

The SPEAKER — Order! I believe the Premier was talking about rural job participation, and I believe that is relevant to the question.

Mr BRACKS — Geelong has shared in the enormous employment growth that every regional centre in Victoria has also experienced. Testimony to that is the ABS figures released today under the heading ‘Regional labour force June 2007’ which show that there was an increase of 9060 persons in employment in country Victoria.

Mr Ryan interjected.

Mr BRACKS — Just listen to the unemployment rate in regional Victoria and think about what it was like when the Leader of The Nationals was a part of a government which had 10 per cent plus unemployment in regional Victoria. What is it today? In regional Victoria, according to the ABS, unemployment is 5.3 per cent. We are proud of what we have done in regional Victoria. We stand up for regional Victoria, for jobs, for growth and for employment. That distinguishes us from their period in government previously!

Climate change: national emissions trading scheme

Ms MUNT (Mordialloc) — My question is to the Minister for Water, Environment and Climate Change. Can the minister advise the house of Victoria’s response to the recent announcements by the Prime Minister about emissions trading?

Mr THWAITES (Minister for Water, Environment and Climate Change) — I thank the member for Mordialloc for her question. Since we came to office we have understood the importance of taking action to tackle climate change. That is why we introduced 5-star sustainability rules for housing; it is why we have required major industry to undertake energy audits and save energy, which has saved more than 1 million tonnes; and it is why we have introduced a mandatory Victorian renewable energy target (VRET), which is

leading to jobs and development throughout regional Victoria.

In 2004 the Bracks government committed to a national emissions trading scheme as the most efficient way to reduce greenhouse gases. I have to say that at that time the Howard government was a climate change sceptic, as was the opposition, and it not only refused to sign up to the Kyoto agreement, it also rejected emissions trading. As recently as last September the Prime Minister wrote to the Premier and said:

> The Australian government has made clear its intention not to introduce an emissions trading scheme in the absence of the emergence of an effective global response to climate change.

In other words: do nothing and delay. The Bracks government was not prepared to delay, which is why we led the state-based process for emissions trading. For 11 years the Howard government was asleep on climate change. It is only in the last few weeks that we are seeing any action. But we welcome the fact that Mr Howard has now apparently shown signs of waking up. He has backflipped on emissions trading and is now saying that his government will support emissions trading.

I have to say that unfortunately there are some significant shortfalls in the Howard government's proposal, not the least of which is that it is a cap-and-trade system without a cap. What we need is a clear target for Australia for reducing greenhouse gas emissions. Our government has led the way, with other states, in agreeing on a national target to reduce greenhouse gas emissions by 60 per cent by 2050. We need that direction. We have given it — the states and territories have given it — and we ask the commonwealth to follow suit.

In addition our government has led the way on emissions reporting. In June we were able to get the agreement of the other states to set up a national pollution inventory system so that there can be emissions reporting from 1 July next year.

The final thing I should say is that with an emissions trading scheme it is absolutely critical that we continue with complementary measures like the Victorian renewable energy target. If we do not do that, we put at risk some $2 billion of investment, 2000 jobs in regional Victoria and a secure way forward for our renewable energy industry. We say to the commonwealth government that we are pleased that it has finally recognised the need for emissions trading, but it must come on board also with our VRET, with renewable energy and with a collaborative approach with the states.

Port Phillip Bay: channel deepening

Dr NAPTHINE (South-West Coast) — My question without notice is to the Minister for Roads and Ports. I refer to recent admissions by the Port of Melbourne Corporation that there is continuing erosion in the Rip Bank area, affected by the trial dredging project and that the geology of this area is still under review, and I ask: when will this review be completed, and will the minister guarantee that the supplementary environment effects inquiry will not make a decision on the channel deepening project until this review is completed and fully considered?

Mr PALLAS (Minister for Roads and Ports) — I thank the member for South-West Coast for his question. It is perhaps indicative that this demonstrates the confusing messages that this Parliament gets and the community at large gets about where the opposition actually stands on this vital piece of infrastructure work that is going on.

This government has made an unreserved and unshakable commitment to making sure we get the appropriate environmental approvals to ensure that this project proceeds. That is our commitment. That is the work we are doing, and we are going about it in a very clear and concise way. It is critically important to the long-term vitality of the port of Melbourne and ultimately to the economy of this state.

Dr Napthine — On a point of order, Speaker, the minister is debating the issue. The question related specifically to erosion of the Rip Bank and a geological review that is being undertaken there. I ask you to bring him back to answering that question rather than a general commentary on the channel deepening project.

The SPEAKER — Order! I ask the minister to answer the question. I will allow some commentary on the channel deepening process because I believe it was included in the question. The minister, to continue.

Mr PALLAS — To continue, I make it clear that the government has taken its responsibility so seriously that over $114 million has been committed to perhaps the most comprehensive environment effects statement (EES) and supplementary environment effects statement (SEES) that the state could put together and, indeed, that the country could have seen.

As part of the processes of environmental approval the supplementary environment effects statement made it clear in its recommendations or in its report that there were no long-term adverse effects to the bay and that in its view, any effects would be short term and — —

Dr Napthine — On a further point of order, Speaker, the minister is still providing general commentary rather than answering the question. He is debating the issue. If the minister is not aware of the port of Melbourne's submission referring to continuing erosion in the Rip Bank and the review of the geology of that area, he should say so and report back to the house at a future date.

The SPEAKER — Order! The minister is commenting on the supplementary environment effects statement, which formed part of the question. The minister, to continue.

Mr PALLAS — Thank you, Speaker, and perhaps to clarify what seems to be a misconception in the mind of the member for South-West Coast, the supplementary EES is publicly available and has been submitted to the panel inquiry. The SEES is a concluded process. It is now up to the panel inquiry to actually provide advice to government. In order to clarify that process: there is no ongoing review or activity arising out of the SEES process other than that the panel hearings will make recommendations to government.

In respect of the final issue that was raised around erosion at the Heads, this was a matter that was identified both in the SEES and by the expert group that was advising the Department of Sustainability and Environment, and that advice has been made public. It is subject to the panel inquiry. We await the advice that comes out of the panel inquiry. We have every confidence in the panel performing its job diligently and providing good advice to the government about how this project can proceed — —

Dr Napthine — On a further point of order, Speaker, the standing orders require that the responses be accurate, but the minister is providing misinformation. The port of Melbourne's submission makes it clear that there is ongoing erosion at the Rip Bank and that the geology there is currently under review, and that was the subject of the question. He obviously does not know what he is talking about.

The SPEAKER — Order! The member for South-West Coast knows that that is not how he should take a point of order; to enter into debate on a point of order is most disorderly. The minister was relevant to the question in his response to the erosion at Rip Bank, which he was replying to then. The minister, to continue his answer.

Mr PALLAS — In conclusion, the government takes its environmental management responsibilities quite seriously. That is why we have gone through the processes we have. That is why the panel has indeed received advice in respect of these issues. We await advice from the panel, and the government will make its decision about the way forward in due course.

Road safety: hoons

Dr HARKNESS (Frankston) — My question is to the Minister for Police and Emergency Services. Can the minister update the house of the success of the government's tough new anti-hoon legislation and advise if the government has considered any alternative policy proposal?

Mr CAMERON (Minister for Police and Emergency Services) — I thank the member for Frankston for his enormous support for these very good anti-hooning laws. The anti-hooning laws have been in place now for just over a year, and they have been extremely effective in enabling Victoria Police to take a car off a hoon for 48 hours, right there on the spot, to hit home the message that their antisocial behaviour is totally unacceptable.

Police report that there are not many people who come back a second time. The message does get through, but if they do return, they risk their car being impounded for three months, and if somebody cares to come back a third time, they risk their car being forfeited altogether. Since the laws came in, more than 21 cars have been seized across the state, and the area with the largest number of cars taken is actually Bendigo. That is not because the place is full of hoons but because of the very positive attitude the police have taken to enforcing the new law — and they are mainly from Bendigo East!

Efforts are made to break up hooning, to stop the dangerous activities of hoons, and certainly these laws have been very effective, with Assistant Commissioner (Traffic and Transport) Noel Ashby, saying that they have been a clear success, and one of the most effective laws that we actually have.

I advise that not everybody is happy about these tough new laws and not everybody is happy about the work of Victoria Police, and certainly hoons are at the top of the list, but there is also an alternative policy position out in public. That view was put in the *Age* earlier in the year — that these new laws were not working and accusing the government of spin. These laws are not about spin, they are about stopping those that spin their wheels.

Honourable members interjecting.

Mr CAMERON — You're slow!

The view set out in the *Age* from this person says:

> I would have thought someone booked for hoon driving should first be warned —

warned! —

> and only if booked a second time have their car seized on the spot.

These are comments from the spokesman from the Liberal Party. This Liberal Party policy to soften these very effective laws is nothing short of a policy boon for hoons! It would be lunacy to ease up on these anti-hoon measures, which are so keenly supported by police. I can assure this house that this planned boon for hoons, backed by loons, is totally rejected.

Port Phillip Bay: channel deepening

Dr NAPTHINE (South-West Coast) — My question without notice is to the Minister for Roads and Ports. Can the minister advise the house why the hydro-hammer, which is proposed to be the main technology used to deepen the Rip as part of the channel deepening project, was not used in the trial dredging project, and what testing has been undertaken with the hydro-hammer to guarantee that it will be safe to use in the sensitive Port Phillip Bay environment?

Mr PALLAS (Minister for Roads and Ports) — I thank the member for South-West Coast for his question, and I thank him for elaborating exactly where the opposition stands with respect to channel deepening. The opposition's position is to create as much uncertainty and public confusion as it can around a process that this government is managing diligently and seriously. I want to make the point, in respect of this and any other technical matter associated with the management of channel deepening, that the government has put in place a supplementary environmental statement process which we have been advised on by an independent expert group and that the port has put in place and will — —

Honourable members interjecting.

The SPEAKER — Order! The member for Eltham is warned.

Mr Baillieu — On a point of order, Speaker, the minister is clearly debating the question. In his previous answer he said that the government's response to this issue would be clear and concise. In both answers he has been neither, and I invite you to ask him to address the question and, in his own words, to be clear and concise.

The SPEAKER — Order! I uphold the point of order and ask the minister to address his answer to the question.

Mr PALLAS — I will be clear. This government does not put itself in the place of those who have a responsibility to provide technical advice about the process of channel deepening. It would be an insult to the people of Victoria, who expect this government to deal with the issues of channel deepening seriously and diligently.

Honourable members interjecting.

The SPEAKER — Order! The member for Burwood!

Mr Baillieu — On a point of order, Speaker, the minister is again debating the question, and it would be an insult to the people of Victoria if, just because he has no notes, he has no answer.

The SPEAKER — Order! The taking of a point of order is not an opportunity to enter into debate. The minister, to answer the question.

Mr PALLAS — In conclusion — —

Honourable members interjecting.

The SPEAKER — Order! The minister will be given an opportunity to answer the question without that level of interjection. The Deputy Leader of the Opposition should know better, and the member for Warrandyte has consistently been advised by the Speaker to stop interjecting.

Mr PALLAS — In the process of identifying the environmental challenges that are confronted in the process of channel deepening, the government takes its responsibility seriously. There have been quite a number of issues that require technical advice and support. The panel is currently considering all those issues, and the government awaits that advice.

Dr Napthine — On a point of order, Speaker, given the minister's complete failure to answer the two previous questions, I ask you to instruct him to answer the questions by providing the answers in writing to the house.

The SPEAKER — Order! There is no point of order.

Workers compensation: national harmonisation

Mr LANGUILLER (Derrimut) — My question is to the Minister for Finance, WorkCover and the Transport Accident Commission. Can the minister advise the house of what the government is doing to harmonise workers compensation arrangements between the states — as well as any threats that exist to that process — to protect injured workers and their families?

Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission) — I thank the member for Derrimut for his question. Like all members on this side of the chamber, the member for Derrimut has a very strong commitment to protecting injured workers in Victoria and protecting their families.

The member for Derrimut, like all members on this side of the chamber, can be very proud of being part of a government which has delivered a vastly superior workers compensation scheme in this state. It is a scheme that is well run, a scheme where premiums for employers have been reduced and at the same time a scheme where injury and accident rates have gone down and where benefits to injured workers have been substantially increased. This is something we are very proud of, but we also know that there is more work to be done to harmonise workers compensation and occupational health and safety laws across Australia.

It is for that reason that over several years Victoria has led a process, in conjunction with New South Wales and Queensland, and now with other states, to harmonise workers compensation laws across Australia and improve and reduce the regulatory burden on Australian employers. The first of the 10-point harmonisation plans that have been put in place has now been completed.

Mr Ryan interjected.

Mr HOLDING — I know this is of great interest to the Leader of The Nationals. We now have common premium processes across Australia; common claim forms; uniform safety guidance material being introduced in workplaces across Australia; cross-border recognition of skills and accreditation; and cross-border recognition of construction industry induction cards. We have even seen the introduction by New South Wales of the very successful Homecomings campaign that was run by the Victorian WorkCover Authority. Other states have recognised the great work done by Victoria and have introduced many elements of it into their schemes. We are seeing the arrangements for occupational health and safety and for accident compensation becoming simpler and more unified across the states, and through that process becoming harmonised.

However, the member for Derrimut asked whether there were any threats to this process. I am able to inform the house that there are threats to this process of harmonisation, and they come from none other than the commonwealth government. It is encouraging some employers to transfer their workers compensation arrangements to the Comcare system. Those employers are therefore not benefiting from the harmonisation process but are making their workplaces more cumbersome, bureaucratic and regulated. The federal government is doing this so that those workplaces will have to respond not only to state-based occupational health and safety laws but also to new occupational health and safety laws that it introduced this year.

At the same time those Victorian employers who have transferred to the Comcare system are in fact paying higher average premiums than employers under the Victorian system. Not only will they have a more cumbersome and bureaucratic system, but they will actually pay higher average premiums than those under WorkCover. At the same time we know that the benefits paid to injured workers under Comcare are less than the benefits paid under the Victorian scheme. We have a triple whammy: more regulation, higher average premiums and less benefits to injured workers.

We reject this approach. We want to provide the best possible occupational health and safety laws for Victorians. We have in Victoria a WorkSafe inspectorate with 230 inspectors that is capable of conducting 40 000 workplace inspections every year. The commonwealth has only 50 inspectors to cover the whole of Australia, which means — and I know this will be of interest to members — that the Victorian WorkSafe inspectorate will in two days conduct more workplace investigations and inspections than Comcare can conduct in an entire year.

Under the guise of providing a one-stop shop and a simplified occupational health and safety regime, the commonwealth is actually driving down workplace safety in Australia. We completely reject this approach. We support the continuation of the Victorian system and we reject utterly the efforts of the federal government to encourage employers to transfer across to Comcare.

GJK Facility Services: Office of Housing contracts

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer the Premier to his Labor mate, George Stamas, whose company, GJK Facility Services, secured a total of $52 million in cleaning contracts from the Office of Housing, allegedly — —

Honourable members interjecting.

The SPEAKER — Order! The member for Footscray and the Attorney-General!

Mr BAILLIEU — I will start again. My question is to the Premier. I refer the Premier to his Labor mate, George Stamas, whose company, GJK Facility Services, secured a total of $52 million in cleaning contracts from the Office of Housing, allegedly following the intervention of the Minister for Industry and State Development in the other place, and I ask: given that the Ombudsman announced a full inquiry into this tender process on 19 June, was the Premier aware, and is it consistent with the standard the Premier expects of his ministers, that the minister for industry had private meetings with Mr Stamas at the Metropolitan Hotel in Athens on the last three days of the financial year — 28, 29 and 30 June?

Mr BRACKS (Premier) — I thank the Leader of the Opposition for his question. As the director of the Office of Housing has already said, not only was there a competitive tender but, he has testified, it was done with all the probity rules, and that is appropriate. Secondly, when this matter was raised in a motion in the upper house and the Liberal Party put up a proposition, it lost on the vote of the house.

Ford Australia: Geelong plant

Mr EREN (Lara) — My question is to the Minister for Regional and Rural Development. Can the minister update the house on the government's response to Ford Australia's decision yesterday?

Mr BRUMBY (Minister for Regional and Rural Development) — I thank the member for Lara for his question. Earlier this morning I met in Geelong with the member for Lara, the member for Geelong, representatives of the City of Greater Geelong — the mayor, Bruce Harwood, and the chief executive officer — all the relevant industry groups, such as the Geelong Chamber of Commerce, the Committee for Geelong, G21, the Geelong Manufacturing Council and other groups to discuss the decision announced yesterday by Ford Australia and to put in place relevant action plans which will secure significant new investment and jobs for the Geelong region. It was a very positive meeting.

Obviously everybody appreciates that the decision announced yesterday by Ford makes it very difficult. It is very hard for many families and members of the community in Geelong, but I think everybody who was at the meeting this morning agrees that Geelong will get through this. Geelong will get through this with more investment and more new jobs. Geelong is a very strong, dynamic and viable economy, and if we work together we will get through this.

At the meeting this morning we discussed a number of matters and agreed on an action plan going forward. That group will be meeting again next week to discuss the next stage of initiatives to be taken. Essentially this morning we discussed the broad outlines of the $24 million fund announced yesterday by the Premier and the federal member for industry, Ian McFarlane, which is $6 million from the state government, $15 million from the federal government and $3 million from Ford. The guidelines for that fund will be announced between the two governments next week. Applications will be called for, and that money is available now. The experience in the past with funds of that type is that it will be successful in attracting new investment and jobs into the area.

Secondly, we agreed this morning that existing state government programs — of which there are many — will be prioritised to support the Geelong community. We have been very successful with many programs in the past, attracting new industry like Salesforce and expanding Rip Curl and QuickSilver in the area.

Thirdly, we agreed this morning that the state government will review all of the capital works projects which are in the pipeline for that region. There may be some that can be accelerated or brought forward, and we will examine that. It will take a little while, but we will examine it to see if that fast-tracking can occur.

Finally, we have agreed that, if there are projects in the region that require expeditious planning approval, then they would also be considered by government. We were given an example this morning of an industrial estate, the Hills Road estate, which is being examined by the council. Under normal circumstances it would take a year or more for planning approvals, but it is a relatively straightforward development, and if it is not contentious, it may be possible for the government to accelerate and bring that forward and to assist with bringing the services — water, gas, and power — to

that estate which would encourage new industry and investment to take place in Geelong.

The other point that came out of today's meeting is, as the Premier mentioned yesterday in Parliament, that in the last year the Geelong region has had 6000 new jobs, so it is a strong and dynamic economy, and we expect significant new jobs to be generated in the future.

There is more than $1 billion of new investment already in the pipeline for the Geelong economy. Last year saw $620 million in building approvals alone, and the ring road stages 1–3 are already under construction at a cost of $380 million. Stage 4 will generate a further $120 million worth of work. The Westfield development will cost $150 million. If you put all those things together, there is more than $1 billion of capital works which will take place in that area in the next 6 to 18 months. That alone will have significant and positive effects going forward.

It is a difficult period down there, but as the Premier said yesterday, Geelong has a robust economy. It is a city now larger than Hobart and larger than the whole of the Northern Territory, and it has generated 6000 new jobs in the last year. This framework has been put in place, and it enjoys wide-ranging support across the Geelong community. I think the community will get through this with more investment, more jobs and a more secure future for the whole Geelong community.

Mr Batchelor — I wish to raise a point of order, Speaker, at the end of question time. In doing so I refer you to chapter 19 of the *Rulings from the Chair*, which relates to personal explanations, and in particular to the sections dealing with purposes and procedures, which sets out the guidelines personal explanations are required to meet.

I advise you, Speaker, that more than one month ago in this chamber the member for Polwarth, in his capacity as shadow Minister for Public Transport, when referring to the Saleyards Road level crossing in Benalla, said:

> … after four and a half years, has the government not complied with the recommendation in the Australian Transport Safety Bureau's report to improve the level of protection on this approved B-double route, in particular installing flashing lights and boom barriers?

The assertion made here that the government has failed to follow up these issues is wrong and misleading. I am advised that this particular Australian Transport Safety Bureau report did make a number of recommendations. They included a review of the risk methodology for all existing railway level crossing protection on all B-double routes, but it made no recommendation at all in relation to boom barriers. So why in this statement to the house did the member for Polwarth imply that the government had not followed through recommendations when the recommendations in relation to boom barriers were in fact not made?

Honourable members interjecting.

Mr Baillieu — On the point of order, Speaker, as I understand it the minister — —

Honourable members interjecting.

The SPEAKER — Order! My understanding is that the Leader of the House's point of order relates to a matter of personal explanation. It is my understanding that a personal explanation is a matter for the member. Thus I rule that there is no point of order.

Mr Batchelor — On a further point of order, Speaker, I misinterpreted your intervention. I thought you were going to ask a question. I had not finished making my point of order, but I accept what you say. The point of order I am making — —

Honourable members interjecting.

The SPEAKER — Order! The Leader of the House has the call for a further point of order. He will be heard in silence.

Mr Batchelor — On a further point of order, Speaker, I submit that it is not me who is making the personal explanation. I am asking that you, Speaker, seek a correction or personal explanation from the member for Polwarth, who has misled the house. It would be unparliamentary of me to say that he has deliberately misled the house. But on the information that has been provided to me, he has definitely misled the house, and under those circumstances he is required to make a personal explanation. Given the traditions of this chamber he is required to make that as soon as it is brought to his attention, and he made this misleading statement more than one month ago.

Mr Mulder — On the point of order, Speaker, in relation to the matter the minister is referring to, in the body of the report of the Australian Transport Safety Bureau it clearly states that an upgrade to the level of protection at that level crossing could be carried out to enhance safety at that particular level crossing. That means an upgrade to flashing lights or boom barriers.

Mr Batchelor interjected.

Mr Mulder — Are you so stupid that you do not understand that?

The SPEAKER — Order! I will not have that level of dialogue across the table.

Honourable members interjecting.

The SPEAKER — Order! I warn the member for Polwarth.

A personal explanation is a matter for the member in question. There is no point of order.

GAMBLING REGULATION AMENDMENT BILL

Second reading

Debate resumed from earlier this day; motion of Mr ANDREWS (Minister for Gaming).

Mr R. SMITH (Warrandyte) — I rise to speak on the Gambling Regulation Amendment Bill 2007. Due to this government's policy of reducing the number of electronic gaming machines (EGMs) in some local government areas and freezing the number in other areas there is now a surplus of machines which will need to be redistributed to uncapped areas by December 2007. Local government areas which are uncapped are now at greatest risk of having excess EGMs added to their areas if a local government authority's numbers fall below the government's quota of 10 machines per 1000 adults.

Caps do little to address the issue of problem gambling in the broader community. This is the major issue with the government's policy of moving machines rather than removing them. The government's policy simply shifts the problem to another area. The opposition's policy of removing 5500 machines addresses the problem of gamblers having access to machines. The government's policy merely creates the opportunity for the problem to manifest itself elsewhere.

Both of the municipalities in my electorate of Warrandyte fall below the government's quota of 10 EGMs per 1000 adults. It is worth noting that that quota is over and above the three government backbenchers' own recommendation. These backbenchers recommended a maximum of 8 EGMs per 1000 adults, but this was ignored by a government which is nothing short of addicted to poker machine revenue. In the city of Maroondah the current number of EGMs per 1000 adults is 9.7, and that means Maroondah is open to an increase of 24 extra machines. In the city of Manningham the figure is 6.74 EGMs per 1000 adults, and this leaves Manningham open to a huge increase of some 298 machines. The influx of some 322 extra machines into these communities would be totally unacceptable. I call on the minister to reassure these municipalities that if they and their communities oppose an increase in EGMs in their areas, then extra machines will not be dumped into their respective cities.

Many local councils and the community as a whole want the powers of the Victorian Civil and Administrative Tribunal (VCAT) to be reviewed so that councils can confidently make the right decisions on behalf of the communities they represent without the fear of having their decisions set aside. Earlier this year local government authorities had their decisions set aside by VCAT, which then approved either extra EGMs or new EGM venues in Drouin, Ocean Grove, Romsey and Ringwood, despite the objections of their local communities. I advocated strongly on behalf of the Maroondah community with regard to the introduction of a new EGM venue in the community, working with local church members to raise a petition, which I presented to the house.

This government is addicted to revenue raising through gambling. That is why it is in no real hurry to address the core issue of reducing the total number of machines across the state. With the time for renewing licences almost upon us, we have a once-in-a-generation opportunity to address the number of EGMs in Victoria. I urge the minister to take this opportunity and reduce the number of EGMs in Victoria.

Mr LANGUILLER (Derrimut) — I gives me pleasure to rise in support of the Gambling Regulation Amendment Bill. Given the limited speaking time I wish to refer to matters which are particularly important to my electorate. The first thing I want to say is that the government and I are very cognisant of the work that clubs and hotels do in the region, particularly in my electorate. I wish to place on the record that they are doing the best they can and have worked with me in ensuring that their views are conveyed through me to the government, and particularly to the minister, in relation to some of the reforms that we are bringing about for the purpose of tackling problem gambling.

In addition I think it is important to place on the record that I welcome the reforms in relation to the community benefit statements that both clubs and hotels have to make. I understand there is broad agreement that gaming room staff and wages, for example, should not be considered as community benefits for the purpose of the statements. I also understand from the discussions I

have had with individual clubs and hotels in my electorate that by and large that will be welcome and will not present an issue.

I am also very cognisant of the fact that other areas need to be worked through, such as the treatment of catering staff and building and equipment upgrades. Consequently I too welcome the approach that this minister has undertaken. It is a very responsible approach and one which ensures that there will be extensive and broad consultation on some of the outstanding issues that the sector wishes to work through. It is totally appropriate that the minister has announced an extension of the consultation period and deferred the introduction of the new system until July 2008 to ensure there is adequate time to work through these issues.

In conclusion, I welcome these reforms. I certainly welcome the effort that has been made by this government. We are particularly proud of the fact that since we came to office we have invested $90 million in support services that deal with problem gambling. We are reducing problem gambling in partnership with the sector, with clubs and hotels and with the community and municipalities. I welcome the reforms, and I particularly welcome the fact that this minister is working well in consultation with the sector. I am confident that, in partnership, we will move forward very successfully.

Mrs FYFFE (Evelyn) — I rise to speak on the Gambling Regulation Amendment Bill 2007. Some aspects of this bill reflect Liberal Party policy — for example, capping cash payments from gaming machines to $1000 — and some aspects are sensible. They include removing the community benefit statement requirements, given that operators are already paying tax to the Community Support Fund. However, in my brief contribution I want to highlight the municipal limits that are proposed.

This bill proposes that either the minister or, if instructed to do so by the minister, the Victorian Commission for Gambling Regulation can decide the maximum number of electronic gaming machines for regions or municipal districts. The government's own committee, comprising the members for Bentleigh, Narre Warren North and Ballarat West, recommended a ratio of 8 electronic gaming machines per 1000 adults. In the Yarra Ranges this would mean an extra 428 machines on top of the existing 427. That figure on its own is appalling, but even worse than that, the government has ignored the recommendation by its own Labor members and has decided on a figure of 10 machines per 1000 adults.

If that rate were applied in Yarra Ranges, it would mean an increase of 641, to 1068 machines or two and a half times the number of pokie machines already in the Yarra Ranges shire. Let me remind the government, very clearly and very simply, that the residents of the Yarra Ranges will not let this happen. We care too much about our friends and neighbours. This government promised to reduce problem gambling in Victoria. They are all talk, smoke and mirrors. The house should not forget who introduced pokies into Victoria — that is, the Labor Party under the then Premier Joan Kirner, who I believe had as an adviser at the time one Steve Bracks, now the Premier.

Today the Premier announced a family violence program, which is a good policy but one that is almost word for word a copy of the Liberal Party policy that was taken to the last election. I urge the Premier to adopt another excellent Liberal policy — that is, a reduction in the number of gaming machines in Victoria by 5500. All Labor wants to do is move the problem from one area to another.

I support the amendment prepared by the member for Malvern. I care about the damage the pokies have done to so many families, and I urge members opposite to show that they genuinely care, to support the member for Malvern's amendment and reduce the number of poker machines in Victoria.

Mrs VICTORIA (Bayswater) — I rise to talk on the Gambling Regulation Amendment Bill 2007. What really upsets me is that Labor is not listening to its own backbench. In 2005 a committee of backbenchers that was set up recommended a cap of 8 EGMs (electronic gaming machines) per 1000 people. In 2006 this government ignored its own committee — why have consultation? — and set the cap at 10 per 1000.

My electorate covers two municipalities. Knox currently has 861 EGMs. At 8 per 1000 we would be able to increase the number to 919; at 10 per 1000 we could have a possible increase of 288 EGMs. Maroondah currently has 770 machines; we could have up to 794 if the cap were increased to 10 per 1000. This situation is despicable. Problem gambling, which is not to be sneezed at, is not being taken seriously by the government.

There are changes to clubs in the area and to the way in which they are spending their 8.33 per cent, which is going to the Community Benefit Fund. Clubs like the Knox Club in my area are outraged that changes to the parameters of what constitutes a community benefit were made before consultation, which is so very typical of this Labor government — they go in, they make a

decision and then they say to everybody, 'Perhaps we will consult afterwards'.

That is not good enough. Initially the changes were thrust upon clubs and expected to be made from 1 July 2007. I am glad that that will now not happen until July 2008, but consultation will be held only until the end of August. That is not enough; it is still inadequate. I implore this government to consider the impact that changes to the parameters of the Community Benefit Fund and the way those moneys are utilised will have on the viability of good local family and community clubs, like the Knox Club, and I would ask that in all areas of policy, not just in this particular area, they do the right thing by the Victorian public and actually put policies out to consultation before changes are finalised. That is the only way good, fair, open and transparent government can actually work.

Mr DELAHUNTY (Lowan) — I rise on behalf of the Lowan electorate to speak on the Gambling Regulation Amendment Bill. The Leader of The Nationals outlined the position that we as The Nationals have taken after lengthy discussion, but I want to cover two purposes of the bill. One is the ministerial orders limiting the number of gaming machines in a municipal district, and the other is the community benefit statements.

Firstly, I have to say that there are seven local governments in my electorate of Lowan. Five of them have gaming machines while two — the West Wimmera and Hindmarsh shires — do not. The shire of Yarriambiack, which is no longer in my electorate but is now in the Swan Hill electorate, close to the city of Horsham, does not have any machines.

The Bendigo council has been lobbying the government to say that any revenue raised in the Bendigo area should be spent by the government in that area. These three councils have been lobbying me, saying, 'We haven't got any machines; we need to make sure that some of the money that our people spend in Horsham comes back into our council area'. The minister needs to be aware that some local government areas do not have the machines.

In June this year the minister announced major changes to the community benefit statement. Four clubs in the Lowan electorate — the Horsham Sports and Community Club, the Horsham RSL, the Horsham West Side Tabaret, and Hamilton's Alexandra House Tabaret — were very upset, firstly, by the lack of consultation and then, importantly, by the implementation time frame. I received letters from the Horsham Rural City Council and the Horsham Sports and Community Club, and there were many newspaper articles written on the subject.

I want to quote from a letter from the Horsham Sports and Community Club. They said they have been:

> … put in a precarious situation by the proposed changes to the CBS.

They said there were many things that they were concerned about. Most importantly they were concerned that the viability of their facility could be put at risk. I also have a newspaper article which appeared on the front page of the 15 June edition of the *Mail-Times*, a leading western Victorian newspaper. It is headed 'A great community institution such as ours could be levied out of existence' and says:

> Three Horsham gaming clubs might be forced to close their doors if the state government goes ahead with proposed changes to gaming regulations.

As I said, there are major concerns about this issue in the community. I am pleased that the minister has taken on board the lobbying by The Nationals and others to postpone the implementation of the community benefit statement for a further 12 months, as we believe there also needs to be further consultation with the stakeholders.

In conclusion, we need to be aware that many clubs fear these changes, which could threaten their financial viability and also potentially impact on the communities that I represent in western Victoria.

Mr HUDSON (Bentleigh) — It is a pleasure to speak on the Gambling Regulation Amendment Bill. We ought to note that the opposition has completely missed the point about caps. The whole purpose of regional caps is to protect vulnerable communities, communities that have the highest density of machines, have the greatest losses and experience the greatest levels of social and economic disadvantage. What the caps do is remove machines from vulnerable communities where the densities are unacceptably high. That is what this government has been doing. That is what the thrust of the report of the regional electronic gaming machine caps review panel was, and that is what this government has done.

It has done two things. It has introduced universal protection for every single local government area in Victoria by having no more than 10 electronic gaming machines per 1000 adults, and it has particularly targeted the most vulnerable communities that need protection and where densities are higher. I am proud to be part of a government that has an effective, targeted policy that is focused on removing 949 machines from

our poorest and most vulnerable communities because that is where we can have the most impact on problem gambling and on the high level of losses that those communities are experiencing.

The second point I want to make is that throughout the consultation that we conducted every single council that we spoke to wanted caps. They wanted to be certain that there was a limit beyond which the density of machines in their area could not be increased. The Liberal Party policy did not guarantee that, and to this day does not guarantee that, because under the Liberal Party policy you could still increase the density of machines in an area — to whatever! There is no protection at all, and every council that we spoke to wanted that protection and supported a cap.

The member for Malvern claimed that municipalities with a density of less than 10 electronic gaming machines would be flooded with machines. That is just not going to happen, and it is not going to happen for two reasons. First of all, this government has strengthened the role of local government — its decision-making power — in relation to the location of new venues and the location of new machines in any municipality. Secondly, venues have to get the approval of the Victorian Commission for Gambling Regulation and that commission has made it clear that one of the factors it will take into account in determining the level of machines in any venue in a municipality is the current density of machines in that area.

On top of that, this government has announced that it is going to undertake a review that will clarify the socioeconomic considerations that must be taken into account by the VCGR. These are important protections which the opposition is completely ignoring. The opposition policy has never targeted disadvantage and never reduced machine densities in vulnerable areas. I remind the house that when the Kennett government came to power there were 10 500 machines in this state. The Kennett government took that number to 30 000 machines and the minister at the time in his review contemplated that the total number of machines would go to 45 000 machines. The fact of the matter is it has gone from 10 500 machines to 30 000 machines and could have gone to 45 000, except that we put a cap on the total number of machines of 30 000 in place.

Secondly, the opposition's policy to remove 5000 machines from the system will not necessarily do anything about problem gambling nor do anything about the harm in disadvantaged communities. If you just turn off 5000 machines in any given venue or any number of locations around the state at any given time, or, even if you do remove those machines, if you take them out of Malvern or Hawthorn or out of comparatively advantaged areas that do not experience vulnerability and have socioeconomic disadvantage, you will have very little impact at all on harm created by machines and very little impact on problem gambling. You only have to look at what has happened in South Australia where they removed 2500 machines; they had no impact on the level of expenditure on gaming machines. In contrast, if you have a look at our capped areas, expenditure has declined at a greater level than it has in non-capped areas. I commend the bill to the house.

Ms WOOLDRIDGE (Doncaster) — I am pleased to speak on the amendment to the Gambling Regulation Act 2003. As shadow minister for drug abuse, I am very interested in the provision to extend by four years the period for which $45 million annually is diverted from the Community Support Fund to drug and alcohol services. It is true that drug and alcohol services desperately need the money and desperately need more money, but there is a very odd relationship in this bill between the relationship of the gaming levy and drug and alcohol services that was introduced by the Labor Party. As a result, the Victorian government actually does not fund a significant portion of drug and alcohol services in Victoria. It is the electronic gaming machines that fund them.

Nearly 40 per cent of all funding that goes to drug and alcohol services in this state comes from the gaming industry. In fact the Labor Party's policy at the last election was entirely funded by the gaming industry at $45 million a year over four years — $180 million. Earlier this year Labor abolished the drug research and rehabilitation fund which diverted drug-related fines back to treatment and that funding source made sense. Drug dealers made a contribution to the treatment and care of their victims. Labor abolished this fund, but here what they are seeking to do is link the funds generated from gambling to drug and alcohol services.

Rather than funding drug services as core business, which really is what it should be in any state government, Labor has to introduce, firstly, legislation so that funding for drug services can continue, and secondly, it has to raid the Community Support Fund just to continue to be funding these essential services. I think this should be de-linked and drug and alcohol funding should be independent of gaming revenue and should be core business in terms of state government funding.

Another concern for me as the MP for Doncaster is the setting of the municipality limits. Currently in

Manningham we have 6.74 machines per 1000 adults. This legislation will allow Manningham to be flooded with close to 300 new poker machines. Sixty-one million dollars from Manningham residents went into poker machines in 2005–06, and this is to the detriment of our community and to the detriment of families in Doncaster.

The Liberal amendment will go a significant way to reducing the problems. We must cut the number of poker machines to make sure that issues such as problem gambling and money that would otherwise be invested into families and communities is invested into those families and not into the gambling industry in this state. What Labor wants to do is to move the problem to other areas as opposed to the Liberal's approach, which removes the problem altogether. I encourage the chamber to support the amendment.

Mrs MADDIGAN (Essendon) — I rise to support the Gambling Regulation Amendment Bill 2007. I was a little surprised by the comments from the member for Doncaster who seemed to be suggesting that spending funds on drug and alcohol rehabilitation was not a community benefit, and therefore there was something really strange about the fact that they were linked to revenue from gaming machines. I am not quite sure that she thinks if you use a gaming machine you are more likely to become drug or alcohol affected, but I do not believe there is any research that would lead one to that conclusion. The whole point of the funding that comes from electronic gaming machines is that money can be put into community benefits, and I would have thought that most people would support further funding into drug and alcohol rehabilitation.

I wanted my comments to relate particularly to the community benefit statements, because there seems to be some confusion about the situation of that and the information paper. From some of the comments of members opposite, including the member for Bayswater, I am inclined to think they have not read the information paper because it has some very sensible statements in it. Where did it come from? I will quote Peter Kirby on public consultations and submissions from the report *Gaming Machine Licence Arrangements Post-2012*:

> There was criticism of the inadequacy of the community benefit statements of venues … community benefit statements from different venues in two local areas were examined by two individuals, both accountants, who presented the results in consultations. They demonstrated conclusively that community benefit statements had no utility in showing the benefits of gaming revenues to the community … There was near universal support for a revision of the community benefit statement to include only those benefits in cash or kind provided externally to the community.

And of course that is the reason why this new directions paper has been put out. If you look at some of the things that had been claimed previously, I think most people in the community, particularly the member for Benalla, who is a very sensible person, would have grave concerns about some of the ways the community clubs use community benefits.

I would be surprised if the member for Bayswater would support the inclusion of things like the cost of electricity, the cost of rent or the cost of providing a car for the personal use of an employee. In no way could that be demonstrated as a benefit to the whole community. The point of the community benefit statement is that the community benefits should be what they were supposed to be in the first place — that is, community benefits for the external community, not financial benefits for those running gaming machines.

This is an excellent piece of legislation. As members have said, the community benefit statement is still open for consultation. I know that most of the clubs support most of the benefit changes in the bill, so there are only one or two changes that are still open for discussion. All in all, this will provide a much better and much fairer gaming environment.

Mr DIXON (Nepean) — I wish to support the opposition amendments to the Gambling Legislation Amendment Bill that have been circulated by the member for Malvern, because our amendments are about removing gaming machines, not just moving them around. The member for Bentleigh talked at length about how great it is to remove gaming machines from low socioeconomic areas, but he mentioned nothing about where they will go. That is the concern in my community and a concern that I wish to address now.

The committee chaired by the member for Bentleigh recommended that there be 8 machines per 1000 adults. In the Mornington Peninsula shire, which takes up all of my electorate, we have 884 machines, and if we took on the recommendation of the member for Bentleigh we would have 32 extra machines. Although the government has the recommendations of the member for Bentleigh and his fellow committee members, the legislation allows for 10 machines per thousand. That means there could be up to 1104 machines in the Mornington Peninsula shire, which is 252 more than we have at the moment. My community is totally and overwhelmingly against having any more machines. There is a perception that my electorate — because it has places like Blairgowrie, Sorrento, Portsea and

Flinders — is full of well-off people, but those places are full of holiday houses. The vast majority of people in my electorate live in the very poor areas of Rosebud, Rosebud West, Tootgarook and Rye, and we do not need any more machines in those areas.

Even if the Mornington Peninsula Shire Council knocked back an application for more machines, VCAT (the Victorian Civil and Administrative Tribunal) could override that. Again, this measure has taken power totally out of the hands of our local community and also out of the hands of our elected representatives in local council. The member for Bentleigh assured us that the safeguards are there, but when you drill down to the bottom line you find that those safeguards really do not stand up, because the rules and this legislation will allow the overriding by VCAT of what the local community wants.

This legislation implements no cuts in the numbers of machines in the state. The member for Malvern's amendments allow for that, and I think that this is probably the last opportunity realistically for this government to take that on board. What we are seeing is the government's addiction to gambling taxes being played out through this legislation.

Mr PERERA (Cranbourne) — I would like to make a brief contribution to the debate on the Gambling Regulation Amendment Bill 2007. The Bracks government has a proud record of achievement when it comes to tackling problem gambling in our community. Since coming to office the Bracks government has spent over $90 million on treatment and support services for problem gamblers in our community. The Bracks government has always led the nation with regulatory reforms that have seen the banning of 24-hour venues — except for the casino — changes to maximum bet limits and bans on advertising. We have the lowest density of gaming machine numbers of any state or territory except Western Australia. Of course in Western Australia there are no pokies outside the Burswood casino, so we are doing better than all the other states in Australia.

We have capped the number of gaming machines in the state at 30 000, with 27 500 of them being located at venues other than the casino. We have also removed or are committed to removing 949 machines from vulnerable communities such as Casey and Frankston. In Casey there are only 6.5 machines per 1000 adults. Also in another part of my electorate, Frankston has only 6 machines per 1000 adults. As a result of Bracks government initiatives, independent research now estimates that the number of problem gamblers in the state has halved — from 2.1 per cent of Victorian adults to 1.1 per cent — since we came into office.

On 30 June 2000 the number of electronic gaming machines in Victorian hotels and club venues was 27 408. Six years later, under the Bracks government, it has come down to 27 147 in 521 venues. This is a fantastic achievement, but there is more to be done. That is why the Bracks government has committed to investing $132.3 million over five years as part of its taking action on problem gambling strategy. This is the most comprehensive strategy to tackle problem gambling in Australia's history. We are fast approaching a situation where we will spend more on addressing problem gambling in our community in one year than the previous government spent in seven years.

This bill implements some of the initiatives in the taking action on problem gambling strategy as well as making changes to the community benefit statements. Because of the time constraints I will not talk about community benefit statements, but I will wind up by saying that when we came to office in 1999 there was no obligation for venues to pay out winnings in cheques. We introduced the current $2000 limit in 2003, and this bill will half that to $1000. This is outside of politics. It is always Labor that takes a proactive stance to combat problem gambling. I commend the bill to the house.

Mrs POWELL (Shepparton) — The Nationals are not opposing the Gambling Regulation Amendment Bill 2007, and the Leader of The Nationals outlined The Nationals position. In his presentation he discussed a number of issues, and one of them was the large amount of revenue that the Bracks government receives from gaming machines in clubs and pubs. Because of the limited time we have I would like to focus on just a few issues. One is problem gambling. This causes huge distress, not just to the person who has the gambling problem but also to their families and the broader community.

I have to say that, even though this sort of legislation has come before the house a number of times, not only do we still not have research to say what initiates a person's gambling problem but, more importantly, we do not know how we are going to make sure that gambling problem is fixed and how to support the problem gambler. A number of initiatives have been brought in by governments over a number of years, and there is no evidence to show that whatever has been brought in is working. We need to make sure we do that.

The Liberal Party is bringing in an amendment to reduce the limit on the number of machines allowed in the state, but I do not believe there is any evidence at all to suggest that fewer machines in an area will mean that the problem of gambling will be lessened. Most people with a gambling problem seem to be able to find other ways to do what they need to do.

Another issue involves the reforms to the community benefit statement. People from a number of clubs have come to my office to see me, and one of their concerns is that they have had only a month to respond to the reforms to the lodging of community benefit statements. They have told me that this will have a huge impact on their clubs, and a number of them have written to the minister to outline their concerns. I have met with people from the Shepparton Club, the Hilltop Golf and Country Club in Tatura and the Mooroopna Golf Club. They tell me that they have raised concerns about the retrenching of staff, because the benefits that they can include now in community benefit statements will probably no longer be allowed. That will have huge implications for them, particularly when they have to refinance loans and enter into contracts with banks. These are long-term contracts, and if they are not going to be able to get some of the benefits they have been able to get until now, that will place a huge burden on them.

I would like to congratulate the clubs for lobbying and getting together with Clubs Victoria, and I would also like to congratulate the Leader of The Nationals, who, with those clubs, got an extension of 12 months so that the minister can work with the clubs and pubs to make sure the contributions that they make to their communities are taken into account and that they are not disadvantaged. They are not just gaming associations. They contribute a lot to the broader society, and I know they work very well to support their communities.

Mr KOTSIRAS (Bulleen) — I wish to speak briefly on the Gambling Regulation Amendment Bill. I had hoped that the Minister for Gaming would fix up the mess of the previous gaming minister, but unfortunately, that is not to be. While this bill makes some improvements, it does not go far enough. The people of Manningham and the people of my electorate of Bulleen are going to be worse off. I will explain why that is so.

Currently in Manningham there are 617 electronic gaming machines (EGMs). A recommendation was made by this government's gaming review panel, whose members included the member for Bentleigh, the member for Ballarat West and the member for Narre Warren North, that the ratio of EGMs be 8 per 1000 adults. Had that happened, we would have had 732 poker machines, or an increase of 115 machines, in my electorate. Unfortunately the government ignored that recommendation and moved to ensure that the ratio will be 10 poker machines per 1000 adults. This means that Manningham alone will have 915 machines, or an increase of 298. I was amazed when the member for Bentleigh said that this was okay, and that the number of poker machines in areas where people can afford to use them or have money should be increased. He does not understand that an addiction to gambling is not just constrained to the so-called poor areas as he defined them.

People in Manningham are hurting; families there are hurting. They have come to see me and told me they want a cut in the number of gaming machines. I cannot understand why the backbenchers, the mushrooms on the other side of the house, refuse to listen. Why can't they read and support the proposed amendments of the member for Malvern? Those amendments propose a decrease of 5500 machines across Victoria. I think those amendments are good; they are logical; and they are well thought out.

Unfortunately, members on the other side are refusing to think about and support their own electorates. They are here simply to do what the minister asks of them without thinking of the consequences. I urge government members to think very carefully about their constituents and residents, about the impact that this issue has on families in their electorates, and support the proposed amendments of the member for Malvern. While there are some good measures in this legislation, it does not go far enough. I urge government members to support the amendments that have been proposed by the member for Malvern.

Mr NORTHE (Morwell) — I am happy to add some commentary on the Gambling Regulation Amendment Bill. Firstly, when this legislation was introduced, there was commentary from organisations and a wide condemnation from various clubs and many people in my electorate. The Morwell Bowling Club was particularly at the forefront; it represents many clubs in my electorate.

The background to this is that in June this year, the government issued *Community Benefit Statements — A New Direction*. It intended to apply a ministerial order effective from 31 June this year. As a result of widespread condemnation from clubs — and The Nationals are obviously happy to also apply some pressure on him — the minister consequently issued a press release on 21 June. He indicated that the new

ministerial order would be made by 31 August this year and would not come into effect until 1 July 2008.

The clubs in my electorate were extremely pleased that the minister had listened to their concerns and had acted upon them. This provided more time for discussion in the interim. Consequently, as I have just mentioned, the new ministerial order has now been delayed 12 months, which is good news for those clubs.

We certainly know that the vast majority of clubs, particularly in regional areas of Victoria, are outlets for many in the community, particularly the elderly. It is very important that we do all we can to support our clubs. In this particular instance they felt betrayed to some degree. I am glad that the minister is discussing the issues with these clubs, which provide not only financial benefits to communities, as many members have said during this debate, but also social benefits that are immense and difficult to measure. As the Leader of The Nationals said in his contribution, The Nationals support the abolition of pubs being required to launch a community benefit statement for obvious reasons.

Making a venue or gaming operator pay a $1000 or greater win in cheque form would appear to have only a minimum impact on people with gambling problems. As indicated by the Leader of The Nationals and the member for Shepparton, problem gambling is such a serious issue that we, in our party, think it should be considered as a health issue. The Nationals do not oppose this bill.

Mr K. SMITH (Bass) — This afternoon I wish to speak on the Gambling Regulation Amendment Bill 2007. I support the proposed amendments put forward by the member for Malvern, because those amendments would bring about some relief for problem gamblers by reducing the number of poker machines available to them in their own backyards.

There are a couple of issues in this bill that concern me. Firstly, the government has not admitted that writing a cheque for a $1000 or greater win is Liberal Party policy from the last election. The government has not been prepared to accept the fact that the Liberals had some excellent ideas as we approached the last election. Secondly, another one of our ideas was to reduce the number of poker machines, which is what the proposed amendments of the member for Malvern are all about, outside the casino to 22 000; this would be of some assistance to gamblers. Those two benefits can come from this legislation if the government supports the proposed amendments.

There is an issue about the number of machines and the setting of caps on machines in 19 regions across Victoria. I represent the Bass Coast area, which is one of the first regions that was set aside for the setting of caps on machines, and I can say that it has not worked there. There is no way in the world that it has worked; not one poor soul has been saved by placing a cap on the number of machines in Bass Coast. In fact it has made it difficult for a number of people who visit the area. The setting of caps is done according to the number of permanent residents.

Of course people would be aware that our population increases by about three or four times every Christmas and Easter and every time there is a grand prix. Every time there is a major event in the Bass Coast area the population increases and people are lining up to use the poker machines as a social outlet for them in their own areas. At the time the government never took any of that into consideration. Its members bowed to the whims of Susan Davies, the former member for that area, in giving her what she wanted so that they could get her vote to put them into government.

Since this government came to power there has been a real lack of true support for problem gamblers in this state. There has been what I consider to be theft or stealing, with the government having taken $45 million out of the Community Support Fund and setting it aside for four years to look after drug and alcohol problems. They are things that should be addressed with funds out of the government's own coffers, not stolen from the hoteliers contributions to the Community Support Fund.

In conclusion, I believe the government has a couple of good things in its piece of legislation — far be it from me to say that some of its legislation is okay — but I wish its members had admitted that for significant payouts a payment in cash of $1000 and a cheque for the amount above that to the winner was Liberal Party policy. If they had, one might have a little bit of respect for them, but how could I have respect for this government?

Mr HODGETT (Kilsyth) — I rise to add to the debate on the Gambling Regulation Amendment Bill 2007. I will make two points in the time available to me this afternoon. In 2005 the government set up a committee comprising the members for Bentleigh, Narre Warren North and Ballarat West, known as the Hudson committee. The committee was charged with the responsibility of examining how and at what level regional caps on gaming machines should be set. In its report the Hudson committee recommended gaming machines at the level of 8 per 1000 adults. What has the

government done in this case? It has ignored not only the public but also its own backbench committee and gone for a policy of 10 gaming machines per 1000 adults.

Under the Hudson committee's recommendations the local government area of Maroondah in my electorate of Kilsyth was entitled to a cut of 135 gaming machines. Under the policy that the government proposes to adopt, the city of Maroondah will now have an increase in gaming machines. Under the Hudson committee's recommendations the shire of Yarra Ranges local government area would have had an increase of only 428 machines. Again, under the government's policy that local government area will have an alarming increase of 641 gaming machines. The government should learn that you do not solve problem gambling by moving the problem; you solve problem gambling by removing the problem.

The second matter I raise is my concerns about the mismanagement by this government of the Community Support Fund. There is no transparency about where the money in the Community Support Fund is allocated and why one particular project gets the nod over another. People are concerned that the Community Support Fund has become a slush fund for government projects. I will continue to fight for Community Support Fund money to be allocated to worthwhile projects in my electorate of Kilsyth.

They are projects such as an upgrade of the Keith Hume Fraser Reserve and the Mooroolbark Football Club; investment in water-saving initiatives at the Manchester Heights Tennis Club; much-needed upgrades of the Kilsyth pool and the Mooroolbark Miniature Railway; and the improvement of facilities at the Eastern Ranges Football Club in Kilsyth and at Cheong Park, the home of the South Croydon Football Club and the South Croydon Cricket Club. I will continue to be a strong advocate for all the clubs and community groups in my area so that we get our fair share of the Community Support Fund.

Mr WAKELING (Ferntree Gully) — I am happy to rise to speak on the Gambling Regulation Amendment Bill and support the position put by the member for Malvern in calling for a cut in gaming machines. The Liberal Party is about removing gaming machines — unlike this government, which is all about moving gaming machines.

Under the proposals in the bill for the number of machines allowed on a regional/local government area basis the city of Knox will potentially see an increase of 288 machines, which is an issue I have already raised in this house with the Minister for Gaming. As has been mentioned, the recommendations of the backbench committee chaired by the member for Bentleigh would have seen a potential increase of 58 machines within the city of Knox.

Whilst we do not support any increase at all, you can see the vast difference between 288 machines and 58 machines in those two proposals. Whilst we are pleased to see all credits beyond $1000 paid out by cheque, there is still a lot more that the government needs to be doing. We are deeply concerned that the government is more interested in increasing the number of poker machines in the city of Knox than in removing them.

Mr ANDREWS (Minister for Gaming) — I am pleased to provide some closing comments on the debate on this important bill, and I thank all honourable members who have contributed to the debate thus far. There were some matters raised by the member for Malvern and by the Leader of The Nationals. I will firstly deal with those and then I will come back to a comment just made by my honourable friend the member for Ferntree Gully, when he said that the Liberal Party does not support any increase at all in the number of electronic gaming machines. I will come back to that and to the apparent concern about numbers of gaming machines in local communities.

The member for Malvern raised an issue in relation to correspondence from the RSL, particularly in relation to the community benefit statement (CBS) and the structures around that. My department, I am advised, has told the RSL that, as we all know, community benefit statements are lodged no later than 30 September — that is, three months after the end of the financial year. That in our judgement is an adequate amount of time. It is more than ample time to consider a range of 'unforeseen circumstances', which was quoted as a reason for the leeway required by the RSL.

I respect the position it is putting, but it is our judgement that there is appropriate time. In any event, the Victorian Commission for Gambling Regulation (VCGR) enjoys a degree of discretion in relation to any prosecution arising from the failure to lodge a community benefit statement, and we would hope that that discretion would be used in the case of inadvertent errors or unforeseen circumstances. Further to that, I am advised as well that the overwhelming majority of clubs lodge their statements before the end of September and that there are only a small number who do not. Under the changes before the house they would pay the 8.33 per cent only for the period while the CBS was outstanding rather than having to contribute for the

entire following year as if they were holders of hotel licences.

In relation to cheques, the Leader of The Nationals raised a question about why the limit is $1000 and why there is not a lower limit. It is my view and the government's view — we made these commitments back in October — that that is a balanced outcome, and we were pleased to present that to the house and to the Victorian community at the election last year. I welcome the support of the Liberal Party and The Nationals for the clear reduction from $2000 to $1000, noting of course that when we came to government there was no limit in terms of how much cash could be paid out and there were also issues in relation to winnings.

This is about accumulated credits — what you have staked and what you win — and there is a point of difference between the policy before the house and the policy commitment made by the Liberal Party. I do not make a habit of interpreting Liberal Party policy, but as I read the policy it refers to cash up to $1000 and a cheque for any balance. Under the provisions before the house, if you were to win $1500, the entire amount would be paid out by cheque. So while I appreciate the support of those opposite, there is a difference, and we would argue from a consumer protection and harm minimisation point of view that ours is a superior model. In any event I welcome the support of those opposite. This is one of a number of measures that we have been proud to introduce into this place in order to take direct action to support those in our community who have a gambling problem and those who might very well be at risk of developing one at a later point.

The Leader of The Nationals raised some matters in relation to clause 7, from memory, to do with the VCGR. I am advised that those paragraphs will be repealed because they relate to the current procedure where a gaming operator can request the removal of gaming machines from a particular venue to ensure compliance with the regional cap. At present, where this occurs no compensation is payable. As gaming operators will be unable to make such a request under the new procedures, those provisions are no longer relevant and are therefore being taken out. I hope that addresses that concern.

I will make a few comments in relation to the amendment and the commentary provided by the member for Malvern and others from the Liberal Party about the number of electronic gaming machines in our great state. We make no apology for our regional caps policy. Round 1 removed 406 machines from vulnerable areas. In terms of round 2, as a result of one of the first announcements I made as Minister for Gaming we will see by mid-December this year an additional 543 machines removed from socioeconomically vulnerable areas.

We make no apology at all for doing that. I say to those opposite who were very interested in evidence on these matters that the advice I have from the commission is that in the three years to 30 June 2004 total gaming machine expenditure in the five capped regions declined by 5.4 per cent compared to a statewide decline of 3.2 per cent. That is clear evidence — a larger reduction in expenditure in capped regions compared to uncapped regions. Those opposite are very big on calling for evidence, and that is very much directly linked to their policy position to remove 5500 machines. That was a matter of contest at the last election, and surely I need not remind those opposite of the result of the campaign in November and the contest on this and a whole range of other issues.

In terms of 5500 electronic gaming machines being removed, this is part of a broader theme put forward by those opposite that they somehow have a concern as to how many machines are in local areas. They have also raised these points in relation to the statewide density cap of 10 machines per 1000 adults. If those opposite had spent the 1990s banging down the doors of Minister Haddon Storey or Minister Roger Hallam to say they thought the growth in the number of electronic gaming machines in their local communities was a terrible thing and ought not to occur, then perhaps they would have a shred of credibility when it comes to these matters. But they did not spend the 1990s doing that.

In fact the advice I have is that as at 30 September 1992 there were 3929 electronic gaming machines in the state of Victoria. At the end of 1999 there were some 30 000 electronic gaming machines in this state. The notion that this rabble opposite has had a consistent position in relation to the number of electronic gaming machines in this state is an absolute joke. Those opposite have no concern about these matters. If they had had that concern, then perhaps they would have beaten a path to Haddon Storey's door or to Roger Hallam's door when they were in government.

Given his apparent concern for these matters the member for Malvern might be interested to know that in the city of Stonnington, which as I understand it covers the majority of his constituency, between 1992 and 1999 there was a 545 per cent increase in the number of electronic gaming machines — from 45 gaming machines to 290. Now this is the man to cut the number of poker machines. What an absolute joke!

Those opposite have no credibility whatsoever on these matters.

In relation to the provisions of the bill, this is further evidence of our government's commitment to taking real action to support those in our community who have a gambling problem. I have often said this and I will say it again: there is more to be done to support those in our community who have a gambling problem. Make no mistake, this is the government to do it.

Motion agreed to.

Read second time.

Consideration in detail

Clause 1

Mr O'BRIEN (Malvern) — I move:

1. Clause 1, after line 3 insert —

"( ) limit the maximum permissible number of gaming machines available for gaming in the State to 22 000 from 15 April 2012;".

House divided on amendment:

Ayes, 22

Asher, Ms	Mulder, Mr
Baillieu, Mr	Napthine, Dr
Blackwood, Mr	O'Brien, Mr
Burgess, Mr	Shardey, Mrs
Clark, Mr	Smith, Mr R.
Dixon, Mr	Thompson, Mr
Fyffe, Mrs	Tilley, Mr
Hodgett, Mr	Victoria, Mrs
Ingram, Mr	Wakeling, Mr
Kotsiras, Mr	Wells, Mr
Morris, Mr	Wooldridge, Ms

Noes, 59

Allan, Ms	Lobato, Ms
Andrews, Mr	Lupton, Mr
Batchelor, Mr	Maddigan, Mrs
Beattie, Ms	Marshall, Ms
Bracks, Mr	Merlino, Mr
Brooks, Mr	Morand, Ms
Brumby, Mr	Munt, Ms
Cameron, Mr	Nardella, Mr
Campbell, Ms	Neville, Ms
Carli, Mr	Northe, Mr
Crisp, Mr	Overington, Ms
D'Ambrosio, Ms	Pallas, Mr
Delahunty, Mr	Pandazopoulos, Mr
Donnellan, Mr	Perera, Mr
Duncan, Ms	Pike, Ms
Eren, Mr	Powell, Mrs
Graley, Ms	Richardson, Ms
Green, Ms	Robinson, Mr
Hardman, Mr	Ryan, Mr
Harkness, Dr	Scott, Mr
Helper, Mr	Seitz, Mr
Herbert, Mr	Stensholt, Mr
Holding, Mr	Sykes, Dr
Howard, Mr	Thomson, Ms
Hudson, Mr	Thwaites, Mr
Hulls, Mr	Trezise, Mr
Jasper, Mr	Walsh, Mr
Langdon, Mr	Weller, Mr
Languiller, Mr	Wynne, Mr
Lim, Mr	

Amendment defeated.

Business interrupted pursuant to standing orders.

The DEPUTY SPEAKER — Order! The time set down for consideration of items on the government business program has arrived, and I am required to put the necessary questions for the passage of the bill.

Clauses 1 to 15 agreed to.

Bill agreed to without amendment.

Third reading

Read third time.

OUTWORKERS AND CONTRACTORS LEGISLATION AMENDMENT BILL

Second reading

Debate resumed from earlier this day; motion of Mr HULLS (Minister for Industrial Relations).

The DEPUTY SPEAKER — Order! The question is:

That this bill be now read a second time and a third time.

Question agreed to.

Read second time.

Third reading

Read third time.

PARLIAMENTARY SALARIES AND SUPERANNUATION AMENDMENT BILL

Statement of compatibility

Mr BRACKS (Premier) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Parliamentary Salaries and Superannuation Amendment Bill 2007.

In my opinion, the Parliamentary Salaries and Superannuation Amendment Bill 2007, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The object of the Parliamentary Salaries and Superannuation Amendment Bill 2007 is to limit the increase in the salary payable to members of the Victorian Parliament to 3.25 per cent.

Human rights issues

1. Human rights protected by the charter that are relevant to the bill

The bill does not engage any of the rights under the charter.

2. Consideration of reasonable limitations — section 7(2)

As the bill does not engage any of the rights under the charter, it is not necessary to consider section 7(2) of the charter.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because it does not raise a human rights issue.

HON. STEVE BRACKS, MP
Premier of Victoria

Second reading

Mr BRACKS (Premier) — I move:

That this bill be now read a second time.

The purpose of this bill is to amend the Parliamentary Salaries and Superannuation Act 1968 to limit the increase to the basic salary payable to members of this Parliament to 3.25 per cent for the 2007–2008 financial year.

As members are aware, under the Parliamentary Salaries and Superannuation Act 1968, Victorian parliamentary salaries are set by reference to the federal parliamentary salaries. In May and June of this year, the federal Remuneration Tribunal announced that federal parliamentary salaries will increase by 2.5 per cent and then a further 4.2 per cent, effective from 1 July 2007.

In response to the tribunal's decision, and in line with this government's public sector wages policy, this bill limits the pay rise for members of this Parliament to 3.25 per cent. It achieves this by amending the definition of 'basic salary' in the Parliamentary Salaries and Superannuation Act 1968 to increase the difference between federal and Victorian members' basic salary from $1442 to $5733, backdated to 1 July 2007. The same approach was adopted in 2004.

These amendments demonstrate the government's willingness to apply to itself the same standards that apply to Victoria's public sector workforce.

The government has a comprehensive agenda to deliver good government on behalf of all Victorians. This agenda includes significant spending commitments in building and maintaining infrastructure and improving services in health, education, water supply and community safety.

The government's wages policy for Victoria's public sector workers provides a guideline wage increase of 3.25 per cent, which provides a real wage increase given that the consumer price index increased by only 0.1 per cent in the last quarter, or 2.2 per cent for the year. Higher wage increases are possible if funded through productivity improvements.

The policy is designed to ensure fair wage outcomes for our highly valued public sector workforce and to generate improved productivity, while ensuring the government's policy agenda is implemented in a fiscally responsible manner.

I also draw the attention of the house to section 4 of the bill. This clause will only be proclaimed as a safety measure to protect members' existing salary in the unlikely event that the federal Remuneration Tribunal determinations are disallowed by the commonwealth Parliament. I do not expect that it will need to be used.

I commend the bill to the house.

Debate adjourned on motion of Mr WELLS (Scoresby).

Debate adjourned until Thursday, 2 August.

LEGAL PROFESSION AMENDMENT (EDUCATION) BILL

Statement of compatibility

Mr HULLS (Attorney-General) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Legal Profession Amendment (Education) Bill 2007.

In my opinion the Legal Profession Amendment (Education) Bill 2007 as introduced to the Legislative Assembly is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of the bill

The Legal Profession Amendment (Education) Bill 2007 amends the Legal Profession Act 2004 to modernise the statutory bodies that oversee admission to the legal profession in Victoria. The bill also amends the powers and procedures used by these bodies in assessing applications and deciding on whether a person is a fit and proper person for admission to the legal profession. In addition it makes some amendments to the regulatory powers of the Legal Services Board and the Legal Services Commissioner.

Human rights issues

1. Human rights protected by the charter that are relevant to the bill

Section 13 — privacy and reputation

The Board of Examiners is the statutory authority that assesses individual applications for admission to the legal profession before making a recommendation to the Supreme Court as to whether or not that person may be admitted to the legal profession. The bill provides for the Board of Examiners to require from an applicant for admission, or to obtain from third parties, a range of personal information about that applicant. These powers raise the right to privacy and reputation as set out in section 13 of the charter:

A person has the right:

(a) not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with; and

(b) not to have his or her reputation unlawfully attacked.

The following provisions in the bill are considered to raise the right to privacy:

Clause 4, which allows the Board of Examiners to consider whether a person has been the subject of disciplinary action arising out of the person's conduct in attaining their qualifications for admission to the legal profession. The section further allows the Board of Examiners to request documents from the educational institutions that person attended.

Clause 5, which allows the admission rules to require applicants to submit a criminal record check with their application for admission.

Clauses 6 and 7, which allow the Board of Examiners to require a health assessment of an applicant for admission if they become aware of a 'mental impairment' that may result in a person not being a fit and proper person for admission to the legal profession. The definition of mental impairment includes alcoholism and drug dependency.

Although the right to privacy is raised by these clauses, it is not considered that these clauses unlawfully or arbitrarily interfere with the right.

The right to privacy and reputation is not an absolute right.

Suitability for admission to the legal profession

Section 1.2.6 of the principal act requires the Board of Examiners to consider a range of 'suitability matters' which may affect whether a person is a fit and proper person for admission to the legal profession. The amendments to the act contained in this bill set out how the Board of Examiners may gather sufficient evidence to make an informed decision about these suitability matters.

Conduct while studying law

Consideration of whether a person has been the subject of disciplinary action arising out of the person's conduct while attaining their qualifications for admission to the legal profession is considered not to be an unlawful or arbitrary interference with the right to privacy and reputation. The interference serves a significant public interest purpose as it allows for scrutiny of the conduct of applicants for admission to the legal profession in the years preceding their qualification for admission. Evidence of disciplinary action taken against an applicant for admission, for example of plagiarism or sexual harassment, may be evidence that the applicant is not a fit and proper person to be admitted to the legal profession. It may also provide evidence that, despite such action taken in the past, a person is now a fit and proper person to be admitted. The interference is restricted to scrutinising disciplinary action in the course of pursuing the academic and practical legal training qualifications that precede admission to the legal profession. The interference supports the need for the Board of Examiners to have a range of information about applicants for admission to inform their decision making.

Criminal record checks

Similarly consideration of whether an applicant has a criminal record is considered not to be an unlawful or arbitrary interference with the right to privacy and reputation. The interference serves a significant public interest purpose as it allows for scrutiny of the behaviour of applicants for admission to the legal profession. Evidence of criminal convictions may inform the Board of Examiners as to whether an applicant is a fit and proper person to be admitted. The interference is restricted to scrutinising criminal convictions. The interference supports the need for the Board of Examiners to have a range of information about applicants for admission to inform their decision making.

Health assessments where mental impairment evidenced

Providing for a health assessment to be requested where the Board of Examiners or the Legal Services Board has reasonable grounds to believe that a person has a mental impairment that may result in that person not being a fit and proper person to be a member of the legal profession is also considered not to be an unlawful or arbitrary interference with the right to privacy and reputation. It should be noted that the power of the Legal Services Board to require a health assessment already exists under the current act. The amendment is only to give the Board of Examiners similar powers. As explained above, section 1.2.6 of the principal act requires the Board of Examiners to consider a range of 'suitability matters' which may affect whether a person is a fit and proper person for admission to the legal profession. The provision to allow the Board of Examiners to require a health assessment where there are reasonable grounds to believe that the applicant has a mental impairment that would affect their

suitability for admission supports the Board of Examiners' need to gather sufficient evidence to make an informed decision about these suitability matters.

It should also be noted that clause 8 of the bill protects privacy as it provides that health assessment reports are confidential to the Board of Examiners. Clause 23 will make the requirement to provide health assessments only apply to applications for admission made on or after 1 July 2008.

Section 8 — recognition and equal treatment before the law

The amendments regarding the use of health assessments also raise the right to equal treatment before the law. That right is expressed in the charter to be:

(1) Every person has the right to recognition as a person before the law.

(2) Every person has the right to enjoy his or her human rights without discrimination.

(3) Every person is equal before the law and is entitled to the equal protection of the law without discrimination and has the right to equal and effective protection against discrimination.

(4) Measures taken for the purpose of assisting or advancing persons or groups of persons disadvantaged because of discrimination do not constitute discrimination.

The amendments require applicants for admission or for a practising certificate, or holders of a current practising certificate, to undertake a health assessment if the Board of Examiners (in the case of applicants for admission) or the Legal Services Board (in the case of those applying for or holding a practising certificate) have reasonable grounds to believe that a person may have a mental impairment that may result in that person not being fit to be admitted or engage in legal practice. It should be noted that the powers in relation to the Legal Services Board already exist under the principal act. This effectively treats people with mental health issues unequally to people who do not have mental health issues. The charter protects the rights of people with impairments, including mental impairments, from such unequal treatment unless such a limitation on the right to equal treatment and non-discrimination can be justified under s. 7 of the charter.

2. Consideration of reasonable limitations

Limitations on the right to privacy and reputation

As discussed above, the clauses that engage the right to privacy and reputation are not considered to be an unlawful or arbitrary interference with those rights, so although the right is raised, the right is not limited. Therefore it is unnecessary to consider whether the interference is a reasonable limitation.

Limitations on the right to equal treatment before the law

The requirement to undergo a health assessment in circumstances where an applicant has a mental impairment that may result in that person not being fit to be admitted is considered to be a reasonable limitation on the right to equal treatment before the law, despite the potential discrimination against people with mental impairments. Whether an applicant has a 'material mental impairment' is a suitability matter under section 1.2.6 of the principal act which must be considered by the Board of Examiners in deciding whether a person is fit and proper to be admitted. The Board of Examiners requires an appropriate procedure for making such an assessment. The bill provides that a medical practitioner is able to be engaged to provide a health assessment to the Board of Examiners to inform their decision making. Without such a procedure in place, the Board of Examiners may have a history of mental health issues disclosed to them by an applicant but have no way of properly assessing whether those mental health issues should be a barrier to the applicant being admitted to the legal profession. Prejudice or ignorance may lead to applicants being denied admission, when in fact a health assessment may inform the Board of Examiners to admit an applicant.

The limitation serves an important public purpose as it allows for an objective assessment by a qualified medical practitioner of an applicant's mental health in cases where the Board of Examiners has reasonable grounds to believe that the applicant's mental impairment may result in that person not being a fit and proper person to be admitted. The Legal Services Board is currently able to conduct health assessments on lawyers applying for a practising certificate or current holders of a practising certificate. Recognising that admission to the legal profession is the first step toward practising as a legal practitioner, these amendments extend that power to the Board of Examiners.

The limitation is restricted to allowing for health assessments only where the Board of Examiners has reasonable grounds to believe a mental impairment may result in a person not being a fit and proper person to be admitted to the legal profession. 'Reasonable grounds' may include circumstances where an applicant discloses a history of hospitalisation in relation to a mental health issue, or a criminal record that is related to mental health problems.

The requirement that the board must form a belief on reasonable grounds that an applicant's mental impairment would render them unfit for admission recognises that not all mental health problems warrant a health assessment. Only those more serious mental health problems that would result in a person being unfit to engage in legal practice may trigger a health assessment. A health assessment will not necessarily lead to the conclusion that a person not be admitted — in many circumstances the health assessment may support the applicant's case for admission, despite having a mental impairment.

The limitation supports the need for the Board of Examiners and the Legal Services Board to have a range of information about people seeking to be part of the legal profession to inform their decision making and regulate the legal profession for the benefit of the public.

As this is an amendment bill, the clauses need to be read in the wider context of other provisions in the principal act which protect the applicant's right to equal treatment. These provisions include a requirement that at least 28 days written notice of the health assessment is to be provided to the applicant, a right to apply to the Victorian Civil and Administrative Tribunal for review of a decision of the Board of Examiners to require them to undergo a health assessment, and that the health assessment can only be used for the application before the Board of Examiners and not in other unrelated proceedings.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because although the bill raises the right to privacy it does not limit that right. Although the bill limits the right to equal treatment before the law for people with mental impairments this limitation is reasonable, justifiable and in the public interest.

ROB HULLS, MP
Attorney-General

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

This bill amends the Legal Profession Act 2004, which commenced on 12 December 2005.

The main purpose of the act was to improve the regulation of the legal profession by implementing national model provisions developed through the Standing Committee of Attorneys-General (SCAG). Recently Parliament passed the second tranche of amendments to the national model in May this year.

However, the act was not intended to change the structures, rules and procedures of the previous act (the Legal Practice Act 1996) in relation to admission to the legal profession and continuing professional development until a comprehensive review could be undertaken.

In 2006 I commissioned an expert review by Ms Susan Campbell, formerly professorial fellow in legal practice at Monash University. She was assisted by an advisory board made up of recognised legal education experts — Professor the Honourable George Hampel, AM, QC, Professor the Honourable Michael Lavarch, Professor Ainslie Lamb, AM, Associate Professor George Beaton, and Mr John Cain. Ms Campbell conducted a range of consultation exercises with key stakeholders including the Council of Legal Education, the Board of Examiners, the Legal Services Board, the Law Institute of Victoria and the Victorian Bar. I would like to take this opportunity to thank all of the contributors to this review for their dedication to improving the education and training of the legal profession in Victoria.

The purpose of the review was to assess whether current legal education services in Victoria were providing legal practitioners at all stages in their careers with the appropriate level of knowledge and skills to support effective legal practice.

The review identified 47 reforms required to the education and training framework, many of which have been or are in the process of being implemented. In particular the review recommended a new 12-month traineeship system for people seeking to become a legal practitioner to replace the articles of clerkship currently undertaken by most law graduates before being admitted to the legal profession. The traineeship is based on ensuring all applicants for admission attain core competencies in legal practice, particularly in ethics and professional responsibility and work management and business skills. This necessitates a number of changes to the Legal Practice (Admission) Rules 1999 (admission rules) which will shortly be subject to public consultation before their introduction in July 2008. The review has also brought about the introduction of uniform continuing professional development rules from 1 April 2007 which will ensure that all legal practitioners undertake core areas of ongoing training and learning in key areas of legal practice such as business skills, ethics and substantive law.

The amendments before the house are mainly to modernise the two bodies that oversee admission to the legal profession — the Council of Legal Education (the council) and the Board of Examiners. The council is responsible for setting the admission requirements. The Board of Examiners is responsible for assessing individual applications for admission.

The report identified a number of problems with the current statutory framework for these two bodies. In accordance with the recommendations for reform made by the review the bill:

changes the membership of the Council of Legal Education and the Board of Examiners to remove the large number of ex-officio members; and

makes associated changes to modernise the requirements in relation to the appointments process, quorums, delegation powers and staffing of these two bodies in line with cabinet-approved guidelines for such statutory appointments.

The report also reviewed the factors considered by the Board of Examiners when determining if an individual is eligible for admission to the legal profession. The report noted that the Board of Examiners needs to assess a wide range of information about individual applicants in order to ensure that only suitable people are admitted to the legal profession. Current arrangements do not allow the Board of Examiners to gather all of this information effectively. The report therefore recommended that the act be amended to give the Board of Examiners improved processes for informing themselves about the fitness of applicants for admission. This includes extending the range of issues

the Board of Examiners may be informed about to include conduct while in tertiary education. The report also suggested that the Board of Examiners be able to require health assessments of applicants with serious mental health issues, including alcoholism and drug dependency, in circumstances where a question arises as to whether the impairment may affect their fitness to be admitted. Such health assessments provide the Board of Examiners with independent professional medical advice which can be used by the Board of Examiners to inform its decision to recommend an application for admission. The bill makes these amendments.

The amendments also make minor technical changes to application and admission procedures.

Separate to the report, the Legal Services Board and the Legal Services Commissioner have requested changes to their powers and processes to improve their regulatory functions. The Legal Services Board and the Legal Services Commissioner are relatively new legal profession regulatory bodies established in December 2005 under the Legal Profession Act 2004. These amendments will improve their performance as local regulators.

These amendments are to:

clarify that a law practice is exempt from costs disclosure if the legal costs, excluding disbursements, are less than $750, exclusive of GST

allow the Legal Services Commissioner to release costs lodged with the commissioner to a law practice if a complainant fails to attend mediation

allow settlement agreements certified by the Legal Services Commissioner to be lodged with the Magistrates' Court so that they can be enforced

provide the Legal Services Board with power to apply to the Supreme Court for a legal practitioner to be struck off the local roll where a legal practitioner has been found guilty of a criminal offence in any Australian jurisdiction or has had interstate regulatory action taken against them.

The sum effect of the implementation of the recommendations in the *Review of Legal Education Report* will ensure that all legal practitioners in Victoria are equipped through their pre-admission training and post-admission professional development to maintain high standards of legal practice throughout their careers. This bill, although only dealing with limited aspects of the review's recommendations, is another significant step in the government's program of modernising and improving the regulation of the legal profession.

I commend the bill to the house.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until Thursday, 2 August.

JUSTICE AND ROAD LEGISLATION AMENDMENT (LAW ENFORCEMENT) BILL

Statement of compatibility

Mr CAMERON (Minister for Police and Emergency Services) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Justice and Road Legislation Amendment (Law Enforcement) Bill 2007.

In my opinion, the Justice and Road Legislation Amendment (Law Enforcement) Bill 2007, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The proposed bill contains amendments to the Magistrates' Court Act 1989, the Police Regulation Act 1958, the Road Safety Act 1986 and the Sex Offenders Registration Act 2004.

The amendments to the Magistrates' Court Act 1958 allow certain indictable offences in the Police Regulation Act 1958 and the Sex Offenders Registration Act 2004 to be heard and determined summarily.

The Police Regulation Act 1958 contains two sets of amendments contained in part 3 of the bill. The first set strengthens the offence of unlawfully dealing with information obtained by police personnel, increases the penalty, and introduces a new indictable offence where disclosure may endanger life or safety, assist in the commission of an indictable offence or interferes with the administration of justice. An increased penalty is also included for the comparable confidentiality offence applying to the Office of Police Integrity.

The purpose of the second set of amendments to the Police Regulation Act 1958 is to allow the Chief Commissioner of Police to give authorised media organisations access to the photographs of convicted persons taken at the time of their arrests or during police interviews or investigations. This scheme provides that photographs can only be given to a media organisation within six months of the person being found guilty of an offence, and can be subject to conditions.

Part 4 of the bill amends the Road Safety Act 1986 to make it an offence for a person to continue to drive a motor vehicle if that person knows or ought to know that they have been given

a direction to stop by a member of the police force, and makes minor amendments to the provisions concerning the surrender of a motor vehicle.

Part 5 of the bill contains a number of amendments to the Sex Offenders Registration Act 2004, the main features of which are:

a requirement that registrable offenders notify the chief commissioner of their telephone number, email address and internet service provider as applicable;

a requirement that a registrable offender report any changes to them having regular unsupervised contact with a child within three days after that change occurs;

amending the offence of disclosure of personal information held on the register under the Act, providing that it is not an offence to disclose that information for purposes of law enforcement or judicial functions or activities, as required by law, or additionally, where the chief commissioner or a person authorised to have access to the register, believes on reasonable grounds that to do so is necessary to enable the proper administration of the act;

a change to the definition of employment which will mean that a registered sex offender will be prohibited from engaging in child-related employment if it constitutes gain or reward other than through a contract of employment or contract of service;

the introduction of a new part to require any application for a change of name by a registrable offender to have the prior written consent of the Chief Commissioner of Police; and

a provision authorising a supervising authority to disclose personal information if they believe it is reasonably necessary for the proper administration of the Act, despite the provisions of the Information Privacy Act 2000.

Human rights issues

1. Human rights protected by the charter that are relevant to the bill

The human rights that the bill will have an impact upon or engage are as follows:

Section 9 — right to life

This right encompasses the positive duty to provide an effective criminal justice and law enforcement system, including taking appropriate steps to safeguard the lives of those within its jurisdiction.

The proposed changes to the Sex Offenders Registration Act 2004 and the Police Regulation Act 1958 will promote confidence in the criminal justice system. The release of certain police photographs will enhance the ability of Victorians to report criminals who they suspect of having committed other offences, and will alert them to the identity of offenders. This will enhance Victoria Police's community policing function and will improve the faith that Victorians have in their law enforcement officials by demonstrating successful prosecutions. The changes will also have a deterrent effect.

The bill enhances the right to life contained in the charter, by improving Victoria's criminal justice and law enforcement system. The changes to the register of sex offenders advance the ability of Victoria Police to monitor sex offenders and this assists in the protection of Victorians, protecting them against crime.

Section 12 — freedom of movement

Part 4 of the bill makes it an offence for a person to continue to drive a motor vehicle if they have been directed to stop by a member of the police force. This provision engages with a person's right to move freely within Victoria as it restricts a person from continuing to drive where he or she has been given a direction to stop by police. Consideration must be given as whether or not the limitation can be reasonably justified in accordance with section 7(2) of the charter.

Section 13(a) — privacy

There are a number of ways that provisions in the bill engage the right to privacy. The right to privacy concerns a person's 'private sphere' which should be free from government intervention or excessive unsolicited intervention by other individuals. This right is not an absolute right at international law and the charter protects against unlawful or arbitrary interference with a person's privacy. An interference with privacy will not be unlawful provided it is permitted by law, is certain and is circumscribed so that there are not broad discretions. Arbitrariness will not arise provided that the restrictions on privacy are in accordance with the objectives of the charter and are reasonable, given the circumstances.

Disclosure of personal information to the media:

Clause 7 provides that the Chief Commissioner of Police may give an authorised media organisation a photograph of a person, taken at the time of his or her arrest or during police interviews or investigations, after the person has been found guilty of an offence, and that the section will have effect despite the Information Privacy Act 2000 or the Freedom of Information Act 1982. The bill provides a number of conditions about how this access is given, and includes matters that must be considered by the chief commissioner in making the decision to the extent to which they can be ascertained at that time.

These provisions in the bill do engage with and infringe on a convicted person's right to privacy. The chief commissioner has discretion to give a photograph of a convicted person to a media organisation, but before release of the photograph must regard a number of matters including the public interest, the interests of the victim and any witnesses, and the interests of the person photographed. The matters are detailed to ensure that an appropriate balance is struck between the right to privacy of a convicted person and the public interest in the release of a photograph. The list includes consideration of whether or not a victim or witness could be identified, hence enhancing the victim or witnesses' right to privacy, and the risk to a convicted person or their family if the photograph is given to a media organisation.

Clause 7 is necessary to allow the chief commissioner to release photographs of convicted persons, without recourse to the Freedom of Information Act 1985 which requires the consent of the convicted person for release. This is an impractical mechanism and would result in very few, if any, photographs being released. There are currently no other less

restrictive ways available to Victoria Police to release photographs of convicted persons. These provisions are introduced in response to the 2005 decision of the Victorian Civil and Administrative Tribunal in the case of *Smith v. Victoria Police* [2005] VCAT 654. The scheme proposed in the bill provides a comprehensive system for the release of photographs of convicted persons with a requirement that appropriate matters be taken into account before release is made.

Unlawful

The interference with privacy is not unlawful as the chief commissioner's discretion is restricted by the list of matters to be considered. The bill sets out the precise circumstances when the interference with privacy may be justified. Further the decision to give a photograph is made on a case-by-case basis according to the specific circumstances involved.

Arbitrary

The chief commissioner's power to give a photograph cannot be exercised in an arbitrary manner. The power is not ambiguous or open ended. The giving of the photograph can be conditional and is only to authorised media organisations. If a media organisation breaches the conditions of its authorisation, this can be revoked by the chief commissioner

Therefore, while the power of the chief commissioner to give a photograph of a convicted person engages with the right to privacy, it does not infringe it.

The power to collect personal information

Clauses 14 and 15 list a number of additional matters comprising personal information that a registrable offender is required to report to the chief commissioner under the Sex Offenders Registration Act 2004.

These clauses engage with the right to privacy of registrable offenders, but do not infringe that right as the proposed changes are not unlawful or arbitrary.

Unlawful

The additional information that is provided is circumscribed and precise, and the bill does not grant any discretionary powers with respect to this information. As such the proposed changes do not represent an unlawful interference.

Arbitrary

The interference is not arbitrary with respect to requiring registrants' email addresses and internet service provider details. This is reasonable in the context of the act's objectives in that an increasing number of sex offenders are using the internet to commit offences.

Restrictions on the disclosure of personal information

Clause 6 increases the penalty for an existing offence under section 102G of the Police Regulation Act 1958 for a person to disclose information gained through the performance of functions of the Office of Police Integrity if it is the person's duty not to disclose the information.

Clause 8 amends section 127A of the Police Regulation Act 1958 regarding the offences of unauthorised access, use or disclosure of information or documents by a member of police personnel, or a former member of police personnel.

Clause 17 restricts access to the register of sex offenders and clause 18 makes it an offence for a person to disclose personal information from the register unless authorised.

These provisions enhance the right to privacy provided in the charter by protecting Victorians against unauthorised disclosure of their personal information.

The power to share information

Clause 18 amends a provision of the Sex Offenders Registration Act 2004 to broaden the range of circumstances when disclosure of personal information from the register of sex offenders to a government department, public statutory authority or a court will not constitute an offence. The new exception is when the chief commissioner or a person authorised to have access to the register believes on reasonable grounds that the disclosure is necessary to enable the proper administration of this act.

Clause 20 inserts a new provision in the Sex Offenders Registration Act 2004 allowing the Secretary of the Department of Justice and the Chief Commissioner of Police to share information with the Victorian Registrar of Births, Deaths and Marriages.

Clause 21 provides that a supervising authority under the Sex Offenders Registration Act 2004 can disclose personal information to another supervising authority for the purposes of that Act, notwithstanding the Information Privacy Act 2004.

These provisions engage with but do not infringe with the right to privacy, as the power or ability to share the information is for clearly defined purposes and is not unlawful or arbitrary.

Unlawful

The information that is to be shared is circumscribed and precise and relates to the operation of the Sex Offenders Registration Act 2004 or, in the case of clause 18, another law or act. Clauses 18, 20 and 21 provide for a discretionary power with respect to the release of personal information, and this can only be done if the chief commissioner, secretary or relevant supervising authority has reasonable grounds to believe it is necessary for the proper administration of the act. As such the proposed changes do not represent an unlawful interference.

Arbitrary

The interference is not arbitrary as it relates to the more effective operation of the act, and enhances the ability of various bodies to better coordinate and prevent sex offenders from avoiding the operation of the legislation.

Section 15(2) — the right to freedom of expression

The right in section 15(2) of the charter encompasses the right to seek and receive information. The provisions in part 3 allow the chief commissioner to release a photograph of a convicted person after considering the public interest and other criteria. This enhances the right of Victorians to receive information about the working of the criminal justice system.

The right also includes the right to impart information and ideas, including unpopular ideas and to make statements of protest or criticism. This could include the changing of one's name. A person may seek to change their name in order to promote an idea, or to represent changes in their own view of their identity and the way they are perceived, for example in the case of a gender change or a change in family relationships. The ability to present a person's identity to the world by a name change is one means of expression The provisions in part 5 of the bill restrict the ability of a registrable offender under the Sex Offenders Registration Act 2004 to freely change their name. Consideration must be given as whether or not the limitation can be reasonably justified in accordance with section 7(2) of the charter.

Section 17 — protection of families and children

Section 17(2) provides that a child has a right to protection in their best interests. The provisions in part 5 of the bill are essential for improving the operation of the Sex Offenders Registration Act 2004, by closing a loophole where registrable offenders could volunteer to work with children. These changes will enhance the rights of children in Victoria.

The release of police photographs under the proposed changes to the Police Regulation Act 1958 will also inform Victorians about the identity of convicted criminals, including possibly registrable offenders, and will also enhance this right.

There is a possibility that family members of a convicted person could be affected by the giving of a photograph. It is for this reason that the interests of these family members are included as a matter that may be considered by the chief commissioner in making a decision to give a photograph. Further, from 1 January 2008 the chief commissioner will be required to consider this right generally since section 38 of the charter will make it unlawful for a public authority (including the chief commissioner) to act in a manner that is incompatible with a right or fail to give proper consideration to a right. While the rights of family members of a convicted person may be affected by the bill, the chief commissioner can take their interests into account and the right will not be infringed.

Section 20 — property rights

This section in the charter provides that a person must not be deprived of their property otherwise than in accordance with law. The proposed changes to the Road Safety Act 1986 dealing with surrender of motor vehicles are lawful because the proposed deprivation of property can only occur under powers conferred by legislation that are confined, structured and reasonable in the circumstances. As such the right is not infringed.

2. Consideration of reasonable limitations — section 7(2)

Section 12 — freedom of movement

It is necessary to consider whether the limitation on right to freedom of movement is reasonable in accordance with section 7(2) of the charter.

(a) the nature of the right being limited

The right in section 12 to move freely within Victoria is not an absolute right in international human law and can be subject to reasonable limitations as are reasonably justified.

(b) the importance of the purpose of the limitation

The restriction in part 4 of the bill is necessary to enable police officers to properly control traffic and carry out their functions. The restriction is required to deter drivers from ignoring the lawful orders of law enforcement personnel.

(c) the nature and extent of the limitation

The restriction on the freedom of movement is not a restriction on all movement, rather a restriction on continuing to drive a motor vehicle when directed to stop. The bill provides that a person will not commit an offence if they stop a vehicle as soon as practicable after being directed to stop.

(d) the relationship between the limitation and its purpose

The restriction is proportionate to the harm that could be prevented, which could include risks to life of the driver, passengers, police officers and other road users.

(e) any less restrictive means reasonably available to achieve its purpose

There is no other less restrictive way to achieve the same objective.

(f) any other relevant factors

There are no other relevant factors.

The infringement on the right of freedom of movement can be reasonably justified in accordance with section 7(2) of the charter.

Section 15(2) — the right to freedom of expression

The provisions in part 5 of the bill restrict a right of a registrable offender under the Sex Offenders Registration Act 2004 to seek a name change and infringe on the right to freedom of expression. It is necessary to consider whether the limitation on right to freedom of expression is reasonable in accordance with section 7(2) of the charter. Further, section 15(3) of the charter provides that freedom of expression can be lawfully restricted for the protection of public order.

(a) the nature of the right being limited

The right of freedom of expression may be limited, as the chief commissioner can prevent a registrable sex offender from changing their name if it is not necessary or reasonable in the circumstances.

(b) the importance of the purpose of the limitation

In this case the restriction on the right is necessary to protect public order in accordance with section 15(3) of the charter. Further, the changes proposed will ensure that registered offenders do not avoid the provisions of the Sex Offenders Registration Act 2004 by changing their name.

(c) the nature and extent of the limitation

The proposed bill does not absolutely prohibit their freedom of expression by a change of name, rather it restricts the ability to do so unless the Chief Commissioner of Police agrees. The chief commissioner must have regard for a

number of factors when exercising this authority which are detailed in the bill's provisions

(d) the relationship between the limitation and its purpose

The discretionary power of the chief commissioner to prevent a registrable sex offender from changing their name is necessary and proportionate to the harm involved and is required in order to ensure that the current legislation is effective.

(e) any less restrictive means reasonably available to achieve its purpose

There is no other less restrictive way to achieve the same objective.

(f) any other relevant factors

There are no other relevant factors.

The infringement on the right of freedom of expression can be reasonably justified in accordance with section 7(2) of the charter.

Conclusion

The Justice and Road Legislation Amendment (Law Enforcement) Bill 2007 is compatible with the human rights protected by the charter. The limitations on rights can be reasonably justified given the harm sought to be prevented, and the lack of alternative means to achieve the same outcomes. The bill also enhances a number of rights in the charter, namely the right to life, the right to freedom of expression and the protection of families and children.

BOB CAMERON
Minister for Police and Emergency Service

Second reading

Mr CAMERON (Minister for Police and Emergency Services) — I move:

That this bill be now read a second time.

This omnibus bill will contribute to fulfilling the government's 2006 election commitments. There are two overall objectives of the bill: to make Victoria safer and to strengthen police accountability.

The amendments will make Victoria safer:

by enhancing road safety initiatives especially relating to speed and driver behaviour;

by enhancing information exchange and management programs that help police and other agencies better manage and reduce the risks posed to the community by sex offenders; and

by providing increased powers and operational capacity for our police.

Further, the amendments will strengthen police accountability, balancing fairness and privacy, individual and community policing interests, in relation to:

police information handling, especially the proper use and disclosure of sensitive information; and

release to the media of mug shots of offenders post conviction.

I now turn to the four components of the bill in more detail.

Part 3 of the bill amends the Police Regulation Act 1958. That act provides a framework for the governance and administration for Victoria Police. This bill contains two sets of amendments to that act.

A. Release of mug shots

The bill will set up a process for release of mug shots of convicted offenders to the media. The government is of the view that Victoria Police needs to have the ability to release mug shots of convicted offenders in order to:

fulfil its community policing functions;

as a deterrence measure; and

as a means of enhancing the feeling of safety in the community and publicising the work of Victoria Police and the criminal justice system.

The amendments are needed following a decision of the Victorian Civil and Administrative Tribunal (VCAT) in *Smith v. Victoria Police* in 2005. The Smith case involved the release of Mr Smith's 'mug shot' by police to the media, to elicit information about suspected other offences from victims not currently known to police. The police released the photo on the basis that it served law enforcement and community policing objectives (as provided for under the Information Privacy Act 2000). Mr Smith subsequently lodged a complaint with the privacy commissioner, who referred the matter to VCAT. The privacy commissioner also intervened in the proceedings and was joined as a party by VCAT.

The case resulted in significant media and community interest and calls for the government to act. In response, the Premier made a specific public commitment to ensure that mug shots remained publicly available. The proposed release policy balances the public interest in permitting photographs to be released in some circumstances with a person's right to privacy. In developing the proposal, the views of both the privacy

commissioner and Victoria Police were actively sought and considered.

The new process will only be available for six months after conviction. In determining whether to release a mug shot to the media, police will be required to consider a range of criteria relevant to the public interest and the specific interests and circumstances of the offender, victim(s) and witnesses, to the extent those matters can be ascertained at the time of the decision.

A range of considerations may be taken into account in so doing. For example, the government is aware of the risks to the safety of offenders and their families from vigilantism, so the risk of violence to the offender and his or her family and friends will be a factor that can be taken into account. Other matters such as the risk of harming the potential for rehabilitation of the offender and the possible effect upon or identification of the victim(s) of the offender's crime through release of the mug shot can also be considered, together with matters such as any other legal impediments or any information known to the chief commissioner as to the person being suspected on reasonable grounds of having committed other offences.

The process will balance individual and community policing interests and ensure that the risks of releasing mug shots are adequately addressed.

The existing police power to release mug shots, for law enforcement purposes or community policing purposes, is not affected. That is, aside from responding to a media request, there are circumstances when it is necessary for police to release a mug shot, for example but not limited to conduct of an investigation, or for public safety if a person has absconded from custody. This new process will not apply, and not restrict release, in those circumstances.

B. Police information handling

The Police Regulation Act contains an existing offence applicable where, contrary to their duty, police members disclose information gained by virtue of their office. However, the offence is outdated, with a penalty of 20 penalty units that does not reflect either modern community expectations, or the potential harm that can be caused through misuse in the context of increasing breadth and sophistication of information systems.

The new offence will implement recommendations made by the director, police integrity in his report *One Down, One Missing*. That report investigated the circumstances whereby a serving police member published a book which purported to tell the inside story of the Lorimer task force investigation into the murders of Detective Sergeant Gary Silk and Senior Constable Rodney Millar in 1998. The existing penalty for the offence was insufficient to deter or prevent the publication.

The government has already taken steps to address legitimate community concerns over the handling of confidential information, including funding to replace the existing Victoria Police law enforcement information system and the establishment of the commissioner for law enforcement data security. The commissioner has already circulated standards and protocols for access to, and the release of, law enforcement data.

It is appropriate that the criminal sanctions applying to police handling of information also be updated.

The new provision comprises both an indictable and summary offence for accessing, making use of or disclosing information gained by police personnel in carrying out their functions, or by virtue of their office if unauthorised. It broadens the offence from sworn police members to cover other police personnel and significantly increases penalties.

The indictable offence will be triable summarily and facilitative amendments to the Magistrates' Court Act 1989 are included in the bill. The indictable offence is triggered where the person disclosing the information knows or is reckless as to whether the disclosure may endanger life or safety, assist in the commission of an (other) indictable offence or interfere with the administration of justice. The summary offence will apply in standard situations and includes a defence if the member has taken reasonable steps to avoid such disclosure. In this regard, it is important to remember that police utilise information every day, and in the very great majority of cases, this is lawfully and necessarily done. The inclusion of the defence will ensure that police personnel who act reasonably are protected from unintended criminality and not unreasonably impeded from carrying out their duties and functions.

Lastly, the provisions include some consequential changes for consistency, including standardising language and increasing the penalty for the comparable summary offence of disclosing police information that relates to the director and staff of the Office of Police Integrity. This is important to ensure public confidence in the protection and proper usage of police information regardless of the identity of the persons handling it, reinforcing the sensitive nature of the information and the seriousness with which misuse is viewed.

C. Road safety matters

This government has demonstrated over an extended period its commitment to improving road safety. The bill proposals support the government's road safety initiative especially relating to speed and driver behaviour, by improving police operations for vehicle impoundments and creating a new offence of driving to evade police.

The number of police pursuits involving collisions has decreased significantly from 2002 following improved police member policies, education and training. In 2006, there were 528 police pursuits, down from a high of 723 in 2005. However, the number of pursuits remains too high. There is a need for a specific offence to act as a deterrent measure against drivers driving to evade police. The new offence is in line with similar policy adopted in South Australia and Queensland.

Part 4 of the bill will create a new offence of driving to evade police. This implements relevant coronial recommendations aimed at preventing and managing pursuit situations and is specifically aimed at deterring potential offenders before their behaviour becomes dangerous. The offence should therefore decrease the number of police pursuits and consequent risk of collisions and injury. The offence will cover conduct which does not amount to dangerous or culpable driving. For this reason, the proposed penalties will sit between the current levels of penalties for careless driving and dangerous driving in the Road Safety Act 1986. The new offence will also be a relevant offence for the purposes of the vehicle impoundment 'hoon' provisions.

In addition to the new offence, proposed amendments to the vehicle impoundment scheme will ensure that the impoundment regime is able to function as intended in cases where an offence is detected by an automatic detection device.

Since commencement of the 'hoon' regime, over 2000 vehicles have been impounded. The proposed amendments in this bill will remedy an unintended problem arising in relation to detection of 'hoon' offences of excess speeding by 45 kilometres an hour or more by an automatic detection device rather than by a police member. An increase in time to serve certain notices is needed to ensure required enforcement processes can be carried out.

The amendments will assist in deterring high-risk, antisocial and irresponsible 'hoon' driving behaviour, improving community safety and amenity.

D. Sex offender registration amendments

As indicated when the sex offender registration scheme was introduced in Victoria in 2004, sex offenders come from every occupation and socioeconomic level, but unlike others who tend to 'settle down', these offenders may continue to offend throughout their lifetime. Premised, therefore, on the serious nature of the offences committed and the recidivist risks posed by sexual offenders, the Sex Offenders Registration Act 2004 recognises that certain offenders should continue to be monitored after their release into the community.

Part 5 of the bill contains a number of amendments to the Sex Offenders Registration Act 2004. These new measures are consistent with the original act's objectives and are intended to reduce the likelihood of registered sex offenders reoffending and to assist in the investigation and prosecution of future offences.

The proposed amendments to the Sex Offenders Registration Act 2004 are technical in nature and broadly include the following matters:

(a) Where a sex offender is convicted of a single class 2 offence, such as indecent assault of a child, and does not receive a custodial sentence or community-based order, he or she will no longer be exempt from being placed on the sex offender register. This recognises concerns that such offenders should be monitored and supervised under the act.

(b) In response to the burgeoning use of the internet by child-sex offenders in particular, new provisions will require registered sex offenders to provide police with details of any internet service providers they subscribe to, and any email addresses that they hold.

(c) The bill reduces the number of days in the definition of regular unsupervised contact with a child and residing in the same household as a child from 14 days to 3 days. Similarly, the bill shortens the time frame within which the registrant must report such contact from 14 days to 3 days. This will assist in meeting evidentiary burdens and increases the probability of securing evidence in the event that an offence against a child has been alleged.

(d) Failure to report changes in personal details is a serious matter and is often an indicator of further offending. To recognise this, the bill makes failing to report changes in a registrant's personal details an indictable

offence. This offence will be triable summarily in order to avoid creating a burden for the court system.

(e) Agencies with responsibilities for managing and supervising registrants must exchange information on sex offenders to ensure they do this important function effectively and efficiently. To this end, the bill provides the Chief Commissioner of Police with the authority to provide sex offenders' details to other agencies for the purposes of law enforcement, judicial functions and to ensure that the risks posed by sex offenders are properly addressed and mitigated.

(f) The bill provides for supervising authorities to share information, but only where it is necessary for the proper administration of the act. The bill provides that a person who improperly discloses information on registered sex offenders is liable to 240 penalty units or up to two years imprisonment.

(g) The act contains an anomaly in that it does not appear to prohibit a registered sex offender from engaging in child-related work if they are self-employed. The bill addresses this problem by amending the act's definition of employment to capture persons who are self-employed.

(h) The bill gives the chief commissioner the authority to prevent a registered sex offender from applying to have their name changed where the chief commissioner believes that the name change is reasonably likely to be regarded as offensive by the community or the registrant's victim; or where it might undermine Victoria Police's ability to supervise and monitor that offender.

These operational improvements are designed to strengthen the ability of Victoria Police, government departments and public statutory authorities to supervise and monitor registered sex offenders and help them better manage and reduce the risks posed to the community by offenders who are subject to reporting obligations under that act.

I commend the bill to the house.

Debate adjourned on motion of Dr NAPTHINE (South-West Coast).

Debate adjourned until Thursday, 2 August.

Remaining business postponed on motion of Mr ANDREWS (Minister for Gaming).

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house do now adjourn.

Port Phillip Bay: channel deepening

Dr NAPTHINE (South-West Coast) — The matter I wish to raise is for the Minister for Planning in another place. The action I seek from the minister is to guarantee that the inquiry, under section 9(1) of the Environment Effects Act 1978, into the Port Phillip Bay channel deepening project will be given adequate time and resources to fully complete its work without political interference. This inquiry is vital for the future of Port Phillip Bay. Channel deepening is an important project which is supported by the Liberal Party as it will deliver transport cost efficiencies and major economic benefit to Victoria, but this project should not proceed if the wonderful environment of Port Phillip Bay is to be jeopardised.

Therefore clear answers need to be provided to the inquiry on a number of key issues before a final decision is made — for example, why was the hydro-hammer, which is now to be used extensively to blast through the Rip, not a part of the trial dredging project? I refer to the supplementary environment effects statement hearing on 18 June 2007 when Mr Allan Hawke, who was chair of the panel, said:

Why was the hydro-hammer not used during the trial dredge?

The answer from Mr Frans Uelman, Alliance technical manager, channel deepening project, Boskalis Australia, was:

Because we didn't have time for it. The thing has to be built, and the time we had for it, the few months just before the trial started were too short to get it into place.

So as a major component of the project they are going to be blasting through the Rip, an important and sensitive environmental area, using the hydro-hammer, which has not been part of the trial dredging project and not been subject to adequate trialling.

Mr Nardella — You want to delay it!

Dr NAPTHINE — The member for Melton may want to risk Port Phillip Bay, but I certainly do not. The other issue is: how can this inquiry make its decision when there are ongoing studies into the erosion of the

Rip Bank area caused by the trial dredge? I refer to paragraph 44 of the submission to the inquiry from the Port of Melbourne Corporation, which states:

> Recent inspections of the entrance confirm observation that erosion is continuing to occur in the area of the Rip Bank affected by the TDP —

which is the trial dredging project. It says further:

> The geology of this area is currently the subject of review.

There are still ongoing reviews about the damage the trial dredge did to the Rip. This needs to be clarified. This review needs to be completed and presented in full to the inquiry before an adequate decision can be made about the channel deepening project. All the questions also need to be answered about the effect of the toxic dredge bloom on the Yarra and Southbank, New Quay and Docklands areas. If businesses are affected, who will pay for it?

There is real concern in the community that the Port of Melbourne Corporation is proceeding with dredging contracts before the inquiry has even completed its hearings. That is why I am seeking from the Minister for Planning an absolute assurance that there will not be political interference, the project will not be rushed, and we will get the right answers.

Public transport: concession cards

Ms MORAND (Mount Waverley) — I wish to raise a matter with the Minister for Public Transport. I call upon the minister to ensure that all authorised officers on the public transport system are aware of the 'Confirmation of concession card entitlement' voucher for Victorian health-care card holders travelling on public transport. While health-care cards are valid for concession travel, I understand the 'Confirmation of concession card entitlement' vouchers can also be used while the health-care card application or a replacement card is being processed by Centrelink.

I am seeking action on this issue on behalf of Ms Kathryn Kay of Glen Waverley regarding certification of her concession documents for travel on public transport. Ms Kay receives a sickness benefit from Centrelink which requires the health-care card to be updated quarterly. Ms Kay received an infringement notice for travelling on the Glen Waverley train line without her sickness benefit health-care card. While Ms Kay's health-care card is updated quarterly by Centrelink, in this case a replacement for her expired card was being processed by Centrelink but had not been provided to her when she received the infringement notice. Ms Kay provided medical certificates to the authorised officer to verify her benefits status but was still issued with a fine.

The infringement notice was subsequently withdrawn by the Department of Infrastructure following a letter of appeal from Ms Kay, but she was issued with a warning about travelling without the health-care card. Like many health-care card holders Ms Kay was not aware that she could use the 'Confirmation of concession card entitlement' voucher to verify her concession status for public transport travel.

Health-care card holders can receive the 'Confirmation of concession card entitlement' voucher over the counter from Centrelink, having provided proof of identity, and the voucher can also be used if an existing card is lost or stolen. Ms Kay advised that her updated health-care card often does not arrive until after the previous quarter's card has expired, leaving her with a gap. In this instance she had been contacting Centrelink regularly to follow up on the updated card but had not yet received it when she received the infringement notice. The 'Confirmation of concession card entitlement' voucher is important in this situation to ensure that any health-care card recipient can legally use their concession entitlement on the public transport system without being worried about receiving a fine.

The government is committed to providing the best possible access to public transport for all travellers, including those on sickness benefits and all holders of health-care cards. It is important to ensure that all such travellers, including those on long-term sickness benefits, can travel with full confidence in their concession status, so I would greatly appreciate the minister's action in ensuring that authorised offices are made aware that the 'Confirmation of concession card entitlement' voucher can be used while the Victorian health-care card application is being processed or while an existing card is being renewed or replaced. With such action health-care card holders will have the assurance that their concession card status can be confirmed while their health-care card application or renewal is being processed.

Patient transport assistance scheme

Mr DELAHUNTY (Lowan) — I rise to raise an issue for the Minister for Health. The action I request of her is that she review and enhance the Victorian patient transport assistance scheme (VPTAS) so that it assists people in country Victoria. Currently the VPTAS provides partial reimbursement for travel and accommodation costs incurred by country Victorians accessing specialist medical services. To be eligible for this reimbursement you have to be a Victorian resident

and travel more than 100 kilometres one way or an average of 500 kilometres for a minimum of five consecutive weeks, and you need to go to the nearest approved medical specialist.

The Nationals policy is that all Victorians, including those living in country Victoria, are entitled to top-quality health services within their community and a range of specialist services within their region. Transport services are vital to achieving that. I know the aim of VPTAS is to improve the accessibility of specialist medical and oral health services for rural Victorians by reducing the financial disadvantage faced by patients in rural areas who require those specialist services. The action that I seek is, firstly, that the minister provide increased reimbursement; secondly, that she look at the 100-kilometre minimum distance patients have to travel; thirdly, that doctors forms be simplified; and fourthly, that she fixes the inequity experienced by pension card holders and health-care card holders.

Currently the private car reimbursement rate is 14 cents a kilometre. You can also claim an economy fare on a train, bus, coach or ferry, and accommodation costs of $30 per night. VPTAS was last reviewed in 2001. Previous to that it was reviewed in 1997. Back in 2001 the rate was increased to 13 cents. I believe it was increased to 14 cents in 2004 — three years ago. We know fuel prices have increased a lot since that time, and we also know it is getting more difficult to access public transport in rural areas, so there needs to be some change. By doing that we would be improving access to health services by public transport. We also know that with doctors and specialists changing it is more difficult for people to access these services; normally they have to travel longer distances, at an increased cost. Also we are hearing that doctors are not filling out the paperwork because it is too complicated; therefore we ask the minister to simplify it.

The main issue which I want to talk about and which has been brought to my attention is that only the primary pensioner concession card or health-care card holders are entitled to the full VPTAS assistance. If you are not the primary cardholder, you have to pay the first $100 in each treatment year — which runs from 12 January to 11 January the following year. Current levels of subsidies need to be increased because they are putting pressure on country families, so it is time for the Bracks government to loosen the purse strings.

Buses: Hume-Moreland service review

Ms CAMPBELL (Pascoe Vale) — I draw a matter to the attention of the Minister for Public Transport. The action I seek is in regard to the Hume/Moreland bus service review which is currently under way in the electorate of Pascoe Vale. When this review of bus services in my electorate has been completed I ask the minister to examine the results, and I look forward to the product of the review hopefully being increased bus services and public transport accessibility for my community.

A review of bus services in the Hume-Moreland area recently attracted 120 members of public and community representatives at the Moreland town hall. Seventy four people attended the day workshop, 48 people attended the evening workshop and 45 written submissions into the review process were also received. Many workshop participants commented on the open and inclusive format of the workshop and welcomed the opportunity to be involved in reviewing the local bus services in their area.

I must admit that I was very pleasantly surprised when I attended the Moreland town hall in Bell Street to see so many people vibrantly engaged with the department and telling it what was needed in our local community. A second round of the consultation workshops for this review area will be held on 23 July, and a final report for the review will be completed before the end of the year. It is really a fantastic example of our government listening and consulting with the community, particularly in this important area of delivering increased bus services and public transport accessibility.

In my submission to the review of bus services in Hume and Moreland I began by praising the level of bus services available. The extension of services to later in the evening and also to include Sunday services has made a huge positive impact on local residents. There are, however, a few additional requests that have been conveyed to me over a number of years from constituents and constituent organisations, which I lodged in my submission. A big one is the Gowanbrae region which, at this point in time, does not have any public transport. Livability would be enhanced with some provision.

The Pascoe Vale train station is at the bottom of a very large and steep hill and many people find it difficult to walk to the station. They do not have to be old or suffering a disability; they can be the children with heavy schoolbags who also climb this hill. In the northern part of Moreland many people have apprenticeships up in Hume and Campbellfield in the industrial areas, and they would be assisted by greater services.

Tattersall's: lottery agent commissions

Mr O'BRIEN (Malvern) — The action I seek is that the Minister for Gaming review the government's refusal to ratify and implement the changes to price commission on lottery products that have been agreed between Tattersall's and Tattersall's lottery agents.

Tattersall's lottery agents have been long suffering. The government has bungled and continually delayed the lotteries licence process, which has led to a lot of uncertainty for these agents. They have been unable to sell their businesses with any sort of certainty about whether the licences will continue because the government's delays in the processes have made that impossible to date. Tattersall's agents have already been in a long period of negotiations with Tattersall's over a new commission structure, which is obviously very important to their revenue and the viability of their businesses. Having finally reached agreement with Tattersall's on a revised lottery commission structure, it was submitted to the government for approval.

However, Tattersall's agents were provided with a letter from Tattersall's on 4 May this year. It states in part:

> We have recently received correspondence from the Victorian government advising that the application for price commission changes will not be reviewed while the lottery licence review is taking place.

At the same time as the government is denying Tattersall's agents the opportunity to adjust their commission structure, it has approved a 5-cent-per-game increase in Powerball. Based on a non-jackpot draw of around about 18.5 million games, this 5-cent increase per Powerball game will mean that state governments will pocket around $250 000 each and every week. At the same time as the state government is denying Tattersall's agents the opportunity to improve their commission structure, it is approving jacking up the price of Powerball, as a result of which it will share over a quarter of a million dollars every week in additional revenue.

This certainly appears to Tattersall's agents to be a case of hypocrisy on the part of the government. It is quite happy to line its own pockets while denying hardworking small businesses the opportunity to amend their commission structure, and I should say amend it in a way that is not particularly generous to Tattersall's agents, as it simply applies a more uniform commission rate to their different lottery products.

I ask the minister to review the government's refusal to approve this commission structure, which has finally been agreed to between Tattersall's and the agents after a tortuous process. Given the government's own willingness to obtain additional revenue from increased Powerball ticket prices, that is the very least it can do.

Public transport: concessions

Ms MUNT (Mordialloc) — I ask the Treasurer to take action to investigate avenues to put in place a waiver of fringe benefits tax (FBT) on employer incentives for their employees when they are travelling to and from work on public transport. At a recent mobile office I was approached by Mr Gregory Parker concerning FBT on employer incentives to encourage employees to travel to work on public transport. Mr Parker believes the fringe benefits tax should be waived by the federal government where it applies to public transport. This would encourage employees to travel to work on public transport, which is environmentally sound and economically responsible, and it would reduce CBD (central business district) congestion and CBD car parking.

Mr Parker has written to the federal Treasurer, and in his letter to me he said:

> The crux of the idea is for employers to provide subsidies to their own employees for taking public transport. I have attached here a letter I wrote to the Treasurer's office last year that explains it all in detail, but in summary the idea is sound. People pay less to get to work. The environment pays less because emissions are reduced, and employers pay less because they recoup costs on expensive car parks. Not only that, but in these days where employers are looking to make a positive contribution to reducing their greenhouse footprint, this is surely an easy way to do it.

The letter goes on to say:

> There's just one catch — fringe benefits tax. This tax would make it very difficult for companies to justify making such concessions available, and indeed my own company rejected the idea for just that reason.

Mr Costello responded to the letter to him, and said:

> While the government has noted your suggestion to reduce the FBT on public transport benefits provided to employees, the government does not consider it appropriate to provide an FBT exemption for private travel on public transport.

I believe that Mr Parker's idea has merit and is an innovative approach to encourage commuters to take public transport to work. As he says, employers are looking to make a positive contribution to reducing their greenhouse footprint, as are we all.

I wrote to the state Treasurer, who responded that, in effect, he agreed with me that Mr Parker's idea has merit and that it is in fact one of the options recommended to the government by the Victorian

Competition and Efficiency Commission in its recent inquiry. I ask the Treasurer to keep pursuing that inquiry into those options and to look at the FBT tax on employees that could be waived for public transport.

Casey: special charges scheme

Mr BURGESS (Hastings) — I rise to bring a matter to the attention of the Minister for Local Government and ask that he intervene to prevent the City of Casey from unfairly imposing charges under the special charges scheme on residents to whom I shall soon refer. In the areas of Devon Meadows and Clyde, residents are being forced to pay many thousands of dollars towards road sealing under the City of Casey's special charges scheme. These schemes can be effective financial management tools for councils — for example, where the roads in question are private residential streets and where the residents can be fairly seen to be deriving a private benefit. However, that is not the case here. These roads are thoroughfares for school buses, trucks and other private and commercial vehicles.

Manks Road in Clyde and Devon and Browns roads in Devon Meadows are roads that require varying degrees of sealing, and the council has decided that residents in the areas requiring sealing will be made to contribute to the cost under the special charges scheme. Alan and Jennifer Rowe of Manks Road, Clyde, Greg Carvill of Devon Road, Devon Meadows, and Stephanie Baillie of Browns Road, Devon Meadows, are just a few of the people who have been badly affected by the totally unfair application of the scheme.

The City of Casey levied a charge of around $8800 against each resident. In the case of the Rowe's, they are to be charged multiple times because of the way their property is configured to assist their dependent son. After hearing of the unfair charge that the City of Casey intended to impose on the residents of Manks Road, Clyde, the federal member for Flinders, Greg Hunt, and I worked together to relieve this burden. After discussions with the City of Casey the message was that the council could not afford to carry out the work without residents contributions and therefore if we wanted the residents to be relieved, the federal government would have to contribute.

The federal member for Flinders managed to get the federal government to commit $860 000 towards a total cost of works of approximately $1.2 million, to remove the impost from the residents. The council's application for the funding identified clearly that no other party would be required to contribute. Unfortunately once the funding was granted, the council failed to reduce the impost on the residents at all.

The residents who live on the section of Manks Road that was sealed in the past were not asked at that time to contribute to its sealing when that work was carried out, and the residents who are currently being asked to pay were told at the time of the original sealing that when it was time for their sections to be sealed, they would not be required to pay. Also, I am advised that at that time the council had funds earmarked to carry out the work at a future time.

Cr Steve Beardon of the City of Casey has done everything within his power to persuade the council to remove this very unjust financial burden on people who do not deserve it and cannot afford it. I ask that the minister act with urgency to remove this unfair application and this impost on these members of the community.

Narre Warren-Cranbourne Road: duplication

Ms GRALEY (Narre Warren South) — I wish to raise a matter for the attention of the Minister for Roads and Ports. The action I seek from the minister is to examine all available options to provide funding for the duplication works on the Narre Warren-Cranbourne Road. This stretch of road is a major thoroughfare within the community of the Narre Warren South electorate. It provides the links between the communities in the north of my electorate such as at Fountain Gate, Narre Warren and Berwick South, with people in the southern part of my electorate, the communities of Cranbourne North and Narre Warren South. It is also the conduit for thousands of cars travelling to the major regional shopping centre, our very own Fountain Gate.

So much of life in Narre Warren South electorate is about new estates and about the brand new homes that people are choosing to build in these emerging communities. There are 60 new homes completed every week of the year in Casey, and a huge proportion of these are in estates close to, or right on, the Narre Warren-Cranbourne Road. This colossal growth has led to unprecedented use of the major roads in my electorate, as another feature in the life of the south-eastern growth corridor is the recurring statistic of two and three cars per family. In fact recent Australian Bureau of Statistics data shows that Casey has more households with three cars than anywhere else.

Narre Warren South has 40 000 children under the age of six, and an enormous population of school-aged

children to match, and these children all need transportation. Ultimately the result is that major roads such as the Narre Warren-Cranbourne Road are more and more heavily used as each day goes by.

I believe it is true to say that the community I serve has been very fortunate to date because of the roads for which the Bracks government has provided substantial funds in the past. Nearly $20 million has previously been used to duplicate nearly 3 kilometres of this road between the Princes Highway and Centre Road in Narre Warren, and at the cost of $22.95 million we upgraded the existing grade separation so that traffic can flow very freely through that intersection. We also provided cyclist paths.

All this work has made a huge difference in terms of safety on the road and reducing the amount of time spent in cars, which has also had flow-on benefits to family lives. The local community has been grateful for the investments made by this government. However, with the arrival of another 6000 residents each and every year into the Casey municipality, many of whom live in Narre Warren South, the need for the duplication of the Narre Warren-Cranbourne Road is increasing every day.

I therefore ask the minister to investigate opportunities to fund a further duplication of this road between Pound Road and Centre Road, and I am sure the residents of the area will be very glad if he takes up that opportunity.

Planning: right-to-farm legislation

Mrs FYFFE (Evelyn) — My request for action is to the Minister for Agriculture. The action I ask for is that the minister request the Minister for Planning in the other place to ensure that the right to farm is drafted into legislation so that farmers in areas such as the Yarra Ranges council-interface areas can continue to farm with some certainty and so their rights are protected.

I ask him to support growers of the Yarra Valley who, after suffering severe frost damage, strong winds at flower set, bird damage, extensive fruit bat damage, hail damage, drought, onerous farm dam legislation and changing markets, are now facing right-to-farm issues with the Yarra Ranges council. The council is insisting on planning permits for the erection of hail nets. No growers were aware of the requirement for a planning permit, and indeed most of the council staff seemed to be unaware of this until a local grower, his mother, his brother and his company were fined. The council has since withdrawn three of the fines but has insisted that the company pay the fine of approximately $1500.

Not only is the farmer disadvantaged because of the fine, but also the works are not proceeding whilst the council decides whether or not it is going to give him a planning permit. The contractor who in good faith had bought $200 000 worth of equipment and materials to erect the hail nets on this very good and well-run farm, now has that sitting in his shed. The farmer will not pay until the job is finished. The contractor has to pay for the materials. We look like we are going to have two businesses going broke.

The other thing they are having to face is that council is putting restrictions on bird-scaring devices. We have had many instances where the use of scare guns has been restricted, and restricted so much that the frequency with which they are allowed to fire is not having any effect on the birds. We are not allowed to use motorbikes to scare the birds off because the noise also disturbs the neighbours. One grower has used an innovative birds-in-distress call, but the council is now looking at stopping that. This is all because of the need for tree change, of people moving into country areas and objecting to longstanding good country practices.

Mr Nardella interjected.

Mrs FYFFE — The member for Melton is interjecting, but he would not understand what it is like to farm, to be at the whim of the weather, to be at the whim of many things, and to also be at the whim of a council that suddenly decides that you are going to need a planning permit for a hail net, particularly as other people have been erecting hail nets for years, or you will be fined, as council has already done to one farmer. I urge the Minister for Agriculture to stand up for the farming industry in not only the Yarra Ranges but in all interface areas.

Students: Australian citizenship

Mr PERERA (Cranbourne) — I raise a matter for the Minister for Skills, Education Services and Employment who is also the Minister for Women's Affairs. I call on the minister to raise at the next Council of Australian Governments education ministers meeting an injustice inflicted upon new migrant students. Recent changes to the citizenship qualifying period mean that new migrant students are now unable to access higher education contribution scheme (HECS) for at least four years. The Australian Citizenship Act 2007, which was passed in the federal Parliament recently, indicates that those who migrated after 1 July

2007 wishing to take up Australian citizenship will qualify to do so only after four or more years.

This is an extension of the two-year citizenship qualifying period to four years for new migrants arriving after 1 July 2007. It means that the qualifying period for HECS for new migrant kids has also been extended by two years. Now they will have to wait for four years to qualify for HECS. For most new migrant parents, their top priority is to give their children the best possible education. Therefore they go to extraordinary lengths to make sure their children pass the Victorian certificate of education (VCE) at the earliest opportunity available after arriving in Australia. The figures indicate that most migrant kids if they are at the right age manage to pass the VCE after they have been here for two years.

I would like to quote from federal minister Kevin Andrews's second-reading speech on the Australian Citizenship Amendment (Testing) Bill:

> One of the main reasons people come to Australia is that they see this as a land of opportunity. Part of our responsibility to them is to ensure that they have the knowledge to make the most of what our country offers and to help them develop a sense of belonging.

We are not discharging our responsibility if we deprive new migrants of a university education, which is certainly the best source of knowledge and one which the rest of Australia, including early migrants, is entitled to without impediment. The federal minister again quoted the words of Henry Parkes, the Father of Federation, which were first uttered at Tenterfield in 1889:

> One people, with one destiny.

And the minister says it remains true today. I say to the minister that it will not be after the Australian Citizenship Act 2007 creates a two-tier system — those who are entitled to HECS and those who are not.

The message to prospective migrants is that if you have university-age students, in the next four years they will be treated less favourably here in Australia, even if you have the world's best skills to contribute to Australia.

The DEPUTY SPEAKER — Order! The member's time has expired.

Responses

Mr ANDREWS (Minister for Gaming) — I thank the member for Malvern for raising the issue of the proposed changes to the lottery agents commissions proposed to me or my department by Tattersall's. I am aware of the issue. I can say on advice that the proposed variation has not been approved. That is a judgement made in the context of the ongoing public lotteries licensing process. As the honourable member for Malvern would know, there is a competitive process under way at the moment. The public lotteries licence was extended in December last year for a period of a further 12 months. It expires at the end of the current financial year, so that is mid 2008.

The judgement that I and my department have made in relation to these matters is that it would not be appropriate to enter into these changed arrangements at this time. I am not suggesting that the member for Malvern would at any point assert that I was favouring an incumbent party, but I would not want to be seen to be doing that. It is an important matter. I am happy to have a discussion or perhaps write to the member with further information on this.

In my mind I deemed, and it was the determination and advice of the department, that it was not appropriate, given that we are in the middle of an ongoing process and that the licence has been extended. I think it is important to acknowledge that under the act there is provision to extend the licence on identical terms for a maximum of 12 months. That is a one-off extension. On that basis, and perhaps through an abundance of caution on my part as to the probity and integrity of the process, it was not deemed appropriate to change the arrangements that agents enjoy with Tattersall's, the current licence-holder. Obviously with a process that is ongoing, it holds the licence until the middle of next year. There is a process to determine who will hold a licence or licences beyond that.

I hope that deals with the issue. I appreciate the concern the member has put. If he is interested in having a discussion in broader terms, I am happy to do that, or perhaps I will write to him with further information as to the reasons the decision has been made.

The member for South-West Coast raised a matter for the Minister for Planning in the other place in relation to the channel deepening project and the environmental assessment thereof.

The member for Mount Waverley raised a matter for the Minister for Public Transport in relation to concession health-care card holders.

The member for Lowan raised a matter for the Minister for Health in relation to VPTAS, which is the Victorian Patient Transport Assistance Scheme.

The member for Pascoe Vale raised a matter for the Minister for Public Transport in relation to the Hume/Moreland Bus Service Review.

The member for Mordialloc raised a matter for the Treasurer in relation to the fringe benefit tax on public transport.

The member for Hastings raised a matter for the Minister for Local Government in relation to charges imposed on local residents by the City of Casey as part of its special-charge regime.

The member for Narre Warren South raised a matter for the Minister for Roads and Ports in relation to the duplication of Narre Warren-Cranbourne Road.

The member for Evelyn raised a matter for the Minister for Agriculture seeking support for farmers in her local community in relation to planning permits for hail netting.

The member for Cranbourne raised a matter for the Minister for Skills, Education Services and Employment in relation to the higher education contribution scheme, or HECS, and other eligibilities enjoyed — or perhaps not enjoyed — by new migrant students.

Those matters having been raised, I will refer them to the relevant ministers for their attention and action.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 5.04 p.m. until Tuesday, 7 August.