PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Wednesday, 21 November 2007

(Extract from book 16)

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

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Legislative Council committees

Legislation Committee — Mr Atkinson, Ms Broad, Mrs Coote, Mr Drum, Ms Mikakos, Ms Pennicuik and Ms Pulford.

Privileges Committee — Ms Darveniza, Mr D. Davis, Mr Drum, Mr Jennings, Ms Mikakos, Ms Pennicuik and Mr Rich-Phillips.

Select Committee on Gaming Licensing — Mr Barber, Mr Drum, Mr Guy, Mr Kavanagh, Mr Pakula, Mr Rich-Phillips and Mr Viney.

Select Committee on Public Land Development — Mr D. Davis, Mr Hall, Mr Kavanagh, Mr O'Donohue, Ms Pennicuik, Mr Tee and Mr Thornley.

Standing Orders Committee — The President, Mr Dalla-Riva, Mr P. Davis, Mr Hall, Mr Lenders, Ms Pennicuik and Mr Viney.

Joint committees

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 COUNCIL

FIFTY-SIXTH PARLIAMENT — FIRST SESSION

President: The Hon. R. F. SMITH

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Mr PETER HALL

Deputy Leader of The Nationals:
Mr DAMIAN DRUM

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Lenders, Mr John	Southern Metropolitan	ALP
Barber, Mr Gregory John	Northern Metropolitan	Greens	Lovell, Ms Wendy Ann	Northern Victoria	LP
Broad, Ms Candy Celeste	Northern Victoria	ALP	Madden, Hon. Justin Mark	Western Metropolitan	ALP
Coote, Mrs Andrea	Southern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Darveniza, Ms Kaye Mary	Northern Victoria	ALP	Pakula, Mr Martin Philip	Western Metropolitan	ALP
Davis, Mr David McLean	Southern Metropolitan	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Davis, Mr Philip Rivers	Eastern Victoria	LP	Petrovich, Mrs Donna-Lee	Northern Victoria	LP
Drum, Mr Damian Kevin	Northern Victoria	Nats	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Eideh, Khalil M.	Western Metropolitan	ALP	Pulford, Ms Jaala Lee	Western Victoria	ALP
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Scheffer, Mr Johan Emiel	Eastern Victoria	ALP
Guy, Mr Matthew Jason	Northern Metropolitan	LP	Smith, Hon. Robert Frederick	South Eastern Metropolitan	ALP
Hall, Mr Peter Ronald	Eastern Victoria	Nats	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Theophanous, Hon. Theo Charles	Northern Metropolitan	ALP
Kavanagh, Mr Peter Damian	Western Victoria	DLP	Thornley, Mr Evan William	Southern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Vogels, Mr John Adrian	Western Victoria	LP

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WEDNESDAY, 21 NOVEMBER 2007

Wednesday, 21 November 2007

The SPEAKER (Hon. Jenny Lindell) took the chair at 9.34 a.m. and read the prayer.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I advise the house that under standing order 144 notices of motion 60 to 68 will be removed from the notice paper on the next sitting day. A member who requires the notice standing in his or her name to be continued must advise the Clerk in writing before 6.00 p.m. today.

NOTICES OF MOTION

Notice of motion given.

Mrs SHARDEY having given notice of motion:

The SPEAKER — Order! I advise the member for Caulfield that some editing of her notice of motion will take place. In her initial remarks she said she had moved the motion, whereas she was giving notice of motion.

PETITIONS

Following petitions presented to house:

Moorabbin public golf course: future

To the Legislative Assembly of Victoria:

The petition of residents of the state of Victoria draws to the attention of the Legislative Assembly our concerns about:

the imminent loss of the Moorabbin public golf course when the council's lease expires in November 2008 and its replacement by inappropriate industry and office development;

the detriment to the community and the airport to be caused by the loss of this aviation safety buffer and valued recreational open space and community asset;

the lack of proper state and local planning controls over the non-aviation-related development on Moorabbin Airport;

the impact on the community and the airport's future of Moorabbin Airport's operations and development (noise, traffic, loss of open space, room for emergency landings etc).

The petitioners therefore request the Legislative Assembly to ask the government to:

1. Pursue all possible means to provide for the retention of the Moorabbin golf course.

2. Support a federal inquiry into arrangements at Moorabbin Airport and other general aviation airports to cover:

   the nature of planning and non-aeronautical development on the airport;

   the impact of this development on the amenity of the surrounding community, off-site infrastructure, the airport's future and aviation safety;

   whether as a measure of corporate social responsibility, the Moorabbin Airport Corporation should retain the golf course under a reasonable rental policy.

3. Take any necessary action to require that all future non-aviation development on the airport conforms to state and local planning provisions.

By Ms MUNT (Mordialloc) (369 signatures)

Rosebud Hospital: obstetric services

To the Legislative Assembly of Victoria:

The petition of the residents of Victoria draws to the attention of the house that obstetric services have been removed from the Rosebud Hospital, forcing mothers-to-be to travel to Frankston to have their babies.

Your petitioners therefore request that the Legislative Assembly of Victoria ask the Minister for Health to provide sufficient funding to enable Peninsula Health to provide the necessary infrastructure and resources to attract obstetricians to work in Rosebud Hospital.

By Mr DIXON (Nepean) (83 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 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 Mr WALSH (Swan Hill) (127 signatures)

Tabled.

Ordered that petition presented by honourable member for Nepean be considered next day on motion of Mr DIXON (Nepean).

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

DOCUMENTS

Tabled by Clerk:

Auditor-General:

Audits of 2 Major Partnerships Victoria Projects — Ordered to be printed

Discovering Bendigo Project — Ordered to be printed

Parliamentary Appropriations: Output Measures — Ordered to be printed

Report on the Annual Financial Report of the State of Victoria, 2006–07 — Ordered to be printed

Major Events (Aerial Advertising) Act 2007 — Event Order under section 7.

MEMBERS STATEMENTS

Oakleigh electorate: Premier's reading challenge

Ms BARKER (Oakleigh) — Over the past couple of weeks I have had the great pleasure to visit schools in the electorate of Oakleigh to present the Premier's reading challenge certificates. This year 1228 students from Glen Huntly primary, Carnegie primary, Sussex Heights primary, Amsleigh Park primary, Hughesdale primary, Murrumbeena primary, St Patrick's primary, Sacred Heart primary, St Anthony's primary, Sacred Heart Girls Secondary College, the Oakleigh Greek Orthodox college and Kilvington Girls Grammar successfully completed the challenge, and I congratulate them on their achievement.

A big thank you to the teachers, librarians and in many instances the parents who worked very hard to ensure the registration of the books was completed. Each year of the challenge I have been very pleased to have a Premier's reading challenge ambassador visit a school in the electorate, and this year Brian Nankervis visited Oakleigh Primary School with me. Brian is a comedian, writer and creator of the SBS music quiz show *RocKwiz*. Importantly, Brian is a well known poet and he spoke to the students about his love of poetry and we were all very pleased that he shared some of his poems with us. At Oakleigh Primary School poetry has become a great love of the students with the principal, Cheryl Saunders, taking poetry with students each Tuesday.

I congratulate Lauren Connolly from Oakleigh primary, who this year received first prize in the 2007 Young Aussie Writer's Award, 10 to 11-year-old section. With such a celebrated poet as Brian at the school we ensured that Lauren was able to read a poem to him, talk to him about how and why she composed it, and he was delighted to take away a copy of the award-winning poem with him. Brian had some advice for young readers, and in his own inimitable style advised:

> Keep your eyes wide open,
> Always thank the cook.
> If life gets too much,
> Relax with a book.

Melbourne Exhibition Centre: expansion

Ms ASHER (Brighton) — I call on the government to expand the Melbourne Exhibition Centre in order to remain competitive in the exhibition industry. Since 2001 the Melbourne Convention and Exhibition Centre Trust has warned that the convention centre and the exhibition centre need to be expanded to avoid losing market share. Indeed in the annual report of the Melbourne Convention and Exhibition Trust, the chair, Bob Annells, said:

> A further challenge for the trust over future years is the demand on exhibition space within its existing facilities.

He goes on to say:

> Every international convention has a related demand for an adjacent exhibition and, on the basis of current bookings, it is expected that this will equate to a 20–25 per cent increased level of demand for the existing exhibition space as no additional exhibition space is incorporated in the development of the new convention centre.

He then goes on to warn the government of:

> … the risk of losing significant elements of this business to competing destinations if it is unable to be accommodated in the future.

I call on the Brumby government to stop ignoring the advice of its own authority and expand the exhibition centre. Bob Annells has been writing in annual reports year after year about the need to expand the convention centre, for which the government has embarked on a new project, and the exhibition centre. I call on the government to act; Jeff's Shed was a great idea at the time but Jeff's Shed needs to get bigger and the Brumby government needs to expand it.

Indian community: Narre Warren South electorate

Ms GRALEY (Narre Warren South) — There are many people from India and of Indian descent in the Narre Warren South electorate. At citizenship ceremonies I enjoy talking to our new citizens about their journey to Australia and their hopes for the future. I particularly love seeing them proudly wearing their traditional dress.

I recently made a private visit to India and it was a magnificent experience. India is a land of extremes: breathtaking beauty, unsurpassable buildings — one can never forget one's first sight of the Taj Mahal — and hordes of human ingenuity. Unfortunately pollution and poverty are also abundant, providing many challenges for India, the government and its people. I understand why our wonderful immigrants from India might want to come to Australia. I also know that we are fortunate to have people come from a country with a strong democratic tradition, an enthusiasm for business and a strong belief in the value of education and training. Like all Australians, they want the best for their children and see Australia as a land of opportunity, peace, fairness and happiness.

Indian culture, music, dance and food all add to our cosmopolitan Melbourne. Religion in all its shapes and forms guides and enhances everyday life in India. I will never forget the sight of the pilgrims and the worshippers at the ghats in Varanasi. It is one of the world's great human congregations. Despite the multiplicity of religions, India, with over a billion people, is predominately a land of patience, tolerance and respect. These values are welcome in Australia.

For me, India is best represented by the waves of colourful and ornate saris that adorn Indian women of all ages. They represent the ancient India of the past, which despite globalisation is alive and well in India, Bollywood and Narre Warren South.

Latrobe Valley: mining and exploration licences

Mr NORTHE (Morwell) — I rise today to speak on the complexities surrounding the issuing of mining and exploration licences in the Latrobe Valley, particularly in areas in close proximity to existing residential land or future residential land. The proposed north-west Morwell residential development is one of those areas, and this has placed considerable stress of many landowners who purchased land in the vicinity in the belief that further residential development was indeed possible. It appears that this is now not the case.

A considerable area of vacant land exists in the corridor between Morwell and Traralgon. However, its future will remain uncertain until this government makes a decision on the Traralgon bypass supplementary inquiry. In Traralgon an exploration mining licence was recently applied for by Western Australian company Swancove Enterprises for approximately 70 per cent of Traralgon's already developed residential land. The notification of this application through the local media created great angst among the community.

I have previously written to the Minister for Energy and Resources in relation to these issues. I am pleased to report that the minister has responded to this correspondence and agreed to my request that officers from the Department of Primary Industry attend a public meeting in the Latrobe Valley. The intent of this meeting will be to provide information to the community on the relevant legislation and processes that apply to exploration and mining activities. I thank the minister and his office for supporting my request. I know the local community will look forward to the opportunity to partake in this meeting.

Crime: Melton

Mr NARDELLA (Melton) — I raise the issue of recent crime statistics for the shire of Melton. These statistics show a marked increase in crime, especially assaults, but do not reflect the true nature of these communities, because they incorporate assault figures for the Metropolitan Remand Centre within the shire of Melton. These figures distort the overall statistics and are not a true reflection of the safety of communities within the shire of Melton. The Melton shire, through the terrific leadership of Mayor Justin Mammarella, Inspector Greg Payne and all the wonderful police officers there work together to reduce crime and keep Melton a safe place for people to live, work and raise a family.

The crime figures show the great work the police are doing in reporting and dealing with domestic violence, which is a real scourge on our society. My fellow parliamentary colleagues, especially the honourable members for Kororoit and Keilor, concur that their areas are safe and that the police work well with the community. We have worked assiduously to provide extra police resources, extra police officers and a new police station at Caroline Springs to effectively and efficiently respond to matters brought to their attention. We have a proud record, and the great name of Melton shire should not be besmirched or seen to be harmed in any way by these assault figures, which are incorrect.

Transport Ticketing Authority: tendering process

Mr MULDER (Polwarth) — During the last sitting week the Auditor-General's report on the tendering process for the new ticketing system was tabled. It is unfortunate for this place and for the media that this long-awaited report has been buried among hundreds of annual reports. Given the reluctance of this government to put in place an independent, broadbased, anticorruption commission, the office of the Auditor-General is the only avenue open to the Parliament to scrutinise the activities of government departments and agencies.

It is important that this house is made aware of the comments made by the Auditor-General's office at the Parliament House briefing on the report on the new ticketing system tender. In their answers to the questions I raised with the Attorney-General and his staff at the briefing it was confirmed that the tender documents had 'escaped' from the Transport Ticketing Authority (TTA) and that persons considered to be high risk due to conflicts of interest had access to the tender documents. Wherever there is an interface between the public and private sector there is always going to be the potential for corruption, and the escape of tender documents without explanation leaves unanswered the question as to how the escape occurred.

The Transport Ticketing Authority's tendering process hardly provides any assurances to would-be tenderers for government business in Victoria that their bids and confidential information will be protected. These bids can run into millions of dollars, and bidders need assurances that their investments will not be undermined. The fact that the Auditor-General found no evidence that TTA staff leaked the tender information does not absolve the authority of its obligations to provide a high level of security around tender documents and to protect the integrity of any tender process. The same can be said of all departments and agencies. With more government business being conducted by negotiation we need a broadbased, anticorruption commission.

Family First: federal election preferences

Mr LIM (Clayton) — The Asian community is alarmed by the decision of Family First to put Pauline Hanson's United Australia Party ahead of other political parties on the ballot paper in Queensland, giving Pauline Hanson a chance of re-entering federal Parliament.

The deal between Family First and Ms Pauline Hanson has damaged the credibility of Family First within the Asian-Australian community. The community has always considered Family First to be a decent party with good policies based on solid family values and supportive of migrants and a harmonious society. This deal could boost Ms Hanson's chances of entering the federal Parliament. The Australian community will view this action as abhorrent and beyond comprehension.

Ms Hanson's policies are racist and do not fit in a modern and diverse Australian society. Ms Hanson is well known for her racist views. The Asian community does not support political parties whose policies are racist, unfair, uncompassionate and biased against people on the basis of religion, colour, race or country of origin. The Asian community urges Family First to put community values and decency ahead of political expediency by rescinding this deal with Ms Hanson.

Other political parties have put Ms Hanson last on the ballot paper, but a recent poll has shown that Ms Hanson still commands almost 8 per cent of the primary Senate votes in Queensland. If Pauline Hanson is elected to Parliament on preferences, Senator Steve Fielding will have a lot to answer for.

Skills training: Workforce Participation Partnerships program

Mr KOTSIRAS (Bulleen) — I have already raised in this Parliament the arrogance and callous attitude of this government in relation to the Workforce Participation Partnerships program. The Ethnic Communities Council of Victoria is disappointed that the Minister for Skills and Workforce Participation has refused to guarantee this program beyond this year. Now many other community groups have written to me to urge this uncaring Labor government to show some compassion for the unemployed, especially those from culturally and linguistically diverse backgrounds.

The Australian Vietnamese Women's Association has stated that it would be a great shame if this program were to end. Despite this, the government is refusing to listen. What is even more disappointing is that the Minister Assisting the Premier on Multicultural Affairs is silent and voiceless on this matter. He is simply sitting on his hands and refusing to challenge his colleagues around the cabinet table. What a disgrace! He is someone who is satisfied to have a white car and a chauffeur but who is not prepared to stand up for Victorians who he should be representing. Not only do we have a policy vacuum with this minister, but he is

now turning his back on those who require his assistance.

Australian Netball Team: world champions

Mr KOTSIRAS — I wish to congratulate the Australian Netball Team on their magnificent effort at Trusts Stadium in becoming the 2007 world champions. A special tribute goes to Australian netball captain and legendary player Liz Ellis, who has decided to retire after leading the national team to world championship glory in Auckland on Saturday night. Well done!

Burwood East Special Developmental School: Duke of Edinburgh's award

Ms MARSHALL (Forest Hill) — It was with great pleasure that on 16 November I presented students at Burwood East Special Developmental School with certificates for completing their requirements for the Duke of Edinburgh's Award bridge award. The bridge award is a development program for young people who, due to circumstances, may experience barriers to their progress. These awards provide participants with an opportunity to try something new, get active, make a difference, make new friends, help others, challenge themselves, have fun and be given recognition for their achievements. Congratulations go to Andrew di Rico, Brinley Stephens, Daniel Tiernan, Stephanie Mazzoni, Stewart Forbes, Ally Heran, Matthew Ford, James Hart, Taku Ikeda, Samantha McIvor and Matthew Shanouda. Congratulations and thank you to everybody who ensured their success.

McDonald's: McHappy Day

Ms MARSHALL — On Saturday, 17 November, I participated in a McDonald's McHappy Day at Blackburn South and Vermont South. McHappy Day is one of Australia's largest annual fundraising events, helping seriously ill children and their families by raising money for Ronald McDonald House Charities Australia. In the last 15 years these funds have been used for a number of children's programs, including the building and maintenance of Australia's 12 Ronald McDonald houses, which provide homes away from home for the families of seriously ill children, and the Ronald McDonald learning program, which eases the transition for children heading back to school after long periods of illness. I have been participating in Ronald McDonald McHappy Days for about the last 15 years, so I consider myself probably one of the oldest participants.

Aboriginals: heritage legislation

Mr INGRAM (Gippsland East) — I raise an issue of increasing concern about the implementation of the Aboriginal Heritage Act. The concern is expressed by both local and indigenous groups, local indigenous elders, local government representatives, planners, developers and property owners. The concern — this is right across Gippsland — is that in its implementation this legislation has caused delays and problems with costs, planning and the development of subdivisions and industrial properties throughout the area. Currently about 160 developments have been delayed due to the implementation of this legislation. It is a very important issue which has been brought up by a number of people throughout my community.

I request that the Minister for Aboriginal Affairs, who is at the table, meet with groups from my area in an attempt to thread a path through the implementation stage of this legislation. It is important that we recognise that this is not an issue about destroying Aboriginal heritage. All the people involved wish to protect the important cultural heritage that we have within our region, but we need to make sure that the cost that is being borne by developers is acceptable and that we protect the heritage involved.

Braybrook: Big Day Out festival

Ms THOMSON (Footscray) — This Sunday is the Big Day Out festival for Braybrook. It is a huge event which last year attracted 4000 people. It was held the day after the state election last year, and I was very pleased to be able to go there and help cook the sausages and give out prizes. It is something that comes from the Braybrook and Maidstone Neighbourhood Association and is supported as part of the Big West Festival. I would like to congratulate all the volunteer organisers for the festival, which sees a mixture of the cultures of the world coming together for one big event.

Braybrook is part of the neighbourhood renewal project that the state government has initiated at a number of spots of disadvantage across the state, and this one is working incredibly successfully. It has all the participating organisations that support neighbourhood renewal as well as the local community heavily involved in the activity. I hope that this year the Braybrook Big Day Out festival will be even more successful than last year and that it too comes the day after a successful victory for a Rudd Labor government. The community of Braybrook is extremely disadvantaged, but it is taking all its resources and its time to make — —

The SPEAKER — Order! The member's time has expired.

Economy: performance

Mr WELLS (Scoresby) — This members statement condemns the Brumby Labor government for its mismanagement of the Victorian economy despite record levels of GST revenue flowing into the state Treasury coffers. In the 2007–08 state budget forward estimates the Brumby government estimated that a total amount of $39.981 billion in GST revenue would be received from the federal government between 2007–08 and 2010–11.

Mr K. Smith — How much?

Mr WELLS — A total of $39.981 billion. We now find that there is even more money coming into Victoria than first expected. In fact, using commonwealth Treasury-supplied data, there will be an expected windfall of $1.448 billion more in GST revenue received over the forward estimates period. With record GST revenue flowing into the state — far more than ever expected, and now forecast to be more than originally revealed in the forward estimates — why is it that we have longer waiting lists at our hospitals, a serious increase in the number of violent crimes, falling education standards, a teachers strike today, overcrowded and late trains and trams, a shortage of water due to poor planning, and increasing public sector debt — in fact rising from $3.2 billion to $15.3 billion in 2010–11? It is because the Brumby government cannot manage its finances.

Chinese community: Preston electorate

Mr SCOTT (Preston) — In the electorate of Preston there is a large community of mainland-born Chinese. Many of these persons experienced the cultural revolution. This was a terrible period of history, with estimates of the number of deaths varying between hundreds of thousands and millions, as well as the human rights abuses and the destruction of important cultural and other historical places. George Orwell famously argued that he who controls the past, controls the future, and an honest treatment of the past is important to avoiding the mistakes that were made during this terrible time in Chinese history.

During a recent visit to China I was surprised to note that in Chenghai in Guangdong Province there is an extensive museum dedicated to the victims of the cultural revolution. This museum honours those who were killed — and I think an estimated 20 000 were killed in the Chenghai area alone. The speed of political change is slow in China, but there are some promising signs.

A realistic and honest approach to the disasters in Chinese history is an important part of a positive future for China. I would like to take this opportunity to honour the victims of the cultural revolution and to pay tribute to those in my own community who struggle with the effects of their experiences during that time and to those in China who are willing to come to terms with this terrible period of history in a honest and open way.

Australian Labor Party: Flinders federal candidate

Mr DIXON (Nepean) — I was interested recently to read a flyer from the Labor candidate for the federal seat of Flinders. In it he pledged to support the state Labor policy to upgrade water management and close the Gunnamatta outfall by 2012. This must be news to the state Labor government because state Labor has never had a policy to close the Gunnamatta outfall, let alone by 2012. The Labor candidate has either got no idea of state Labor policy or he is just making up populist policy as he goes along.

The only party to ever have a policy to close the Gunnamatta outfall is the Liberal Party, which went to last year's election with a policy to close the outfall by 2015. The Liberal Party has also consistently had a policy to upgrade the eastern treatment plant to class A and to scrap Labor's plan to extend the outfall 2 kilometres out to sea at a cost of $60 million-plus. The state Labor government has always been following the Liberal Party on policy in this area. It has also promised the upgrade to the eastern treatment plant on three occasions, with still no result yet!

Obviously the federal Labor candidate thinks this government has a policy to close the outfall by 2012. I call on the government to either admit it has a closure policy, or to tell the electorate that the Labor candidate has got it wrong and is just making up policy in order to gain favour with the people of Flinders.

Ohi Day

Ms D'AMBROSIO (Mill Park) — I was honoured to accept an invitation from the Greek Orthodox community of Whittlesea on Sunday, 28 October, to commemorate Greek national day, known as Ohi Day. On 28 October 1940 Greeks stood strong against the Italian fascist government's pressures to invade their territory by hindering the advances of the German-Italian forces deeper into that part of Europe.

In so doing Greece entered World War II. We should never forget the role that Greece played in this very noble and staunch position taken.

On Ohi Day a wreath-laying ceremony was held at the Epping RSL, followed by lunch, music, dancing and speeches. I would like to acknowledge the dedication of the Greek Orthodox community of Whittlesea in helping to keep the memory of Ohi Day alive in Australia. In particular I wish to acknowledge Angelo Porfiris, George Tsiogris, Nick Ganis, Tom Vlahos, Steve Williams and the many other committee members who assisted in the preparation for this day.

The Greek Orthodox community of Whittlesea is long established in the area. It represents thousands of people who have called the city of Whittlesea their home. They have played a terrific role in maintaining the culture and traditions and reliving those sorts of events on a regular basis, so that all of us across all countries can grow — —

The SPEAKER — Order! The member's time has expired.

Mildura College Lease Lands Trust

Mr CRISP (Mildura) — The Mildura College Lease Lands Trust was a great gift to the future of Mildura. It was established by Mildura's pioneers, the Chaffey brothers, and the proceeds distributed among district schools. College-leased properties were set up to provide affordable land for pioneering working men, and to generate ongoing income for education. The lands trust was formalised in legislation by the Mildura College Lands Act 1916. The act was amended by the Mildura College Lands (Amendment) Bill in 1995 to, among other things, allow the Minister for Education or the minister's delegate to introduce modern financial management practices, including the selling of the land to maximise the value of the trust to the children of Mildura.

The trust is managed to achieve a return of 5 per cent, based on land valuations, less the management fees. Land-based valuations occur in rotation and thus the trust's performance is 2.5 to 4 per cent. No-one in the chamber would be satisfied if their superannuation was achieving 2.5 to 4 per cent, so why do we impose this on our children's future? The trust must move with the times, expand its capital base and perform better for our children. I call upon the Minister for Education to show Labor can manage money, and to ensure Mildura's great inheritance for education works to its capacity.

Poets Grove Family and Children's Centre

Mr FOLEY (Albert Park) — I wish to bring to the house's attention the launch by my good friend the Minister for Children and Early Childhood Development of the Poets Grove Family and Children's Centre last Saturday. This state-of-the-art, fantastic centre was launched by both the minister and the mayor of the City of Port Phillip, Cr Janet Bolitho, following some $2.7 million of both local and state government investment.

This is not only a state-of-the-art centre, which was attended by over 200 local families at the launch on Saturday, but it is in fact a model of cooperation between community-based child-care organisations, local government and the state. It brought together the former Scott Street children's centre and the former St Bede's sessional kindergarten, and it entailed a strategic swap of land between the Department of Education and Early Childhood Development and the City of Port Phillip involving a road closure.

Not only has it seen a fantastic increase in the number of combined family services with a maternal health centre, long day care and sessional kindergarten in the one spot, it also provides a direct link into the fantastic Elwood Primary School. Furthermore, it is an indication of what can be done when local government, the state and communities combine to increase child care and family services in our community.

Equine influenza: leisure horse industry

Mr WAKELING (Ferntree Gully) — I am concerned for the welfare of the recreational horse industry in Victoria. Given the mismanagement of equine influenza by the Brumby government, many recreational horse organisations face closure in the short term. The Riding for the Disabled Association, which recently opened in Lysterfield, faces a very bleak future. Due to the government's inaction on assisting in the vaccination of horses that are not in the racing industry, this struggling organisation will be required to potentially find over $12 000 to vaccinate, microchip and DNA-test its 25 horses.

Disabled children in my community are suffering because of the inaction of this government. It is time the Brumby government started to listen to the concerns of important community-based groups such as the Lysterfield Riding for the Disabled Association.

Sport and recreation: funding

Mr WAKELING — The Knox community prides itself on the active participation of local residents in sporting activities. Unfortunately a number of sporting facilities, particularly in Rowville, require urgent upgrades to ensure that they are meeting the needs of the growing community. The Knox City Council has recently made representations to the state government to receive financial assistance to upgrade a number of facilities. These include $109 173 to upgrade the Rowville recreation reserve; $15 000 to assist in the Knox tennis facility strategy; $30 000 for the Rowville Cricket Club's practice nets at its facility on Liberty Avenue; and $15 000 for additional practice nets for the Eildon Park Cricket Club.

I call upon the Brumby government to work with Knox council to ensure that these worthy projects receive the necessary funding to ensure that sporting participants in my community have the best facilities to enjoy their sporting pursuits.

One Nation: Bruce federal candidate

Ms MORAND (Minister for Children and Early Childhood Development) — I bring to the attention of the house a flyer that is being letterboxed in the federal seat of Bruce by the One Nation candidate. Part of my electorate, and specifically the Glen Waverley part of my electorate, is in the federal seat of Bruce. I want to bring this flyer to the attention of the house because I was absolutely horrified when I saw it.

The One Nation candidate, who also stood as an Independent candidate in the seat of Mount Waverley in 2006, has a flyer that reads:

> That treacherous Liberal Party has turned Glen Waverley into a suburb of Beijing and instigated the genocide destruction of our white Australian identity.
>
> Vote … One Nation:
>
> To enforce a 100 years moratorium on coloured immigration.

What appalling racism! One Nation is saying that you are welcome in Australia if you are white, but not welcome if you are not white. You can hardly believe that these sort of views still exist in our community.

Sadly, the Family First and One Nation parties have swapped preferences in Victoria. One Nation is preferencing Family First directly in the Senate, and Family First is preferencing One Nation above Labor and the coalition. I can only assume that Family First is aware of these sort of racist views. The Family First candidate in Bruce is preferencing the One Nation candidate before the Liberal or Labor candidate, and it should be absolutely ashamed about that. Labor has preferenced One Nation last.

The federal member, Alan Griffin, and I have condemned this racism in our community, and we believe that we are lucky in Victoria to have a rich multicultural diversity. In Glen Waverley there is a significant and growing Chinese community as part of what enriches our community.

Drugs: Sunbury forum

Ms DUNCAN (Macedon) — Last Thursday I attended a drug and alcohol forum in Sunbury that was attended by over 200 parents. The purpose of the forum was to assist parents to help their children to make better and more informed choices about alcohol, cigarettes and other drugs.

The forum highlighted the dangers of all these drugs, including alcohol, and highlighted the ever-changing range of drugs and their increasing danger to young people. The forum also included the launch of a DVD developed by our two high schools in Sunbury, Sunbury Downs College and Sunbury College, to educate primary school students about the effects of drug taking, and offering students strategies for avoiding drugs and resisting peer pressure. I would like to congratulate the organisers of this event, particularly Pat Hill who has been working for many years to highlight these issues and provide support to parents and young people through the provision of Pat's Bus. Pat brings great compassion, insight and personal experience to this issue.

I would like to congratulate also the Sunbury police, the Purana task force, the Alcohol Education and Rehabilitation Foundation, the Department of Education and Early Childhood Development, the federal Department of Education, Science and Technology, the Sunbury Community Health Centre, the School Focus Youth Service and all the students from Sunbury Downs College and Sunbury College for the work they did in putting together the DVD. The evening was very successful and informative for parents. The emphasis was on the need for all of us to tackle this issue. It is a community problem which requires a community response.

Australian Labor Party: Isaacs federal candidate

Ms MUNT (Mordialloc) — I would like to take this opportunity to wish our Labor candidate for the federal

seat of Isaacs, Mark Dreyfus, all the best for the election this Saturday.

The DEPUTY SPEAKER — Order! The time for making members statements has now ended.

MATTER OF PUBLIC IMPORTANCE

Water: north–south pipeline

The DEPUTY SPEAKER — Order! The Speaker has accepted a statement from the Leader of The Nationals proposing the following matter of public importance for discussion:

> That this house condemns the Brumby government for its proposal to enable water to be pumped from the Goulburn irrigation system to Melbourne.

Mr RYAN (Leader of The Nationals) — Government policy in relation to water and its administration in Victoria is an exercise in lies and deceit. At the last election among the fundamental points that the government put to voters was the concept that there would be no piping of water from north of the Great Dividing Range into Melbourne and that there would be no desalination plant built in Victoria. Today the government is pursuing both of these options.

Today you can at least argue the case in a sense for a desalination plant; you can make the case in a sense. In the upper house on 19 September my colleague Mr Hall set out The Nationals policy of water administration. He allowed that if needs be, and as a last resort, a small desalination plant might be a component of government policy. But the fact is that you cannot argue the case for the development of this pipeline in northern Victoria. You cannot do it because it is absolutely unconscionable. It has always been so and it has always been recognised by all persuasions of politics in this place as unconscionable; that remains so until this day.

The government's policy in relation to this issue was set out in its document of October 2006 entitled *Sustainable Water Strategy Central Region Action to 2055*. I welcome the fact that the Minister for Water has joined us in the chamber for this debate. On page 64 under the heading 'Trading with northern Victoria to meet Melbourne's future urban needs' the document says:

> The government considers that Melbourne must tap the significant potential for conservation, efficiency and reuse and recycling gains within the central region rather than connecting with northern Victoria and buying water from northern Victorian irrigators.
>
> Irrigation in northern Victoria generates significant direct and indirect economic benefits for the state which the government will continue to foster. There is also a critical need to recover water from supply systems in northern Victoria for the environment, most notably as part of the Living Murray initiative and commitments to restore environmental flows to the Snowy River.

I emphasise this part of the document:

> Furthermore, irrigators will need to gain further water savings in light of potential climate change impacts.
>
> Due to the magnitude of water required, the significant potential alternate options to meet Melbourne's shortfall and the challenges already facing the irrigation community, the government does not support Melbourne buying water from irrigators in northern Victoria to meet Melbourne's future consumptive needs.

That was this government's policy when it went to the election last year, and that is what the government told the people of Victoria. There were no qualifications. There was none of this nonsense about new water, there was none of this nonsense about water that was otherwise going to somehow be discovered, and there was none of the current language used by the government. Obviously on the face of its own document the government contemplated water savings, and it contemplated that the water savings would be used by irrigators for irrigators in northern Victoria. It was an article of faith produced by this government as reflected in its own policy. That article of faith has been broken by Labor.

The thing about water in our northern area in particular but also in many other parts of Victoria, including in my part of the state, is that it is one of the last competitive advantages we have. In the northern area of the state we have a vast storage capacity — there is about 3000 gigalitres of capacity in the Eildon Dam — but unfortunately we do not have enough water to go into it. In the east of the state we have a lot of water but not enough storage capacity. The fact is that our great industries — our dairy industry, our stone fruit industry, our water culture, our horticulture, our wine industries, our agriculture and agribusiness generally — have a common denominator. The common denominator is water. We must have the water because it is the basis of being able to found those industries. That was recognised by this government before the last election.

That is why the government's own document says, and I repeat:

> Due to the magnitude of water required, the significant potential alternate options to meet Melbourne's shortfall and the challenges already facing the irrigation community, the government does not support Melbourne buying from irrigators in northern Victoria to meet Melbourne's consumptive needs.

It has broken that promise; it has destroyed that article of faith. The government lied to the people at the time of the election, and it is compounding those lies now by what it is now seeking to do. For decades in this Parliament there has been tripartisan support in relation to this issue. How has this government treachery come about? It has come about ostensibly because a group of what the Premier describes as the 'leading citizens of the Goulburn Valley' came to the government, so it is said, with a proposition in relation to modernisation of the food bowl and the development of the pipe in exchange for money being put into the northern region.

I pause to say that we strongly support the modernisation of the food bowl. We think that is a great initiative, because these fantastic industries of which I have spoken depend upon water. It is a great initiative, because much of the export produce from the state of Victoria comes from these very areas. It is a great initiative because the multitude of the communities and towns that constitute the northern region of Victoria are dependent upon the water system that is in that part of the state. To modernise the food bowl is a great initiative, and we have always supported it — but the issue of having to trade water to Melbourne in exchange for money is absolutely appalling public policy.

What happened here was that a group of people — the so-called 'leading citizens' — took it upon themselves to trade the future heritage of the people of the north by coming, skulking, to government members and putting this proposition to them, which of course this government eagerly seized. Within minutes, if you like, of the government having said in November last year it would never do it, it could not believe its luck when this group of so-called leading citizens walked in the door and put this proposition to it. Mind you, to this day it remains unknown as to whether the proposition was put before the last election rather than after it, but the bottom line is that there was never any consultation with the people in the north who are affected by this. The opinions of the people who are the subject of this were never sought. There was never any opportunity for them to have consultation with the government about it. They had it dropped on them by the government.

The fact is that this is appalling public policy. It goes against the weight of public opinion, and that is reflected in the 140-odd submissions which have been received in relation to the proposals that have been developed by the committee which has charge of this folly. People at large in the north of the state have said repeatedly across the community that they do not want anything to do with the pipe. Of course they are happy to have the acknowledgement of the food bowl upgrade and the money being spent on it, although I must say that even that has now been rendered uncertain in the eyes of many. There are many out there now saying, 'Forget the whole thing if the cost of it all is 30 pieces of silver and sending 75 gigalitres of water down to Melbourne'.

Of course we had the reported comments by the Premier, who said this project would never go ahead unless it had strong public support. He has been in here day after day verballing the Victorian Farmers Federation, trying to say that the VFF approved the development of the pipeline. The VFF has never approved the development of the pipeline. The VFF has at all times approved the food bowl improvements, but it has never approved of the pipeline being constructed.

Danny Lee was one of those in whom the Premier of the state placed great faith. He has been consigned to history, but before he went he sent out a press release saying that he had been had. He understood that he had been misled, and now he has retired hurt from the field — a bit like the former Premier and the then water minister. Dean Pullar and Ken Muston, a couple of great local people who were originally supportive of this whole project, have walked away from it too, arguing that the pipeline should not be built and that it is an absolute travesty.

What is happening in other quarters? Of course the water authorities down here in Melbourne cannot believe their luck. We have them lining up out there — all the cracks have gathered to the fray! Do not worry about less, they want more — and don't you love the justification for it in Melbourne Water's documentation? It says, 'We should be able to get more than the 75 gigalitres. That would be good, because irrigators should be able to sell their excess water to us in the years when they want to do so'. Do you mind! The logic of that is that, if everyone has enough water, Melbourne will also have enough water, and that if we ever get back to having 100 per cent allocations up there, there will be plenty of water to go around.

These people are akin to those who would have raffled lifeboats as the Titanic went down. These water authorities do not care about the future of irrigators in northern Victoria. What they want is more water for Melbourne at any cost. The water authorities are lining up. The reports of Melbourne Water, City West Water and Yarra Valley Water should all be prescribed reading, because the government knows that they are waiting to pillage country Victoria of water, which will have a profoundly injurious impact on the way the people of these communities live their lives.

Mr Holding interjected.

Mr RYAN — The Minister for Water can sit there and laugh about it, but country Victorians are well aware of the ways in which the minister and the government at large are approaching this.

The Treasurer in the other place was sent to a meeting of the Municipal Association of Victoria (MAV) just last week to bash up the councils. What he did is best summarised by the headline on the front page of the *Guardian* of Wednesday, November 7 — and I have the clippings; I have got into the Premier's habit. The headline quotes the mayor of the Swan Hill Rural City Council, Gary Norton, as saying, 'We were shafted'. How true that is. The Treasurer's visit was described by a press release headed 'Lenders: all or nothing on water projects'.

Yesterday in response to a question put to him by Mr Vogels, a member for Western Victoria Region in the other place, the Treasurer said in part, 'We are talking here of moving water savings to where they are most needed'. Do you mind, umpire! This flies in the face of the government's own policy, which I have read out and which says in part, 'Furthermore, irrigators will need to gain further water savings in light of potential climate change impacts'. Yet the Treasurer of the state has the hide to stand up in this Parliament and say the project will take water to where it is most needed.

Where does he think it is most needed? It is most needed in country Victoria, which is where the government will steal it from. This crew is now actively contemplating taking water out of a system which at the moment provides for 23 per cent of its needs. It is an absolute disgrace charging people for 100 per cent of their costs and giving them a rebate of up to only 50 per cent of their costs. We estimate that irrigators will spend about $50 billion this year paying for water they will never get. Yet the government will take water out of the system and send it to Melbourne. It is absolutely appalling.

Coupled with this message from the Treasurer is a new concept — that is, unless Melbourne is getting its cut, regional Victoria will not get it. That is the essence of what the Treasurer said, and that is why he went to the MAV meeting to bash up the councils. To its great credit one metropolitan council, Boroondara City Council, stood its ground and sided with the country councils. We were very pleased to see that happen.

The end result of all this is a lazy, indolent policy. Is this the smart state, the state that is supposed to lead the world in biotechnology? Are we the ones who are supposed to be the great technologists? The Minister for Water has just come back from a trip to Israel. How would the Israelis react to what we are doing here, building an 80-kilometre garden hose to take water from a system that cannot supply its own needs and send it to a city that can and should do so? How can the water minister speak at conferences when the government is doing this? It is lamentable, lazy and indolent policy making by a government that has been panicked into doing what it has done. Again it is country Victoria that will pay the price.

Melbourne can and should meet its own water needs, and there is plenty of scope for Melbourne to do it. There are plenty of opportunities for Melbourne, with the application of a bit of contemporary technology, to supply its own needs. The amount of water going out to sea at Gunnamatta is a contemporary crime. Three hundred gigalitres of water is being pumped into the sea each year, yet the government is pinching water from an irrigation system that is already on its knees. It is an absolute disgrace.

I refer the house to the contribution of my colleague Mr Hall, a member for Eastern Victoria Region in the other place, on 19 September. He set out these issues in detail, based on the government's own documents, and established clearly, on the government's own figures, that Melbourne can meet its own needs. Melbourne should look after itself. The obligation of this government is first and foremost to pursue alternatives in a manner that ensures that Melbourne can supply its future needs from its own resources without having to rape and pillage country Victoria yet again, particularly over an issue that is so critical to the future of all parts of the state.

The matter of public importance reflects not only the policy of The Nationals but also the strong opinion of many country Victorians, who have been severely let down by a government which purports to govern for all Victorians but which is engaging in lies and deceit.

Mr HOLDING (Minister for Water) — What a sad and sorry bunch The Nationals have become! We came in here today to see the matter of public importance that the Leader of The Nationals has proposed and is asking honourable members to support. What a sad bunch they have become since 1924, or whenever it was, when their party came into being in the belief that it would be able to represent the interests of regional Victoria — the interests that it spent the seven years of the Kennett government betraying, neglecting and selling out. Despite that they have proposed this matter for discussion today.

Let me start where the Leader of The Nationals started. He said the food bowl modernisation proposition was somehow unconscionable. He said the proposition that you could create new water was nonsense — and that is how he described it. To quote him, he referred to the 'nonsense about new water'.

Mr Ryan interjected.

Mr HOLDING — They are the words he used, and he now denies it. The *Hansard* record will show that the Leader of The Nationals talked of the 'nonsense about new water'. Let us see where this proposition — that you can invest in irrigation infrastructure and transfer that water to the city — had its genesis. The member concerned is not a member of this chamber, but he is here to join us as part of today's debate.

What did Damian Drum, a member for Northern Victoria Region in another place, say on 20 December 2006? He said:

> The Nationals believe that if you are going to get water for cities, you should be able to do so out of investing in infrastructure. You should be able to go into the inefficient systems, the inefficient channels that leak, and fix them up and pipe whenever you can. If there are people at the end of very long and inefficient channels who want to get off the system, then the government might be able to buy those operators out and save significant amounts of water. There are many ways in which you can go into the irrigation system throughout the Goulburn system and invest heavily in infrastructure to achieve savings. You can effectively create new water, but the government does not want to do that.

Mr Ryan — On a point of order, Deputy Speaker, the house has been misled. The debate was in the context of water systems apart from Melbourne.

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

Mr HOLDING — He said you can get water for cities and that you should be able to do so by investing in infrastructure. That is what Damian Drum said last year — he said you could effectively create new water — but we are expected to believe now that The Nationals have completely repudiated the position put by Damian Drum when he said these things last year.

We are expected to believe that the Leader of The Nationals has rejected the proposition put by prominent citizens in the Shepparton area who brought this proposition to government and said, 'If we are to capture the once-in-a-lifetime and the once-in-a-century opportunity to modernise infrastructure in the Goulburn irrigation system, we need to generate funds from outside the region. We cannot do it alone'. Those residents said, 'We cannot do it alone'. Those irrigators, those investors, those businesspeople and those farmers said, 'We cannot do these things on our own. We need the support of people in Melbourne. We need the support from the Consolidated Fund. We cannot do these things alone'. That is the proposition that has been put to us, that is the proposition that the government accepts and that is why we are behind the $1 billion investment in food bowl modernisation that will capture the savings and prevent the losses that the current system is generating and make sure that those losses are shared on an equitable and reasonable basis.

Let us talk about value for money, because the Leader of The Nationals says that the investment we are making is somehow unconscionable. He says that somehow this investment in modernising the infrastructure and sharing the savings is an unconscionable process — yet at the same time The Nationals in this place and members of the opposition support the national plan in relation to water security in the Murray–Darling region. They support the federal takeover, and we are expected to believe that somehow that reflects better value for money for irrigators in that region.

In fact what we now know when we look at all the correspondence and when we look at all the things that the federal government has said in relation to its modernisation, as it calls it, and its water security for the Murray–Darling Basin is that it is nothing more than a federal government takeover. When we look at the detail of those plans we actually find that the plan that will cost irrigators more to access water is in fact the federal government's plan. The federal government's plan will cost those irrigators more.

Let us be clear about this. We expect, as part of our plan, a $100 million contribution from Goulburn-Murray Water. We expect local irrigators under our food bowl modernisation plan to pay $100 million of the $1 billion investment project — $100 million out of $1 billion. In return, those irrigators will get 75 gigalitres of water added to their entitlements. That is their one-third of the 225 gigalitres of water that the project is expected to recover by reducing seepage, evaporation and system inefficiencies in the region's ageing infrastructure. In simple terms irrigators will pay $1333 per megalitre for their share of the savings.

Let us compare that to what is offered under the national plan. What is being offered under the coalition's national plan for water security? The national plan for water security requires irrigators to pay not only half the cost of new metering but also 25 per cent of upgrading the delivery system. In return,

they will get half the savings. That sounds good compared to the one-third of savings that is promised under the Victorian plan, but let us do the sums. Under the commonwealth plan, irrigators would contribute $275 million instead of just $100 million towards modernising the food bowl — or to put it another way, every irrigator will pay $2444 a megalitre for their share of the savings, compared to $1333 per megalitre under our plan.

Which plan best reflects better value for irrigators? Which plan provides more security for irrigators? Which plan provides a better and more sustainable long-term investment in protecting those irrigators' interests? Our plan does. Our plan will provide cheaper water for those irrigators. Our plan, not the bankrupt plan being offered by the federal coalition that is supported by its stooges in The Nationals in this place and by the Liberal Party, provides the best certainty that the economic benefits of this modernisation will be captured for this region for generations to come.

The best plan is not the plan being supported by the federal coalition but in fact our food bowl modernisation project, which will deliver water more quickly for $1333 per megalitre, not the $2444 a megalitre it would cost under the federal coalition's national plan — the plan that Victoria is refusing to sign. We cannot understand why those opposite would want to sell out regional Victoria in the way they have suggested by their support of this federal proposition for Victoria.

Let us look at some of the opposition to this plan for the food bowl modernisation which the Victorian government is strongly supporting. The Plug the Pipe protesters are supported and led by Mr Mike Dalmau, the twice-failed Liberal candidate for Seymour. He has twice been rejected by the people of Seymour when they have had the opportunity of indicating their support for him at general elections. Yet we are expected to believe that he somehow represents the interests of people in the Seymour area and in the Sugarloaf interconnector corridor. But what do we in fact know?

Mr Dalmau put out an email in October calling on people to look at the friends of Plug the Pipe. What were they saying? They were talking about threats to cut off water. These are the threats — the quasi-terrorist threats — made by people — —

Honourable members interjecting.

Mr HOLDING — Members of the opposition mock this and suggest that somehow these tactics are not inappropriate. These people were suggesting blockading the Hume Highway. They also wrote:

> Target two — Brumby's water to Melbourne
>
> It will not need much to stop water flowing to Melbourne. Targets are:
>
> Sugarloaf
>
> Yan Yean
>
> Greenvale
>
> Maroondah Dam.

This is what opponents to this project are telling people to do — to target Melbourne's water supply. I quote them further:

> These are all easy targets to disrupt Brumby's water. Planning needs to be kept under wraps.

And yet Mr Dalmau, a few days later, was disowning these propositions, saying, 'We would not do these things. We would not suggest this sort of opposition is appropriate'. Then, a couple of months later Mr Dalmau was associating himself with the proposition that the threats to cut off water to Melbourne have worked and are somehow getting to the Premier. He then went on to use the following words in the email he put out:

> Plans are in place to burn their bias newspapers and an effigy of Brumby for Melbourne papers.

These are the best ideas the protesters can come up with, suggesting that these sorts of disreputable and dishonest attacks are somehow appropriate — which brings me to Sharman Stone.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The member for Rodney is listed to speak, and he will wait his turn. The other members of The Nationals will keep their interjections down.

Mr HOLDING — That brings me to Sharman Stone, the so-called federal member for Murray. She is supposed to be a leading citizen in the Murray area. What does she say? The *Shepparton News* of 9 November reports:

> Not one drop of water will cross the Great Dividing Range if the coalition is re-elected, federal member for Murray Sharman Stone pledged yesterday …
>
> …
>
> Environment minister Malcolm Turnbull has the power to stop a project on environmental grounds.

That is where Sharman Stone is at. 'Don't worry about the process; you can suspend the process. Don't worry about the law, just cut straight to the chase. We just will not approve it'. That is the federal government's position. What does the *Shepparton News* have to say about that? It asks, 'Is our federal member losing the plot?'. Good on it for at least putting a question mark at the end of it. 'Is our federal member losing the plot?', the *Shepparton News* asks. And well might it ask, because we all know what happened to the last federal environment minister who intervened inappropriately in planning processes on spurious environmental grounds. The orange-bellied parrot was the albatross around Senator Ian Campbell's neck. What is the albatross around Sharman Stone's neck? What will happen to Sharman Stone as a consequence of her dishonest support for this proposition that somehow the environmental processes should just be suspended?

That brings us to Eril Rathjen, who we are supposed to believe is the Independent candidate for the federal seat of Bendigo. 'Good old Independent Eril', we will call her. Good on her, fantastic! She is going to make Bendigo better, she says in her press release. Her proposition is that she rejects the Victorian plan and according to her latest comments, she endorses Mr Kennedy, who is the Liberal Party candidate, as someone who is in agreement with her about water policy. She supports the federal plan. Her solution for irrigators — —

An honourable member — So does Rudd! So does Kevin07!

Mr HOLDING — No, he does not. Eril Rathjen's position is that she supports the Liberal Party candidate. She wants irrigators in the Goulburn-Murray area to pay more per megalitre for water savings; she wants irrigators in the Goulburn-Murray irrigation district to pay more. She wants them to pay more for their water than they would pay for under our plan; and she believes that will make Bendigo better. She believes that represents the interests of people who live in the food bowl modernisation area.

This sorry bunch of people who put themselves forward as the opponents of this plan are now utterly discredited. For weeks and weeks, for months and months, they have been saying that the savings are not there, and yet our food bowl modernisation steering committee report makes it very clear that not only are the savings there but the argument has become one about what should happen to the additional savings that are generated. Do not worry about the 225 gigalitres. Irrigators in the area want to make sure they can get their hands on 50 per cent of the additional savings that might be generated from this project. That is fantastic news for irrigators in the area, it is fantastic news for the environment. What a discrediting of the view put by The Nationals and by protesters in that area that the savings are not there! That has been the sorry case for those protesters to put this proposition forward.

We now have the plan — the food bowl modernisation steering committee has given us the blueprint — as to how you can invest in the irrigation system to generate not only those 225 gigalitres worth of savings but more. The Nationals stand condemned on this. What a sorry proposition their matter of public importance today is. We look forward to hearing where the Liberal Party stands on this important issue.

Ms ASHER (Brighton) — I strongly support the matter of public importance submitted by the Leader of The Nationals. In case the minister is not aware of issues in his own portfolio, given he is new to the job, the Liberal Party has opposed the north–south pipeline from day one.

The government's proposition is inherently flawed. As has already been pointed out, the government claims that this is a $2 billion proposal, but the problem is that only $1 billion of that has been funded. The first stage has the government estimating that there will be 225 gigalitres per annum in savings — allegedly! — with a third for the environment, a third for irrigators and a third for Melbourne. But if you read the food bowl modernisation project report it is clear that irrespective of any savings, Melbourne will get that water in 2010, which just happens to be an election year.

There are a number of problems with the government's proposal, and I want to run through them. Firstly, there is the matter of justice. As the Leader of The Nationals has indicated, the Treasurer spelt out clearly that there would be no investment without the Sugarloaf interconnector. I have to say, while I am a city MP, 'Why can the country not have infrastructure?'. Melbourne gets significant infrastructure investment, why can the upgrade not occur without the Sugarloaf interconnector?

Honourable members interjecting.

The DEPUTY SPEAKER — Order! Government members will have their opportunity.

Ms ASHER — Secondly, are the government's estimates of the savings realistic? Many people who are

experts indicate that the government's estimates of savings may not even be realistic. Thirdly, as has already been explained by the Leader of The Nationals, prior to the election the government's policy was to do the reverse. Fourthly, I do not trust this government, and I suspect many country Victorians do not either in terms of how far this proposal will go.

Mr Nardella interjected.

Ms ASHER — I would invite the member for Melton to have a look at the technical report on the so-called *Melbourne Augmentation Program — Sugarloaf Interconnector* dated June 2007. At page 2 it states:

> The Sugarloaf interconnector is designed to transfer a maximum of 100 gl/yr from the Goulburn River, north of Yea, to the Sugarloaf Reservoir …

The pipe is capable of transporting more in the design. However, I also refer to two Melbourne water authority submissions to the food bowl modernisation project steering committee. City West Water, a government water authority, in a document dated 23 October 2007 clearly indicates the direction in which the government wishes to go. Its submission states:

> CWW suggests that reliability of supply to Melbourne users be at a higher level than that proposed in the report of the steering committee.

It goes on to say:

> CWW also recommends that the steering committee not specify a limit on the size of the pipeline to be built to Melbourne.

Again, if that is not enough from City West Water, Yarra Valley Water also indicated the view of the Melbourne water authorities on this particular matter. I quote from its document dated 23 October 2007:

> We need to be careful that conditions placed on the interconnector are not too short sighted or compromise the long-term potential that it could deliver for Melbourne, the farmers and the environment.

The document goes on to say:

> Given the importance of the Sugarloaf interconnector in this regard, limiting its diameter to 1.75 metres will limit the potential of the pipeline …

Those two Melbourne water authorities are very clearly indicating to the government what their intentions are, and the denial from the minister was not that strong.

I want to touch on the issue of Melbourne, and I will acknowledge that the Minister for Water actually answered one of my questions in Parliament, which is a break with the tradition of the Brumby government. Let us look at how this government has mismanaged Melbourne's population growth and the supply of water. In 2000 there were 1.256 million households in Melbourne, while the number in 2006 was 1.432 million. The estimated population in those two years was 3.3 million in 2000 and 3.6 million in 2006.

However, this government is arguing that the population of Melbourne can grow but that we do not need any additional water supply. That is a nonsense. The Leader of The Nationals has indicated there are many alternatives for Melbourne, with the first being to build a dam; that it should be on the agenda. What about the recent floods?

Honourable members interjecting.

The DEPUTY SPEAKER — Order! I am sorry to interrupt the member for Brighton. There are times when the interjections from the government benches are so high I cannot hear the member for Brighton. I ask members to please keep it down.

Ms ASHER — The government should have built a desalination plant; at this stage the desalination plant will not come on line until 2011. The government also should have embarked on much greater recycling. Again I refer members to the Melbourne Water annual report of 2006–07, at page 37, to see how miserable the government's performance in recycling is. At the western treatment plant a total of 37 584 megalitres is produced but 26 317 megalitres is onsite recycling. The level of recycling at that plant is incredibly limited. In fact, onsite recycling at the western treatment plant accounts for 9.7 per cent of the 13.9 per cent at that particular plant.

At the eastern treatment plant a total of 23 478 megalitres is processed on that site, but 13 054 megalitres is onsite recycling, which accounts for 4.8 per cent of the 8.7 per cent at that plant. The government's efforts in recycling have been nothing short of pathetic.

I also refer members to budget information paper 1 in terms of the government's water projects. In 2007–08 the government and the water authorities announced $1.5 billion of projects. The problem for Victoria is that the government has spread these projects out over an incredibly long period of time. In fact only $291 million is to be expended in 2007–08 on these projects, with $1.182 billion being pushed out to the out years. In other words, 77 per cent of the asset investment expenditure announced by the government in the last budget will not be spent even in the first year. Again

people should be very conscious of the fact that the government is not doing its fundamental job of looking after the water supply for Victoria.

The government cannot be believed on anything it says, and I do not believe it when it talks about the size of the Sugarloaf interconnector. I refer honourable members in particular to comments of the Premier, who just makes it up as he goes along. The Premier conducted a press conference on 5 November 2007, when he said:

> … we have had significant rain right across the state … Melbourne water storages rose by nearly 1 per cent yesterday, my guess is they will rise another 1 per cent today, and probably another 1 per cent tomorrow.

I would advise the Premier to look on the Melbourne Water website, because he will see that he just made it up. It is not 1 per cent, Premier, it is 0.1 per cent. The Premier always makes things up as he goes along.

I also make reference to the Wimmera–Mallee pipeline. According to Labor's 2002 policy, the Wimmera–Mallee pipeline project had an estimated completion date of 2013. However, the Premier told the press this year — and I will quote the AAP NewsWire of 16 August 2007:

> Mr Brumby denied the funding shortfall would delay the project, which is expected to save 103 000 megalitres of water annually when completed in 2010.

His policy document says 2013. He told the press it would be 2010. However, he then came into this place, after having issued another press release in October 2007, saying the actual completion date was 2016 but if the commonwealth matched state funding, it would be completed in 2009–10. I make the point to the house: do not trust the government, do not trust the Premier and do not trust the Minister for Water who recently said that the commonwealth program was unjust because it has taken water away from irrigators — —

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

Mr CRUTCHFIELD (South Barwon) — I rise on this important matter of public importance to speak on the food bowl, and I want to put forward some facts, particularly with respect to farmers. We have heard a bit of waffle and a bit of piffle on the other side of the house, certainly some nonsense about new water. The minister who was at the table, the Minister for Water, alluded to a contribution from a member in another place, Damian Drum, which on close inspection looks frighteningly like the current policy that we are implementing. It is intriguing.

I note that the Liberal Party at least did not argue that it was a nonsense about new water; of course, they should not and could not. We will leave that to the extremes of the political debate — The Nationals — to argue that it is a nonsense that this project will deliver as a minimum some 225 gigalitres of savings in that first stage of the billion-dollar project. I emphasise that it is the first stage. It is the biggest infrastructure project that has ever been undertaken in northern Victoria, and there has been no debate that this region is one of the most important irrigation areas in Australia.

Indeed it contributed to a quarter of Victoria's total agricultural output. I do not think there is any debate, even from The Nationals, that some 800 gigalitres of water is lost from the Murray-Goulburn system each year. That is about a quarter of Lake Eildon, and it is certainly more water than the whole of Sydney Harbour. I have heard members opposite say that in dry years it does not flow as much, but that does not affect the efficiencies and amount of the evaporation that occurs, so you still lose that amount of water. It is a little bit illogical to argue that it changes according to the year.

I want to put on the table that The Nationals have again been exposed as supporting our particular proposal prior to our announcement. I want to again refer to a letter which the previous Premier received not too long ago and which was read to the house. It says:

> In 2002 I conducted a study tour of the irrigation industry in California …
>
> Because the Colorado River was fully committed —

sounds familiar! —

> and all other resources had been utilised the course of action taken by the city of Los Angeles was to offer substantial funding for the upgrade of the irrigation infrastructure in two irrigation districts.

Sounds familiar! It continues:

> The Imperial Valley irrigation district and the San Joaquin irrigation district in southern and central California both required a substantial upgrade of their infrastructure. These projects were successfully completed, with both irrigation districts enjoying the benefit of the introduction of state-of-the-art infrastructure which provided substantial water savings.
>
> A percentage of these savings was directed to the city of Los Angeles as payment for their funding of these projects.

In conclusion the author said:

> The similarity of needs for the city of Melbourne and the city of Los Angeles led me to believe that a similar project could well be undertaken in the Goulburn irrigation district in

> Victoria, with the majority of funding coming from the city of Melbourne.
>
> On that basis I support the project and am fully prepared to work towards its successful implementation.

As people would be aware — some people may have chosen to forget — it is signed by none other than Tony Plowman, the former Liberal Party member for Benambra. I emphasise he was a country member and not a metropolitan member. He was a country member who recognised the benefit of this particular project for his rural constituency and for farmers in the Goulburn Valley area. I also note he is a former shadow minister, whom the current Leader of the Liberal Party has acknowledged as having a broad depth of knowledge on water issues. I certainly congratulate Tony Plowman for his insightful and instructive views on this particular project, again in consort, I would argue, with an upper house member for Northern Victoria Region, Damian Drum.

The project has two primary objectives. The first is to support the modern irrigation practices and secure the competitiveness of the region's agricultural industry, both locally and around the rest of the world. The second is the capture of 225 gigalitres of water which is currently being lost. The report confirms that in some areas the irrigation system is well over 100 years old. It is about finding new water by improving efficiencies. It is a project of the type of a previous Liberal government in terms of the Thomson Dam. This is a project that will benefit all Victorians for generations.

It is about a third, a third and a third — there are no ifs and buts. There is 75 gigalitres for irrigators, 75 gigalitres for the environment and a maximum of 75 gigalitres for Melbourne. The Victorian government is investing some $600 million, the Melbourne water authorities are investing $300 million, and Goulburn-Murray Water, on behalf of the irrigators, is investing some $100 million. That is the investment. That is the concept that is talked about by Tony Plowman. That is the concept that is talked about by a member in another place, Damian Drum. It is a massive injection of funds that will transform and upgrade the state's oldest irrigation system. It will provide a huge boost to the region over the next five years, with at least $200 million extra being pumped into the local economy.

The investment is shared, and the benefits will be shared. There will be more jobs, more growth and improved irrigation service, with farmers being the major beneficiaries. Those farmers will receive at least an extra 75 billion litres of high-security water every year. Despite some of the fairytales that The Nationals promulgate, the water that will flow to Melbourne will be physically capped — again we emphasise 'physically capped' — at 75 gigalitres per year.

Following discussions with the Victorian Farmers Federation (VFF) the government has also agreed that the 75 billion litres of water savings for irrigators from stage 1 of the project, and any subsequent water savings, will be accrued as additional water entitlements for farmers in the form of water shares, and neither the government nor Melbourne water authorities will enter the permanent or temporary market to buy water for Melbourne. Melbourne will be allocated one-third of the savings, which will be capped and held as a bulk entitlement. The savings will be generated by reducing distribution losses and will be available every year the system operates.

The project has strong support. I do not want to go through the quotes from major industry and business groups, as time is getting away. The Australian Industry Group, the Victorian Employers Chamber of Commerce and Industry, the Global Foundation, Murray-Goulburn Water and a number of other businesses are not playing politics with this particular project. They understand — like, it appears, the minority of Nationals and Liberal Party members — that this is a project that will benefit the economic prosperity of the Goulburn Valley region and, by implication, the health of the Victorian economy. It has the support of local community leaders. There are those who have been prepared to put the community's interests ahead of self-interest or indeed political interests.

The Food Bowl Modernisation Project Steering Committee is made up of local irrigators, councils, water authorities, environment groups and the VFF, and it has presented a unanimous report to government. I am certainly keen for members opposite to read this particular report. I want to touch on a couple of things in the report. On page 16 paragraph 3.4 refers to the irrigators' water share. It states clearly that:

> 2. Irrigators will receive half of any savings achieved above 225 gigalitres.

It is in stark black and white. It goes on to say:

> 3. Irrigators' share of the savings will have the same level of security as the environment and Melbourne's share.
>
> 4. Irrigators' share of savings will only be distributed to irrigators in the GMID —

Goulburn-Murray irrigation district —

> 5. Savings will be distributed evenly across the GMID.

6. Savings will be allocated as high reliability shares at the completion of stage 1.

This is a fantastic project for the Goulburn-Murray area.

Mr WALSH (Swan Hill) — It is a pleasure to support the matter of public importance raised by the Leader of The Nationals. The great lie of the 1999 state election was that the then Bracks government would return water to the Snowy River. We all know that is a lie. We all know that has not been delivered and there is something like 100 000 megalitre of water still owed from that promise while the government is moving on and making other promises.

The great lie of the 2002 election was that there would be no tolls on the Scoresby freeway. We know what happened to that. You can change the name to EastLink, but the lie is still the same. The great lie of the 2006 election is that no water will be taken from north of the Great Dividing Range to south of the Divide. We know how quickly that promise was broken when the state election was over and done with.

The people of northern Victoria just do not trust the Brumby government to deliver on anything it says. There is a total breakdown of trust in Premier Brumby. He sat in a room with the mayors of northern Victoria and said that if there is not strong community support for this project, it will not go ahead. There is not strong community support for this project. There is an elite group of businessmen who support it, but that is all. On the website there are 140 submissions to the food bowl modernisation steering committee of which the overwhelming majority do not favour water going to Melbourne. Some of those make very interesting reading. Submission 32 from a person in Cohuna whose name has been blanked out by the food bowl people starts by saying:

> To the scumbags in charge of ruining our livelihood …

And that pretty much sums up what people think of the project.

Honourable members interjecting.

The ACTING SPEAKER (Mr Ingram) — Order! The behaviour and language of the member for Benalla is totally inappropriate in the Parliament.

Mr Nardella — On a point of order, Acting Speaker, I seek the withdrawal of the words directed by the member for Benalla to the member for Seymour.

The ACTING SPEAKER (Mr Ingram) — Order! The member for Melton knows that it is only the member to whom words have been personally directed who can ask for their withdrawal.

Mr WALSH — We go on to some of the other submissions, such as the one from the joint shires which says:

> The Campaspe, Gannawarra, Moira and Loddon shires do not support water being transferred to Melbourne via the Sugarloaf pipeline.
>
> …
>
> The councils urge that the state government focus on alternative water savings within Melbourne to achieve the necessary … water … The GMID —

Goulburn-Murray irrigation district —

> community has expressed strong concerns at the proposed movement of water from areas with stressed water supply to less-stressed areas, as indicated by different water restriction and allocation levels. Repeated predictions of significantly reduced inflows into the Murray, Darling and Goulburn catchments in future years as a result of climate change highlight the scale of this problem.

So there is not strong community support for the project in northern Victoria. The deceit that goes on! Members of this government believe if you say something often enough it will actually happen. The Minister for Water in question time yesterday was still reiterating that there were supposedly 900 000 megalitres of savings. The member for South Barwon says this, but if he would like to sit down and listen to a few facts, he would know that in 2005–06 there were only 662 000 megalitres of losses in the system. In 2006–07 there were only 548 000 megalitres of losses. This year Goulburn-Murray Water is targeting losses of 450 000 megalitres of water. There are not the losses that the government keeps claiming.

One of the things I find really intriguing is that people on the other side of the house do not know the difference between Murray Goulburn and Goulburn-Murray. One is the dairy co-op and one is a water authority. I wish they would actually get their facts right on this.

In its response to submissions the food bowl report says the systems are operating at less than 70 per cent efficiency. But the Pyramid-Boort Water Services Committee submission says:

> In a 100 per cent allocation year the Pyramid-Boort irrigation area delivery system historically operates above 80 per cent efficiency. Losses are variable, they are not consistent every year.

We have systems that are already operating at the efficiency level this project is supposed to bring about.

The water vandals at the Department of Sustainability and Environment who are advising the minister have again got it wrong.

The farmers are being told by the food bowl group that if they get on board with this project they will get a brand new, state-of-the-art irrigation system. The food bowl report does not say they are going to get a brand new system; the food bowl report says it will:

> provide a proactive and progressive approach to rationalisation of our current delivery system …

It is not about a new system; it is about rationalisation of the existing system. There is no new system here for people as they have been promised. On page 21 of the report it says that 800 local systems will be rationalised. So it is not about a new system. It is about closing down irrigation in northern Victoria. This is about funding the food bowl group's fantasy of social restructure of northern Victoria. It is a trade-off. That group has been given $1 billion to fund its fantasy of social restructuring. It is not about delivering a new system for those in northern Victoria. There is no real detail in the report.

Mr Hardman — How can you say that?

Mr WALSH — I can say that.

Ms Duncan interjected.

Mr WALSH — The report is about the vision of the group. There is no detail or documentation here that says what is actually going to be done. The report says on page 23:

> This document looks at the principles rather than the detail, because the vision has a new focus …

It also says:

> … while many numbers are produced in the report, they must be read in the context that the report has used information available at the time and the limited time available for its preparation.

We have a $1 billion spend, and this group is saying there is limited time for its preparation!

Ms Duncan — No, they are not.

Mr WALSH — They are saying that. The food bowl report says that this project is actually going to shift the private-public interface of water delivery. It is about funding the automation of the main channels and telling farmers that if you live on a main channel you have won Tattslotto because you will get your water, but if you live off the main channel you will have to pay for your own infrastructure and cover your own losses. It is about total restructure of northern Victoria. The report says:

> Whilst some … of the funding available for modernisation comes as a result of savings, it is not productive to focus primarily on this aspect.

So it is saying, 'Don't worry about savings. We just want to fund our social restructure package'.

Ms Duncan — Social restructure!

Mr WALSH — This is about the social restructure of northern Victoria. You need to go and read the report. If you live on the main channel you win Tattslotto; if you are off it, you are out of business.

This plan to trade water for Melbourne in return for $1 billion and the jaundiced vision of the food bowl group is about the jealousy of people in irrigation developments in other regions. They believe they should try and get development back into their regions. It is a misguided view, I believe, because it will not achieve the vision they are talking about. Irrigators are suffering fatigue reform. They do not trust this government anymore to deliver what should actually be delivered. They are sick of the whole mess this government has made and the whole unmitigated disaster that unbundling has delivered for this particular area.

I would like to finish with a poem that was in the Swan Hill *Guardian* a couple of weeks ago, written by Joanne Paynter, who is a year 10 student at Swan Hill College. It is titled *One Term Premier*:

> You take our water,
> we have no rain,
> we now have the last to lose,
> and nothing to gain.
>
> Why must you steal from us?
> Why prevail?
> Why bleed us dry
> and cover up our doomed tale?

It goes on. The last verse says:

> Our spirits gone,
> we will never give in.
> We may end up losing,
> but make bloody sure you never win!

That was written by a year 10 student and published in the *Swan Hill Guardian*. That shows the feeling of people in northern Victoria, who do not trust the Brumby government. They do not believe this will be delivered. They believe it will be like the promise on the Snowy River — it will never be fulfilled. They believe it will be like the promise of no tolls on the

Scoresby freeway — it will be broken. People just do not trust the Brumby government to deliver on this project. They do not believe there is anything in it for them except water going to Melbourne to make Melbourne bigger, to make Melbourne more unsustainable and to rob country Victoria of that water.

Mr HARDMAN (Seymour) — I rise to contribute to the matter of public importance on the food bowl modernisation project. I also rise to commend the government on having the will and the guts to do something for country Victoria — something the Liberals and Nationals would never do. It is about $1 billion of investment in development in regional and country Victoria, and right now the Liberals and The Nationals are looking us in the eye and saying, 'Don't give us your money, don't invest in our jobs, don't invest in our farms and don't invest in our irrigation systems. Keep the money. We don't want it'.

That is rubbish, because people from the food bowl irrigation area came to the government with a proposal after the election, saying, 'We've got a proposal for you. We want $1 billion to upgrade our infrastructure, and we want the savings to be shared between Melbourne, the irrigators and the environment, with 75 gigalitres for the environment, 75 gigalitres for Melbourne and 75 gigalitres for the irrigators'. That was the proposal, and you over there know that you are being totally duplicitous. You are out there in Deception City!

Honourable members interjecting.

Mr HARDMAN — There is misinformation being spread everywhere about the food bowl modernisation project and its impact on country Victoria. This project has benefits for country Victoria, and it is about time The Nationals and the Liberal Party started standing up for country Victoria. It is about time they said, 'This project is a great project for rural and regional Victoria'. It is the biggest regional development project this area has ever seen, and we are really proud that the government has had the will to do it. We want to be bipartisan about this project. You have a decision to make.

The ACTING SPEAKER (Mr Ingram) — Order! Through the Chair.

Mr HARDMAN — For political purposes you have a decision to make — support your Liberal-National mates federally or support your local communities. Which one will it be? Will you support the Liberals and Nationals nationally, or will you support your constituency? That is what you are about, and that is what you are saying — —

The ACTING SPEAKER (Mr Ingram) — Order! The member for Seymour must make his comments through the Chair and not directly to the other side of the chamber.

Mr HARDMAN — My apologies, Acting Speaker. As the member for Seymour, where the pipeline is going, I have been the subject of a great deal of misinformation and abuse from The Nationals and the Liberal Party and the extreme elements in the Plug the Pipe campaign. This is an opportunity that I want to take to put on the record what this project is about.

I am congratulating the government. I am turning your matter of public importance back on you and condemning you. I call on you to support your areas and support your regions. The food bowl modernisation project is a $1 billion investment in the ageing infrastructure in the Goulburn-Murray irrigation district. This investment is going to drive improvements in farm productivity, so while water usage, for example, in the area will decline by about 120 gigalitres per year, as predicted, Goulburn Valley farm product will more than double to $2.9 billion. That will be a great economic development. There will be jobs for people on farms, there will be jobs for people in processing factories, there will be benefits for the regions and there will be better lifestyles for everybody. This increase in farm productivity will lead to the generation of those jobs.

The Brumby government cares about regional Victoria. It has invested strongly and wisely in our regions. One example beyond this is our Regional Infrastructure Development Fund, which was opposed again by the silly Nats but which has seen investment of $1 billion in rural and regional areas. It is up to you. You have the easy spin to put. You can go out there and put the easy argument — —

The ACTING SPEAKER (Mr Ingram) — Order! I remind the member to speak through the Chair.

Mr HARDMAN — The Liberals and Nationals have the easy argument to put. They have taken advantage of it, but what the Liberals and Nationals have done through their deception of rural and regional Victoria is encourage extreme elements to get involved in the Plug the Pipe campaign. I have a couple of bones to pick with them, because in my area it is having a real effect.

Honourable members interjecting.

The ACTING SPEAKER (Mr Ingram) — Order! I have already warned the member for Benalla about comments and interjections.

Mr HARDMAN — They are dividing local communities. I am hearing the same stories coming back to me, so they must be correct. In Yea and Alexandra there are people going around saying, 'Put these Plug the Pipe posters up in your window or we won't support you'. I was not going to come out and say that, because I thought that was pretty bad and pretty divisive, but on top of that, at a rally at Lake Eildon last Sunday the Plug the Pipe campaign people actually put a motion that said, 'We will not support businesses that support the pipeline'. I think that is absolute bullying and harassment, and I am concerned.

It is deception for the Liberal Party and The Nationals to come out and say that the food bowl is going to be turned into a dust bowl, that the water is for flushing Melbourne's toilets and other things along those lines. They are easy arguments to put out there.

Honourable members interjecting.

Mr HARDMAN — You have gone out there and done that, and you have created a right for the extreme elements in Plug the Pipe to send out notices saying, 'Block highways and put gravel all over the rail infrastructure. Burn effigies and burn newspapers out the front of local businesses that care about and put in big time for their local communities'. It is an absolute disgrace. I know Mike Dalmau has gone out there and said that they did not do this as a group, but they distributed some of it. Liberal Party members are distributing this kind of information, whether it is right or not. It is a real disgrace. They need to pull themselves back into line. They need to have a good look at themselves and say, 'Country Victoria is really important' — more important than the federal Liberal and National parties — 'and we need to ensure that our communities are strong, healthy and vibrant. They need investment, and we thank the Bracks government and now the Brumby government for putting in this investment'.

That is what has to happen, because at the moment my local communities are being divided. They are being bullied and harassed by the Liberals and Nationals. That is what the Liberals and Nationals are doing. They are actually out there bullying and harassing people. I am pretty tired of it, and I think local communities are getting pretty tired of it too. But I am going to get out there and fight for my local communities. I have the Sugarloaf pipeline interconnector going through my electorate — and yes, it will have an impact on the people of my electorate.

The Liberals and Nationals are seeking some advantage here. One of the things they are saying is, 'We can get Ben. He's a bit stuck, because he's got to toe the government line'. That is wrong. I am representing my constituents. I am talking to the industry capability network, I am talking to Regional Development Victoria, I am talking to Melbourne Water and I am talking to the Premier. The Premier is giving me plenty of time on the water issue, talking to me about how I can make this a real positive for my area. There is the $750 million pipeline; there are jobs in accommodation; there are many jobs in the industry itself; there is the supply of diesel fuel, gravel and other things; and there are the contractors who could be employed. I am saying I want people in my area to be looked upon favourably so that they can get the jobs and they can get the investment in their area.

At the same time the Liberals and Nationals are saying, 'Don't spend $1 billion in our area. Keep that for somewhere else. Go and spend it on some recycling project and on giving everybody water tanks. We have looked at the best way of getting water for the money, and this is the way. The Nationals are now saying — and the Liberals too — 'We support the national water plan'. I think that is an absolute disgrace, because what is actually happening is that under the national water plan the federal government does not want $100 million from irrigators, it wants $200 million from irrigators. Not only that, it wants another $75 million from irrigators as well to upgrade their systems. The figures show that under our project the extra water will cost $1350 per megalitre, while the Howard government's plan will provide water for irrigation, on its costings, for $2444 per megalitre.

Honourable members interjecting.

Mr HARDMAN — You talk about this being about social change, making up all these great conspiracy theories. But the fact of the matter is that the national water plan will create greater social change as less people are able to afford to actually upgrade their systems. Members opposite need to get their act together. They need to talk more sensibly out there in the community, because at the moment they are dividing it as well as creating a city and country divide. In the end that it is going to come back on them. They need to start turning things around. And here is a piece of advice for them: I think the opposition parties will find that what they are doing in trying to win more seats will lose them more seats in the end.

This project is a bold commitment by the Brumby government that is worth $1 billion. I am being told, 'Ben, this is going to be hard for you in your electorate'. I know that, but I believe in the food bowl modernisation project. I believe in making sure Melbourne has a flexible and secure water supply. I believe that, no matter where in Victoria you live, you should have a flexible and secure water supply. I believe that irrigators, no matter where they are, should have the best possible infrastructure so they can get the best possible value for their money. I believe the environment needs to get as much of the water savings as it is possible to access so that our rivers remain healthy.

There has also been more deception from the Liberal Party and The Nationals on Lake Eildon. They are saying there will be less water. That is rubbish! As a result of this project the lake will on average be 0.27 metres higher than it would be normally. There are some facts and figures for the opposition parties to take in. I call on them to get their act together on this, and I commend the Brumby government for its water plan.

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

Mrs POWELL (Shepparton) — I am pleased to rise and support the matter of public importance (MPI) proposed by the Leader of The Nationals. Just to show the house the emotions this matter elicits, you could hear the passion and the emotion in the voices of the Leader of The Nationals and the member for Swan Hill when they made their presentations, but I do not think I have ever heard the member for Seymour sound so irrational. He made some claims about bullying as well as some irrational complaints. If he were truly supporting his community, he would be opposing the pipeline and supporting the MPI proposed by the Leader of The Nationals.

People in my electorate and the Goulburn-Murray region generally feel angry and completely let down by this government's decision and the process that has been followed. The process was flagged in February in the *Weekly Times*, in which there was a discussion about a few local businessmen who went to the government — I have to tell the member for Seymour that this was before the election, not after the election — and did a deal with it worth $2.2 billion for a third of the water savings. That group has been dudded: they now have $600 million from the government, $300 million from Melbourne Water and $100 million from the irrigators of Goulburn-Murray Water — and they will see 75 gigalitres of water going to Melbourne, whether or not there are savings. If the savings are not there, then the storages around the region will be raided to make sure Melbourne gets its 75 gigalitres of water — and that is on record.

Government policy has stated that the government would not take water from north of the Great Dividing Range. The government was saying that while meeting with the group of businesspeople who were actually asking it to do this, and the government's policy continued to say, even after the election, that it would not take water from north of the Divide. So when the government was going to the election it was already making the decision to take water from north of the Divide because it was the easiest way around its problems. The government had sat on its hands for the previous seven years and done nothing. The Premier, the former regional development minister, also said this project would not go ahead if there was no community support. It is not just The Nationals who remember this. I quote from the *Shepparton News*, which the Premier likes to read all the time, which reported on Monday, 18 June:

> The Victorian government has denied it will this week approve a pipeline from the Goulburn irrigation system to Melbourne.

It goes on to say:

> Other media reports had the deal being announced this week but a Victorian government spokesman said this was not the case.
>
> 'We're examining our water options, which include the pipeline, and an announcement will be made by the end of the year', he said.
>
> …
>
> State member for Benalla said Nationals sources believed the plan would be announced this week.

It was announced that week — it was announced the very next day. The government also said the plan would not go ahead if it did not have community support. I would like to read some comments from an article in the *Herald Sun* of 18 June, which states:

> In a meeting on Thursday Mr Brumby warned the four mayors of Campaspe, Moira, Swan Hill and Gannawarra councils that if they did not support the north–south pipeline plan there would be no money for infrastructure upgrades in the Goulburn-Murray irrigation district, said Moira shire mayor Frank Malcolm.
>
> 'At the end of the meeting, though, he gave us an assurance that if there was not widespread community support up here for the project then it would not go ahead', he said. 'I can tell you … there is no support for sending our water to Melbourne'.

There is huge opposition to the pipeline, but the government continues to say there is support. As we find out more about this pipeline, we find there is more opposition. Other members of Parliament — except Labor members — and I have attended rallies around the state, with 800 people, 600 people and 500 people respectively attending. A petition has been presented to Parliament with over 20 000 signatures on it, and a WIN Television telephone poll conducted just recently said that 97 per cent of people are against the pipeline, so 3 per cent support it. The VFF (Victorian Farmers Federation) strongly opposes it. At one of its last meetings the Murray Darling Association passed a motion opposing the pipeline to Melbourne.

The Northern Victorian Fruit Growers executive supposedly supports it, but even in its submission it was a little bit concerned about the pipeline, and the members of that group do not support it. Five councils — Moira, Gannawarra, Campaspe, Loddon and Greater Shepparton — put in a submission to the food bowl committee. Four of them opposed the pipeline outright, and Greater Shepparton said that while it understands that the pipeline must be part of the project or the government will not put the funding in, the water must come from savings — and it certainly will not come from savings.

The food bowl committee is also in disarray, with two of the leaders, Dean Pullar and Ken Muston, leaving the committee and actually putting in letters to the editor opposing the committee's decision to pipe water to Melbourne. I attended one of the food bowl committee's forums, which was a sham consultation. The committee said it had had 13 forums in a week — and this is what it called consultation. Of those 13 forums, the very first one was in Swan Hill, and that was on the day the report was released. The others were held during that week. There was no consultation with the irrigators who needed the information. There was not much information in the newspapers, so very few people actually attended the forums. As I said, the consultation was a sham.

The report has been now released, and it shows that the committee was not listening. The report does not reflect the discussions that occurred at the forums. The Nationals dispute the water loss figures, and that is actually borne out in the report itself. On page 11 the final report says there are 900 gigalitres of losses, yet the table on pages 45 and 46 shows there are 850 gigalitres of losses. The ministers have said the figure is between 800 and 900 gigalitres. That is a huge inconsistency, which is intolerable when they are talking about taking that water based on those sorts of losses. We dispute those losses, and the committee disputes those losses. There should be an audit to have a look at where those losses are going to come from, if in fact there is that amount of loss.

The member for Swan Hill talked about social restructuring. The impact on small irrigators is borne out in this report. There will be a shift to smaller irrigators of the cost of maintaining and managing the channels. The irrigators are going to be told, 'We are going to price you out of your market. We are going to price you out of your business'. Those people who do not believe that should have a read of the report. The report talks about new water, and it talks about meter losses of 200 gigalitres. Part of that involves the Dethridge wheel and is not about losses but about water that is already in production. At the meeting I attended the food bowl committee members were asked what would happen if the money ran out, and they just said 'The project stops'. We know this government's record of blowing out its major projects.

I put on the record the comments of the Shepparton Water Services Committee, which is an entity under Goulburn-Murray Water. In part it says in its submission:

> The WSC has for years sought a commitment from the government to fund upgrades to this state-owned irrigation infrastructure that was run down then handed to irrigators to maintain and replace under full cost recovery arrangements and has pointed out the inequity of this arrangement.
>
> The publicity surrounding this project emanating from both government and the food bowl committee has repeatedly acknowledged and confirmed that the state government has let these assets fall into a dilapidated condition. This acknowledgement and the commitment by government to spend $600 million is welcomed by the WSC as a start to rectifying a situation government has ignored for far too long.
>
> It is, however, a major shortcoming that the proposed works under [the] food bowl proposal mean this expenditure will do almost nothing to fix this 'old infrastructure', which the government has acknowledged needs to be upgraded and modernised but is rather being used to achieve the easy, low-cost savings through retrofitting automation and replacing meter outlets. The WSC also strongly rejects the proposition that this expenditure be subject to transferring water to Melbourne
>
> It is clear from the report that neither the commitments given nor the community expectations generated by government and the food bowl group regarding benefits and scope of works will be delivered.

The Treasurer, John Lenders, has said that northern Victorian people will only get the funding if it benefits Melbourne. That statement is outrageous. The Minister for Water said on ABC that the $1 billion will only be funded if it benefits Melbourne. I asked the minister, and I did so on ABC, 'What do you think the irrigators

do with this water? Do you think they drink it?'. This state and this nation gets the benefit of quality fruit, food and milk production from this region. It is the food bowl of Australia. It is vital for the government to put money into this food bowl to upgrade it, and this needs to be done because we are the food bowl of Australia.

Our people are going through the worst drought on record. They have had the worst hail and the worst frost. They are paying for water they do not receive. Theirs is a stressed system, and they are a stressed community. This government stands condemned and should abandon the pipeline and get on with upgrading its own irrigation system to allow continued prosperity in the Goulburn-Murray region.

I urge all members to support this matter of public importance put forward by the Leader of The Nationals because it is the right thing to do. These people need to know that they have security of water. Melbourne should not get the first allocation of water; it should stay in the irrigation system.

Ms GREEN (Yan Yean) — I take great pleasure in standing beside my government colleagues in support of this investment in Victoria's water future. The contrast between the Brumby government's water plan and the hypocritical, narrow, self-interested drivel that we have heard from The Nationals this morning, and over a number of months, could not be more stark. Where we have a plan to secure water for all Victorians, The Nationals have a series of opportunistic and shifty quips.

We are working to secure Victoria's future. We are not just fearmongering. We are not lying and selling out to the federal politicians to secure votes. I do not know why The Nationals are doing this for struggling federal Liberal MPs. That is what it is about. We have a plan to secure water for the whole state. We are investing in the food bowl modernisation project, but we are looking at the whole state. We have a plan for the Wimmera–Mallee pipeline and the Hamilton–Grampians pipeline in the electorate of Lowan. We have got the goldfields super-pipe and the Geelong–Melbourne interconnect to secure water for the key regional towns of Geelong, Bendigo and Ballarat. We have got the eastern treatment plant to secure more recycled water for industry. We have got the desalination plant to secure water for South Gippsland, Western Port, Melbourne and Geelong.

We are supporting hundreds of innovative industry and local government water recycling schemes across the state. We have the food bowl modernisation project, which is a visionary upgrade to our largest irrigation system. It is a once-in-a-lifetime opportunity to secure Victoria's largest agricultural region — and this lot would talk it down. It is a project that will generate such massive water savings that it will secure more water for farmers in the food bowl, more water for the health of our river systems, which The Nationals never cared about, and more water for users in Melbourne. In short we have a water plan for all Victorians, whilst it has nothing but hollow rhetoric and a plan to send water to Adelaide.

What are the motivations for The Nationals, the Liberal Party and their Plug the Pipe friends? Firstly, they want to save the necks of their federal mates — mates like Fran Bailey, Sharman Stone, Sophie Mirabella and probably people in Adelaide whose names they do not even know. They are mates who speak out against this investment by Victorians to help the whole state and criticise 75 gigalitres going to Melbourne but are quite happy to see 200 gigalitres to shore up their marginal seats in Adelaide. Federal MPs like Fran Bailey and her state counterparts have failed to address the consequences of climate change — they are climate change nay-sayers — and the drought. They have also failed to invest in infrastructure for anything, or to address these problems.

Fran Bailey has been out there quietly saying, 'Send water to Adelaide, but do not send water to Melbourne'. She actually forgets that she represents a huge chunk of outer Melbourne, like I do. Why does she not want to secure water supplies for Diamond Creek, South Morang, Doreen, Whittlesea, Hurstbridge, Mernda, Wattle Glen, Kangaroo Ground, Christmas Hills and the Upper Yarra — and the list goes on? She should represent and stand up for all of her electorate and stop playing divisive politics. She has to represent people both north and south of the Great Dividing Range, and if she thinks people south of the Divide do not know what she is saying in the north, then she thinks that they are more stupid than they are. They are smarter than her and they will teach her a lesson.

Let me go through some of the myths that we have heard this morning — these ridiculous myths which were voiced this morning in this house but which have been out there for months. The first one is that this project will take away water from farmers and give it to Melbourne. I will explain to the house and to the dullards on the other side that more than 800 billion litres of water is currently being lost in the Goulburn-Murray irrigation district through seepage, evaporation and system efficiency. That is a lot of water being released from the system that is either wasted or is unaccounted for because the system is so antiquated. The coalition did not invest in it when it was in power. The food bowl modernisation project will recover

225 billion litres of this lost water and share it equally among irrigators, the environment and Melbourne. The project will not take away water from irrigators. The savings will help secure their allocations because they will be available every year the system runs. This is money in the bank for farmers with permanent water currently trading at more than $2000 a megalitre.

The second myth members opposite have been talking about is that the water savings are not real. That is what they are saying. We know that these savings are achievable based on the experience from modernisation works already undertaken both here and interstate. No-one sensible disputes these water savings, not even the VFF (Victorian Farmers Federation). The major modernisation projects that have been completed or are near completion have delivered these sorts of savings across Australia, including the Macalister irrigation district in Gippsland, Coleambally in New South Wales and the Central Goulburn 1234 channel project in the Goulburn-Murray irrigation district. These works have typically improved the efficiency of their systems from about 67 per cent to 85 per cent. That equates to preventing 50 to 60 per cent of total losses. An independent audit process will verify these savings, and it is likely that a similar process to the one already undertaken by the Murray-Darling Basin Commission will be used.

Another myth that we hear from those opposite is that only irrigators around Shepparton will benefit from the works and the savings. The works will be undertaken across the whole Goulburn-Murray irrigation district and the savings will be allocated evenly to irrigators across the whole district.

Another myth is that the pipeline will be larger than 1750 millimetres. The pipe sizes for the Sugarloaf pipeline are confirmed and will not be changed. They are what we have always said they will be. They will be a maximum of 1.75 metres diameter north of the Great Dividing Range and 1.4 metres south of the Divide. We are so sure that these are the right dimensions that Melbourne Water has already placed the order. This will ensure that pipes are available so that construction will begin in April next year and the project can be completed by 2010.

Another myth we hear is that this pipeline will be built above the ground. The design details are still to be evaluated and finalised; however, the pipeline will be below the ground. The only potential exceptions are some river crossings, where an above-ground crossing would be designed to minimise environmental impacts. One of the other myths we have heard this morning is that Melbourne will take more than 75 gigalitres of water a year. Melbourne's share is capped at 75 billion litres by a legally binding bulk entitlement. Melbourne Water authorities will not be permitted to enter the permanent or temporary market to purchase additional water for Melbourne.

The Winneke treatment plant at Sugarloaf is in my electorate, so I know a bit about it; I have actually been there and had a look at it. It has a limited capacity and cannot handle more than an additional 75 billion litres of water a year. If Melbourne needs more water in the future, the proposed desalination plant can be scaled up from 150 billion to 200 billion litres.

Another myth is that Melbourne Water will enter the market to buy water if its savings fall short. The opposition should clean its ears out and listen now in case it misheard what has been said 100 times: Melbourne Water will not be entering the market to buy water for Melbourne. We have put this in writing to the Victorian Farmers Federation, the Murray group of councils, and many others. This fact is repeated in a food bowl modernisation steering committee's report. The only people not listening are those who just do not want to hear the truth lest it undermine their ill-informed campaign against the government's $1 billion investment in the food bowl modernisation project.

Another myth the opposition has put about is that Lake Eildon will be a closed catchment. Recreational activities will continue like they always have at Lake Eildon. This catchment will not be closed, because the water transferred to Melbourne will be treated at Sugarloaf Reservoir before it enters the supply system. If anyone actually wants to go and have a look at Sugarloaf Reservoir, they will discover it is not a closed catchment either. Sailing, fishing and other recreational activities take place at Sugarloaf just as they will continue to take place at Lake Eildon under this project. Only some catchments controlled by Melbourne Water are closed so that the water is not treated; this is unlike what will occur under this project.

The other myth is that Lake Eildon will be pumped dry. Lake Eildon will not have any less water in it as a result of this project. At times when the savings are stored but not used, it will actually have more water. As it stands, this water is being released from Eildon now during the irrigation season to cover the losses in the system that I have talked about. As the savings are recovered, the water will still be released from Lake Eildon during the irrigation season, but will be available for use by irrigators, the environment and Melbourne, instead of being lost.

In short, I commend the huge investment by the Brumby government in Victoria's water future. We are securing Victoria's water future as any responsible government should, unlike the members on the other side of the chamber who talk down any good investment in this state. When they were in charge of the Treasury benches all they did was consider country Victoria to be the toenails of the state. Let me warn The Nationals: watch out for the Plug the Pipe organisation and the Liberal Party. They are after your seats. They have done it before. Sharman Stone, the federal member for Murray, has done it before; now Samantha McIntosh, the Liberal candidate, is having a crack at Ballarat. They have taken one of your Senate spots. This is what they will do to you. Why do you think Mike Dalmau, the Liberal candidate for the federal seat of Seymour, is out there? It is a case of, 'Here we come, Shepparton and Benalla!'.

Mr TILLEY (Benambra) — I rise to support the matter of public importance proposed by the member for Gippsland South. Like my colleagues in The Nationals, I believe that water is an important issue facing all of country Victoria at this point in time. Whilst we may go outside today and see a little bit of rain, we are not receiving that rainfall in catchment areas. Rainfall is so important for the downstream of rivers, particularly the Murray River.

Ms Green — Build another dam!

Mr TILLEY — Absolutely! Let us build another dam along the upper Murray River. That is a terrific and great idea! Let us go with that!

In this entire debate we have heard that Melbourne will only take 75 gigalitres of water. But the truth has an uncanny way of coming to the surface. In recent times we have heard reports from Melbourne water authorities which suggest that this amount is short-sighted and that we should look at not capping that amount. We know that this Melbourne-only government will bow to the pressure of metropolitan interests. What will happen beyond 2011 if this pipe is not plugged? After 2011 there will be a bowing to the demands of lazy metropolitan policy.

One important issue of this whole debate which I want to raise concerns the catchment farmers I represent in north-eastern Victoria. The changes to the Water Act in 2004 removed the rights of farmers to harvest rain which fell naturally on their land. This issue was about a right to compensation. It has been very difficult in these times. I do not want to create a further divide between my colleagues in The Nationals and me. This issue is about the farmers I represent in north-eastern Victoria.

I call on the government to deliver this: we need and want only a small proportion of water around the volume of 10 gigalitres. Other members of this Parliament who represent my neighbouring electorates need to consider their farmers. One of my colleagues who sits to my left in this place has a number of catchment farmers in his electorate. We need to look at their interests. Taking water away from northern Victoria creates a more difficult and stressed system.

The industries which are under immense pressure include horticultural industries. We have been trying to work collectively and negotiate a reasonable deal for the future and for future generations. We have been talking about farming succession plans. Farmers need to be able to find the best possible way to deliver water, one of the three most important ingredients of farming, the others being sunlight and soil.

Mr Walsh — The water will be in Melbourne.

Mr TILLEY — That is exactly right. Sending water to Melbourne via a garden hose is nothing short of water theft.

We have seen the recent rains. I have taken the opportunity on a couple of other occasions in this place to mention that 84 000 million litres of water went down the Latrobe River and out to sea between 5 November and 11 November. This is equivalent to the total amount of water stored in the Sugarloaf, Maroondah and Greenvale reservoirs. This underscores that Gippsland rivers are underutilised as a resource for domestic water supply and irrigation, apart from the benefits of regulating environmental flows.

In addition to water resources in the Gippsland area, we need to look at sourcing water from the Otways. I have spoken about that as well, but still we have the doggedness, stubbornness and arrogance of this government as it pushes ahead with its plan to use a garden hose to steal water from country Victoria and siphon it to Melbourne.

Ms Duncan — A garden hose?

Mr TILLEY — You have just mentioned that you are going to bury it anyway! The government wants to bury this garden hose so it is out of the eyes of country Victorians — out of sight, out of mind! The government wants to bury the damn thing and keep siphoning our water down to metropolitan Melbourne.

There are plenty of options. What I have seen with this government, over and over as it deals with similar people, is that when its members are caged in they admit absolutely nothing. We heard the Treasurer at the time, who is now the Premier, say that government would not undertake this project without support from the people. What a filthy and absolute lie that was! We are admitting nothing there. This has been put to the Premier, and he has denied that once again on ABC radio. Absolutely everything that has been put to this government is an absolute denial, yet its members sit there and demand proof.

If government members listened to my Nationals colleagues and the Liberal Party on the opposition benches, they would know that we are delivering the proof. We are delivering the words from country Victorians — the people who are working at the coalface of agriculture, horticulture and all types of farming — that there is absolute undeniable proof that the government is relying on nothing but policy from metropolitan boffins who sit behind computer screens and plan things out on a set of numbers and figures. We need to look at the effects this project will have on the ground. We have heard about seepage. Seepage is groundwater for country Victorians.

Ms Duncan interjected.

Mr TILLEY — Yes, we do need to fix our agricultural infrastructure for water delivery, but this falls short of the national water reform from the Howard government.

Ms Duncan interjected.

The ACTING SPEAKER (Mr Ingram) — Order! The member for Macedon will get her chance and should stop interjecting like that.

Mr TILLEY — The national water reform was delivering those funds that were so critically required to deliver that infrastructure to secure water for country Victoria.

In the second half of the contribution made by the Minister for Water we heard nothing but him bashing up on those people who are actually on the ground getting into the community and fighting for country Victorians. We heard him speak about Fran Bailey, Sharman Stone, Sophie Mirabella and other members about the place. He was attempting to bash up the federal representatives who are trying to fight for those essential water resources.

I need to step away from talking about the federal election, which is only a couple of days away. We know that these people have been fighting for us, but we have heard nothing from the federal Labor candidates. We have not heard a single word about water from the Labor candidate for the federal seat of Indi. Whether it is because the candidate does not know about the issue or is too scared to take on the challenges of addressing it, I do not know. Likewise, further south, a former member of this place has not been able to say a damn boo about water — not a thing; not a single word! We only hear the propaganda being expelled by this arrogant and ignorant Labor government.

Mr Crutchfield — He's a good man, Tony.

Mr TILLEY — We are not talking about Tony; we are talking about one of your blokes.

Mr Crutchfield interjected.

The ACTING SPEAKER (Mr Ingram) — Order! The member for South Barwon should stop interjecting, and the member for Benambra should stop responding to interjections.

Mr TILLEY — At no stage did the minister give any assurance. I call on him to give an absolute assurance in a public statement I can take back to my constituents in the great electorate of Benambra that the additional strain that this government plans will not come into place and that it will not kowtow to metropolitan water authorities.

There has been some recent commentary in the media. I would like to read a comment I found this morning. It says:

> Hey Brumby and Holding, here is your water and what it does when you do not have policies for water management. I realise that you are going to let it run to the sea, turn salty, and then spend $3 billion turning it back to what you see here, fresh water. What about cutting out the $3 billion middleman and catching it first.

This goes back to the exact ideology of creating the — —

Mrs Fyffe interjected.

Mr TILLEY — It is. We should look at applying the KISS principle — that is, keep it simple, stupid. We should listen to the people out there who are working on the coalface — the farmers and the irrigators — because I know that in working through this we will be able to resolve the issues involved in everyone getting a fair and adequate share of water. Ten gigalitres of water is what we need for Benambra catchment farmers.

Ms DUNCAN (Macedon) — It is a great pleasure to rise and contribute to the debate on this matter of public importance. It is really hard to make any sense of what

The Nationals are saying. I understand that for their constituency and to maintain their relevance in the political landscape of Victoria it is in The Nationals' best interests to maintain this rural-urban divide. It is in their interests to try to say to Victorians that the interests of rural Victoria are at odds with the interests of urban Melbourne or any regional towns around Victoria.

I understand that it is good politics for them to try to demonise the people who are arguing this case and simplify the issues by putting the most basic, untrue and simple-to-understand argument that this is just about Melbourne stealing water from the mouths of farmers and taking water from babies' bottles and sending it down to Melbourne so that the people of Melbourne can sit there and swan in the Hanging Gardens of Babylon. I think that is what The Nationals are trying to suggest.

Mr Walsh interjected.

Ms DUNCAN — The member for Swan Hill is agreeing with what I am saying. I guess it is true that that is what they are trying to do.

I would like to think that in this day and age, with the crisis that we are facing — not just in rural Victoria but right across Australia — we would be able to put aside that kind of petty politics and demonisation that The Nationals are trying inflict and sit down in a calm and rational way to look at what we can do that will benefit everybody. It seems to me that part of the argument from The Nationals is to say, 'Because it will benefit Melbourne, we do not want it'. It also seems to me that when you put the arguments to them, they just put their hands up and say, 'But we do not believe you'. In other words, they are saying, 'The arguments sound okay and the project sounds okay, but we do not believe you, so that is the position we will put ourselves in'. That is simply saying, 'We do not believe it will be delivered in this way; therefore we say it should not occur'.

I have just heard the most extraordinary contribution from the member for Benambra. I have to say that I am gobsmacked. He has suggested that seepage from antiquated infrastructure is good because it replenishes groundwater. Seepage is good for groundwater! I hope the people of Benambra understand what a wonder they have just elected. I see the member for Swan Hill laughing at the contribution made by the member for Benambra.

I would also like to highlight that, fairly early on in his contribution, the member for Swan Hill very proudly stood up and quoted from a submission that referred to 'scumbags' from Melbourne. We all get these sorts of submissions. We all get emails that refer to other people in very derogatory ways but which we know, in our heart of hearts, are not true. Most of us do not quote them, because they are so offensive, so untrue and so vilifying. They belittle the entire argument. They are so irrelevant to the argument that we do not refer to them. They reflect more on their authors than they do on the people to whom they refer.

However, the member for Swan Hill proudly read out a submission that referred to scumbags. I am not sure who it referred to. From the great gusto with which the member for Swan Hill read it, it seems to be referring to everybody south of the Great Dividing Range as scumbags. The member for Benalla screamed until he was hoarse — and I hope the people of Benalla know what a little pearler they have in their member — pointing the finger at, I think, the member for Seymour but I take it he was referring to all of us, and screaming that we were scumbags. He screamed it out half a dozen times in the most vitriolic, hateful way. This is what the debate is really about — it is about trying to demonise people.

I am looking at a list of people on the project's steering committee. The member for Swan Hill and the member for Benalla referred to people like the chairperson of the Food Bowl Alliance, representatives of Northern Victorian Irrigators, the chief executive officer of the City of Greater Shepparton, the chairperson of Goulburn-Murray Water, the president of Northern Victorian Irrigators, and the chief executive officer of Moira Shire Council. I assume they refer to all these people as scumbags. I assume that The Nationals proudly stand up in this place and call all these people scumbags. It is an absolute disgrace!

Some people said to me some time ago, 'If we ever tried to rebuild the Snowy Mountains scheme, we could never do it in this country. We just couldn't'. I am starting to understand why people would say that — it is because The Nationals try to suggest that anything that will benefit Melbourne therefore could not benefit rural Victoria. I have no doubt that in years to come people will look back on this debate and wonder what all the fuss was about.

People already know that the Liberal Party does not care about the people of rural Victoria, but The Nationals purport to represent these people. Yet members of that party say, 'We do not want that project to proceed'. They do not want $1 billion spent on upgrading irrigation in Victoria's most critical irrigation areas, or the food bowl, as the project describes it. Members of The Nationals are all sitting there nodding

their heads at me. They think, 'That's right, we do not want $1 billion spent on upgrading irrigation in the Goulburn-Murray system'. It is absolutely unbelievable.

They would rather support the federal government in its plan to send 200 gigalitres of 225 gigalitres in savings to Adelaide. I cannot understand why the VicNats would support sending water to Adelaide — heaven forbid that we should send any to Melbourne! It is an extraordinary argument that The Nationals are trying to mount. It is nonsensical. I cannot get my head around their arguments.

What is more damaging is that, because they are trying to maintain their own political relevance, it is in their interests to spread the misinformation that they support people who I am sure — because I know The Nationals are generally quite conservative and law-abiding people — they would be condemning in any other circumstances. These people suggest that they should sabotage water infrastructure to Melbourne. In any other world, regarding any other argument, The Nationals would be calling for the mandatory detention of these people. They would be calling on the federal government to round them up and charge them under all sorts of terrorism legislation.

In this instance, though, they stand up in this house proudly supporting these people, their sentiments and their calling people scumbags, vilifying everyone who supports the project. We have heard from the member for Seymour about some of the things that are going on — some of the standover tactics that are being exercised up there against those people who dare to stand up and support this infrastructure upgrade.

I find it amazing. The Nationals sat back for seven years and watched rural Victoria be seriously disadvantaged by the privatisation of electricity — they said nothing. When this government tries to invest $1 billion in infrastructure in their communities, they scream and say they do not want it. They argue that seepage is good for the environment.

My contribution today was meant to be about the benefits that this project will deliver to the environment, the one-third of the savings that will go to the environment. I have not even had an opportunity to say that. I think it goes without saying: I do not think anyone other than those in The Nationals and the Liberal Party are arguing that this investment is not long overdue and desperately needed.

Mr WELLER (Rodney) — On the matter of public importance, first of all we should clarify the amount of actual savings, and there have been lots of statements today about that. Let us get it on the record: the Premier, the Minister for Water and others have said that 850 to 900 gigalitres of water are lost in the Goulburn-Murray irrigation district each year. If you go to the actual figures for the Goulburn-Murray irrigation district, you see that in 2005–06 there were 662 gigalitres of water lost, not 850. In 2006–07 there were 548 gigalitres of water lost, not 850. The district's target for the year 2007–08 is 450 gigalitres. If you use the figure of 850 gigalitres and say you will create savings, and end up with losses of 450 gigalitres, then 400 gigalitres would have been pillaged from irrigators.

Dairy Australia has given some figures on the jobs that are created by each dairy farm. Each dairy farm creates eight jobs in the support industries and the downstream industries of the dairy industry.

Mr Delahunty — It is the biggest exporter through the port of Melbourne.

Mr WELLER — That is also correct. The member for Lowan points out that the dairy industry is the biggest exporter through the port of Melbourne, and indeed the Goulburn-Murray irrigation district is the biggest dairy district in Victoria, so this will have a massive impact on the diary industry.

I would like to quote from page 55 of the food bowl modernisation project report, which states that we will go from 1820 dairy farms down to 1000 dairy farms — that is 800 less dairy farms! Multiply that by the number of downstream jobs and support industry jobs, and the result is that 6500 jobs will be taken out of the industry. The report states that there will be 350 less mixed farmers. Add downstream and support jobs, and that represents another 1000 jobs lost.

Then we have the small users: there will be 2094 less small users. Add the downstream and support industry jobs, and that represents 3000 fewer jobs. In total, that means we are going to lose 10 000 jobs out of the Goulburn-Murray irrigation district. What for? For water for Melbourne, yet Melbourne has other choices. If Melbourne were to invest in its stormwater or in water reuse, we would indeed have a win-win situation — we would clean up the bay and we would supply the water.

The member for Yan Yean made a comment that where these systems have been trialled in Victoria, they have been successful. I am fortunate to have with me a submission from Mick Trevaskis, who happens to be the chairman of Central Goulburn No. 2 Irrigators

Committee, to the food bowl modernisation project inquiry. He says:

> Measurement accuracy is irrigators' major concern. The two major issues with measurement accuracy appear to be:
>
> > the sensors that monitor the water level at the upstream and downstream side of the flume gates, the sensors 'drift' and while they have been upgraded, still appear to be a major problem.

Here we are saying we are going to get accuracy in metering, but it is still a major problem where they are trialling it in Victoria.

The second major concern is:

> > the difference in the hydraulic conditions on farm and in a testing facility. CG2 irrigators set up their own measurement trial using a mag flow meter and had up to 17 per cent difference in GMW's —

that is, Goulburn-Murray Water's —

> > favour.

That is a 17 per cent rip-off of the farming community. The submission goes on to say further, where it talks about this being a system that is meant to deliver on time within 12 hours and be flexible for farmers, that:

> Ordering times have varied over the last five years and theoretically could be 12 hours …

But reality has meant that that is not the case. They have to order six or seven days prior. The system has not delivered on that claim as well.

The submission goes on to say that the system fails and that it actually leads to overwatering of paddocks and to half-watered paddocks. That is not efficient irrigation. The submission continues:

> TCC —

total channel control —

> > does not have the ability to identify leaks in channels when there are high flow rates in those channels.

We are being told that if you put in total channel control, it will increase efficiency, and you will be able to identify where the leaks are. That is not the case at all.

I might comment on a few of the contributions from the government side. The minister said that there is a need for an upgrade. No-one argues with that, but we should not have to pay 30 pieces of silver for it. What the state should realise is that there are export dollars and employment opportunities to be provided by this upgrade. What the minister did not talk about was how he was going to achieve the savings, because the government well knows it cannot achieve the savings; it can only put a spin on it.

The member for Seymour gave a quite impassioned presentation, and you might say that it reflected the pressure he is under. He admitted that the proposal is not a good thing and that it will have negative impacts on his seat and his electorate. He showed the pressure of having to support something that is going to have negative impacts on his electorate.

We need value for investment when it comes to water, but this is not a good investment. It is value for investment if you are looking for the cheapest option for Melbourne. It is not a good investment, as we are looking for the best investment and outcome for Victoria. The best investment and outcome for Victoria would be for the government to make a contribution to the upgrading of the system and for the government to also invest in stormwater and in Melbourne water reuse. That would be a better outcome for the whole of the state.

Mr Delahunty — Good public policy.

Mr WELLER — Indeed, it would be good public policy.

I turn to the contribution of the member for Yan Yean who is on the record as saying during the emergency services legislation debate that it is not going to rain again. The member for Yan Yean talks about those on this side of Parliament being nay-sayers because we do not believe in climate change. If it is not going to rain again, why would we spend $750 million on a pipeline when we could spend that money on water reuse in Melbourne and on stormwater capture in Melbourne, and actually clean up the bay in Melbourne? That would be a win-win-win situation — Melbourne would get its water, the environment would be cleaned up, and the state would have greater export dollars through the horticulture and dairy industries, providing more jobs for everyone.

There is not enough money to do the whole system. We keep hearing from the government side that the whole system will be upgraded. It is identified in the report that the system will cost $2.2 billion. The government's plan is that there be only $1 billion of investment. That leaves a black hole of $1.2 billion. We all know that this government has an atrocious track record when it comes to investment in major projects, so you can guarantee that the $1 billion will not go anywhere near as far as the government says it will. You can also guarantee that, once the government gets to its

$1 billion limit, it will go no further. The government's assurances that this investment is for the whole of the system are totally flawed because it will not get anywhere near half of the system done.

The house also heard a contribution from the member for Macedon, who talked about The Nationals being responsible for dividing urban and rural people. This could not be further from the truth. As I have already pointed out, we are committed to developing the state, creating export dollars and creating jobs and throughput in the port of Melbourne. The Premier has said in this house that if you do not support this proposal, you are not a leading citizen. Does that mean the Victorian Farmers Federation, the councillors and elected members are not leading citizens of northern Victoria? This is nothing but a con to deprive the state of jobs and export dollars and to secure Melbourne's Labor seats.

The ACTING SPEAKER (Ms Munt) — Order! The time allocated for debating matters of public importance has expired.

STATEMENTS ON REPORTS

Public Accounts and Estimates Committee: budget estimates 2007–08 (part 3)

Mr BROOKS (Bundoora) — I would like to refer to the Public Accounts and Estimates Committee's *Report on the 2007–08 Budget Estimates — Part Three*, dated September 2007. Before I go to the detail in the report I would like to congratulate the committee on producing a very well-compiled report and thank the members and the executive officers of that committee who did much of the work in producing the report — in particular, its chair, the member for Burwood.

I refer in particular to section 13.2 of the report, which relates to participation in kindergarten programs, and to the specific mention of 2007–08 budget initiatives, including:

> … grants totalling $35 million over four years to upgrade and better equip existing not-for-profit kindergartens and child-care centres, and for children's centres where maternal and child health, child care, kindergarten and family support services can be co-located —

and I will come back to that in a moment.

> …
>
> allocation of $10 million to encourage kindergartens to offer extended hours that are more convenient for working parents, and
>
> incentives for long-day-care centres to provide a state-funded kindergarten program.

I mention those three initiatives, because I think they are very important for many parents these days who both have to work to meet mortgage payments and other weekly bills. There is not always the opportunity for one of the parents to stay home and get their child or children to the traditional, stand-alone kindergarten sessions that are often held during the day. They are not always convenient for working parents. Those initiatives that I have mentioned will go a long way towards making those hours more flexible and suitable for working parents, whether it involves parents who have children at a long-day-care centre that will hopefully be able to offer a kindergarten program or whether it involves parents who are able to get their children to a traditional, stand-alone kinder that might be able to offer more flexible hours in the future.

The other initiative mentioned in this report is the provision of $29 million over four years to increase the fee subsidy for kinders from $320 to $730 a year for health care card holders. I think this is a fantastic initiative which will help to boost participation rates for kinders, particularly for those children who are probably in the most vulnerable situations in our community.

The next part of the report I would like to refer to is section 15.2, which deals with road traffic fatalities attributable to suicide. This is a very serious issue that has not received a great deal of attention. I congratulate the Public Accounts and Estimates Committee for including it in the report. The committee noted a review conducted in 2003 that found that 'relative to other methods of suicide and injury, literature on suicide and natural deaths in road traffic was scarce, particularly for pedestrian suicides'. The committee has recommended that the Department of Justice do a research project on that very important matter, and I think that is something all members of the house would support.

A further section of the report which I found very interesting reading is on housing affordability. The report cites information released from the Housing Industry Association showing that more than a third of Melbourne homeowners are under mortgage stress. I have mentioned before the interest rate rises, and we are all well aware of the lies the Howard government told at the last election about keeping interest rates low. There are many people under mortgage stress at the moment because of those interest rate rises. The report details on page 169 the initiatives announced by the Treasurer:

> in December 2006 stamp duty on the average family home was reduced by 14 per cent;
>
> the first home bonus was extended to 30 June 2009 and increased to $5000 for newly constructed homes;
>
> land tax reforms will result in a saving of $700 on the price of an average block of land; and
>
> the introduction of a new electronic conveyancing system that will reduce the expenses of buying a home.

I think it is important when dealing with issues of housing affordability to remember — I cannot see it noted in this report — the shocking decision by the Howard government to rip out over $1 billion from the commonwealth-state housing agreement. I think that demonstrates more than anything the heartlessness of the Howard federal government.

In closing, I commend the Public Accounts and Estimates Committee on its great report.

Public Accounts and Estimates Committee: report 2006–07

Ms ASHER (Brighton) — I wish to speak on the Public Accounts and Estimates Committee (PAEC) annual report for 2006–07 and to make a couple of observations. The first observation I want to make relates to page 13, where the committee acknowledges that it has instituted 'a changed reporting focus for the inquiry into the 2007–08 budget estimates'.

It is that focus, of course, that there has been a lot of commentary on in this place, because unfortunately previous public accounts and estimates committees — I include previous committees of a Labor-dominated kind — had a lot more transparency and a lot more guts, if I can put it bluntly, in terms of their criticisms of their own governments and their recommendations. I also note on page 13 that the committee believes it 'achieves this by providing independent assessments to Parliament and the public'. But for someone vitally interested in PAEC reports, the committee has unfortunately so far been the lap-dog of the government.

I also wish to refer to page 14, because that refers to a report that was tabled on 4 October 2006. It was a report that was completed by a very gutsy PAEC, again with a Labor majority on it, and it was entitled *Report on Private Investment in Public Infrastructure*. Of course what happened is that that report was tabled just prior to the last election, which meant that the damning recommendations of the PAEC were not able to be discussed beyond one parliamentary sitting week. I turn now to an assessment of that report at page 23, and again I remind members of the PAEC that this was a committee that was quite happy to criticise the government. That report had 20 recommendations and I will quote from page 23:

> The committee noted the public perceptions surrounding PPPs and suggested that greater reporting, and in particular a succinct project summary signed off by the Auditor-General, would assist public understanding.

The committee then went on to make some very strong recommendations against the government. The first one was that:

> All major infrastructure projects including PPPs be subject to independent post-project reviews …

And:

> All results be periodically reported to Parliament.

This current committee would never make a recommendation like that. A second recommendation was that:

> Long-term peppercorn leases extending beyond the concession period should not be given to a private consortium, unless it can be clearly demonstrated that there is a public benefit.

Again, that was a very strong recommendation from a Labor-dominated committee, the like of which we are not seeing under the current PAEC. A third recommendation was that:

> Public-private partnership contracts should include the total amounts of payments outlining the total government commitment and the impact on state debt. This information should be published on the Partnerships Victoria website, with summary information included in the state budget papers.

Again, that was a very gutsy recommendation from a previous gutsy committee. It is a great shame that this committee has changed its tenor.

I also refer to page 25 as evidence of the changed style of the PAEC in this current Parliament. I refer in particular to table 5, entitled 'Summary of government response to the PAEC's report on private investment in public infrastructure'. What this shows is that, of the 20 recommendations put to the government, half were rejected by the government. The chart sets out the classification of this. That previous committee — and I know these public-private partnerships are at the core of Labor Party policy debate — had the guts to actually put up recommendations to the government and, as it should, criticise the way the government has handled PPPs. A report tabled today, which is not the subject of debate at the moment, shows how bad that Southern Cross development project was.

That committee had the guts to criticise the government and to make a decent public policy contribution to this Parliament. It did not have the guts to table it too far in advance of the last election so the Parliament could not debate it as fulsomely as I would have liked. That committee also had the guts to put up 20 recommendations, 10 of which were not agreed to by the government. I think the current committee should read this annual report, take note of it and go back to the very transparent and robust style of the previous Public Accounts and Estimates Committee.

Public Accounts and Estimates Committee: report 2006–07

Ms GRALEY (Narre Warren South) — It is a privilege to speak today on the Public Accounts and Estimates Committee annual report for 2006–07. I repeat: it is a privilege to be a member of the PAEC. I know, along with my fellow MPs from both houses and all parties — indeed a multiplicity of parties — that we have produced a considerable amount of valuable and beneficial work on behalf of the Parliament. I would like to assure the member for Brighton that nobody is a lap dog. I think the leader of the Greens in the other place and the member for Benalla would refute that description; I do not think they see themselves as precious poodles in any way.

I note that the PAEC is not statutorily obligated to present a report, but in keeping with the fine traditions of previous public accounts and estimates committees we have decided to do that. As I said, it is a very good report. I recommend the annual report to all MPs and indeed community members. A member of my community asked for a copy of the report, and I have provided him with it, because it is a very accurate and informative account of the immense workings of this very busy committee.

I would also like to take the opportunity to emphasise, as the chair of the committee does in his introduction, that the committee works very hard at fostering better communication with the Victorian Auditor-General and his office. This is in order to discharge effectively the committee's vital auditing and statutory reporting responsibility, which we, as members of the PAEC, have and take seriously. I would like to put on the record that everybody has a very constructive, open and accountable relationship with the Auditor-General. Sure, this cooperative approach is of great benefit to us, but it is also of benefit to the financial wellbeing of the Victorian community.

I would like to draw the Parliament's attention to the extent of the workings of the committee. If members look at page 33 of the report, they will note that the committee has been very active. They will see that we have had 107 witnesses appear before us. It is a robust, hardworking committee, despite what other people in this Parliament are saying. We have received 28 submissions and have held 40 public hearings. Even in a short period of time we have already tabled three reports.

I would also like to draw members' attention to page 39 of the report, where it talks about the reports which this PAEC of the 56th Parliament has produced. I refer to the *Report on Trustee Arrangements for Governing the Parliamentary Contributory Superannuation Fund*, which is of immense interest to many members of this house; the *Report on the Appointment of a Person to Conduct a Performance Audit of the Victorian Auditor-General's Office* — and that is very important work; and the *Report on the Appointment of a Person to Conduct the Financial Audit of the Victorian Auditor-General's Office*, along with three large report volumes on the budget estimates process.

I would also like to draw attention to page 18 of the report, where it talks about what the committee is going to do in the future. This is a committee that is not only working hard at present but also has an action plan for the future with an eye on its financial and auditing responsibilities. In 2007, as well as taking account of its core statutory responsibilities in relation to the estimates and outcomes review, our committee will undertake two inquiries on financial management and performance, and follow up on the legislative framework for the Office of the Ombudsman arising from its report of February 2006.

They are both essential and very important pieces of work, which are done always with an eye on trying to increase the transparency, accountability, timeliness, accessibility and performance of the Victorian government, which is very aware of the need to make sure that it delivers the projects, services and infrastructure that the community wants always in a financially responsible way. I look forward to the next stage of the PAEC's work, and I commend the report to the house.

Public Accounts and Estimates Committee: budget estimates 2007–08 (part 2)

Dr SYKES (Benalla) — I wish to make comment on the Public Accounts and Estimates Committee *Report on the 2007–08 Budget Estimates — Part Two*, in particular an interview undertaken with the then Minister for Water on 15 May. I raised a question with the minister in relation to the north–south pipeline. His

response was that the government was considering the proposal at that time. That minister is no longer with us, but the issue of considering the proposal remains alive.

The points I would like to pick up and ensure are being considered relate to what has come up in the recent food bowl modernisation project steering committee report. The first is the cost. The initial estimate of cost is $2.2 billion, but the funding that is going to become available is $1 billion, leaving a shortfall of $1.2 billion to complete the project, which this report suggests will come from the federal government.

Despite all the criticism of the federal government, there is still an expectation that $1.2 billion will come from it. Interestingly, on page 34 of the food bowl report it says that it is expected there will be an equivalent contribution from government and farmers for on-farm work. So actually we are not talking about a $1 billion infrastructure upgrade project but a $4.4 billion project, which substantially changes the sums, particularly when we are expecting farmers to make a very large contribution, contrary to the comments made earlier by some members of the government.

The second issue I would like to touch on, and it is one that I raised directly with the minister, is that of wealth transfer and the economic and social impacts. If we look at table 9.2 on page 55 of the current document, we see the issue which was raised by the member for Rodney in relation to the substantial 'restructuring' — I think that is the sanitised term — of the irrigated agriculture industry. The number of dairy farmers is going to reduce by 40 per cent — that is, from 1800 to 1000. The number of mixed farmers is going to reduce by 70 per cent, from 550 to 200; and the number of small farmers, the mum and dad farmers, is going to reduce by 66 per cent, from 3000 down to 1000. That is massive social restructuring going on under the guise of making water savings.

What disappoints me — and I hope the government will address the issue — is that the food bowl report includes only four sentences on the social change aspects of this document. I ask the government, particularly the minister of the day, when considering the proposal — as his predecessor said he would — to look very hard at the social implications and the reality that the cost is going to be $4.4 billion, not $1 billion.

The other issue of concern to me, which has also been raised by my colleagues, relates to the project's feasibility, economics and technical viability. In the executive summary of the food bowl report it says that 900 gigalitres of water are lost and suggests that 450 gigalitres of savings can be made, but the reality is that in dry years the losses are not there. We have already had it stated that in 2005–06 the losses were only 660 gigalitres, that in 2006–07 they were 548 gigalitres and that Goulburn-Murray Water's own figure for 2007–08 is only 450 gigalitres. So we are looking at an expectation that you can have 100 per cent efficiency in delivering 450 gigalitres of water savings in dry years. If you believe that, you believe that pigs fly.

I then move on to another issue raised in the debate with the minister, the expansion of Lake Buffalo to make it a Big Buffalo dam. The point I made to the minister, and he agreed with me, was that the Murray–Darling Basin cap on the allocation of water — not on storage, so the cap per se — does not prevent the construction of a new dam, provided you do not allocate new water. Interestingly just last week we had the Minister for Water and the Premier reject the expansion of Lake Buffalo on the premise that they have to operate under the Murray–Darling Basin cap. That is a fundamental error of explanation. I call on the Premier and the Minister for Water to revisit the expansion of Lake Buffalo.

Public Accounts and Estimates Committee: report 2006–07

Ms RICHARDSON (Northcote) — I am pleased to rise to speak on the Public Accounts and Estimates Committee's annual report. First up I would like to congratulate all the members of the committee, and in particular the chair, the member for Burwood, who does an outstanding job in managing the workings of this incredibly important committee. The Public Accounts and Estimates Committee states in its annual report that it is a joint house investigative committee of the Victorian Parliament constituted under the Parliamentary Committees Act 2003. The committee is unique in Australia, because it has the dual responsibility of scrutinising the public accounts and the budget estimates.

The work of the committee demonstrates that it takes this particular mission incredibly seriously. It also demonstrates the Labor government's commitment to scrutiny and accountability at a fundamental level. In particular I would like to highlight the work undertaken by the committee in terms of the scrutiny of the budget. It is to be commended on the work it has done in that regard. The work that comes before the committee is challenging, and a large volume of material flows through it. In fact, as reported in the annual report, over 177 witnesses appeared before the committee, along

with ministers and departmental representatives. This is, of course, in stark contrast to the Liberal government, whose ministers regarded this committee with contempt and refuse to appear before it.

The budget estimates report contains 98 recommendations. As summarised in the annual report they are primarily concerned with improving transparency and ensuring good governance for the state. I am pleased to see that the committee also reported in its annual report that over 89 per cent of the recommendations — or parts of them — have been accepted by the government. So this is a committee that the government regards extremely highly for its work.

The Public Accounts and Estimates Committee is not required to produce this annual report, but I encourage all members to take the opportunity to review it. It provides a unique insight into the committee workings, the enormous number of challenging tasks it sets itself and the work it undertakes. Importantly, too, the annual report demonstrates that this government is fundamentally committed to good governance and to ensuring transparency and accountability in everything it does.

In retrospect, if we look at the freedom of information changes that were announced this week, we see that, along with the PAEC, those changes are another demonstration of how the Labor government in Victoria is committed to transparency, to accountability and to good governance. The one standout reference that was made during this week's announcements was to the extraordinary number of FOI requests that are responded to by the government. Over 90 per cent of FOI requests are dealt with, which is just another demonstration of our government's commitment to ensuring accountability.

I would like to take this opportunity to again commend the members of the committee. I look forward to seeing the results of the work they have set themselves moving forward. It is an important committee, and the work it undertakes is vital to the success of our government. I congratulate all its members, and look forward to their next contribution.

Public Accounts and Estimates Committee: budget estimates 2007–08 (part 3)

Mr WELLS (Scoresby) — I would like to speak on part 3 of the Public Accounts and Estimates Committee's report on the 2007–08 budget estimates. Firstly, I will just pick up on a couple of comments made by government speakers on the Public Accounts and Estimates Committee. They spoke about greater accountability, and some spoke about FOI responses. In fact one member said that the government now responds to 90 per cent of FOI requests. Responding is one thing, but getting information is an entirely different thing. To respond by saying, 'You are not getting the information. Take it through to the Victorian Civil and Administrative Tribunal', is another issue again. This government has been the most secretive and corrupt public administration we have ever had to deal with, and it has had the most number of cover-ups.

Mr Nardella interjected.

Mr WELLS — When it comes to questions on notice, can I tell the member for Melton that I put a number of questions on the notice paper on 19 December 2006 — almost 12 months ago. How many responses do you think I have received back? Zero!

Mr Nardella interjected.

Mr WELLS — The Premier yesterday talked about how the government was responding to so many questions on notice. I have not had one response in almost a year, yet government members have the audacity to talk about greater accountability and transparency.

Mr Nardella — Ask proper questions!

Mr WELLS — The member for Melton said, 'Ask proper questions'. Should we not know how many more people are paying land tax? Is that not a fair question? I would have thought so. How many more businesses are having to pay payroll tax? These are simple, basic questions that government members do not even have the ability to answer 12 months later.

I would like to now speak on the Public Accounts and Estimates Committee, but before I go into the actual detail I want to talk about some of the comments made by the chair of the committee in the grievance debate on 10 October. We have a problem in the committee, obviously, because we now know that as a result of anything that is said to the chair, the member for Burwood, he has the ability to bring it into the chamber and to discuss it here. This is the first time I have had to deal with that in my 15 years as a member of Parliament — that you cannot say anything to the chair of a committee without him bringing it in and making it public in this chamber. That is the first problem we have.

The second issue is that he went on to talk about the leaking of the minority report included in this

document. Hypothetically there are a number of options that the committee can take. It can have an informal investigation or it can conduct a formal investigation. Hypothetically I would suggest that if there are 10 people on that committee, we would expect that every single one of those 10 people would be treated the same. Hypothetically, if we go down the path of a formal investigation, we would expect that the 10 members of that committee would be treated exactly the same and that not one person would be exempt from the investigation. That is what I would put to the Parliament, and that would be seen to be a very fair way of conducting an investigation, so you do not have one person — for example, the chair — absolving himself from any sort of investigation. Of course I am speaking hypothetically.

I would also like to go into the details of why we produced a minority report. As I have said in previous discussions, PAEC no longer stands for Public Accounts and Estimates Committee. It is now 'Please, anything except criticism'. The government does not want any criticism. One of the reasons why we put in a minority report was that there were references in chapter 9 of the report to an Australian Labor Party press release. I would ask why the Public Accounts and Estimates Committee would want to put in a reference to an ALP press release. Why would you not refer to something that is verifiable? We talk about exports. Why would you want to talk only about the government side of it and not about documents that are verifiable?

The ACTING SPEAKER (Ms Munt) — Order! The time for statements on parliamentary committee reports has expired.

STATE TAXATION AND ACCIDENT COMPENSATION ACTS AMENDMENT BILL

Second reading

Debate resumed from 1 November; motion of Mr BATCHELOR (Minister for Community Development).

Mr WELLS (Scoresby) — I rise to join the debate on the State Taxation and Accident Compensation Acts Amendment Bill 2007, and from the outset I indicate that the Liberal Party will not be opposing this bill. We unfortunately cannot support the whole bill because we have some concerns with parts of it, such as the congestion levy. However, there are other parts we would strongly support, so we have decided to not oppose it.

I thank the minister for giving us the chance to meet with his advisers and go through this bill in detail. We are extremely grateful to the Treasury and Finance officials for the briefing they gave us and for the follow-up when we had some concerns about a particular issue in the accident compensation part of the bill. The departmental officers were able to get back to us promptly, so I am extremely grateful for that.

There are three main amendments in the bill. There are amendments to the Congestion Levy Act 2005, the Land Tax Act 2005 and the Accident Compensation Act 1985. I will go through the three main provisions of this bill. The first part in regard to the congestion levy is that there are new exemptions for parking spaces owned by consulates, consulate officers and employees and their families. That is in line with international obligations and the provisions of the Vienna Convention on Consular Relations 1963 with respect to diplomatic representative premises and residents benefiting from a general exemption to government taxes and fees.

The second provision in regard to the congestion levy relates to car park owners and operators who cannot set parking fees due to certain lease or other contractual arrangements. It ensures they are indemnified and able to fully recover the amount of congestion levy charged by the party which has the right to impose parking fees. The third part of the congestion levy means that car park owners are to be provided with the ability to pass on the full cost of the congestion levy, including the GST, to car park users. Previously the act did not provide for the GST component to be passed through, and that is accepted.

The second major provision relates to land tax. Land tax provisions clarify that the State Revenue Office (SRO) was entitled to and has the right to continue to use municipal council-assessed unimproved site valuations of land apportioned on the basis of occupancy for land tax assessment purposes. This is particularly relevant to multistorey commercial buildings with multiple occupancy, and I will come back to that a bit later because it refers to the Lamanna case. I have that detail which I will come back to soon.

The legislative clarification on the right of the SRO to use occupancy-based unimproved site valuations as a method of land tax assessment, as I said, follows the court case where the Lamannas challenged the State Revenue Office in regard to the way it valued a particular building. The second part in regard to land tax provides that land held in an administration trust — replacing the term 'excluded trust' as created by a will — by personal representatives or executors of

deceased estates will not be liable for additional trust-based land tax surcharges. The third part clarifies the right-to-reside provisions for the principal place of residence land tax exemption eligibility similar to those who currently enjoy a life estate in property which is subject to a deceased estate.

The third major provision relates to accident compensation. It increases the Victorian WorkCover Authority's compensation payable to catastrophically seriously injured workers who require modification to vehicles or homes as a result of their injuries. Catastrophic injuries are those that result in a worker, for example, ending up in a wheelchair. If a person's existing vehicle or home cannot be modified, the WorkCover authority can reasonably contribute to the cost of a modified replacement vehicle, the cost of a semi-detachable portable home unit — some would call it a granny flat — or the cost of relocating a worker to a suitable home or one that can be modified. So if you are renting a home and the landlord does not allow you to modify the property, the WorkCover authority under this legislation will be able to pay for relocation costs to another rented house where it can be modified. We think these measures are fair and reasonable and in line with the practice as already established by the Transport Accident Commission.

The comments we make about these main provisions are that the Liberal Party is opposed to the congestion levy, and that will continue. It is an inequitable tax that has not achieved what it was meant to. We certainly believe it is an inefficient tax. It is just another unnecessary grab for money, it is a financial burden on business and it has not reduced traffic in any way. We also maintain that the current land tax regime is financially excessive and burdensome in some instances. We understand that in these particular cases the administration of land tax needed to be made clearer, and we support the right to protect the very basis of the method of assessing land tax.

We also believe it is fair and reasonable to protect those who are in a situation where there is the right to reside. That may include, for example, the case of a nurse who has been looking after an elderly person on a farm and the elderly person dies and the will allows the nurse to live in the house until she passes away. No land tax should be payable in that particular situation. We also believe that property held in trust whilst the deceased's estate is being administered should not be subject to the act's trust surcharge provisions. It would be fair to say that that was not the intent when it was first brought in. As I said we are not opposing some of these.

I shall go to some of the detail in the bill. With the exemption of the car parking spaces owned by consulates, consular officers or employees, I go back to the Vienna Convention of Consular Relations 1963, which states very clearly:

> Consular premises and the residence of the career head of consular post of which the sending state or any person acting on its behalf is the owner or lessee shall be exempt from all national, regional or municipal dues and taxes whatsoever, other than such as represent payment for specific services rendered.

My understanding is that there are 5 to 10 car parking spaces in Melbourne which will be affected by that, and we understand that is something that needs to be done for international relations.

We also have consulted widely with industry groups about the congestion levy. They are obviously keeping a keen eye on the levy. As they say, it is costing businesses so much money to administer this levy. We still maintain it is very much an inefficient tax. Although it raises about $39 million a year, the cost to business is unfair, and that is why we are totally opposed to it.

The government is predicting it will receive around $760 million a year in land tax. The land tax take has gone up 102 per cent since 1999. It is one of those taxes to which, as the valuation of land has increased, the government has made some adjustments. But we maintain that the budget estimates will be found to be wrong because of the increase in the valuation of land. The 2007–08 estimate of around about $760 million will be shown to be a significant underestimate, which the government has done on so many other issues regarding land tax.

The issue of land tax is also relevant to the right to reside. I refer to the State Revenue Office (SRO) ruling on the liability to duty of a right to reside, life tenancy or life interest. It is revenue ruling DA.028, and it replaces ruling SD.104. It refers to the fact that section 7 of the Duties Act 2000 charges duty on a transfer of dutiable property. The ruling states:

> A person may be granted a right to reside in a property under the terms of a will. The person must reside in the property to hold the interest and such a right is extinguished when the property is relinquished. Such a right to reside cannot be transferred or assigned from the beneficiary to another person and it does not constitute an interest under the definition of a dutiable property in section 10(1)(e) of the act.

The ruling goes on to say:

> Therefore, a life tenancy or a life interest is an interest within the meaning of section 10(1)(e) of the act, and a transfer of a life tenancy or a life interest is a dutiable transaction.

And we say that is fair. The next part of the bill relates to the case which I referred to earlier, *Lamanna v. Commissioner of State Revenue*. The Supreme Court notes on the case state:

> Taxes and duties — land tax — assessment required to be based on unimproved value of land — dispute as to whether assessment based on improved or unimproved value — held that dispute related to 'amount of' assessment — held court did not have jurisdiction to determine appeal — observation that even if court had jurisdiction, appeal would fail on merits

Just going to the details of the case, the judgement says:

> In relation to the substantive question of whether the assessments have imposed land tax by reference to the improved or unimproved value of the land, the commissioner accepts that on their face the assessment notices appear to have calculated land tax based on improvements. However, the commissioner contends that the court should have regard to extrinsic evidence — namely, the affidavit of Karl Cundall, who valued the land — in order to clarify that the tax liability imposed on the taxpayers was in fact correctly based on the unimproved value of the land.

It also goes on to say, in paragraph 11:

> In all four assessment notices, the 'statement of lands owned' lists the site value and unimproved value, the definitions of which will be further discussed shortly —

in the case —

> for each of the nine shops and three offices in the building. the sum of all individual unimproved values equals the total unimproved value shown at the top of the first page of the attachment —

and it goes on. The actual case related to a number of shops and apartments, and the Lamannas argued very carefully that they believed only a certain number of those apartments or offices should be included for land tax valuation and that the ones that were further up on the second, third or fourth floor, or whatever the case may be, should not be treated in the same way as the ones on the ground floor. The issue surrounded whether the land was being valued at unimproved or improved value. The Supreme Court eventually ruled in favour of the State Revenue Office, but comment was made about it, and this part of the bill makes very clear which way it should go.

The next issue I want to talk about relates to the Victorian WorkCover Authority (VWA) and accident compensation. We think this is a very sensible, straightforward bill which will assist those people who are most in need after they have suffered a catastrophic injury. It is interesting that the press release put out by the Treasurer on 30 October said:

> The changes for severely injured workers are similar to provisions already in place for transport accident victims.

In other words, it is bringing the VWA into line with the Transport Accident Commission (TAC). We think that is a good move, and it is very fair. The media release also says:

> Mr Lenders said the new laws will ensure that some of Victoria's most severely injured workers are provided with the benefits they need to help them actively integrate back into the community.

The bill also clarifies that if a person has a house, as I mentioned before, which needs modifications to enable the person to move around more freely, then they will be able to receive an amount of money to pay for the modifications to the house. There may also be a situation where, as I mentioned earlier with a granny flat, they may be able to modify the granny flat and receive payment for that. We asked in regard to ownership of the vehicle: if the value was greater than $10 000, what happens in relation to the ownership? We received follow-up advice that the VWA does not expect to own it, but it would expect that the person who is in receipt of the vehicle would maintain it and make sure that it is well looked after. That is fair and reasonable.

In summary, we do not oppose this bill. We still have concerns about the congestion levy, to which we are opposed. We understand that the administration of the congestion levy needs to be brought in. We also understand the clarification of the GST that is being passed on, and we have no problem with that. In relation to land tax we are obviously concerned about the amount of money it attracts, but we think it is fair that administration trusts as created by a will should not attract additional trust-based land surcharges. We accept the right-to-reside provisions and think they are also very positive.

In regard to accident compensation we say that the changes being brought forward to ensure that the VWA and the TAC are more in line are fair and reasonable. Workers who have received a catastrophic injury are in a very difficult situation, and it is fair and reasonable that the WorkCover authority should give them as many benefits as possible to ensure their lives can be more reasonable. On that note, I indicate that the Liberal Party will not be opposing this bill.

Debate adjourned on motion of Dr SYKES (Benalla).

Debate adjourned until later this day.

Sitting suspended 1.00 p.m. until 2.04 p.m.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Teachers: enterprise bargaining agreement

Mr DIXON (Nepean) — My question is to the Minister for Education. Given that this government's revenue has skyrocketed from $19 billion to $34 billion, why are Victorian teachers paid so much less than their interstate counterparts?

Honourable members interjecting.

The SPEAKER — Order! I did not hear the end of that question, so I ask the member for Nepean to at least repeat the last part of it.

Honourable members interjecting.

The SPEAKER — Order! Government members will not interject in that manner.

Mr DIXON — My question is to the Minister for Education. Given that this government's revenue has skyrocketed from $19 billion to $34 billion, why are Victorian teachers paid so much less than their interstate counterparts?

Ms PIKE (Minister for Education) — I thank the member for Nepean for his question and the advice he has been willing to give the government on how to negotiate an enterprise bargaining agreement. Given that the Liberals have no support for the enterprise bargaining agreement process, I find that rather amusing. Nevertheless the government has been negotiating with teachers to make sure that their pay increase is fair, that it rewards them for their contribution to the education of young people within our community, but of course that what is paid is a responsible amount of money.

Currently the sum total of all the matters that the union has put before the government is around $8 billion over the next four years. We consider that amount would not represent a financially responsible outcome, because it would not help us to provide a balance between the appropriate salary increases and all the other improvements we wish to provide to the education system so that we can improve the standard and quality of the education that we provide for our young people.

It is interesting. I did take the opportunity to have a look at some of the commitments that were made a few years ago, prior to the last election, about increased remuneration for teachers, and I noticed that it was $31 million over five years that the Liberals were talking about in terms of salary loadings and performance pay.

Honourable members interjecting.

The SPEAKER — Order! I ask the member for South-West Coast not to interject in that manner, and I ask the members for Bass and Hastings not to interject.

Ms PIKE — Clearly that would not represent anywhere near the amount of resourcing that is required.

In relation to the latter part of the question asked by the member for Nepean, it is of course quite common in the context of an industrial negotiation that interstate comparisons are made. I take the view, and the government takes the view, that every state needs to make the decision about appropriate pay levels based on the particular circumstances of that state. Certainly here in Victoria our leading teachers are able to earn comparable salaries to leading teachers in other jurisdictions.

Mr Dixon — Rubbish!

Ms PIKE — They are.

Honourable members interjecting.

The SPEAKER — Order! I ask the member for Ferntree Gully not to interject in that manner, and I ask for some cooperation from the member for Nepean also.

Ms PIKE — We acknowledge that, but we also recognise that we have some of the lowest class sizes in the country, that we have record retention of our students in year 12 and that we are working at or above national standards in literacy and numeracy — and we also have a smaller state geographically and a very devolved system. We look at these matters according to our particular circumstance here in Victoria, and I am confident that we will be able to conclude a satisfactory negotiation with the education union so that we can strike that appropriate balance between the remuneration — the additional pay that teachers rightly deserve — and the funds that we need to continue to improve our education system.

Royal Children's Hospital: redevelopment

Mr CARLI (Brunswick) — My question is to the Premier. Can the Premier please update the house on plans for a brand-new, world-class Royal Children's Hospital for Victoria?

Mr BRUMBY (Premier) — I can update the house on that, and I would like to thank the member for Brunswick for his question. Earlier today, with the

chairman of the children's hospital board, Tony Beddison, and the members of the board, the chairman of the children's foundation, Julian Clarke, and the members of the foundation, the Minister for Health and I announced the plans for the $1 billion new Royal Children's Hospital for our state.

It will be a magnificent hospital. I think anybody who has seen the plans for it will agree that in terms of its design, its presence, its architectural features and the amenity that it provides for the children in the hospital, this is an outstanding facility. It will not only be clearly the best children's hospital anywhere in Australia but I believe there is every chance that, when this is completed in 2011, it will be the best children's hospital in the world.

We have always said that we want our state to be a great state in which to live, work and raise a family. We want this hospital to be, as I have said, the very best in Australia. We want Victoria to be the best state in terms of raising children, and the best children's hospital will ensure that we enjoy that reputation.

Importantly in terms of the design of this hospital, the number of beds will be 353 — that is, 46 more beds than under the existing arrangements — and the hospital will have the capacity to treat 35 000 extra patients per year. Importantly, too, 85 per cent of the rooms in the new children's hospital will be single rooms, and the parents of the children will be able to stay with their children in those rooms. The fact is that if you have got sick children — —

Honourable members interjecting.

Mr BRUMBY — Thirty-five thousand, for the second time! If you have got sick children, you want to be with them, and if you are a child who is sick in the hospital, you want your parents to be with you — and this will be a great hospital in that regard.

In addition, the hospital facilities will include two child-care centres and a gymnasium. There will be a 90-room hotel for families, a two-storey aquarium, interactive playgrounds, a beanbag cinema, entertainment systems in every room and Scienceworks displays and Melbourne Zoo programs.

It is not only going to be a great place in terms of the best possible treatment for children, it is going to be state of the art in terms of its environmental outcomes. This will aim to achieve a 5-star green rating in terms of the environment, 20 per cent less water usage and a 45 per cent reduction in greenhouse gas emissions. In terms of accessibility for the public, we must remember that this is not only a hospital for all of Melbourne but also for all of Victoria. Often with the children's hospital, because it is the best, people come from interstate as well. There will be a tram super-stop, 500 bike spaces and twice as many car parking spaces there.

Finally, I just want to say about this hospital that we have had a commitment as a government to doing the very best we can in terms of providing quality health care in this state. We have increased recurrent funding to our hospital system by 96 per cent since we have been in government — eight budgets, 96 per cent, 12 per cent per annum. We have got a $4.1 billion building program. We can all remember obviously the most iconic of those hospitals — the rebuilding of the Austin Hospital.

I still remember the opening of the Casey Hospital. Such was the appetite of the local community for that hospital that there was a queue of people over a kilometre long who wanted to come in and look at what was the first, new, greenfield hospital site constructed in this state in 25 years. We are completing the women's hospital. One of the things that we have been proud of as a government is that we have actually been investing in health and opening hospitals, not closing them down.

This is a great new design. It is a billion-dollar investment in the future of this state. I want to thank and publicly acknowledge the work of the Minister for Health, the former Minister for Health and the Department of Human Services — and Tony Lubofsky — who have done a great job on this hospital. I want to thank the chairman, Tony Beddison, and the board, who have contributed so significantly towards this, and of course the foundation, which raises tens of million dollars towards the children's hospital, which is well chaired by Julian Clarke.

To the chief executive officer, Brian Mallon, and to all those who have contributed towards this great project I say: it is an extraordinary project. Today children with cystic fibrosis, who spend a lot of their time in the hospital system, spoke to us — and you have to see those kids and hear them speak to understand the extraordinary difference that this hospital will make to families and children in our state. It is a great thing to do, and I look forward to its official opening in four years time as what will be the best children's hospital anywhere in Australia.

Office of Police Integrity: investigation

Mr RYAN (Leader of The Nationals) — My question is to the Premier. Given the very stringent

confidentiality provisions within the Police Regulation Act regarding the functions of the Office of Police Integrity and its director, will the Premier guarantee the house that he, all members of his government and those persons employed by the government in a ministerial advisory role have at all times acted in strict compliance with the law?

Mr BRUMBY (Premier) — Yes.

Health: government initiatives

Mr LANGDON (Ivanhoe) — My question is to the Minister for Health. Can the minister outline to the house new government initiatives addressing Victoria's health challenges?

Mr ANDREWS (Minister for Health) — I thank the honourable member for Ivanhoe for his question and for his ongoing interest in the provision of the very best health care for his community. As a government we have supported our health services. Each and every health service in each and every year of our government has received a funding boost, amounting to a total recurrent boost of some 96 per cent across the life of our government. As the Premier just mentioned, it is not just about ongoing funding but also about having the best facilities to provide the best care. That is why as a government we have invested some $4.1 billion in the biggest health capital works program in this state's history. In every way this government is supporting our health services in metropolitan Melbourne, in the outer suburbs, in the regions and in the rural parts of our state to provide the very best care.

However, I was asked about challenges, and we do face challenges. As the Premier made clear when he became Premier, we face the challenges of ageing, the challenges of chronic illness, the challenges of cancer and the challenges of a whole range of different factors that we have to meet. It is important to continue to invest, continue to prioritise those things and continue to work with health services rather than against them to meet those important challenges of the future.

I will give the honourable member for Ivanhoe a couple of examples of recent initiatives, recent funding and recent hard work on the part of this government, in partnership with health services, that I think are important examples of our commitment and important examples of our meeting those challenges as we go forward.

On Monday I was pleased with the Premier to visit the offices of Quit Victoria to announce a $5.6 million funding boost, taking our total social marketing contribution to Quit Victoria to some $10 million over a four-year period. That is an important. We have seen the rate of smoking come down steadily over the last 20 years — and just last night the Tobacco Act celebrated its 20th birthday. It is important, though, to continue to be vigilant, to act and to get those positive messages out there in order to continue to drive down the incidence of smoking in the Victorian community. That funding will see that move from 17.4 per cent of the Victorian community down to 14 per cent by 2013. It is about more funding, an ambitious target and a proper agenda to continue that important work, because we know there will be substantial benefits from that.

I was recently out with the member for Ivanhoe at the Austin Hospital, the health service that was set to be sold off but was saved by this government and rebuilt from the ground up. I was out there to announce government funding of a further $2.4 million for a new linear accelerator, or radiotherapy machine — the very best technology and the very best equipment — to provide the very best cancer care for people in Melbourne's northern suburbs. That is an important step forward. As we have made clear, the better tackling of cancer is one of the challenges we face as we go forward.

We have seen very substantial growth in the total number of Victorians presenting to our emergency departments — emergency departments, I might say, that have more funding today than they have ever had and emergency departments that, despite the pressure, are ranked no. 1 in Australia by none other than the commonwealth government. But there are pressures and challenges. That is why in this year's budget alone we provided $255 million of additional funding to treat 234 000 extra patients. But Australia's no. 1 emergency departments can be better. That is why I was down in the Latrobe Valley recently, at the Latrobe Regional Hospital — another hospital saved by this government. It is a fine health service — —

Dr Napthine interjected.

Mr ANDREWS — I note that the member for South-West Coast sees that as the model to go forward. It was bailed out by this government, and it is a fine health service. It has record levels of funding because of this government's commitment to governing for the whole state and to providing the best budgets to produce the best care. I was in that part of Victoria to announce a $350 000 grant to expand the number of cubicles at that very busy emergency department.

Right across the board there is example after example of this government's commitment to giving every

single health service the resources it needs to treat more patients, provide better care and to meet the needs of today and the considerable health challenges of the years to come.

I conclude by saying today is a proud day. I refer to the $1 billion brand-new, world-class Royal Children's Hospital, with a set of buildings that will match the quality of care for which the staff at the Royal Children's Hospital are so well known. I add my congratulations to all those involved. Giving our health services the resources they need and investing in the services, the facilities and the equipment that make the best care possible is the way of this government. There is more to be done, and — make no mistake — this is the government to do it.

Police: telephone tapping

Mr McINTOSH (Kew) — My question is to the Minister for Police and Emergency Services. Given that the minister knew of the warrant for the tapping of Mr Mullett's telephone, will the minister confirm whether Mr Mullett's telephone was being tapped when he called the minister's office immediately prior to the ethical standards department's investigation into the Kit Walker affair being derailed?

Mr Hulls — On a point of order, Speaker, the member asked a question, and at the start of the question he made an assertion. I remind this house that there are certain legal obligations under an act of Parliament in relation to what can and cannot be revealed. The assertion made in the shadow minister's question is something that has not been established in any way whatsoever. I put it to you, Speaker — and I know you are aware of the relevant legislation and the legal obligations under that legislation — that the premise of this question is unfounded.

Mr Baillieu — On the point of order, Speaker, the minister yesterday conceded that he had knowledge of and indeed signed off on every such intercept warrant. The point that the Attorney-General has made is clearly absolute nonsense — and not for the first time. It is absolute nonsense.

The SPEAKER — Order! The member for Kew has made an assertion in the first part of his question, and I ask him whether he is able to verify the accuracy of that assertion.

Mr McINTOSH — I refer to the minister's answer yesterday, when he gave evidence that he was aware of all of these matters and in fact signed off on these matters. Can I also just say that I do not know where the Attorney-General has been for the last two weeks, but certainly in relation to the transcripts from the OPI (Office of Police Integrity) inquiry, it is very clear — —

The SPEAKER — Order! There is no need to debate the point of order.

Mr McINTOSH — You asked me for the material.

The SPEAKER — Order! Under standing orders all I need is the member's confirmation that he can affirm the content of the assertion made in the question.

Mr McINTOSH — I do.

Mr CAMERON (Minister for Police and Emergency Services) — As I advised the house yesterday, under the telecommunication intercepts laws I am required to receive warrants and to forward them on to the federal Attorney-General, and that is exactly what I do. I do that with two authorities — that is, in relation to the chief commissioner and in relation to the OPI (Office of Police Integrity). I am — —

Honourable members interjecting.

The SPEAKER — Order! The member for Scoresby and the member for Kew! The minister to continue, ignoring interjections.

Mr CAMERON — As I advised the house yesterday, I sign those off. I sign the letters to the federal Attorney-General, and they are then handed back to the relevant officer, who forwards them on to the federal Attorney-General.

Mr McIntosh — On a point of order, Speaker, the minister is debating the question and he is not answering the question. It is about what is happening in his office in relation to something which is already in the public arena.

The SPEAKER — Order! I do not uphold the point of order.

Mr CAMERON — Of course, Speaker, you really have to wonder what it is that the opposition is alleging here. The fact of the matter is — —

The SPEAKER — Order! The minister is now debating the question. I bring him back to the question.

Mr CAMERON — There is legislation in place that the opposition supported, legislation that I am obliged to comply with — —

Mr Wells interjected.

The SPEAKER — Order! The member for Scoresby will not interject in that manner!

Mr CAMERON — There is legislation that I am obliged to comply with and legislation that I have complied with. To go into any particular detail would be contrary to section 22 of the act.

Dr Napthine — On a point of order, Speaker, the minister may have misunderstood the question or be deliberately debating the question.

The SPEAKER — Order! What is the member's point of order?

Dr Napthine — It is about debating the question. But the question was very — —

The SPEAKER — Order! I do not uphold the point of order.

Dr Napthine — Hang on, you haven't — —

The SPEAKER — Order! The minister is clearly not — —

Honourable members interjecting.

The SPEAKER — Order! The minister is clearly not debating the question. I ruled against one point of order, and I then brought the minister back to answering the question, which is what he was doing. I do not uphold the point of order. The minister, to continue?

The minister has completed his answer.

Honourable members interjecting.

Questions interrupted.

SUSPENSION OF MEMBER

The SPEAKER — Order! Under standing order 124, I ask the member for South-West Coast to leave the chamber for 1 hour.

Honourable member for South-West Coast withdrew from chamber.

Questions resumed.

Family violence: government initiatives

Ms D'AMBROSIO (Mill Park) — My question is for the Minister for Women's Affairs. How is the Brumby government supporting better health outcomes for women through its family violence reforms?

Ms MORAND (Minister for Women's Affairs) — I thank the member for Mill Park for her question, and I thank her for supporting me in my role as Minister for Women's Affairs and for giving me the opportunity to draw the attention of the house to the ongoing and unacceptable level of family violence that exists in our community.

The health impacts of family violence are far reaching, and the social and economic impacts are really unacceptable. A 2004 VicHealth study found that intimate partner violence was the largest known contributor to the preventable disease burden for women aged between 15 and 44. An Australian Bureau of Statistics study found that 36 per cent of women who experienced domestic violence were actually pregnant at the time that violence occurred.

White Ribbon Day this weekend is the United Nations International Day for the Elimination of Violence Against Women, and it is the largest campaign run by men, in partnership with women, to address the violence that is experienced by so many women and children in our community. This day gives us all the opportunity to reflect on what we can do to better address this problem.

I am pleased to report to the house that the Brumby government's whole-of-government family violence reforms are helping to increase the safety of and reduce the preventable disease burden on Victorian women and children. The government has contributed significant additional funds to develop an integrated response to family violence, linking the police and legal responses with increased services and increased support to the victims. This investment and the improvement in police responses to family violence have seen some very appreciable outcomes. Since the introduction of the code of practice in 2004 police activity has dramatically increased. We have seen intervention orders increase by 169 per cent, and police charges have increased by 183 per cent, which is really remarkable. In addition, resources have gone to organisations that are dealing with family violence at the local level, because we know that they are able to address the problem at its root.

We have also improved statewide responses, providing support and referrals 24 hours a day, seven days a week, including in rural and regional areas. We are also providing a greater choice of housing to women and children who are experiencing family violence and who need to escape family violence in the home. We have also established the family violence specialist courts, and we have improved services in the Magistrates Court for family violence victims through increased

police prosecutor numbers and through training for court staff and new family violence specialist services. Of course the Attorney-General is leading the legislative reform that will maximise safety for women and children experiencing family violence and hold perpetrators to account for their violence.

We are proud of our achievements to date, but of course we do know there is always more to be done. That is why we will continue a whole-of-government family violence reform to improve the safety, health and wellbeing of all Victorian women and children.

Police Association: pre-election agreement

Mr BAILLIEU — My question is to the Premier. Further to the opposition's request, and given the Premier's claims yesterday about FOI, when will the government release all documents in relation to the government's secret pre-election deal with the police union?

Mr BRUMBY (Premier) — The Leader of the Opposition has asked about the commitments which the government provided to the Police Association. Those commitments are contained in a letter which, on my understanding, was released in this Parliament in either February or March of this year. That is a public document. If the Leader of the Opposition or anybody else has applied for any other documents, that would be a matter which would be considered under the FOI laws by the FOI officer.

Gaming: Community Support Fund

Ms THOMSON (Footscray) — My question is for the Minister for Gaming. I refer the minister to recent claims regarding Victorian gambling taxation and the purpose for which it is used, and I ask the minister to advise the house of any recent policy initiatives.

Mr ROBINSON (Minister for Gaming) — I certainly thank the member for Footscray for her question; it is a very important matter. The recent tabling in this place of the VCGR (Victorian Commission for Gambling Regulation) annual report has stimulated broad community discussion about the gambling industry and about gambling taxation. That is a discourse that the Brumby government very much encourages, because we have made available over recent years more information on Victoria's gambling industry and taxation associated with that industry than has ever before been available because we are an open, transparent and accountable government. That is very much the Labor way!

Honourable members interjecting.

The SPEAKER — Order! I ask the Leader of the Opposition not to thump on the table in that manner.

Mr Baillieu interjected.

The SPEAKER — Order! I warn the Leader of the Opposition.

Mr ROBINSON — The tabling of the report has seen a variety of claims made — some very extravagant claims among them — that gambling taxation, for example, is out of control and has grown exponentially under this Labor government. I need to challenge that view and to put it on the record that, indeed, the recent VCGR report confirms that gambling taxes and levies in Victoria in the last eight years have grown by the very modest sum of about 11 per cent. Eleven per cent over the past eight years!

A number of people, including the member for Malvern, have made very extravagant claims — —

Mr Baillieu interjected.

The SPEAKER — Order! The Leader of the Opposition!

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition and the member for Footscray!

Mr ROBINSON — There have been some very extravagant claims made about gambling taxes and levies, not the least by the member for Malvern. All I can say to the member for Malvern, who is a relatively new member in this place, is that, if he wishes to get on in this place, he needs to sharpen up his numbers skills. He needs to get better at the numbers. All the more so — —

Honourable members interjecting.

The SPEAKER — Order! The member for Malvern, the member for Narre Warren North and the Minister for Health!

Mr ROBINSON — I can only encourage the member for Malvern to improve his numbers skills, all the more so if he wishes to move from there to there.

The SPEAKER — Order! The minister should come back to answering the question.

Mr ROBINSON — The member for Footscray has asked me the purpose to which gambling taxation — —

Mr O'Brien interjected.

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

Honourable members interjecting.

The SPEAKER — Order! The member for Bulleen and the member for Scoresby — —

Mr Kotsiras interjected.

The SPEAKER — Order! The member for Bulleen will find himself outside the chamber.

Mr Herbert interjected.

The SPEAKER — Order! I warn the member for Eltham!

Mr ROBINSON — It certainly remains the case in Victoria, as it has been largely since Bolte's days, that gambling taxation and levies are applied very much to the health sector. That is where gambling taxation is devoted — —

Honourable members interjecting.

The SPEAKER — Order! I warn the member for Kilsyth. And I suggest to the member for Bayswater and the member for Evelyn that if they find question time so constantly amusing, perhaps they would like to continue their discussion outside the chamber.

Mr ROBINSON — Although it is the case under this government, as it was under the previous government, that a proportion of gambling taxes finds its way to the Community Support Fund, where this government differs from our predecessors is that we have legislated that the first draw-down on that fund is for funding problem gambling initiatives, and that is a measure which this government is very strongly behind and which is supported very broadly across Victoria.

Last year we appropriated some $132 million from the Community Support Fund for our Taking Action on Problem Gambling policy, and that is the best funded policy of its kind anywhere in the country. One of the important components of Taking Action on Problem Gambling is our community partnership program. This year $1.6 million will be allocated to that program.

One of our valuable partners in the community partnership program is none other than the Essendon Football Club. It is not an easy thing for me — not being of the red and black faith — to acknowledge, but the work being done by the Essendon Football Club is truly a premiership effort in helping promote a responsible gambling message. Indeed it is able to do that largely because of the very able leadership being shown at that football club by Mr Scott Lucas, someone who would be known to many members of this place.

Mr Delahunty interjected.

Mr ROBINSON — Scott Lucas — a good country footballer, who has come from the country, as the member for Lowan says — has played some 247 games and kicked some 431 goals. I think he kicked 7 of them in the last quarter of the last match this season — —

The SPEAKER — Order! I ask the minister to confine his comments to the question.

Mr ROBINSON — I just want to say, Speaker, that he is kicking goals on and off the field with his leadership as our program ambassador.

The partnership with the Essendon Football Club is working very well. I am able to advise that thanks to the work of Scott Lucas — his work in the media and his work in community forums and with school groups — on visiting Windy Hill last week I was able to announce that our partnership with the Essendon Football Club will be extended for another two years. This is a terrific initiative. One of the features of the extension is that the program will go out into AFL Victoria, and that will give us some reach into 1200 country clubs, and that is a very important thing. I want to congratulate the Essendon — —

Mr Ryan — On a point of order, Speaker, I suggest the minister is being less than succinct, and I respectfully ask you to have him complete his answer.

The SPEAKER — Order! I uphold the point of order and suggest that the minister may wish to conclude his answer.

Mr ROBINSON — I was approaching the conclusion of my answer, and that is to simply congratulate the Essendon Football Club and Scott Lucas on their work. We very much look forward to working with them again over the next two years, and we wish them success with their program — although in my case, I have to say, I only wish them off-the-field success with that program!

Exports: performance

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer to Australian Bureau of Statistics data which shows that in the period 1992–99 Victorian merchandise exports grew from $11 billion to $19 billion, whereas in the eight years of Labor government from 1999 to 2007, those exports have increased by $1 billion to $20 billion, and I ask: how

does the Premier explain Labor's complete ineptitude in the management of the Victorian economy in a way which develops export-focused industries which are so essential to the future of our state?

Mr BRUMBY (Premier) — I want to thank the Leader of The Nationals for his question, because this is an important issue. How Australia as a whole achieves export growth — not export growth just around the resources sector out of Western Australia — particularly through the manufacturing states of South Australia, Victoria and New South Wales, is extremely important. I have not seen the data to which the honourable member has referred, but I would make a couple of points.

Firstly, between 1999 and 2007 one of the factors which has most limited the growth in exports out of our state — and indeed merchandise exports out of Australia — has been two major droughts. We have had what we thought was the worst drought in our history in 2002–03, we then had another two dry years following that, and we have just gone through in 2007 what most would describe as the worst circumstances in 100 years.

In the 1990s we never had a situation where water entitlements — for example, in the Murray–Darling Basin — were reduced to the extent that we have seen them in the last few years. I know that the data that the Australian Bureau of Statistics collected from the drought in 2002–03 alone showed that the impact of that on exports out of Victoria, particularly dairy exports, was well in excess of $1 billion. While I think it is an important issue, I am surprised that the Leader of The Nationals would not have been aware of the huge impact of drought on the exports of our state.

Secondly, I am surprised that the Leader of The Nationals is not aware that the Australian dollar is at its highest level in 17 years. It is at its highest level essentially because interest rates have been going up and dragging the dollar up, and they have been going up under the Howard government — —

Honourable members interjecting.

The SPEAKER — Order! Without naming the member for Evelyn, I will remind her that she does need to turn her phone off.

Mr BRUMBY — The reality, of course, is that the high dollar makes it difficult for exporters and — —

Honourable members interjecting.

The SPEAKER — Order! I seek some cooperation from the Minister for Health. The member for Bulleen!

Mr BRUMBY — It is great to hear from the flat-earth brigade opposite that they do not think the level of the Australian dollar affects exports. That is great! That will come as a great revelation to the Victorian Farmers Federation, the — —

Honourable members interjecting.

Mr Ryan — On a point of order, Speaker, the Premier is debating the issue, and I would ask you to have him return to answering the question as to why we are only up a billion dollars in eight years.

The SPEAKER — Order! The Premier, to continue.

Mr BRUMBY — The third issue, which I think a whole range of — —

Honourable members interjecting.

The SPEAKER — Order! Would the member for Bulleen like to continue his conversation outside the chamber?

Mr BRUMBY — The third issue, which has been remarked on by a whole range of commentators, including national industry groups, is the complete absence of an appropriate export support program from the federal government.

Honourable members interjecting.

The SPEAKER — Order! The member for Scoresby!

Mr BRUMBY — Despite those extraordinarily difficult circumstances, we have put in place 13 programs to support and assist exporters in this state. We have put in place the Department of Primary Industries Agribusiness Development initiative; we have put in place the Export Access program; we have put in place the First Step Exporter program; we have put in place the Grow Your Business export program; we have put in place the Next Step Exporter — Export Adviser program — —

The SPEAKER — Order! One moment, Premier.

Mr BRUMBY — We have put in place the — —

The SPEAKER — Order!

Mr Baillieu — On a point of order, Speaker, the Premier is reading from a document. I ask him to table the document.

The SPEAKER — Order! Is the Premier happy to make the document available to the house?

Mr Ryan — On the point of order, Speaker, I have tabled the notes. They are mine.

Honourable members interjecting.

The SPEAKER — Order! If I had a chance to hear the Leader of The Nationals, I might have been able to join in the joke.

Honourable members interjecting.

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

Mr Ryan — On the point of order, Speaker, I have tabled the notes to which the Premier is referring. They are mine. But the question still stands: in the face of these programs, how can the exports have gone up by only $1 billion?

The SPEAKER — Order! There is no point of order. The Premier has made his notes available to the house.

Mr BRUMBY — I am happy to do that. It might have been easier for The Nationals to hand them straight to the Leader of the Opposition. It is a circuitous route; it is the circle of trust! Sorry, there was a blank page as well.

The SPEAKER — Order! The Premier, to come back to the question.

Honourable members interjecting.

The SPEAKER — Order! I understand that members may be trying to make this the longest question time on record, but with a bit of cooperation we will finish by 3 o'clock. The Premier, to conclude his answer.

Mr BRUMBY — As I said, there have been 13 new programs, and they have made a difference. Hundreds of Victorian companies are benefiting from the programs that we have put in place. As I said, I am surprised that the Leader of The Nationals would be so ignorant of the impacts of the drought on exports from our state.

Roads: regional and rural Victoria

Mr TREZISE (Geelong) — My question is to the Minister for Roads and Ports. I refer the minister to the government's commitment to improving infrastructure in regional Victoria, and I ask him to detail to the house any recent good news that will assist the government in delivering on this commitment.

Mr PALLAS (Minister for Roads and Ports) — I thank the member for Geelong for his question. I can advise him that I have very good news for Victoria; it is also very good news for Geelong and the south-west coast. As we know, the Brumby government is committed to investing in better roads and infrastructure, providing for safer roads and greater economic activity right throughout regional Victoria.

Since we came into office we have increased our roads capital investment in Victoria, particularly in regional Victoria, two and a half times. That is an enormous increase. But of course it cannot be done alone. We have been proud to take up the fight to the federal government in order to make sure that Victoria gets its fair share of federal road funding. It was not so long ago that we unveiled Victoria's 30 priority projects in order to make sure that we got a fair share of national road funding and to make sure that the things that are important to all Victorians are actually delivered for Victoria's economic good, and ultimately for the nation's economic good.

I am proud to report to the house today that there has been progress. Can I indicate to the house by way of a scorecard that the federal coalition has agreed to 11 of the 30 priority projects.

Mr Hulls — How many?

Mr PALLAS — Eleven.

Mr Hulls — That's a fail.

Mr PALLAS — And Labor has agreed to 17. Let me put it this way: on my mathematics the latter is a firm pass and the former is a dismal failure.

I am pleased to report also that, although it will be hard to believe, it gets even better than that. What has occurred today is that federal Labor has listened to this government's advocacy and to the community of Geelong and the south-west coast about improving road connections into that area. It has announced $250 million to improve Victoria's regional freight and export supply chains. Of particular satisfaction to me and the member for Geelong — and I am sure it would have been of satisfaction to the member for South-West Coast had he been with us today — is that $110 million will be allocated to the duplication of Princes Highway west, from Waurn Ponds to Winchelsea.

Those on the other side of this chamber said it could not be done. They said it was exclusively a state

responsibility. It will be a billion-dollar road — and matching it, we are going to do better than that. As a government — the only government in this nation to do so at a state level — we have said we will commit to 25 per cent of the total package. I can assure members that we will do the right thing by Victoria and the people of the south-west coast.

This road has been described by the mayor of Colac Otway shire, Cr Warren Riches, as the most important piece of infrastructure in that area. Today the mayor has called upon the coalition to match Labor's commitment. I hope members opposite do not suffer from — —

Mr McIntosh — On a point of order, Speaker, the minister is now clearly debating the issue. He is unable to raise hypothetical issues. While the federal Labor Party may be saying that, this is not something that relates to government business. It is completely hypothetical and should not enter the scheme of things. Question time is about Victorian government business, not about a hypothetical and certainly not about pork-barrelling.

Honourable members interjecting.

The SPEAKER — Order! I do not uphold the point of order at this time, although I suggest to the minister that answering a question is not an opportunity to ask questions of other parties. I suggest to the minister and to the member for Polwarth that question time may still finish by 3 o'clock if their side conversations and responses to each other's interjections are limited. The minister, to continue his answer.

Honourable members interjecting.

Mr PALLAS — Speaker, the conspiracy — —

The SPEAKER — Order! The minister will ignore interjections, which are unruly. I ask the member for Polwarth to contain himself.

Mr PALLAS — The good news does not stop there. It just keeps getting better for regional Victoria. There will also be provision of funding for intermodal hub developments in Warrnambool, Dooen and Shepparton and important hubs which will link the freight centres of the west of Melbourne, the north of Melbourne and the south-east of Melbourne. Successive governments have unerringly pursued a policy position. In 1997 the Minister for Roads and Ports in the Kennett government made it clear that as a state we supported the idea that Princes Highway west should be on the national road network and should be federally funded. The great news is that this road will be funded.

I make it clear to this house that despite the fact that there has been a lack of resolve, or indeed, a voice coming from the other side when it comes to standing up and asserting an outcome for Victoria, what this side of the chamber has been able to do as a government is assure the people of the south-west coast that they have not been forgotten. They have got a good outcome. They have effectively got a recognition that this road will be delivered, and it will be delivered essentially by this government.

CRIMES AMENDMENT (RAPE) BILL

Council's amendments

Message from Council relating to following amendments considered:

1. Clause 2, line 2, omit "subsection (2)" and insert "subsections (2) and (3)".

2. Clause 2, after line 3 insert —

   "( ) Sections 8 and 9 come into operation on the day after the day on which this Act receives the Royal Assent.".

3. Clause 2, line 4, after "If" insert "a provision of".

4. Clause 8, omit this clause.

5. Clause 9, lines 28 and 29, omit "section 3 or 4" and insert "section 3, 4 or 8".

6. Clause 9, line 31, after "commencement of" insert "that section of".

7. Clause 9, page 7, line 4, omit "6, 7 or 8" and insert "6 or 7".

8. Clause 9, page 7, line 7, after "commencement of" insert "those sections of".

9. Clause 9, page 7, line 15, after "commencement of" insert "sections 5, 6 and 7 of".

10. Clause 9, page 7, line 18, after "commencement of" insert "those sections of".

11. Insert the following new clause to follow clause 7 —

   'AA. Incest

   In section 44(6A) of the **Crimes Act 1958**, for the expression commencing "in that act — " and ending at the end of the subsection **substitute** "in that act without the victim's consent.".'.

Mr HULLS (Attorney-General) — I move:

That the amendments be agreed to.

The issue in relation to house amendments is essentially around the intersection of the offence of compelling someone to sexually penetrate another and incest law. There is a defence to incest if a person — the victim — was compelled to sexually penetrate another person. Section 44(6A) of the Crimes Act 1958 then provides a definition of compulsion. The offence of incest provides that consent — that is, of the person being penetrated — is not a defence. Subsection (6A)(a) requires that a person wishing to rely upon the defence of compulsion must prove that they were not consenting. This of course is both appropriate and reasonable.

However, subsection (6A)(b) is problematic as it effectively requires a person who alleges that they were compelled to take part in an act of incest to prove that the person who compelled them was aware that they were not consenting, in order to avail themselves of the defence of compulsion. For example, where a child is forced by a parent to sexually penetrate their sibling, in order to be found not guilty of incest, the child would not only have to prove that the parent forced them, but also that the parent was aware that they were not or might not be willingly participating. It is not appropriate to require the child to prove what was, or was not, in the mind of the parent.

This change in the law was made in the Crimes (Sexual Offences) Act 2006, the first of three bills introduced to deal with the Victorian Law Reform Commission's report into sexual offences. As the Scrutiny of Acts and Regulations Committee has pointed out in *Alert Digest* No. 12 of 2007, this results in the defence of compulsion remaining 'unavailable to non-consenting participants in incest where the other person mistakenly believed that the victim was consenting'.

SARC has indicated that while the Crimes Amendment (Rape) Bill effectively lessens the negative nature of the amendment made by the Crimes (Sexual Offences) Act, it does not actually fully get rid of the problem. Repealing subsection (6A)(b) of the Crimes Act 1958 does get rid of the problem and results in the 'victim' — that is to say, the person relying on the defence of compulsion — only having to prove that they were not a willing participant. This issue was not picked up at the time the bill was introduced in 2005.

SARC also raised the issue of retrospectivity in relation to any amendment. It would be undesirable to backdate this amendment to have effect from 1 December 2006, because this would have the potential to inappropriately interfere with the independence of the courts should a trial already have commenced. Accordingly, the amendment to the offence of incest will apply from the day after royal assent. The proposed amendments also include a transitional provision which will apply the amendment to any trials which commence after the commencement of this provision.

This element of retrospectivity is appropriate as the amendments correct an oversight, and it is appropriate to maximise the availability of the broader exception for those who have been compelled to engage in an act of incest. The retrospectivity does not engage the rights under section 27 of the Charter of Human Rights and Responsibilities Act, as it relates to an exception to an offence rather than the offence itself. Further, as noted by the Scrutiny of Acts and Regulations Committee (SARC), the existence of this exception may promote rights under section 17 of the charter.

I might say in conclusion that the amendments and the legislation are all about bringing about legislative and cultural change in relation to how society and our courts deal with sexual assault. And a cultural change there must be if we are to achieve our aim of having a legal system that respects and acknowledges the experiences of victims of sexual crime rather than compounding their distress, one in which all participants understand the complexities and consequences of sexual crime, and one which of course remains steadfastly fair to the accused.

Quite simply as a government — and I am sure all members of this house would agree — we want a system that encourages people to come forward about sexual crime and one that recognises their courage in doing so. It is only when more survivors come forward about sexual crime that we shed the shackles of secrecy and shame that have so wrongly burdened those who most need our support.

Mr CLARK (Box Hill) — The opposition supports these amendments. They correct an error that occurred in the 2006 legislation, an error that, but for these amendments, would have been compounded by the bill as introduced. In essence, the error in the 2006 act and in the bill arose because provisions that made good sense and enjoyed the support of both sides of the house in relation to the definition of the offence of rape and other sexual offences concerning the state of mind of the accused appear inadvertently to have been inserted in provisions of the legislation that related to the definition of a 'defence' rather than to the definition of an 'offence'.

The consequence is that, if the amendments before the house are not made, the existing defence will continue to operate unjustly. As the Attorney-General has said, section 44 of the Crimes Act contains a prohibition on incest. There is a defence in subsection (6) of section 44 that provides that a person who is compelled by another person to take part in an act of incest is not guilty of an offence against the section. Then subsection (6A) provides a definition of what compulsion is for the purposes of subsection (6), but instead of simply saying 'compulsion occurs if the victim is compelled by force or otherwise to engage in the act without the victim's consent', inadvertently in the 2006 legislation there was a further qualification to the definition of the defence, saying that it had to occur while the other person was aware that the victim is not consenting or might not be consenting. That latter part was, I think, unintended in the 2006 act. The bill before the house, prior to these amendments, would have not only retained that inappropriate paragraph (b) but also added a further subparagraph which was not applicable.

The Scrutiny of Acts and Regulations Committee has picked up on this issue, and the government has accepted the point that SARC has raised. I am not sure whether it is a matter of proof in the terms that the Attorney-General referred to. I stand to be corrected, but my understanding is that the legal burden of proof on all elements of an offence rests on the prosecution rather than on the defence, which may have simply been an evidentiary burden to allude to the issue in order to put the prosecution to the obligation of proving the matter. However, that does not affect the ultimate conclusion that the amendments are desirable.

The Attorney-General referred to the issue of retrospectivity. As he said, the amendments will be applicable from the time that the bill receives royal assent. In essence, this is an amendment that is beneficial to an accused, so to that extent I do not think there would be necessarily an objection to making the amendment retrospective to the point of the commencement of the amendments that were made in 2006. I appreciate the reservations about trials in progress that the Attorney-General referred to. In any event, I do not expect it will make any difference, because as far as the parties are aware, on my understanding there is not a case in progress at the moment to which this matter is relevant.

It is good that this issue has been picked up in order to ensure that the legislation is correctly drafted and that the defence is available in the circumstances where Parliament intends it should be available.

Mr RYAN (Leader of The Nationals) — For the reasons that have been outlined by both the Attorney-General and the member for Box Hill, The Nationals support the amendment.

Motion agreed to.

STATE TAXATION AND ACCIDENT COMPENSATION ACTS AMENDMENT BILL

Second reading

Debate resumed from earlier this day; motion of Mr BATCHELOR (Minister for Community Development).

Mr LANGDON (Ivanhoe) — I speak on this bill with a great deal of knowledge, having just received a copy of the bill. I am waiting for The Nationals to arrive, as they are not yet here.

The SPEAKER — Order! I ask the member for Ivanhoe to confine his comments to the bill.

Mr LANGDON — The State Taxation and Accident Compensation Acts Amendment Bill is, as it says in the purposes clause, in part about the congestion levy and about exempting parking spaces owned by consular officers, employees and family members. It is also about an indemnity that applies to the owners and operators of public car parks and the ability of owners of private car parks to pass on the full cost of the congestion levy to car park users, including any GST payable by the owner on the amount of the levy received by the user.

Looking around the chamber, I am very pleased to be contributing to this debate, because I know the bill will receive a very speedy passage once members come in to speak on it! I certainly know that several members will join with me in passing the bill.

Mr INGRAM (Gippsland East) — It is a pleasure to speak on the State Taxation and Accident Compensation Acts Amendment Bill. I would like to thank the departmental staff for the briefing they gave on the bill.

This bill makes a number of changes to a number of acts, including the Congestion Levy Act, which brings up some issues mainly relating to foreign embassy staff. The bill makes a number of changes to the Land Tax Act in relation to trusts. In particular, where a deceased person as part of their will has provided that an individual will be allowed to be a resident at their

premises, the individual owner will be exempt from land tax because the property is theoretically owned and utilised by another person.

If those provisions were not there, they would be required to pay land tax. The bill also makes a number of changes to the Accident Compensation Act in relation to the modification of the homes and cars of people who have injuries. This brings the legislation into line with other legislation to ensure that individuals can be protected. With those words, I commend the bill to the house.

Dr SYKES (Benalla) — I rise to speak on behalf of The Nationals on the State Taxation and Accident Compensation Acts Amendment Bill 2007. As mentioned certainly by the Liberal Party opposition's lead speaker, the purpose of the bill is to amend three acts: the Congestion Levy Act 2005, the Land Tax Act 2005 and the Accident Compensation Act 1985. I shall address the key amendments involved.

In relation to the Congestion Levy Act 2005, the first amendment provides for an exemption from the levy for car parking spaces owned by consulates, consular officials and other defined persons. Importantly, the exemption fulfils the government's obligation under the Vienna Convention on Consular Relations 1963. It is pleasing to know the government is bringing the legislation into line with international conventions.

The second important amendment of the Congestion Levy Act is to ensure car park owners can recover the full amount of the levy, plus any GST that is payable, from a tenant. This overcomes provisions which may have been contained in long-term leases which prohibit or limit the fee increases during the life of that agreement. The wording of these pass-through provisions has been modified in the light of the taxation implications to ensure the levy in its entirety, inclusive of GST, can be collected from the right party.

The third amendment to the Congestion Levy Act is to provide that in the event of an owner or operator of a public car park not having the right to increase car parking fees to recoup the levy, that party can be indemnified by the party who does have that right.

The amendments to the Land Tax Act are primarily to accommodate recent Supreme Court decisions and essentially confirm longstanding processes for such valuations being obtained. In the opinion of The Nationals, these are minor changes to the provisions dealing with the principal place of residence. Similarly, there are minor amendments making new provisions to deal with the imposition of land tax on land held by trusts.

The amendments to the Accident Compensation Act are to better reflect the provisions of the Transport Accident Act and thereby ensure similar entitlements across the two schemes, particularly in relation to modification of the homes and motor vehicles of injured persons.

On the Congestion Levy Act, it is worth going back to the debate on the original legislation when it was introduced to Parliament in the Legislative Assembly on 20 October 2005. The Leader of The Nationals made some hard-hitting comments in relation to the bill, commencing with the following:

> This is legislative theft. If a private citizen did what the government is proposing to do under this bill, that citizen would be arrested, charged, arraigned and convicted, because it is legislative theft.

He said it was just another tax grab. He went on to explain that and pointed out at that time that the government already was flush with significant funds — windfall benefits from the GST — which just continued to roll in in very significant amounts each month, with no effort from the state government. At that time the Leader of The Nationals also asked what the public reaction was to the proposal to introduce the levy. He said:

> What have the reactions been to this preposterous proposal? I think it is fair to say that there has been virtually universal condemnation of it. The exception I can find is the Melbourne City Council —

which, he noted, was going to get about $5 million out of the $40 million that was to be collected.

Then the Leader of The Nationals rightly raised the issue of whether or not this congestion levy or tax would achieve its stated objective of reducing congestion in the city. Again he drew on public comment. He quoted an article from the *Age* of 6 October which was headlined 'Car park levy — won't ease snarls'. He also made reference to earlier commentary by the *Herald Sun*. He then went on to comment:

> In his report to the Melbourne City Council Murray Young from Adelaide made it clear that this concept —

of a congestion levy —

> does not work.

Mr Young reported that he had investigated the application of something similar in Perth, but it did not

work; also something similar in Sydney, but it did not work.

I guess that raises the question two years on, at a time when we are making an amendment to this legislation, whether this has been an exercise in generating another $40 million or so a year for the state government, which is already flushed with funds, or whether it has had any impact on its stated objective of reducing congestion in the central business district. I would ask the minister in summing up this debate to give us some feedback on whether there has been any analysis of the effectiveness of this levy in achieving its stated intention of reducing congestion.

I should also flag, as the Leader of The Nationals did at the time of the original legislation being debated, the suggestion that there should be an open mind to other means of achieving reduced congestion in the CBD rather than just imposing this tax. He alluded to other attempts in cities such as London, and I believe also countries like Singapore and Hong Kong, where there are exclusion zones during business hours where people need permits to enter the CBD. That will have the effect of reducing the congestion without imposing this tax on a vast number of people who stand to gain little benefit as a result of the parking tax that has been imposed.

Out of interest, if we look at the actual money that is being generated by this tax, in 2005–06 it was $19.1 million and in 2006–07 it was $37.8 million. The budgeted amounts or estimates are $43 million for 2007–08, and $44 million for 2008–09. So it is a nice little money-raiser for the government.

I move on now to the amendments to the Accident Compensation Act. As explained in the second-reading speech and as discussed by the lead speaker for the opposition, the intention of these amendments is to bring the provisions of the Accident Compensation Act into line with the provisions that are available under the legislation governing the Transport Accident Commission. It particularly relates to being able to pay for a replacement motor vehicle that can be suitably modified where the injured worker either did not possess a car or possessed a car which was unsuitable for modification.

Similarly, where an injured worker's existing home is not suitable for modification, up until this time, unlike the Transport Accident Commission, the authority has been unable to pay a reasonable amount for either the cost of a portable semi-detachable home or the cost of relocating the worker to another suitable home.

I know from personal experience what the impact can be of these high costs and the impact it has on the affected families. In Benalla we have had the situation of a young lady whose injuries resulted from an assault rather than an accident or workplace accident, but the outcome was the same.

She was severely injured and unable to live under normal circumstances in her home. Through my involvement in a very functional Benalla Trust Foundation, which was set up to help local families in crisis, that trust has contributed, I think, thousands of dollars to enable her home to be modified so that she can have at least a reasonable existence in her own home. I should say that she has been extremely well supported by her parents. As a sidenote, the particular girl, Angela Barker, in recovering from injuries that were so severe that professional opinion was to give her up for dead, is back home, and even though she is wheelchair bound and has difficulty talking she is now on the international speaking circuit, talking about domestic violence and the importance of not putting yourself in risk situations.

To be able to help people such as her, who have incurred serious injuries, and give them the right support which can enable them to have a rewarding life and in fact get back to being able to contribute to our society is a very desirable intent. Therefore this amendment under the Accident Compensation Act is a valuable amendment to ensure that people becoming eligible for support under this act have equal access to support, as for others through the Transport Accident Commission. With those remarks, I wish to indicate that The Nationals will not be opposing this bill.

Ms RICHARDSON (Northcote) — I rise in support of the State Taxation and Accident Compensation Acts Amendment Bill. The bill amends the Accident Compensation Act, the Congestion Levy Act and the Land Tax Act.

The amendment to the Accident Compensation Act is designed to provide greater assistance to those seriously injured at work who require modified homes or cars. Previously the Victorian WorkCover Authority could only compensate injured workers for modification to existing homes or cars and this amendment deals with circumstances where a home or car cannot be modified to meet the needs of the injured worker. The WorkCover authority can, in this circumstance, then contribute a reasonable amount to the purchase of a new vehicle or a semi-detached portable unit, or relocation to a new home. These improved benefits are in line with the benefits provided under the Transport

Accident Commission scheme and are significant improvements for injured workers in our state.

The amendments to the Congestion Levy Act are minor and affect three areas that are governed under the act. The first amendment provides an exemption from the levy for consular vehicles. This exemption is in line with the government's obligations under the Vienna Convention on Consular Relations of 1963 whereby consulates and their staff are exempt from paying taxes and levies.

The second amendment ensures that car park owners can recover the full amount of the levy plus GST from a tenant. This ensures that long-term lease car park owners are not disadvantaged. This amendment is to take effect from the onset of the congestion levy which was introduced on 1 January 2006, and its impact over time will be lessened as new leases are renegotiated, going forward.

The third amendment implements a recommendation by the review of the administration of the congestion levy. This review was completed one year after the congestion levy was introduced. In short, the joint and several liability provisions are amended to ensure that an owner and operator of a public car park who pays the levy but who does not have the right to increase the parking fees can recoup the levy costs from the party who does have that right. Again, this provision will apply from 1 January 2006 when the introduction of the congestion levy came into effect.

Amendments to the Land Tax Act can be summarised by three new provisions. The first of these deals with the imposition of land tax on properties held by trusts and includes the following new provisions. It provides a new definition of a trust to be excluded by a will that ensures that deceased estates being administered by a personal representative are not subject to the land tax surcharge for a period of three years, or a further period approved by the commissioner of state revenue.

The period of the principal place of residence exemption has also been extended beyond the one-year anniversary of the death of the deceased. This has been done as often the administration of such an estate takes longer than one year. The principal place of residence beneficiary will now be required to use and occupy trust property and there is also a new provision to ensure that the nomination of a beneficiary by a trustee takes effect in the tax year that the nomination is lodged so that the trust land is not subject to surcharge rates. Finally the commissioner of state revenue will be empowered to approve a change of a nominated principal place of residence beneficiary.

The second set of amendments to the Land Tax Act concerns the use of valuations. Specifically these amendments validate the current practice to use local council validations based on each occupancy of the land, rather than site valuations of the whole land, to assess land tax. Finally, consistent with other jurisdictions, the amendment to the Land Tax Act extends the principal place of residence to a small category of people who have never been granted the right to occupancy.

These provisions are in total good amendments to the various acts. In particular the changes that will affect injured workers across the state are commendable. I therefore commend the bill to the house.

Mr KOTSIRAS (Bulleen) — It is with pleasure that I briefly speak on the State Taxation and Accident Compensation Acts Amendment Bill 2007. The purpose of the bill is to amend three different acts: the Congestion Levy Act 2005, the Land Tax Act 2005 and the Accident Compensation Act 1985. The first one is the Congestion Levy Act 2005. I find it absolutely amazing the amount of money that this government — —

Mr Wynne interjected.

Mr KOTSIRAS — I am getting to it. The amount of money that this government has raised through this congestion tax, which I oppose, is amazing. In 2005–06 it raised $19.1 million — —

Dr Sykes — How much?

Mr KOTSIRAS — It raised $19.1 million. In 2006–07 the government raised $37.8 million, in 2007–08 the government's budget estimate is $43 million, and in 2008–09 the government's budget estimate is $44 million. One has to ask where that money has gone. Has the money gone to Labor electorates? Has it gone to marginal seats? Where has it all gone? How has this government spent this money? It is estimated that a total of $43 million will be received from the congestion levy in the next financial year, yet our education system is falling apart, our transport system is falling apart and our roads are falling apart. One has to ask: where is the money going — and where has it gone?

I am sure that when the Minister for Housing wraps up this debate he will explain to us where his government has spent this money. I do not know where the $37.8 million that was made in 2006–07 was spent. One has to again ask: has this money been spent on advertising or on television and radio propaganda? We oppose the congestion levy. I hope the government and the minister will explain how the money is being used. I

have to say that the amendments to the Land Tax Act seem reasonable and fair.

The third act being amended is the Accident Compensation Act. These amendments relate to measures regarding the modification and/or purchase of vehicles, the cost of modifications to buildings and the relocation of seriously injured workers. These are fair and reasonable too. The one issue I oppose, as I have said earlier, is the congestion levy. I will be very interested to hear from the minister about where the money has gone.

Mr WYNNE (Minister for Housing) — I thank the members for Ivanhoe, Benalla, Northcote and Bulleen for their contributions. In summing up, the State Taxation and Accident Compensation Acts Amendment Bill deals with amendments to three acts, the Congestion Levy Act 2005, the Land Tax Act 2005 and the Accident Compensation Act 1985.

I well remember the debate on the congestion tax. This was an important initiative by the government to ensure that the funds received from the levy were appropriately used for better public transport outcomes. I must say that the proof of that can be seen in the extraordinary increase in public transport patronage. We have had massive increases in public transport usage right throughout the train, bus and train networks. The further investment by the Minister for Public Transport more recently has, to some extent, been in response to the massive sea change in the way that people seek to travel to and from their employment. It has been a fantastic result. Again the investment of the funds received from the congestion levy not only by the City of Melbourne but more generally by the state government in public transport has produced an excellent outcome.

The Land Tax Act amendments, as the member for Bulleen indicated, are very straightforward. They are supported by both sides of the house.

I want to briefly touch on the amendments to the Accident Compensation Act and reflect on the contribution made by the member for Benalla. Although the example he raised pertained to a shocking situation regarding a victim of domestic violence, it was analogous in terms of the support that ought to be provided to people who find themselves with catastrophic injuries. The amendments proposed to the Accident Compensation Act go directly to those issues, particularly in regard to vehicle and home modifications, in order to slightly ease the situation of people who have been catastrophically injured. I think it is a very good amendment, and both sides of the house support it.

In that context the three sets of amendments in this bill are relatively straightforward. They enjoy bipartisan support, and I commend the bill to the house.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

GAMBLING LEGISLATION AMENDMENT (PROBLEM GAMBLING AND OTHER MEASURES) BILL

Second reading

Debate resumed from 1 November; motion of Mr ROBINSON (Minister for Gaming).

Mr O'BRIEN (Malvern) — It is a pleasure to rise and speak on the Gambling Legislation Amendment (Problem Gambling and Other Measures) Bill 2007. The opposition does not oppose this bill.

There are some measures in it which the opposition find strangely familiar: the bill contains two direct lifts from the Liberal Party's 2006 election policy. One of them is about imposing daily withdrawal limits on automatic teller machines located near gaming venues; another is about extending self-exclusion programs to all hotels and clubs, not just members of the Australian Hotels Association. I will turn to those provisions shortly. Unfortunately the opposition cannot give its unreserved support to this bill, because it falls down in a number of areas.

Firstly, it has flaws and inconsistencies in relation to the imposition of a responsible gambling code of conduct and the prohibition on permitting wagering or gaming by intoxicated persons.

Secondly, the bill does not require the publication of reports about disciplinary action taken against venues for repeated failures to comply with an approved responsible gambling code of conduct or reports about the level of compliance with a responsible gambling code of conduct. The reports are required to be sent only to the minister. It seems clear to the opposition that these are matters which need to be publicly reported, not simply reported to the minister.

Thirdly, and fundamentally, this bill does nothing to address the issue of the number of electronic gaming machines in Victoria. To refer to problem gambling in the title of a bill and do nothing about the number of electronic gaming machines contained in this state means that the bill is simply window-dressing to an extent, if it does not deal with one of those fundamental issues that relate to problem gambling.

Fourthly, there is no measure contained within this bill to deal with the use of electronic devices, such as electronic cards, as measures to assist with either data tracking or precommitment of gambling. It is a disappointment that the Minister for Gaming has not seen fit to attend the chamber to be present for the second-reading debate, because the minister, before he was elevated to that position, certainly had some strong views about the use of electronic cards as a problem gambling measure.

Mr Ryan — What were they?

Mr O'BRIEN — The Leader of The Nationals asks what they were. I can refer the house to a letter on the letterhead of the member for Mitcham, dated 2 May 2006, to the executive officer of the gambling licences review, Office of Gaming and Racing in the Department of Justice. This submission was made to the review by the member for Mitcham and the then member for Evelyn, Heather McTaggart, MP — two backbenchers who obviously had an interest in problem gambling and effective methods that they felt could be implemented by the government to deal with problem gambling. They note:

> The introduction, for example, of compulsory electronic player cards would allow for player activity to be monitored against a safety net criteria, and a range of interventions where the criteria had been breached.
>
> …
>
> Only where the existing safety net parameters were breached would an intervention be initiated.

I think these measures certainly deserve some proper consideration. I think it is now widely accepted that, if you want to tackle problem gambling, you need to get gamblers who make sensible decisions about their limits when outside a venue to stick to them once they are inside the venue, because that is where problem gamblers tend to fall down. They go into gambling venues with the best of intentions — that is, that they will only gamble for a certain period of time or gamble with and lose a certain amount of money. But it is once they are inside the venues that they do not stick to those limits, and this is where the problem gambling really manifests itself.

If we are going to be serious about tackling problem gambling, we need to look seriously at how we can implement a series of precommitment mechanisms to help gamblers who have problems to stick to their limits when inside the venues. Unfortunately, notwithstanding the now minister's ardent advocacy for this sort of measure, this bill is completely lacking in any such measure, which again shows that ultimately it is not a fundamental tackling of the issues associated with problem gambling.

Turning to the main provisions of the bill, it inserts a definition of 'intoxication', which is taken from the Liquor Control Reform Act. It certainly makes sense to have consistent definitions of terms such as that across legislation, but I note that opposition members have some serious concerns with the offence provisions and their application, which I will turn to later.

The bill requires electronic gaming machine venue operators to conduct self-exclusion programs. These programs must have the approval of the Victorian Commission for Gambling Regulation (VCGR) in accordance with matters set out in the act, but also in accordance with ministerial directions which can be given. Certainly the opposition supports the expansion of self-exclusion programs. As I mentioned, this was a feature of the opposition's policy at the 2006 election — yet another policy which the government has now seen fit to adopt. There is a lot of merit in that; it is just a shame that the government has to again rely on the opposition for all its good policy ideas.

The bill provides additional requirements for self-exclusion programs and empowers the VCGR to either approve or to refuse a self-exclusion program. There are also provisions in the bill to enable gaming venues to have time to implement self-exclusion programs where they have not complied, and certainly these measures appear to be quite sensible.

One matter that I do raise — and I alluded to it briefly before — is that the bill, in what would be new section 10.6.10 in clause 49, on page 34, provides that the Victorian Commission for Gambling Regulation:

> reports to the Minister at intervals not exceeding 12 months, and at any other times that the Minister requests —
>
> (a) a report on self-exclusion programs including whether any disciplinary action was taken against a venue operator because of repeated breaches of the venue operator's self-exclusion program,
>
> (b) a report on Responsible Gambling Codes of Conduct including the following —
>
> (i) the effectiveness of —

the codes —

(ii) the level of compliance by relevant persons;

(iii) whether any disciplinary action was taken against a relevant person because of repeated breaches of the —

code of conduct.

It is the opposition's contention that these reports should be made public. If venue operators are not abiding by the requirement to have and observe self-exclusion programs, they should be named and the public has a right to know about it. If venue operators are not complying with responsible gambling codes of conduct which is leading to disciplinary action, the public has a right to know about it.

The VCGR's annual report usually lists a number of venues against which disciplinary action has been taken, but the way this bill is drafted gives the appearance that the government is proposing that these matters not be reported publicly but simply be reported to the minister. I hope that the minister in his summing up — if he bothers to enter the chamber — would clarify that.

Mr Robinson — I am here; I have been here for a few minutes.

Mr O'BRIEN — I am pleased he has finally decided to show. Perhaps the minister can read *Hansard* tomorrow and see the pearls of wisdom that he has missed. I hope the minister will be able to confirm that any reports of disciplinary conduct that relate to breaches of self-exclusion programs or responsible gambling codes of conduct will be made public and will not be kept only in the minister's office, which is certainly the impression that is given by the content of this bill.

The bill also makes it an offence for electronic gaming machine venue operators or holders of wagering licences or wagering operators to knowingly allow an intoxicated person to gamble. We think this is a sensible provision, but the way it is drafted suggests that there have been a number of anomalies and a number of instances which should be covered by this provision but which are not.

To give the most obvious example: on the face of it, it does not apply to oncourse bookmakers. A gambler could be intoxicated to an extreme level and would be able to place a bet with an oncourse bookmaker without having to run foul of the act, yet if that same intoxicated punter walked into a TAB, the TAB would be in breach of its wagering licence if it allowed the person to gamble. In the opposition's view that is a serious anomaly in the bill. If we are to introduce offences of allowing intoxicated people to gamble, which we believe is a sensible move, it should apply to oncourse bookmakers as well as to oncourse and offcourse wagerers, otherwise it is clearly a loophole which is asking to be exploited.

Another concern with the way the offence provisions are drafted is that where gaming venues are licensed venues and the staff are trained in the responsible service of alcohol, that is not necessarily the same with TAB agencies — in fact TAB agencies, by and large, are not licensed venues. There are Pubtabs, but many TAB agencies are not licensed venues. As a requirement, the staff in those venues are not trained in the responsible service of alcohol.

This bill expects people who are working in TAB agencies and who are not trained in the responsible service of alcohol to nonetheless be able to identify intoxicated people within the meaning of the act. Given that the consequences of failing to observe that are quite severe and because it is a breach of the wagering operator's licence, I think it is a serious matter that should be looked at. Will the minister propose that people working in TAB agencies also be required to undergo responsible service of alcohol training? If that is the minister's intention, that should be disclosed now. If it is not the minister's intention, that is a problem with the bill, because you will be looking at staff with a different level of expertise and training in TAB agencies compared with those in licensed venues.

This also raises questions in relation to TAB telephone operators. There is nothing in the bill that suggests there is any exemption for the TAB in relation to its telephone operations. Therefore telephone operators will be expected to determine whether a punter is intoxicated simply by hearing them on the telephone. We can all hazard a guess about this, but I suspect that operators would be loathe to make the call that somebody is intoxicated to a level where their attempt to place a bet should be refused simply by listening to their voice on the telephone. Perhaps the government should have been clearer about how it expected these provisions to apply to telephone operators.

There is also the matter of terminals that operate in TAB agencies. You can walk into a TAB agency and place a bet on your telephone account using a terminal, so there can be no interaction whatsoever with another human being. You do not need to speak to anyone on the telephone or in the TAB agency; you can go into the agency and use the terminal to place a bet. On the face of it, if a hypothetical person placing a bet on the

terminal were intoxicated, the TAB would be in breach of its operator's licence by allowing them to place a bet, and yet there has been no human interaction whatsoever. Unless the minister is suggesting that there will be a requirement for the TAB to have bouncers on the doors of TAB agencies with terminals in an attempt to assess the sobriety of people entering, this is another potential loophole. The industry deserves some certainty given the serious consequences that could arise from failing to meet these obligations — that is, that the operator's licence is breached, which can lead to disciplinary action.

I raise these matters as serious concerns for the minister to consider and hopefully respond to in the house. I should also note that there does not appear to have been a lot of consultation with industry in relation to the measures in the bill. Since I became aware of the bill I have consulted widely throughout the industry, both wagering and gaming sectors, and a constant refrain I, and the opposition in general, have heard is that the industry feels it has not been properly consulted on the bill and that many of the anomalies which I have raised and will continue to raise regarding the bill could have been avoided had there been a better period of consultation.

The Minister for Gaming, who is now in the chamber, would not have heard my earlier remarks that one of these failings of the bill is its failure to deal with issues of precommitment. The minister would be well aware of his submission to the gambling licences review panel. The question remains: will the minister act on it? There is nothing in the bill that shows that any of those measures are being intimated by the government.

During question time — and I raise this, Acting Speaker, because it is directly relevant to the debate — the minister was talking about what the government has done about problem gambling, which this bill is designed to address. If the minister's track record is so good, perhaps he can explain why under the previous coalition government average losses on electronic gaming machines (EGMs) was $1.17 billion per year, whereas under this government average annual losses on EGMs is $2.9 billion. That is more than a doubling of average annual losses under this government compared with those under the previous coalition government. For the minister to suggest that he has taken action on problem gambling when the amount of annual losses has more than doubled on this government's watch is a disgrace.

The minister would be aware of a recent report in the *Herald Sun* indicating that $678 million has been lost in the first three months of this financial year alone, which is a record. It shows that the government is now on track to preside over the single highest annual level of pokies losses in the state's history. For the minister to sit there, as he is now, or stand up in question time and claim that the government has taken action to deal with problem gambling when the amount of losses keeps increasing, the amount of the government's tax take keeps increasing and the amount of work that is done on problem gambling initiatives is negligible means that the government is prepared to sit on its hands and consign problem gamblers to the rubbish heap while it keeps taking in tax revenue.

Returning to the specific provisions of the bill, the bill institutes measures to further limit the availability of automatic teller machines in gaming venues. As I indicated at the outset, this is an excellent measure, because it is a direct steal of Liberal Party policy. The Liberal Party policy for the 2006 election campaign said — and members opposite may be interested in hearing me quote it:

> A Liberal government will introduce a range of operating initiatives including:
>
> …
>
> maintain the ban on ATMs —

automatic teller machines —

> on the gaming floor and ensure daily withdrawal limits apply.

It is very pleasing to see the government now taking up Liberal Party policy to introduce daily withdrawal limits on automatic teller machines outside gaming venues. This commences on 1 January 2010. When I asked at the department's briefing on the bill what consultation there had been with the banking industry as to whether this is feasible, the answer was essentially, 'We told them we would do it. We do not know if they can do it or not. It is up to them'.

This is another example of the government thinking it can dictate terms. It does not believe that involving industry in these matters is useful. The government is attempting to rule by dictate and does not believe in consultation with industry. The government does not trust industry, does not trust business and thinks that business is always the enemy and can never be trusted. Therefore it has to legislate over the top of industry rather than working with it to introduce problem gambling measures. This lack of consultation is typical of the attitude of this minister and this government towards business.

Another commendable measure introduced by this government is the limitation on the cashing of cheques

by customers at gaming venues. The bill proposes a $400 daily limit, and also provides that no more than one cheque can be cashed at any one time.

Interestingly this limitation does not apply to the casino. I asked at the briefing why this was, and the answer was essentially, 'It attracts a different clientele'. I think one of the difficulties that the government is facing is that a number of measures that have been introduced to deal with problem gambling have applied broadly but have not applied to the casino. Certainly there are people in the gaming industry outside the casino who feel that they are being unfairly hit because they are carrying the burden of these problem gambling measures but can see that Crown Casino is not carrying them.

If the minister is of the view that there is a very good policy reason for excluding the casino from the operation of these sorts of measures, it needs to be explained far more clearly, because certainly the industry does not understand it at the moment, and certainly the explanations that I received at the briefing did not leave me much the wiser as to why Crown Casino should be exempt from the provisions relating to the limitation on the cashing of cheques.

Reverting briefly to the question of automatic teller machines in gaming venues, I notice that the bill applies a $400 limit, but that it is per card and per ATM. The Returned and Services League has made the point that a smaller gaming venue that has only one ATM near it might be at a bit of a disadvantage compared to a large venue, or indeed the casino, on the basis that a venue that has a number of entrances may have a number of ATMs nearby. So a punter who wishes to access a different ATM could go to three or four ATMs while still being within the same essential gaming venue or gaming complex and could take out $1600, whereas a small gaming venue — typically an RSL club — might have only the one teller machine.

That is certainly an issue that the government should keep under close watch, but we think that the implementation of limits on withdrawals from ATMs is a sensible measure in relation to tackling problem gambling and trying to encourage people to have a bit of a break once they have had a session on the pokies and give a lot of thought to whether they want to take more money out and go back into the venue. Of course if people want to, that is ultimately their decision, but I think a measure that gives people the opportunity to just have a little bit of a stretch of the legs and to think about what they are doing is a wise initiative as well.

In relation to the community benefit statements which are submitted by licensed clubs that have electronic gaming machines, the bill makes a number of amendments which provide the minister with the power to issue ministerial directions in relation to the percentages of various types of expenditure that may be claimed as being of community benefit. The scheme which the government has come up with at this point does seem to be worthy of a try.

The initial proposal put forward by the minister's predecessor was far more hardline on some views, and this is a significant watering down of that proposal. I think that a mechanism whereby certain types of activities which are clearly and demonstrably of direct benefit to the community can be the subject of a 100 per cent claim towards the community benefit contribution is sensible. Other measures capping the claims at an amount equal to the proportion of the club's total non-gaming revenue sources seem to be a balanced way of dealing with legitimate concerns that items that were claimed to be of community benefit were not necessarily what members of the public would perceive as being of any benefit to them.

That aspect of the bill is something which opposition members find we can support. We hope the scheme works well and works to deliver better and more direct benefit to the community while also making sure that clubs are able to operate, recognising that clubs actually produce benefits for the community to some extent through their very existence. That is because they provide places for people to socialise and participate in various forms of activities, including sport — which I think all members of this place would be keen to see encouraged as a means of promoting health and fitness — and social interaction in what is an age of increasing individualism and less engagement.

The bill also provides amendments to provisions relating to the operation of the use of Victorian race fields by wagering-service providers. These measures essentially clarify that it is possible for the appropriate controlling body to enter into arrangements with wagering-service providers — that is, bookmakers — that are conditional and are subject to the payment of a fee. There was some doubt raised about whether an approval could be conditional. Clearly that was the original intention of the legislation, and the fact that these measures are being implemented to clarify those aspects of the original operation of the act is something which the opposition finds it can support. There are also aspects of this bill which implement various amendments to the Casino Control Act which reflect some of the earlier amendments I discussed in relation

to measures affecting pubs and clubs with poker machines.

In relation to the responsible gambling code of conduct, there is one thing which does seem to be a real anomaly. The requirement to have a responsible gambling code of conduct that has been approved by the Victorian Commission for Gambling Regulation does not apply to gaming operators. It applies to gaming venues and to wagering operators and wagering venues but not to gaming operators. In other words, Tattersall's and Tabcorp are essentially exempt from the requirement to have and observe an approved responsible gambling code of conduct. I have to say this does seem to be a real anomaly.

To say that only the venues have interaction with gaming machine players is, I think, a very short-sighted view. It is the operators who run a lot of the large-scale promotions who actually decide what games they are going to get in and where they are going to put them. The operators are the ones who have a lot of direct contact with punters, and to exempt operators from the requirement to have a responsible gambling code of conduct means that they are not being required to do things which I think a lot of them are willing to do anyway.

Tabcorp, for example, is quite proud of the fact that it has a responsible gambling code of conduct, and it trumpets the fact that it has won an award. Tabcorp is regarded by Dow Jones, from memory, as being one of the most responsible gambling companies in the world, and this is a point of difference that Tabcorp uses in its promotional material. There is certainly no question that these operators are wanting to be seen to be responsible gambling operators, and to say that there is no need for them to have a responsible gambling code of conduct when that same requirement is being imposed on gaming venue operators, on wagering service operators and on wagering agencies is, I think, a real misstep.

I would ask the minister to perhaps explain in his summing up why it is that Tabcorp and Tattersall's are not required to have a responsible gambling code of conduct. Certainly both organisations have responsible gambling codes of conduct at the moment, and it would not seem much of a stretch to say, 'On the basis that you have already got them, we want you to submit those to the Victorian Commission for Gambling Regulation for approval, and then you would also be bound to observe them just as gaming venue operators are'. If there is a good reason for not having the gaming operators as part of this requirement, it certainly has not been made clear to me or, I should say, to the gambling operators themselves, one of whom at least has contacted me and indicated that they would be happy to have a responsible gambling code of conduct provided for.

There is a lot to commend in this bill. But I refer the minister specifically to the queries about intoxication, about how these offences are going to apply to telephone operators at the TAB and to TAB agencies that have terminals, about why they do not apply to oncourse bookmakers whereas they apply to oncourse TAB agents, and about how TAB agency staff who have not had any training in the responsible service of alcohol will be expected to comply with this legislation by identifying signs of intoxication. I think that is a real anomaly in the bill which needs and deserves to be addressed.

I also think that failures by gaming venue operators or wagering operators to observe codes of self-exclusion or responsible gambling codes of conduct should be made public. I would hope the minister can clarify that that certainly is the intention. While the minister will receive a report on measures that would also be reported on by the VCGR, whether in its annual report or at another time, it is important for public confidence in the system that the public knows whether venues have been complying with and observing the act and, if they have not, what disciplinary action has been taken by the VCGR to ensure that those measures will be carried out in the future. With that, Acting Speaker, we commend a lot of aspects of the bill, particularly those which directly lift Liberal Party policy.

Mr RYAN (Leader of The Nationals) — The Nationals do not oppose this legislation. As has been stated by the member for Malvern on behalf of the Liberal Party, we are pleased to see that the government has seen fit to exercise a bit more Labor me-tooism and adopted some of the propositions which we advanced at the last election. I will return to that issue in a moment.

The bill in a general sense represents developments that have evolved from a further consideration of the industry as it continues to mature here in Victoria. There is nothing of enormous substance in the legislation; rather it involves a lot of tinkering around with what is already there and the amendment of existing provisions across a range of sectors. What the bill does, as the first of its three principal aims, is introduce new responsible gambling measures, with specific reference to further restrictions on the location of and access to ATMs (automatic teller machines), coupled with the strengthening of the self-exclusion programs. Secondly, it amends the existing race fields legislation to strengthen the capacity of the minister to

effectively monitor all interstate and overseas wagering service providers. Thirdly, it further amends the provisions relating to the requirement that rests with clubs regarding their annual community benefit contribution statements.

I still have a concern — as we all do in The Nationals — that the government is not taking sufficient action to look at the issue of problem gambling. We set out a series of proposals in our policy at the last election. We believe they are sound, and we also believe that the introduction of these measures would result in a much more direct assault upon problem gambling here in Victoria. We think we need something styled to Victorian conditions, because particularly in relation to EGMs (electronic gaming machines), our situation differs markedly from the situations that apply in other jurisdictions. One need only look at the numbers, for example, in New South Wales, where there are around 110 000 to 120 000 machines in the marketplace owned by the individual venue operators, as opposed to the system in Victoria, where we have 30 000 machines, with a cap on the number, 2500 of them being in the casino and the other 27 500 centrally linked to computers.

The way in which the industry operates, certainly insofar as the EGMs are concerned, differs markedly even between those two jurisdictions. Likewise you can look around the rest of Australia and see how different people do different things in different places. Victoria needs a system that is much more structured around the way the industry operates here. So it is that our policy reflected that issue going into the last election.

We had eight main points in our policy. The first of those was to establish an independent academic research group based at a Victorian university that was dedicated to the study of problem gambling. The intention was to replicate in a Victorian context the situation which applies at Sydney University, where Professor Blaszczynski and the gambling institute have done excellent work over many years, based particularly around the experience in the New South Wales industry. That has been very instructive in that state's developing different programs.

Certainly it has drawn upon global experience in the industry for the purposes of formulating the work which has been done over the years. The key thing is that this is a specific institute, located at a Sydney university, which is able to do work based primarily on the experience in New South Wales. I believe we need a similar enterprise to be established here so that we have the capacity to look at the position that applies in this state based on Victorian experience, as well as being able to draw on what is happening globally.

The second area of concern is that we want to expand the legislative responsibilities of the Victorian Commission for Gambling Regulation to require it to oversee the development and delivery of programs pertaining to problem gamblers. We think the VCGR is among the best of the bodies involved in the delivery and provision of these programs. It is completely and obviously removed from the operators themselves and is an independent entity in the truest sense. We think it should have much more involvement in the way these programs are developed with a view to providing the best service to the people who suffer from problem gambling.

The third area of concern is that problem gambling needs to be treated as a health issue. Those who suffer from it should be treated accordingly, and that has various ramifications as well. If the government were prepared to make the fundamental change to treating problem gambling as a health issue, a number of very constructive consequences would follow. We would see innovations in the way this problem is dealt with in Victoria that we have not yet seen applied.

The fourth area of concern to us is that we should establish a specific division within the Department of Human Services to coordinate the delivery of all the programs that may be developed to treat problem gamblers. We see this as just a natural consequence of the other processes I have already outlined. If you treat the problem as a health issue, it follows as a matter of logic that the best departmental involvement for the coordination of the service delivery should be through the Department of Human Services, and we would advocate that that should occur.

The next point is that we wish to see developed interventionist programs applicable to problem gamblers that are modelled on the schemes which operate particularly within Crown Casino. Insofar as this initiative is concerned, we certainly recognise that those involved in the industry and those who have an involvement at all levels have come a long way over the last two or three years in particular in developing programs which are intended to assist problem gamblers.

In formulating our policy going into the last election I took the view that the industry was in a position which the liquor industry was in 20-odd years ago. There will come a time in the gambling industry when the provision of service to people who are able to establish that they have a health issue arising from it is going to

draw a litigious outcome. I am sure many of us here will remember the time — not through personal involvement, of course! — when those who were involved in the liquor industry, those operating a hotel, for example, saw no problem at all in being able to continue to serve beer to a patron who was obviously the worse for wear. Nevertheless there was no apparent responsibility on the hotelier to stop serving the alcohol; rather it was just a case of continuing to serve it in the interests of being able to operate the business.

The law, of course, has changed. Now if you are the operator of a hotel or otherwise involved in the liquor industry, you have a direct responsibility as a matter of law to make certain that you do not continue to serve alcohol to people who are suffering the ravages of their intake. You are not allowed to keep serving to people who have obviously had enough. We believe a similar situation is looming in relation to the gaming industry and the gambling industries more generally. To their credit, the various operators at all levels have accepted that this theme, or a variation of it, is emerging. Accordingly, and to their credit, those respective organisations have taken steps to develop interventionist programs. I believe more of this needs to be done, and the continuance of the self-exclusion programs and the responsible gambling codes are steps along the way, but we will see more enhancement of these propositions over the course of the years.

I have been to Crown Casino to see its programs in operation. Obviously it is of a degree of magnitude in the industry that the other individual operators of pubs and clubs cannot match. The very size of Crown within the marketplace is such that it has available to it a resource that the small venue operators simply cannot muster. I understand and respect that. For all that — and I give credit where it is due — Crown does have a program whereby people work in shifts to walk the floor and keep an eye out for those who are acting inappropriately around machines and demonstrating conduct which would convey that they have a problem that has to be addressed.

These things are not necessarily obvious, so the people concerned are trained to recognise those people who are under stress, to engage them in conversation and wean them away from the machines. This gives them the opportunity to have conversations with them in an environment away from the gaming floor and ultimately to assist in delivering programs to them so they are better able to accommodate what I believe is a health issue. I should say that Crown does not deliver those programs; rather it has a mechanism whereby it can coordinate people's access to those people who have expertise in that regard. But the point still stands that with the passage of time the industry is going to see more evolution in this area. I commend the operators at all levels for the work that has been done thus far, but there will be more work to come with the passage of time.

Our next proposition is to reduce the maximum bet on gaming machines to $5. That has been adopted by the government, and we are pleased to see that happen.

The next proposal is to dedicate one-third of the Community Support Fund (CSF) annual income to programs relevant to problem gamblers. That annual income is of the order of $120 million, in very round figures. We think the prospect of putting about $40 million into the delivery of those programs is reasonable. It would also accommodate our concern that too much of the CSF money is being dedicated to what should be line items in the budgets of other departments, particularly in the health department, whereas there should be a concentration on delivering the relevant programs with the money coming from where the problem actually derives. This proposition would achieve that end.

Finally, we want to see the expansion of the role of the Responsible Gambling Ministerial Advisory Council, which is acting as an advisory group to the Minister for Gaming. We believe there are many other things that can be done in that regard.

We took to the last election a package of proposals which we think overall better accommodates a lot of the tinkering at the edges being undertaken by the provisions of this legislation. I do not intend to go through it in great detail. One can pick up the second-reading speech and work through it; the various initiatives set out in those 12 pages are there to be read, and the member for Malvern has gone through them rather comprehensively. I do want to have regard, though, to some correspondence I have received from Tattersall's, Crown Casino and Tabcorp.

The executive general manager, Bruce Houston, has written to me under cover of a letter dated 12 November, essentially saying that most of the provisions in the bill relate to operations at the gaming venue level rather than at the gaming operator level and that some provisions simply mandate initiatives which have been adopted by the industry voluntarily for some years. He said:

> As you would be aware, the gaming industry has voluntarily operated a self-exclusion program for many years. Similarly, the industry has adhered to a voluntary code of conduct for many years.

> In relation to the code of conduct provisions in the bill, the industry has been assured by the government that a comprehensive consultation process will be followed in relation to the code guidelines.

Having regard to history, that seems to me to be a statement representative of a big leap of faith in the prospect of extensive consultation ever being conducted. In any event, we will watch this space and see.

I also have correspondence dated 12 November from the general manager of government and media at Crown Casino, Gary O'Neil. He essentially says on behalf of that organisation that Crown is comfortable with the content of the bill. Tabcorp has provided me with some correspondence dated 13 November, in which it sets out a number of concerns. One of them relates to the question of intoxication under new sections 3.5.33A and 4.7.7. The essence of the point it makes was reflected in the commentary by the member for Malvern. Tabcorp said:

> As the holder of the wagering licence, Tabcorp is disappointed it was not consulted in relation to new section 4.7.7. The new section fails to recognise the complexity and diversity of wagering operations. In its current form, the new section is impossible to implement.
>
> Tabcorp supports the new requirement (section 3.5.33A) that a venue operator must not knowingly allow a person who is in a state of intoxication to play a gaming machine.
>
> While we could support the extension of such a requirement to wagering facilities in licensed venues, it should be recognised that the holder of the wagering licence or the wagering operator does not directly employ staff in licensed venues — these are hotels and clubs at which TAB facilities are available. Consequently, any obligation of this nature should rest with the licensee, rather than the holder of the wagering licence or the wagering operator.
>
> New section 4.7.7 is also flawed in that it fails to recognise that Victoria's 87 TAB agencies are not licensed and do not sell alcohol. They are retail environments at which betting occurs. It is unreasonable to expect staff operating in an unlicensed environment (whether it be retail or over the telephone) to be familiar with identifying the signs of intoxication as outlined in the Liquor Control Reform Act 1998.

Those points are well made, it seems to me, and I think this issue bears further examination while the bill is between houses, because it may have got under the government's guard just a touch. I will be interested to see what the minister has to say.

The correspondence from Tabcorp goes on:

> Furthermore, if this provision is to apply to retail betting shops, then to ensure consistency with other forms of gambling accessed in a retail environment, it should also apply to newsagencies selling lottery tickets —

and so on, as the correspondence identifies problems with proposed section 4.7.7.

As to the responsible gambling code of conduct, Tabcorp confirms that long ago — in 2001 — it introduced its own responsible gambling code of practice. Tabcorp upgrades it each year through extensive discussion and negotiation with all the relevant stakeholders, and it is not fazed at all by the content of this bill. Similarly in relation to the issue of self-exclusion, Tabcorp supports a comprehensive consultation process on these guidelines, which are to apply to gaming self-exclusion programs.

Tabcorp has expressed a particular concern, though, saying that the use of the word 'breaches' in new sections 3.4.25(1)(g) and (h) requires further definition. These are things that need to be refined, because you can end up with unintended consequences arising from this form of legislation, which, given the scale and complexity of this industry, can have serious implications for the way in which it operates.

Generally speaking, however, we do not oppose the legislation as far as it goes. We do think, for the reasons I have set out, that the government needs to make a fundamental change to the way in which it approaches problem gambling in Victoria. It has the resources to do it, and it should lead the way. It should do so in conjunction with the industry at all levels, and I think the industry would be happy to cooperate, particularly in getting a locally based area of expertise to assist in time to come.

Mr HUDSON (Bentleigh) — It is a great pleasure to speak on the Gambling Legislation Amendment (Problem Gambling and Other Measures) Bill. I want to start by replying to some of the propositions put forward by the member for Malvern. He seemed to be saying that somehow the government was aping the policy of the Liberal Party. I would like to point out one thing: between 1992 and 1999 the only policy the Liberal Party had was to rapidly expand the number of gaming machines in this state — the number expanded from about 10 000 to 30 000, with the prospect of going to 70 000 — and to run a campaign that said, 'Go out and have fun! Gaming machines are fun!'. That was the main policy, although there was another part of it — to fund out of the Community Support Fund an America's Cup yacht that sank in San Diego harbour. That was the policy, and that is all the policy the Liberal Party has.

The only party that has introduced measures into this Parliament to reduce problem gambling is the Labor Party in government. It is this government that has introduced every significant and meaningful measure to

tackle problem gambling. It is this government that banned gaming machine advertising outside gaming venues. It is this government that abolished 24-hour trading at all venues other than the casino. It is this government that introduced smoking bans in gaming venues. It is this government that banned ATMs (automatic teller machines) from gaming rooms and limited cash withdrawals from ATMs and EFTPOS facilities in venues. And it is this government that introduced caps on gaming machines in the poorer areas of the state.

The member for Malvern says he is concerned about problem gambling. All the research shows that there is a major link between poor socioeconomic status and the explosion in gaming machines in areas such as Maribyrnong, Darebin and Dandenong. It is this government that has reduced gaming machines in those areas and imposed a cap of 10.

Mr O'Brien — The losses are increasing!

Mr HUDSON — You have not imposed or suggested any caps, and you cannot possibly tackle problem gambling unless you do.

The member for Malvern said in his contribution that the Liberals said in their policy that they would ban ATMs on the gaming floor and introduce daily withdrawal limits. The Liberals did not have the courage of their policy convictions, because they did not nominate a limit. Yet today, when the government has nominated a limit — a $400 limit — the Liberals have come in and said, 'This is not a strong enough policy'. I repeat: we have nominated and introduced a limit.

The Liberals talk in their policy about having a hotline and a research panel. This government has had a hotline for gambler help services for years. As a government we have invested more money in gambling research than any other state government. We are recognised throughout Australia as being a leader in problem-gambling research. That is what this government is doing: we are leading the way in tackling problem gambling.

The member for Malvern loves to quote figures. The Victorian Commission for Gambling Regulation includes in its 2006–07 report information on the net expenditure per adult in gaming venues. In 2001 it was $662 per adult. In 2006 the level of net expenditure was $630. In other words, the level of net expenditure on gaming machines per adult in venues is going down. It was growing by 16 per cent on average per annum under the Liberal government and under this government the level of expenditure is going down.

On the issue of intoxicated persons, the member for Malvern raised concerns about venue operators and venue staff being required to identify and refuse to serve alcohol to intoxicated persons in gaming venues. The member for Malvern said that they are not trained to do such a thing. The member for Malvern is a lawyer. He should go to the bill, because clause 15 says that a venue operator must not knowingly allow an intoxicated person to play a gaming machine. In other words, there is a mental element here. They must not knowingly allow something. They have to make an assessment and say, 'That person is intoxicated'. After having made an assessment that a person was intoxicated, they would come under this provision if they then allowed that person to go on playing a gaming machine. That is what the bill says. You have to 'knowingly' allow them to do so.

Clause 4 makes it very clear that operators will be able to use guidelines issued by the director of liquor licensing to assist them in this task. I do not know whether the member for Malvern is opposing this provision or supporting it, but it is quite clear to me that it is consistent with responsible gaming policy to ensure that we do not allow people who are intoxicated to continue to gamble in a venue.

The bill also helps problem gamblers by taking positive action and giving them the ability to control their gambling by mandating that venues must have self-exclusion programs, and that not to have a self-exclusion program will be an offence under the act. To give support to that initiative we have dedicated $2.6 million over five years in order to provide counselling services to problem gamblers to help guide them through the self-exclusion program. What we are saying with self-exclusion programs is that you need to have some quality in the program. There needs to be a program developed that is approved by the Victorian Commission for Gambling Regulation (VCGR). In addition, we will provide the backup support, through counselling services, to problem gamblers to help take them through the program. I think that is a positive measure within the bill.

We talked earlier about this issue of not allowing automatic teller machines within 50 metres of the entrance to a venue unless they have a $400 withdrawal limit. That is clearly a responsible measure and a measure that should be supported. It means that people who have spent and lost that money will not be in a position to go and get easy cash to further gamble money that they cannot afford to lose. It causes the

problem gambler to take a break from their gambling, to think about what they are really gambling with and, hopefully, to leave the venue because we do not want people losing money they cannot afford to lose.

As to the community benefits statements — and we have talked about policy here today — I would like to point out that notwithstanding what the member for Malvern says, there is not a thing in the opposition's policy about community benefits statements. There is nothing that says, 'We will require more rigorous community benefits statements from clubs'. There is nothing in there that would require them, in lieu of paying that 8.33 per cent in tax to the Community Support Fund, to be more rigorous about their community benefits statement.

Mr O'Brien interjected.

The ACTING SPEAKER (Mr Seitz) — Order!

Mr HUDSON — The member for Malvern interjects about cutting poker machines. If you do not cut poker machines from the poorest areas where the most losses have been incurred by the poorest and most vulnerable members of communities, you will not do anything about problem gambling. You can take the machines out of Malvern, out of Hawthorn, out of Kew, and you would have no impact on problem gambling whatsoever. You have to target where you take the machines from, but with these community benefits statements we will be requiring clubs to demonstrate that they are producing a real community benefit in relation to the non-gaming aspects of their club activities and, if they cannot do that, they will have to pay funds into the community support fund. This is good policy. It should be supported by the opposition. I commend the bill to the house.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until later this day.

LIQUOR CONTROL REFORM AMENDMENT BILL

Second reading

Debate resumed from 1 November; motion of Mr ROBINSON (Minister for Consumer Affairs).

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

Mr O'BRIEN (Malvern) — The Victorian community has been crying out for strong measures to reduce the incidence of alcohol-related violence, but regrettably the government has sat on its hands for too long. Too often in our streets, our cities and our suburbs, alcohol and violence go hand in hand. All too often that combination has tragic consequences.

James Macready-Bryan was celebrating his 20th birthday with his friends in the centre of Melbourne on 13 October last year. He never came home. He and a friend were attacked by two thugs in an alcohol-fuelled scuffle which left James permanently brain damaged, unable to walk, talk or feed himself. James now lives in a high-care residential accommodation.

Shannon McCormack was 22 years old when he and some friends were heading towards a nightclub in Queensbridge Street in the city on 27 May last year. His group and a group of young males became involved in a scuffle. In attempting to break up the fight, Shannon was assaulted and struck his head on a wall and the footpath. Despite battling for a week, doctors at the Austin Hospital were unable to save Shannon's life. One life ended, one life irrevocably changed, and the lives of the many family and friends of these two young men left deeply and permanently affected by this senseless violence fuelled by alcohol and machismo.

These stories are tragic, but they are not isolated. In the Melbourne local government area, Victoria Police statistics show a 21.4 per cent increase in the number of assaults recorded over the 2006–07 financial year, rising to 2064 assaults. Others are also affected by alcohol-related violence. Local residents of areas affected by this plague have no level of security, no safety in walking their streets. It goes beyond just the amenity of neighbourhoods for residents. In a number of trouble spots throughout Victoria drunken hoons pose genuine threats to the property and physical safety of those who live nearby. Also, businesses, whether licensed or not, have much to lose from areas becoming subject to alcohol-related violence. The vast majority of responsible businesses should not have to suffer the commercial consequences that flow from the abuse of alcohol by individuals prepared to damage property and create a climate of fear for innocent people wishing to enjoy themselves responsibly. This bill comes at a very important time in our state's battle with alcohol and violence.

I now turn to the key measures in this bill which the opposition will not oppose, but in doing so I will foreshadow a number of amendments that I will move, which will significantly improve this bill. The bill

contains some potentially very useful but sometimes poorly executed measures. Its gives significant powers to the director of liquor licensing and Victoria Police, but it provides inadequate supervision to ensure those powers are exercised properly. Fundamentally, this bill does not address the lack of police on the front line in trouble spots in our cities, suburbs and regional centres, nor does this bill address deeper structural problems, such as saturation levels of liquor licences in particular areas.

I shall address some of the key clauses in the bill. Clause 5 provides for the director of liquor licensing to have the power by order to designate a particular area. The effect of designating an area is that powers which then accrue to the police and the courts can be exercised in a designated area. If the director of liquor licensing believes alcohol-related violence or disorder has occurred or recurred in a public place that is in the immediate vicinity of licensed premises within the area, and also where the exercise of either banning notices or exclusion orders is reasonably likely to be an effective means of reducing or preventing the occurrence of alcohol-related violence or disorder in the area, then the director has the power to designate the area.

The bill also contains a requirement for the director to consult with the Chief Commissioner of Police before making an order. I think this is very important. In a measure which is designed to reduce or prevent alcohol-related violence or disorder in a particular area, our police officers, who have front-line responsibility for enforcing not only liquor laws but also general laws relating to public safety, should be consulted because these are the people who deal with it on a daily basis. These are the people who know how tough it is in some of our cities, suburbs and regional centres on Friday nights, Saturday nights and increasingly at other times.

One issue which was raised by the Scrutiny of Acts and Regulations Committee is that this provision in clause 5 does not provide any limit as to the area which can be designated, so arguably it is possible for entire cities to be designated. Again I am assuming that the director will use that power quite responsibly and try to limit the designation to those areas which really do require it.

It has been suggested by the government that Chapel Street, and King and Queen streets in the city, are likely to be the first cabs off the rank in relation to designation of areas. Certainly as a current resident of the Prahran area but soon to depart, I can assure the minister that Chapel Street is a huge problem; it is a massive problem. I know a member for Southern Metropolitan Region in the other place, Andrea Coote, has been very active on this issue.

The Reclaim Chapel Street group has also been very active. The Stonnington City Council is working with it, as are the local police and local members. Chapel Street has become an enormous problem for the local council. I certainly hope to see Chapel Street being the very first area designated under these provisions to ensure the additional powers that are given to police and courts can be applied there to try to clean up Chapel Street. Certainly the long-suffering residents and local traders deserve a break from some of the troubles that have found their way to them in recent years because of the abuse of alcohol in that area.

Clause 5 provides for a new section 148B, which is a key provision of this bill. It provides for a relevant police member — who is essentially a police officer authorised by the Chief Commissioner of Police — who suspects on reasonable grounds that a person is committing or has committed a specified offence wholly or partly in a designated area to give that person a banning notice.

The effect of a banning notice is that the person who receives the notice is banned either from all licensed premises in that designated area or from the designated area itself. This can last for up to 24 hours. Essentially it is a means of getting somebody whom the police regard as being a troublemaker out of the area for 24 hours. It can apply where the person is suspected of having committed a specified offence. Specified offences are listed in schedule 2 of the bill, and the list certainly covers a wide range of offences, from rape right down to drunk and disorderly conduct. I am interested as to why serious offences against the person such as rape are included, but other types of offences against the person are not. I am assuming this is something that can be dealt with down the track if it turns out that other offences need to be included in the schedule.

The bill contains no limit on the period between the time when the offence is suspected to have been committed and the time the banning notice can be issued. So hypothetically it would be possible for a police officer to say, 'I suspect you of having committed a specified offence in Chapel Street' — if Chapel Street was a designated area — 'six months ago. I am therefore going to issue you with a banning notice to keep you out of Chapel Street for 24 hours'. Again, it would seem to be not necessarily a sensible move to have such a disconnect between the time of the alleged offence having been committed and the time of the issuing of the banning notice. But again there are a number of criteria in new section 148B(3) of the bill which the relevant police officer will have to consider, and one would hope the police officers would take all

those criteria into consideration in deciding how valuable a banning notice was going to be.

I have consulted with various interest groups on this bill. The Reclaim Chapel Street group has expressed some concern about banning notices — not so much as to the concept but the practicality. When I was speaking with Mrs Margaret McLean from Reclaim Chapel Street, she was certainly concerned about how these banning notices would be enforced. If a police officer issues a banning notice to a person, does the officer then follow that person around all night or for the next 24 hours to ensure that they do not go back into the designated area or the licensed premises?

If these measures are to seriously address alcohol-related violence in trouble spots throughout the state, we need to have a commitment to increase the level of police presence in these areas to ensure that if these banning notices are issued, they can be enforced; and they will be enforced only if we increase the level of police presence in these areas. I say to the minister that there is no point having a mechanism for excluding people if it can just be flouted because there is no-one there on the ground to make sure the banning notices are enforced and banned people are excluded from the areas.

It is obviously also important that a banning notice is not seen as being a substitute for arrest. Given that the trigger for issuing a banning notice is a reasonable suspicion that somebody has committed an offence, one would think if it was the sort of offence that warranted arrest and keeping somebody pending appearance before a bail magistrate, then that would be a preferable course of action to simply releasing them with a banning notice in their back pocket. Again we place a lot of trust in our officers from Victoria Police to make the right decision to best protect the community; where it is important to get people off the street immediately through arresting them, this would be done in preference to what might be regarded as the more administratively easy alternative of issuing a banning notice.

One thing the banning notice does is give the opportunity for us to look at the designated areas where the banning notices apply and ask ourselves at what stage you have reached saturation point in relation to licensed premises in an area. Do you get to a stage where there is such a congregation of licensed premises in a particular area that alcohol-related violence will almost necessarily flow from that congregation as a consequence?

Being the member for Malvern, I have had a lot to do with the Stonnington City Council, which has been very active on this issue over the years. I refer to an article in the *Herald Sun* of 11 July this year written by Sally Davis, who was mayor of the City of Stonnington in 2002–03. In that article Mrs Davis noted that:

> In Victoria last year 18 652 liquor licence applications were submitted and only 36 were rejected.

In discussing her concerns about whether Chapel Street had reached saturation point, she noted that a senior member of the police force stated publicly at the time that it was the view of the police that Chapel Street had reached saturation point. Interestingly Mrs Davis also brought up the government's planning policies in relation to dealing with the issue of alcohol-related violence. She proposed a 12-month time-out on any new licences issued for that area, which the government declined to provide. In arguing for it, Mrs Davis said:

> It would have also given us an opportunity to take a closer look at the government's Melbourne 2030 planning legislation. The 2030 plan encourages night clubs and bars to be established in the Chapel Street precinct, but our request for a moratorium was refused.

This brings us back to the point that we need to take a whole-of-government approach to liquor licensing. It is not simply a liquor licensing issue, it is also a police issue, a health issue and a planning issue. We cannot act just on one limb of that then think that we have done our job as a Parliament and solved the problem, because we will not have done that. We need to make sure all those limbs are addressed.

Again Melbourne 2030, which has been the subject of quite an amount of criticism because it deliberately sets out to create major activity centres in the suburbs, needs to be looked at. We need to work out whether we are creating a rod for our own backs, or whether the government is creating a rod for residents' backs, by designating certain areas as major activity centres, which then leads to a proliferation of licensed venues but does not provide the police enforcement to ensure that the alcohol-related violence that accrues as a result of that proliferation of venues is dealt with adequately.

One other aspect of the banning notice provision that I am deeply concerned about is that a banning notice can be issued by a relevant police officer, but to the extent that there is any level of appeal provided in the bill, it is only to another police officer. Only a police officer of the rank of sergeant or above can revoke or designate a banning notice.

Something like a banning notice, I was advised in the briefings, would go on the LEAP database. It is

therefore quasi-criminal in nature. I am deeply disturbed by the prospect that the only method of challenge open to somebody who receives a banning notice, which is quasi-criminal in nature, is to appeal to another member of the police force. There is no opportunity provided in this bill for someone to have their day in court. Any individual could come out of a hotel and for whatever reason catch the eye of a police officer who then believed that a banning notice would be appropriate. That individual could apply to a senior sergeant to have it revoked, but if that was unsuccessful that person would have a quasi-criminal stain on their record which could not be removed.

That is absolutely unacceptable in the view of the opposition. Anybody who is challenged in this way as to their conduct should have the right to have their day in court. That is why the opposition will be moving an amendment which will provide that a banning notice may be varied or revoked or the person may appeal to the Magistrates Court against the decision to give the notice. I would urge the government to take up this amendment, because the consequences for an individual who, as the subject of a banning notice, has that blot on their character are considerable.

I also note in relation to the banning notices that even though they can be given only on the suspicion of giving offence, it is specifically stated that there is no requirement on a police officer to then charge you with the offence that the officer used as the basis of giving you the banning notice. If a police officer regards an individual as being drunk and disorderly, they can give them a banning notice, but there is no requirement for that police officer to follow through and charge that individual with being drunk and disorderly, as a result of which that person would have their day in court to demonstrate the truth or otherwise of the charge. I think that is an oversight. I think this is a very serious issue, and I urge the government to take up the opposition's amendment in this regard.

The bill inserts new section 148I, which provides for exclusion orders. An exclusion order can be made only by a court and can operate to exclude for a period of up to 12 months an individual who is convicted of a specified offence that was committed wholly or partly in a designated area. There are a number of safeguards in the provision relating to people who might live or work in a designated area. Given that it is done by a court, it is obviously subject to appeal, and the opposition thinks that is a sensible measure.

Clauses 8 to 12 broaden the definition of 'associate' for the purpose of liquor licensing, which again seems to be sensible. Clause 13 deals with the playing of live and recorded music at licensed restaurants. While I understand the government's concern about restaurants essentially turning into bars and nightclubs later in the night, I would hope that we are not going back to the old days where one had to order food before one could have an alcoholic drink in a restaurant.

I think that we have moved beyond that. We have a level of sophistication in Victoria that is the envy of other states. In fact New South Wales is currently looking at aping as many of our provisions as it can in relation to liquor licensing, because it can see how much the reforms that were introduced by the previous coalition government have done to increase the vibrancy of our cities, our towns and our suburbs through some sensible liquor licensing reforms. I would hope that these measures, which are designed to target licensed restaurants, are not going to see a reversion down that path.

Clause 15 relates to temporary late-hour-entry declarations, otherwise known as lockouts. Where a late hour declaration is in place, people may exit a licensed premises but cannot enter it. This is designed to stop, I suppose, groups of people who might have had one too many and probably should be going home from going from licensed venue to licensed venue. This is when, from the accounts of police and local councils, many problems occur.

This measure has operated with some degree of success in Bendigo, I understand. It allows the director of liquor licensing to issue a temporary late-hour declaration for up to three months. For a normal declaration a process of consultation is required so that businesses that will be affected by the lockout can have their say, be consulted on it and have the chance to have their views heard.

This temporary late-hour declaration does not provide that opportunity at all. There is no adequate consultation requirement. This is a great concern. Also, I was informed in the briefing that the decision to issue a temporary late-hour declaration by the director of liquor licensing is not reviewable by the Victorian Civil and Administrative Tribunal. But certainly the view of parliamentary counsel, which is also my view after having read through the principal act, is that the decision by the director to issue a temporary late-hour declaration is reviewable by VCAT. I am not sure if the government knows what it is intending to do, but the option to have VCAT review that declaration is a sensible one.

One of my proposed amendments relates to this: just as there is a requirement that before the director of liquor

licensing designates a particular area for the purposes of being able to issue a banning notice or an exclusion order, the issue of a temporary late-hour declaration should, at the very least, be subject to consultation by the Chief Commissioner of Police. The trigger for the making of temporary late-hour declaration is:

> … reducing or preventing the occurrence of alcohol related-violence or disorder in the area —

or locality. This is exactly the same trigger which applies for the designation of an area which requires consultation with the chief commissioner. It is the opposition's position that given that the same trigger applies for temporary late-hour declarations, the designation of the particular area should also be subject to consultation with the chief commissioner.

Clause 18 provides that in certain circumstances a senior police officer, being an officer of the rank of the chief commissioner, deputy commissioner, or assistant commissioner, can suspend a liquor licence for a period up to 24 hours. This is obviously a serious power, because to give police officers the power to shut down a business for 24 hours is something that could do a lot of damage to a business, not only in terms of revenue but also in terms of reputation. If the business has to say, 'I am sorry but we have been shut down by the police for a day', people are obviously going to wonder why and this would have a huge impact on that business's reputation. While we are happy that power is being given to police, we think there is an argument that that power should be subject to oversight.

We are not proposing to go down the path that New South Wales went down. For there to be a temporary suspension of a liquor licence in New South Wales similar to the one proposed in Victoria, a magistrate there has to approve it first. We think there will be circumstances where the police need to act quickly. We do not want to handcuff our police from dealing with troublemakers in certain areas by forcing the police to firstly go to court. The supervision of the decision to issue a suspension and the chance to have that reviewed, even if it is after the event so that a venue can establish that perhaps there were not appropriate grounds for the issuing of the temporary suspension, are very important safeguards to ensure that legitimate business rights are protected without interfering with the ability of the police to take swift action to avoid any danger that they determine. Again, we urge the government to adopt the opposition's proposed amendment in this regard.

Clause 19 relates to the suspension or variation of a liquor licence by the director of liquor licensing for a period of up to seven days. Again, this provides broad power to the director who can suspend or vary a liquor licence when they essentially suspect that there has been a breach of that licence. The director can issue a breach notice which gives the licensee 14 days to respond. If the director is not satisfied with the licensee's response, a suspension of up to seven days can follow. That gives a fairly broad discretion to the director because she, in this case, needs only to be not satisfied with the response. She has the power to shut down a business for seven days without necessarily going to VCAT or to a court first.

The bill also provides that no compensation is payable in respect of any loss or damage resulting from or arising out of the suspension of a licence under this section. This leaves open the possibility that a variation to or suspension of a licence may have been made under new section 97B, but it was not in accordance with this section. I will explain that. A director may decide that they are not satisfied with the licensee's response to a breach notice and close down a business for seven days. It may subsequently be determined that the director did not act properly when either issuing the breach notice or in determining to vary or suspend a licence. A tribunal may find that the grounds just did not exist for issue of the breach notice in the first place or that the director acted unreasonably in deciding to vary or suspend a licence for a period of up to seven days.

In those circumstances where a business is seriously affected by being potentially closed for up to seven days and if the director has not acted in accordance with the new section, we do not believe that compensation should be out of bounds. Therefore I will move an amendment to provide that where the director acts in accordance with the new section — that is, complies properly with that section and suspends or varies a licence — no compensation is payable. The flipside of that issue is when a director has not acted in accordance with that section — in other words, they may have acted beyond their powers and not appropriately in accordance with the test set out in the act — then compensation is a live issue.

Clauses 20 and 21 provide for the doubling of penalties for various offences, specifically the unlicensed selling of liquor and the supply of liquor to intoxicated persons or permitting intoxicated persons onto licensed premises. Clause 21 also introduces a defence which has been welcomed by the industry. While I acknowledge industry concerns that there is little evidence that maximum penalties have been applied to date and industry queries the need for the extension of those penalties, I think most people would regard stronger penalties in this area as being worthwhile.

There are two other matters I would particularly like to refer to. Clause 24 deals with undertakings which seems to be a useful administrative mechanism, and clause 25 deals with the expansion of liquor accords to encompass the banning of individuals or the public in the manner provided by the accord. Accords have had some success to date, so the opposition supports that aspect.

Clause 23 deals with the introduction of provisions to give the director of liquor licensing the power to ban liquor or licensed premises promotion or advertising in certain circumstances — that is, where the proposed advertising or promotion is likely to encourage irresponsible consumption of alcohol or is 'otherwise not in the public interest'.

We are very concerned that 'otherwise not in the public interest' is far too broad. It may be wholly unrelated to liquor matters, which the director has no expertise in. It could be subject to politically correct usage, where people who do not like particular methods of promotion which have nothing to do with the irresponsible consumption of liquor attempt to get the director to exercise powers there. It could be used to undermine planning laws by those opposing liquor outlets, so we would seek to make amendments there.

I would like to raise another matter in relation to clause 22, regarding party buses. In his second-reading speech the minister said that this provision is supposed to deal with party buses. It provides that a person must not permit or allow any liquor to be consumed or supplied on a bus unless a licence or BYO (bring your own) permit is in force in respect of the bus. This is going to have a devastating impact on many sporting, social and community groups. In many sporting clubs having a social drink on the bus with your team mates on the way home from an away game is an important part of the experience.

This provision would likely put that to an end, because it requires that a licence or a BYO permit must be in force in respect of a bus if any alcohol is to be consumed or supplied on the bus. A bus is defined as a vehicle with 12 seats or more. For example, the Manangatang Bowls Club may have an away game in Mildura and its members travel by bus, and on the way back a member may open a can of light beer. Under this provision of the bill a criminal offence will have occurred if no licence or BYO permit is in operation. The poor old members of the Manangatang Bowls Club could find themselves in court, defending themselves for opening a can of light beer.

That is the effect of this measure. It shows the failure of the government and the minister to adequately consult, and it shows their lack of understanding and care for community organisations and sporting clubs. It is lazy drafting from a lazy government and a knee-jerk action designed to grab a cheap headline, but shows no consideration for the impact these actions will have on the Victorian community, particularly those in country Victoria.

The introduction of this legislation is also likely to penalise people for acting responsibly by hiring a bus to avoid the possibility of drink driving. We will seek to amend this by implementing a definition of 'party bus'. We ask government members to take up the issue and improve it, if they can. This is lazy policy from a lazy government in what is otherwise a bill that does have aspects which are commendable.

Mr JASPER (Murray Valley) — I am pleased to join the debate on the Liquor Control Reform Amendment Bill and to provide comments on behalf of The Nationals in relation to the legislation. I want to go back in history a little and make the comment that when I entered the Parliament in the late 1970s and early 1980s the former member for Benalla was the spokesman for the National Party in relation to the liquor industry. He was a person who was very experienced in the industry and who represented the electorate of Benalla extremely well. He was one of those people who was well up on sporting activities within the electorate.

He was a member of the Lions club and visited many clubs and sporting venues — and, of course, hotels — within the electorate. I am not saying that he drank to excess in any way at all, but I am saying that he was quite experienced in the liquor industry within the Benalla electorate and was The Nationals spokesman for a period of years on that industry. When he retired from Parliament during the 1980s he said, 'I am going to pass the responsibilities for the liquor industry across to you as the member for Murray Valley. You can follow on from where I have been', recognising the importance of the industry.

At the outset I will say that the liquor industry within Victoria is important to the economy of this state. Sometimes people underestimate the importance of the industry, not only to metropolitan Melbourne but indeed to country Victoria. There are approximately 17 500 liquor licences, including general liquor licences, on-premises licences, retail package licences and BYO (bring your own) licences, not to forget the licensed clubs throughout the state.

Of that number, approximately 1900 hotels operate across the state, and I think we need to understand the importance of the hotel industry. We have a range of hotels within the state, including those providing 5-star luxury accommodation, corner pubs and hotels operating in suburban areas and in country Victoria. Of course many of them are run by families and they are critical to the areas in which they are located. We often say that the football and netball clubs are critical to these small communities, but hotels are also important and become the centre of activities within many smaller country towns. It is important to understand that when we look at the industry.

Another point that needs to be made in the general debate is that approximately 80 000 jobs are involved in the liquor industry within the state, generally at the retail level. We also need to understand that the liquor industry has a high responsibility in the services that it provides. I believe that overall industry participants have provided a high standard of service and responsibility.

We also need to understand that individuals need to act responsibly, and that is where I think the liquor industry understands not only its importance as an industry but the importance of maintaining a high standard by recognising that it is a shared responsibility not only for those who operate within the industry but also those who utilise and are involved in the industry itself.

Through the minister I want to thank the representatives from the department who have been able to provide me with briefings — on two occasions, I might add — so I could get a full handle on the legislation now before Parliament. They recognise the importance of the industry, not only to the state of Victoria but also so that it operates effectively and at the highest standards. It is an industry that needs strict controls for the people operating within it. We have also consulted with a number of organisations that operate within the liquor industry. The Australian Hotels Association is one organisation I have had contact with. It has provided me with briefings, as have other organisations such as hotels and clubs across the state.

When we look at the liquor industry overall and the bill that is before the house I think it is important to comment on its provisions. To run over some of the areas which are contained in the bill: it will reduce the incidence of violence in the community by giving police powers to ban troublemakers from entertainment precincts for 24 hours and for up to 12 months for repeat offenders. More than 20 pages of the legislation refer to that area in particular, and of course there is an important new measure in the Liquor Control Act to provide controls within the industry itself. This legislation is designed not only for operators in the industry but also for people who utilise the various venues for the consumption of alcohol.

The bill will strengthen liquor licensing enforcement powers and see a doubling of the penalties relating to the possession of either prohibited or controlled weapons. This legislation mirrors some of the provisions in the Control of Weapons Act. The bill strengthens the existing liquor licensing regime to deal with the minority of licensees who do not behave in a responsible manner, and I will refer to that a little later in my contribution, because I think that there are concerns with the penalties that are involved in the bill.

The bill reviews the conditions of on-premises licences, including restaurants, to address an increasing and disturbing trend, where restaurants are operating late as bars and nightclubs outside the ordinary trading hours. It will also allow the authorities to make late night entry declarations by a written notice to each of the licensees within the area or locality to which the declaration is proposed and to apply a 21-day notice for objections.

I listened with a great deal of interest to the contribution by the member for Malvern and noted a number of amendments that the opposition is proposing to the legislation. I indicate to the member that The Nationals will be reviewing the amendments to see whether they can improve the legislation, but I would be very interested to hear a contribution from a member of the government, or indeed the minister, in responding and dealing with the amendments that have been circulated by the member for Malvern.

Another issue that the member mentioned in the latter part of his contribution related to buses. That is dealt with on page 36 of the bill. I am reminded that in earlier years when we spoke in second-reading debates we rarely dealt with specific clauses. The Clerk will be aware of the action that was taken against members if they spoke about particular clauses during the second-reading debate. These days we are in a situation where five, six, seven or eight bills are debated over the three-day period of the sitting week, and we all have to refer to specific clauses — if we have time, that is — in order to deal with them when realistically they should be dealt with in the consideration-in-detail stage. It is disappointing that we do not have time to deal with the general provisions of legislation in the second-reading debate and then debate the specific clauses and various amendments, such as those that have been put forward by the member for Malvern.

The consumption and supply of liquor on buses is certainly an issue that needs to be dealt with. I refer to the Rutherglen winery walkabout. In past years, given the success of the walkabout, we found that more and more buses were visiting the various wineries. What happened is that there was a huge consumption of liquor on the buses as they moved from winery to winery. The people on the buses were consuming not only wine but a fair bit of beer as well. They were often very intoxicated by the time they got to the wineries.

A couple of years ago the wineries banned all buses from the winery walkabout. This was led by the All Saints winery. At first the other wineries were not so keen to join it, but its success meant that many of them said, 'We will join in with this'. For one year buses were banned from wineries, particularly from the All Saints winery. Many of the others continue to have buses visiting, but they negotiated with the bus operators, who banned the consumption of alcohol while the buses were travelling between wineries. I can see the merit of the legislation before the house. It will apply to all buses with a capacity to carry more than 12 passengers.

However, this needs to be looked at, because as the member for Malvern indicated in relation to this clause, you could have the Wangaratta Bowls Club going to Benalla for a social day, and the members of the club might like to consume beer or wine on the way back. I note that new section 113A(1), to be inserted by clause 22, says:

> A person must not permit or allow any liquor to be consumed or supplied on a bus unless a licence or BYO permit is in force in respect of the bus.

If this bill went through in its current form, the bus owner would have to have a licence or people would have to bring their own permit every time they utilised the bus — whether it was for a social outing, a commercial outing or any other type of outing. I note the penalty for a breach is 50 penalty units, which is fairly heavy. Regarding the bus issue we will certainly have a look at the amendments circulated by the member for Malvern. I will be interested to hear the minister's comments on that issue.

I note that clause 25 on page 39 of the bill relates to liquor accords. Looking at the implementation of liquor accords in specific areas certainly has merit. Living along the border of Victoria and New South Wales, I know that border anomalies are always a huge issue. I note that Yarrawonga and Mulwala, which is just across the Murray River from Yarrawonga, have introduced a liquor accord. That accord was implemented to try to get some form of control on the distribution and consumption of alcohol in those areas, particularly in holiday periods, when the population of Yarrawonga might go from about 5000 to 25 000 or 30 000, because it is a holiday area. It has a great climate, and the huge expanse of water in Lake Mulwala is a great attraction to tourists.

The liquor accord has great merit. It is being implemented in this part of my electorate of Murray Valley to provide for the appropriate consumption of liquor and control of people in the area. It also utilises the police on both sides of the border. It seeks to increase police numbers when there is that huge rise in population during holiday periods.

The areas of concern that I want to deal with relate to the major provisions of the legislation, the declaring of designated areas and the implementation of banning notices in those designated areas. I appreciated the information that was provided to me by the staff of the minister's office, including the full explanation of how the banning notices would work. Quite frankly I think this is about a trial period — and it will need to be. As was indicated to me, it will be a challenge to determine the designated areas where the bans will apply.

Generally the liquor industry's response to me has been that it supports the implementation of these designated areas and the ability of officers to ban intoxicated persons from particular areas for a period not exceeding 24 hours. Whilst I acknowledge the comments made by the member for Malvern, it will be difficult to put the 24-hour ban in place and then say, 'You should be able to appeal against that'.

I recognise that further action can be taken to ban a particular person from an area for up to 12 months. But also there are provisions that are explained in the explanatory memorandum on pages 16 to 18 which relate to the offences for which a ban could be imposed on a person. If you look at that you will see there is a large range of offences that would be applicable, as far as a police officer is concerned, in placing a 24-hour ban on a person not considered to be appropriate in a designated area. The bill also contains protections as far as a banned person is concerned, whereby they must be provided with all relevant details — name, address et cetera — of the particular police officer.

I think we need to be very cautious about how far we go in looking at the industry and providing specific bans and controls on the industry, because we need to make sure that we do not go too far in encroaching on people's activities. Of course people need to be responsible, and if there are activities being undertaken in a designated area by people who are not being

responsible, then indeed we need to have these sorts of bans in place.

As far as The Nationals are concerned, we generally support the legislation. We will be looking carefully at the amendments put forward by the member for Malvern, but again we will be listening to any comments that are made by the minister in relation to those amendments — circulated in good faith, of course, by the member for Malvern.

In the time I have left I want to refer to a couple of other clauses in the legislation. Reference was also made to the temporary late-hour-entry declaration and the lockout, and I take a little bit of a different view to the comments made by the member for Malvern. The bill refers to an immediate problem and to notice that is given. I note also that there is a period of time during which in fact the director of liquor licensing would be negotiating with a particular venue before implementing that lockout period, and I recognise that the declaration can be enforced for a maximum of three months from the date of the declaration. Again, we would be interested in hearing comment from the minister about that.

I want to talk generally on the importance of the industry to the state and the fact that, as an industry, it needs specific controls. As an industry it has always had difficulties — difficulties which have been addressed by successive governments. Changes have been made to the liquor industry to expand the number of liquor licences, but it is important to be able to keep that area under specific control.

While recognising the importance of the industry as a whole, we want to make sure that we protect those people who provide services as hoteliers or as other types of providers of liquor within Victoria. We want to make sure not only that those people have rights as operators but that they are able to operate with the protection of the law, including protection against any inappropriate behaviour that may take place within the industry.

I also want to comment finally on the issue relating to the increase in the penalties for a retailer or for a liquor operator — a liquor licensee — who serves an intoxicated person. The penalties have been doubled for such a liquor operator, and there may be some concern about whether that person within the hotel or other licensed premises servicing an intoxicated person has an appeal mechanism whereby they can defend their actions. From our point of view, the doubling of the penalty seems to indicate that there are people within the industry who need that higher penalty, but generally we have an industry that operates very effectively and which generally provides a high standard of service; also, importantly, it contributes to the economy of the state.

The Nationals will not be opposing the legislation. We will be listening keenly to the response of government members and particularly the minister to the proposed amendments before the house. It is disappointing that they cannot be debated in a consideration-in-detail stage, which will not happen in this house, but hopefully that will happen in another place. Then we should get the best legislation to service Victoria.

Ms GREEN (Yan Yean) — It gives me great pleasure to join the debate on the Liquor Control Reform Amendment Bill. It never ceases to amaze me how hard it is to predict how those on the other side in the Liberal Party are going to respond to a particular piece of legislation; today we have seen that again. Are they or are they not tough on crime? Is the government too tough? Is it too weak? I have given up trying to guess how they are going to approach legislation.

What we have seen this week are their federal counterparts — because they do not have any — —

Honourable members interjecting.

The ACTING SPEAKER (Mrs Fyffe) — Order! The honourable member will return to the bill. The level of interjection is too loud.

Ms GREEN — I am proud to be part of the Brumby government which is committed to reducing the levels of alcohol abuse in the community by informing and educating people that alcohol can cause serious harm to the drinker, their family and the community. We recognise that alcohol abuse is a serious issue but that the majority of people in our community enjoy alcohol responsibly.

We are taking steps that are designed to reduce harm in the community while allowing Victoria to benefit from its thriving hospitality industry, which is one of the reasons why we have a great tourism industry. People want to visit Victoria because it is so interesting and vibrant. While we have that vibrant culture, Victoria is still the safest state in the country when it comes to crime. We have seen crime come down by 23.5 per cent since 2001, but regrettably police statistics show that assaults committed inside licensed premises and on the streets and footpaths outside are on the increase.

The community has expressed its concern about this, and there have been a number of high-profile cases. As a legislator and also as a parent of one son who is old

enough to attend licensed premises and of another one, my youngest, who will be turning 18 in January, I, like every parent in this state, want my children to be able to enjoy Victoria's vibrant culture without having a concern that they may be hurt whilst enjoying that culture.

Other members have referred to the awful case of young James Macready-Bryan, who has been left with terrible brain damage following a brutal assault outside one of Melbourne's nightspots last year. I have also heard about the recent experience of a young Country Fire Authority volunteer in the Yarrambat brigade, Scott Dinnage, who was king-hit outside a licensed premises in another part of Melbourne. I am pleased to report to the house that he has just come out of the Royal Talbot Rehabilitation Centre and is on the way to recovery.

None of us wants to see these things continue, so that is why we are proposing these changes to give additional powers to the director of liquor licensing in consultation with the Chief Commissioner of Police to declare an area an entertainment precinct and to give police the power to ban troublemakers from these precincts for up to 24 hours. The bill will also enable courts to issue exclusion orders, which will effectively ban repeat offenders from entertainment precincts for up to 12 months. The bill will also give police the power to shut down nightclubs immediately for 24 hours if violence is occurring or public safety is threatened.

I would like to put on the record in the time I have left that I will be opposing the proposed amendments circulated by the member for Malvern on behalf of the Liberal Party, because I think he has had a misunderstanding, but I also think it is part of the underlying problem within the Liberal Party that it is just not sure where it stands on a lot of things.

Firstly, I refer to the proposal that there be a right of appeal to the Magistrates Court in relation to a banning notice. This would be totally impractical. The banning notice that is outlined in the bill will operate for only 24 hours, and it will only ban a person from the precinct or licensed premises within the precinct. The consequences for a person of that ban are only that ban — that is, there is no conviction, no detention is involved, and the only reason it goes on the law enforcement assistance program database is to assist in that enforcement. There is nothing criminal or anything about it, which is what the member for Malvern tried to say.

An appeal to the court for a 24-hour notice would be difficult practically, and the consequence for the person who receives the ban would be equally inconvenient — that is, attending at court possibly next day, and it may not be heard. Also, the banning notice can be varied or evoked by a sergeant, and it is not a conviction and does not appear on any criminal record, which is what the member for Malvern tried to say. A police officer is not required to charge a person with the underlying offence, but in most cases police will move to charge as in ordinary circumstances.

In relation to his proposal for an amendment to the late-entry lockout provisions, which the member for Malvern referred to when he was talking about consultation, the general late-hour declarations by the director would not require consultation with the chief commissioner. Unlike the designation of the entertainment precinct, which is ongoing until revoked, the temporary late-hour-entry declaration is for a period of up to three months.

The member's other amendment, which refers to clause 16, adds a review by the Victorian Civil and Administrative Tribunal of section 96A — that is, the 24-hour suspension of licence by police. This is, again, an impractical amendment as the suspension is only for 24 hours and it can only be ordered by the chief commissioner's deputy or assistant in response to a situation of immediate danger or harm, which I would have thought the Liberal Party would have wanted to seek to redress.

The amendment in relation to party buses is designed to address community concerns regarding the consumption of alcohol on such buses and the potential harm that may ensue. I refer to the remarks made by the member for Murray Valley on behalf of The Nationals when he talked about the Rutherglen Winery Walkabout, which I have visited. I can say that the last time I visited, in 2001, it was an enjoyable weekend, but one aspect that did concern me was the behaviour of some people who obviously had had too much to drink on the buses. I think this is an important change that should be enforced in legislation.

I also refer to the example given by the member for Malvern in relation to the Manangatang bowls club. All this amendment is saying is that anyone who is operating a bus for hire should have a licence and be cognisant of the responsible serving of alcohol, just like anyone else with a licence. The Manangatang bowls club would most likely have its own licence already, so it would be fully aware of how — —

Mr O'Brien interjected.

Ms GREEN — You were heard in peace. Now you be quiet yourself!

The ACTING SPEAKER (Mrs Fyffe) — Order! The member should not respond to interjections.

Ms GREEN — I would ask the Chair to keep some order.

The ACTING SPEAKER (Mrs Fyffe) — Order!

Ms GREEN — I thank members of The Nationals for reserving their judgement on these amendments and for their consideration on this. I welcome that they are supporting the bill. I would hope that after some examination, as they have said, that they would recognise the amendments proposed by the Liberal Party are not necessary.

As I said at the outset, whilst the Brumby government is concerned about keeping a vibrant hospitality and drinking culture in this state, it is also interested in keeping the community safe and retaining our record as the safest state. I decry the Liberal Party's inability to state a position on whether it is tough on crime. We have seen its federal counterparts say that we are in a terrible state and that we need closed-circuit televisions all over the place, and we are seeing the state Liberals not even backing up their federal counterparts. We know that at both levels of government they are out of ideas: they have no idea about how to progress safety in this country or this state. They should be supporting this bill unreservedly because of the community concerns.

We will continue delivering on the commitment we made at the last election that we were going to be tough on these sorts of things in entertainment precincts. I commend the bill to the house.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until later this day.

POLICE REGULATION AMENDMENT BILL

Second reading

Debate resumed from 1 November; motion of Mr CAMERON (Minister for Police and Emergency Services).

Mr McINTOSH (Kew) — I desire to move:

> That all the words after 'That' be omitted with the view of inserting in their place the words:
>
> '(1) the house refuses to read this bill a second time until the Office of Police Integrity has reported on the November 2007 public hearing and the Parliament has had an opportunity to ascertain the operational effectiveness of the OPI as an anticorruption body as compared to similar bodies in other Australian jurisdictions; and
>
> (2) this bill be withdrawn and redrafted to provide for the immediate introduction of random drug and alcohol testing for all Victoria Police members'.

It is a significant step to move a reasoned amendment to a bill that the opposition will support, but in supporting the bill and the general thrust to where it takes us, we say it is only a small step in the right direction. There needs to be a much more significant development to get the overwhelming support of the opposition, but most importantly in relation to the Victorian people.

I would like to put on record my enormous gratitude to the clerks. This was a difficult reasoned amendment to draft, given the number of competing issues that I wished to raise. Certainly their time was greatly appreciated over a 24-hour period and I am very grateful for their assistance in the drafting of this reasoned amendment.

As I said, the opposition supports this bill, notwithstanding my moving the reasoned amendment, which I entreat all members to support. There is time available because the implementation of this bill does not have to occur until some time after the new year. The most critical factor — the extension of the contempt power of the Office of Police Integrity (OPI) — is sunsetted in the current legislation and is due to take place in May next year.

I attended a very good briefing from the department, for which I am also grateful. There was a very expansive discussion at the briefing, something I have not experienced too often as a shadow minister. We are concerned that this bill does not go far enough, which perhaps reflects our support for the general thrust of this legislation. One of the issues that was raised is that there needs to be a lot of time spent in providing an appropriate degree of regulation, particularly in relation to the drug testing regime that is provided for in this legislation and which has already been accepted by the Chief Commissioner of Police. I will get into this in some detail, as that acceptance by the chief commissioner is substantially qualified in relation to random testing.

Issues raised in relation to the drug testing, one of which is the voluntary disclosure mechanism that is either in place or about to be put into place by way of

regulation, also cause the opposition some concern. That matter in itself raises serious questions.

The minister in his second-reading speech invited us to make a comparison with anticorruption commissions in other jurisdictions. In making a comparison between the OPI and its powers and anticorruption commissions elsewhere in Australia, while we all acknowledge the good work that the OPI is doing, we find that it comes off very much as the poor cousin. Notwithstanding an enormous amount of success and the recent hearings, which have received a lot of publicity, there is still — in the words of the Bracks and Brumby governments that we keep hearing over and over again — more work to be done. I hope this reasoned amendment will trigger the doing of that work as expeditiously as possible to achieve an outcome that the community wants.

In relation to testing, there are reasons why we in Victoria would want drug testing, and we accept that the government has moved to adopt a position for which the OPI has been calling for some time. Over a number of years there has apparently been an ongoing discussion between the police union and the chief commissioner. Finally, there seems to be some agreement between the major players to move to this legislation, which provides for alcohol and drug testing in a variety of different ways. There are a number of safeguards provided in the bill, but most importantly the chief commissioner has said she is prepared to adopt and to implement, as soon as the regulatory regime can be implemented, the testing of police officers where there is a critical incident. Police officers include protective service officers and reservists as well as recruits.

A critical incident is defined — and I am paraphrasing it for the purpose of brevity — as an incident involving police where there is a death or serious injury from the use of force by police while a person is in police custody or from the use of a police firearm or police vehicle. Clearly other mechanisms could be put in place, particularly in the case of the death of a police officer. There could be a coronial inquest during which this sort of analysis of a deceased's blood could be provided. Most importantly, police members involved in a critical incident could be tested under the mechanisms provided by this bill. Certainly the opposition thinks this is a significant step forward and supports the idea of testing police officers at times of critical incidents.

There is also the issue of a police member being fit for duty. Ultimately it is at the discretion of the Chief Commissioner for Police that these mechanisms will be implemented, but if there is any suggestion that a police member is not fit for duty because of either alcohol or drug intoxication, appropriate testing can be implemented. There is a third limb that the chief commissioner concedes is for the good order and discipline of the force. Both the minister and the chief commissioner say that the provision of those words is broad enough to enable the chief commissioner to implement a system of random testing if that is felt appropriate within the foreseeable future. Certainly at the moment the chief commissioner has made it very clear that she does not intend to immediately introduce random drug and alcohol testing. It is that matter which has caused a great amount of concern within the opposition and has led to the second part of the reasoned amendment.

In relation to the good order and discipline of the force, we accept the advice offered at the departmental briefing that the bill is sufficiently broad to provide for random testing. We also accept what the chief commissioner and the minister have said about it — that it is broad enough to enable the chief commissioner to implement random testing — but it is our view that this legislation should be withdrawn and redrafted to ensure that that becomes a mandatory provision.

As I said, there are a number of matters that we need to consider. Firstly, there is the health and safety of individual police members. If there were a mechanism that would ensure that a police member would be protected in the job, and if there were a mechanism to enable the rehabilitation of an officer so they could come back into the job subject to any disciplinary proceeding or other forms of proceedings, then certainly it would be worthwhile. Secondly, there is also the issue of the ability to discharge the job, particularly in relation to the use of firearms and motor vehicles or just in the normal work of a police officer. The community would expect a police officer to be able to discharge that work without being intoxicated.

It raises — and one member of the opposition has raised this with me — a concern about country police officers, particularly in single police officer stations, where, while they are enjoying a drink, they may be called out at a moment's notice to an emergency situation, a car accident or even a fire. There is an increasing concern about that, and it is not known what regulations have been put in place, particularly in relation to alcohol. In relation to fitness for duty, we all accept .05 as the benchmark, but it is certainly an arbitrary figure that may not necessarily denote the fitness for duty or otherwise. Certainly some clarity needs to be provided by the government reasonably quickly as to the appropriate level of alcohol consumption. In relation to the fitness of duty are we

talking about the complete prohibition of any form of illegal drug?

I am a member of the Drugs and Crime Prevention Committee. I certainly do not propose going into the detail of that committee's deliberations, but our brief is to look at the abuse of prescription drugs. It is a matter of concern when you consider that it was — certainly in my personal view — something that slipped under the radar screen and is a matter that perhaps will occupy the thoughts of the community over a number of years.

One thing that is out in the public arena is a recent study of victims of road trauma which was conducted over a number of years by the Alfred hospital. It points out that 16 per cent of the victims, either drivers or passengers, who were injured in motor vehicle accidents had traces of benzodiazepine in their system. Of course benzodiazepine is a prescription drug, and the ingestion of a prescription drug taken in accordance with a prescription can be used as a defence under the road traffic legislation. Even legal drugs can have an impact on one's ability to drive a car, and that defence could easily be replicated in relation to the job of a police officer and the issue of fitness for duty. It could cause concern in relation to a critical incident. We do not have any clarity as to what is in the regulations on these matters. It is a separate issue to one just of road safety, and it needs to be looked at in some detail. I know the committee is due to report by the end of November, so one would hope those recommendations will come on board.

There is another matter which has come out in the public arena and which I would like to put before the house. During a study trip to America we had an opportunity to meet with a representative, Mark Souda, who said — publicly elsewhere, but it was repeated to us — that one of the things that concerned him about prescription drugs was that, when you excluded alcohol and tobacco, more Americans would die through the use of prescription drugs than through the use of illegal drugs in the United States this year. That is a matter of profound concern. One would hope the police regulations will be able to deal with not only alcohol and illegal drugs but also prescription drugs.

Since November 2005 the Office of Police Integrity has been calling over and over again for the government to implement some form of testing of police officers for drugs and alcohol. Contrary to what the chief commissioner has been looking at, the director has taken the step in his most recent annual report of advocating very strongly for the adoption of random drug testing in the state of Victoria. He said in the director's overview on page 16 of the annual report:

> With the implementation of random drug testing in sports and for drivers, arguments against random drug testing of police reflect unacceptable double standards.

We expect our sports stars to be drug tested; we have seen that played out in the media over recent weeks and months. Everybody accepts the idea that drivers should be randomly tested for alcohol and drugs. Likewise I think the community is coming to the belief that our police officers need to be tested. It is not just about the health and safety of an individual member, and it is not just about the health and safety of other members of the community, particularly when police officers are using firearms and high-speed cars. There is also the other issue, which is the ability to corrupt a police officer. I was very troubled by a recent report that appeared in the *Age* of 31 October. The author of the article is John Silvester, a man whom we all know is very well connected with all levels of Victoria Police and has an enormous amount of credibility in this regard. He said:

> It is believed the Victoria Police ethical standards department has already discovered evidence that some officers are using drugs and are involved in low-level trafficking.

He then went on to say:

> Some senior police say they believe up to 10 per cent of young officers have dabbled with illicit substances. One policeman has died from an ecstasy overdose.

The point about this is in relation to the third aspect — the ability to be corrupted. The OPI in its annual reports raises real concerns about corruption generally and talks about those cells still existing in Victoria Police. We have seen some of that played out recently. The presence of those cells means we need constant vigilance. Under that guise he talks about the fact that random drug testing needs to be implemented. If there is 10 per cent of Victorian police officers who dabble in illicit drugs, that is 10 per cent too many. We would all accept that. It is an unacceptably high level. He also makes the point that the testing has been in operation in New South Wales for a number of years and that some 500 to 600 random samples have been taken.

In his article John Silvester also points out that the number increased to 2200 last year in New South Wales — that is, 2200 police officers out of a total police force of some 15 000 officers. I would like to see those sorts of testing figures replicated. It is not just about the health and safety of individual police officers; it is not just about what they can do in dangerous circumstances; it is about the problem of their being corrupted. Even if you dabble in illegal drugs, the consequence of that could easily be that you are susceptible to being corrupted further up the chain, and it is that issue that we need to address. It is the issue of

corruption. If we are fair dinkum about it, then we need to introduce random drug testing.

For the same reason that we do it with our sports stars, for the same reason that we do it with our drivers, and for the same reason that we do it with our aircraft pilots, we need to send a strong message that drug use is unacceptable. For that reason the Liberal Party is supporting the idea of introducing mandatory random drug testing. It is just not good enough to give it to the Chief Commissioner of Police. I think the chief commissioner's hesitance — I do not want to put words in her mouth, and no doubt she would criticise me for doing so — has more to do with the concerns she has about getting it through the police union, which has consistently said it is prepared to talk about fitness for duty and critical incidents but is not prepared to talk about random testing. It probably has more to do with the fact that the police force has gone through a lot of difficulties, including a difficult enterprise bargaining agreement.

I will move on to the other aspect. As I said from the outset, no-one is criticising the Office of Police Integrity. Certainly nobody is criticising the way the current director, George Brouwer, has gone about it. Can I also say that in my dealings with the director of the OPI — and I have had a number of briefings with him — his ability within significant operational limits and his openness and frankness with me has always been greatly appreciated. I would like to put on the record my strong support for Mr Brouwer and the way he has gone about his activities. That does not mean that I do not have difficulty with the institutions built around the OPI.

We know that the government is taking this step of severing the office of the state Ombudsman and the director, police integrity. This is a good move and something the opposition has been calling for now for a number of months. It is a critical step. The OPI has quite a different function to that of the state Ombudsman. The Ombudsman looks at the administrative processes of bureaucracy. We have all probably had experience of what the Ombudsman does through the FOI processes. The work of the director, police integrity, is quite different. It is a much more intense, more secretive and more challenging exercise to run that sort of office. Victorians have deserved and needed a full-time director of police integrity for some years.

As I said, this is not a criticism of the current occupant; I have only admiration for the way he has gone about that job. The most important thing about that is that it is now time. The government has finally come to adopt our policy, which is to implement a separation of those two powers. However, we need to go further. When you look at the operation of the OPI comparatively you see that yes, it has strong and draconian powers that compare equally with many other bodies around this country. But we need to take the urgent next step, which is to have a properly independent, broadbased anticorruption commission.

Let us get to the issue of independence. It is a word that the director uses regularly; he says that his office is independent. Regrettably I disagree with the current director in relation to his summation of independence. Independence is really dependent upon being separate from the police and from the executive wing of government. We have seen what has been played out, and the director acknowledges this in his own report — that he has a close working relationship with force command, with senior officers in Victoria Police and with the ethical standards department headed by Luke Cornelius. Notwithstanding that close relationship — and we have seen that played out in the last few weeks — we know perfectly well from recent developments that there are police officers almost at the top who are being investigated. There was an assistant commissioner; there was the head of the police media unit — not a sworn member but certainly a senior member who has been — —

Ms Green — Be careful.

Mr McINTOSH — I am only relating what has happened in the public arena — —

The ACTING SPEAKER (Mrs Fyffe) — Order! The member will address his remarks through the Chair.

Mr McINTOSH — The fact is that an assistant commissioner, the director of the media unit and others have either been suspended or resigned from the police force as a result of public hearings. Whether or not there is a smoking gun and whether criminal charges ensue are matters for somebody else. I pass no judgement on them, but this is a bleedingly obvious issue. We have also seen the possibility that there are links into government — into the minister's office; indeed into the Premier's own office. Again, I am not passing any judgement at all, but there are a number of unanswered questions that have arisen from these particular matters.

This sort of body needs to be independent. The New South Wales Police Integrity Commission (PIC) is independent. To work in that commission you cannot be or have been for five years a member of the New

South Wales police. More importantly there is a strong severance between the PIC and the executive wing of government in the way they go about their business. It is overseen by a joint parliamentary committee. Indeed the PIC essentially operates as a division of New South Wales's Independent Commission Against Corruption, although the two bodies report to different committees. ICAC, as I said, is also accountable to a parliamentary committee. It is the same in Queensland and Western Australia.

We should think about the success of all of those bodies. You would have to be utterly mad and not be taking into account current observations to suggest that we do not have corruption that extends beyond the police into the executive wing of government. As I said, current observations would show that there are many allegations that have remained unanswered, and they are allegations that could be answered by a broadbased commission. It should be independent and accountable to a parliamentary committee, not to the police force and not to the executive wing of government, whether that be the police minister or the Premier.

The second thing is that it has to be broadbased. It has to have the ability to pursue corruption in the public sector wherever it arises. There have been many allegations and much material put before the public that we have all been able to read about, including transcripts published on the website, and I have had the opportunity of reading every single word. Whatever else came out of the recent hearings, Mr Wilcox, the delegate of the director who presided over the hearings, made the point that a number of people had been looked at in relation to this matter — —

Ms Green — On the bill.

Mr McINTOSH — This is about an OPI hearing — —

The ACTING SPEAKER (Mrs Fyffe) — Order! The member will address his remarks through the Chair.

Mr McINTOSH — I am just making it perfectly clear that this is about the Office of Police Integrity, and this concerns public hearing transcripts which are on the website. Some of the people who were the subject of those hearings may be dealt with further. Mr Wilcox made the point that those people that he could make an adverse finding about had been called either in a private or public hearing. He also made the point that there had been a number of other people that he had been unable to make any finding about. He said he was making and would make no adverse finding about them; if they wanted the opportunity they could go and talk to him. He could make no adverse findings about them, because it was a very limited structure.

The tentacles of corruption that we have seen in relation to these matters may go into government, and these things need to be pursued by a much broader based body. The OPI is limited to police operational matters. Mr Linnell could be caught because he was a public servant employed by the police force, and the issue related to police operational matters. But somebody outside that area cannot be looked into, and that is a matter of concern. There are a number of other matters that concern the opposition — for example, the LEAP (law enforcement assistance program) database.

This is something that has occupied our time ever since a former minister for police mentioned something in this chamber during an adjournment debate. Notwithstanding the expenditure of $50 million, apparently leading to a completely reformed situation, we have the disclosures by the law enforcement commissioner who supervises the LEAP database in the report that was tabled in this Parliament very recently. She has identified that, notwithstanding all the trauma, notwithstanding the re-education program and notwithstanding the expenditure of all that money, last year there were still 26 breaches of the LEAP database — although we do not know what they are. So there were still 26 breaches of the LEAP database, and another 15 incidents are being currently investigated to determine whether they were breaches.

Mr Wells interjected.

Mr McINTOSH — As the member for Scoresby points out, it is not working. And even if it is working, it is still a matter of profound concern. The thing that really concerns me is that, despite the Office of Police Integrity having the ability to look at the police, what it cannot do is look at the operations of the minister. There was a significant breach of the LEAP database which started this whole chain of inquiry and which involved a minister and the minister's office. At the time there was only the Ombudsman, but the OPI has no further powers and so cannot look at the behaviour and the operations of a minister's office, and that is no longer acceptable. We need a broadbased anticorruption commission.

When we compare what we have in Victoria with what New South Wales, Queensland and Western Australia have, we know that we need to do far more. Indeed following countless concerns caused by the behaviour of councillors, whether it involved conflicts of interest, assaults or downright illegality, I note that the

Municipal Association of Victoria (MAV) called in May this year for the establishment of an independent tribunal to clean up local government. Again we have seen the way in which local government has been tested to the limit by the Western Australian Crime and Corruption Commission, which has been the subject of enormous publicity not only in Western Australia but here. We need something similar. We have the MAV calling for it, so the issues relating to local government need to be addressed. The commission needs to be broadbased to deal with the entire public sector.

We need to be able to submit ministers, ministers' offices, members of Parliament, the bureaucracy and local councils to scrutiny, because the tentacles of corruption stretch right through. The evidence is right before us, and I have no idea why this government does not take the next step. In a recent poll in the *Herald Sun* 92 per cent of Victorians said, 'We need an independent, anticorruption commission here in Victoria'. That begs the question: we want it and the public wants it. Everybody wants it apart from the government, which must make up the remaining 8 per cent! It goes to the issue of susceptibility to corruption, and I call on all members of this house to support my reasoned amendment to see if we can get an answer so that the Parliament — not the opposition, but the Parliament itself — can implement measures to have an independent, broadbased, anticorruption commission here in Victoria.

Mr RYAN (Leader of The Nationals) — It is my pleasure to join the debate on the Police Regulation Amendment Bill. To commence my contribution where the member for Kew concluded, I indicate to the house that The Nationals support the reasoned amendment that has been moved. We do so because of what we see as the necessity to establish in Victoria an independent commission on crime and corruption. I might say this has been our position for years.

We have at all times indicated that that is our preferred option. We do not believe there is any need for a royal commission in Victoria. We have said so often, and I have said it many times in this place on behalf of The Nationals. Rather our consistent position over a period of years has been that Victoria needs to establish an independent commission on crime and corruption that is modelled on one of the variations in other jurisdictions around Australia. I want to make certain that everybody in this place understands that that has been our position over the years, and we have never varied from it.

There are two essential aspects of the bill before the house. The first deals with the issue of testing members of Victoria Police, protective service officers, police reservists and police recruits for alcohol and drugs of dependence. The second deals with the separation, if you like, of the Office of the Ombudsman from the Office of Police Integrity. As to the first, the drug testing of members of the force in certain prescribed circumstances is now set out in the legislation being debated by the house.

The point to be made when one is considering all this is that there is a distinction between the circumstances which trigger the necessity for testing to be undertaken and the notion of random testing. The triggering mechanisms are set out under new section 85B, which is to be inserted by clause 5. They essentially say that the new section will apply to a member of the police force where the chief commissioner has a reasonable belief that certain circumstances require it.

Those certain circumstances may apply if, because of their consumption of alcohol or a drug of dependence, a member is incapable of or inefficient in performing their duties; secondly, if that member has been involved in what is described as a critical incident; or thirdly, if the member ought to be tested for alcohol or a drug of dependence for the good order or discipline of the force. They are the circumstances in which the chief commissioner may, if he or she reasonably believes that any one or more of those circumstances is present, give a direction that the testing occur.

'Critical incident' is defined in new section 85A to mean an incident involving a member of the force while that member was on duty which resulted in the death or serious injury of a person and which also involved any one or more of four sets of circumstances — the first being the discharge of a firearm; the second, the use of force; the third, the use of a motor vehicle by the member in the course of the member's duties; and the fourth, the death of or serious injury to a person while the person was in the custody of the member.

In those circumstances the definition of 'critical incident' is made out and the provisions of section 85B come into play. If they come into play, the chief commissioner may then, in accordance with the regulations, direct a member of the force to whom the section applies to do one of a number of things. They include, firstly, furnishing a sample of breath; secondly, furnishing a sample of urine; or thirdly, allowing a registered medical practitioner to take from the member a sample of the member's blood. Then there are certain outcomes which flow from the process that is undertaken in accordance with those forms of activity. So by these means we are introducing into Victorian

legislation the notion that members of the police force and its associated entities, if I may so term them, may be subject to drug and alcohol testing, given the application of particular circumstances.

A further extension of this would be to introduce random tests. I must say that The Nationals believe that is ultimately where we are going in Victoria. We think there is a strong case for saying that, whatever the circumstances that result in it happening, we will eventually see legislation in Victoria that enables random testing to occur. We think that is reflective of public standards and public points of view in relation to these issues. Reference has been made to what is happening in the sporting sphere at the present time.

I must say that to see an individual such as Ben Cousins featuring in the newspaper headlines to the extent that he has over the past weeks and months has been an absolute tragedy. There are no winners anywhere in relation to this appalling saga. I for one am certainly not going to jump into being judgemental about anybody's involvement in all of this. What I will say, though, is that in that instance, just as is the case here with the police and associated entities, there is an expectation on the part of the public that the highest of standards should be met by all concerned — and that applies no more so than in the case of those who are in the all-important role of law enforcement. I think it is an inevitable aspect of what will happen in the state of Victoria.

To return to the general aspects of the legislation, what the bill does is empower the Chief Commissioner of Police to direct members of Victoria Police and associated entities to subject themselves to drug and alcohol testing. This is a process that is in keeping with legislation in other jurisdictions such as New South Wales, Queensland, Tasmania and the commonwealth. Although police cannot be forcibly tested, there are certain consequences that apply in the event of a failure to comply with a direction, and they can lead to disciplinary action being taken in accordance with the provisions of the act. Although I have them all marked here, I do not intend to just track through them. Suffice it to say that a disciplinary inquiry can be undertaken and that there is available to the Chief Commissioner of Police a range of mechanisms which can be employed to finally impose disciplinary outcomes. That can range from something so simple as a reprimand all the way through to the dismissal of the member from the force. Those consequences are set out under section 76 of the principal act and are there for members of this house to consider if they so desire.

So there is a framework being established whereby the members of our police force and those of a similar ilk can be subjected to a regime of drug and alcohol testing. The qualification in this legislation is that certain circumstances are required to trigger that regime. That leaves outstanding the necessity for random testing for both alcohol and drugs, and so it is that we support the second component of the reasoned amendment which has been moved by the Liberal Party.

I now wish to move to the other aspect which is the subject of consideration by this legislation. I refer to the separation of the role of Ombudsman from the role of director, police integrity. This is something that from its inception The Nationals said was a mistake. I pause to say that I have great regard for George Brouwer, the current Ombudsman and director, police integrity. This is not a commentary relating to him. We have to have this conversation in a clinical sense, otherwise we run the risk of its being seen as directly applicable to Mr Brouwer, and that is not the position from the perspective of The Nationals. Rather we need to stand back and look at this in a objective way and to make judgements accordingly on something which is absolutely vital to Victoria.

I pause to emphasise that it is vital, because those who wear the blue for Victoria undertake a task which I think is highly regarded and respected by our communities. We are fortunate to be served by a police force without peer in the Australian nation and probably around the world. The tragedy of recent events and the matters leading up to them over the course of the last few years is that we are seeing what happens when you get a small proportion of idiots within the force who cannot conduct themselves according to the standards and values of this wonderful organisation. What they are now doing by their conduct is threatening the reputation of the force and of the members who continue to serve and do their job as admirably as they do.

Therefore what we need in Victoria is a means by which the small element to which I have referred can be investigated in a manner which is best structured to weed them out and then have them feel the full weight of the law. In addition to that we need a system whereby we can go beyond investigating police officers per se. This task goes beyond a reference simply to our police force. To think otherwise is naive. Our position as a party has always been clear. The notion that this sort of problem stops with police is ridiculous, and indeed police officers themselves freely acknowledge that there is a direct connection between our police force on the one hand and organised crime on the other.

We need a broadly based crime and corruption commission which is established to enable appropriate investigations to be undertaken across the board, not only with regard to police but with regard to those engaged in public life in all its forms and in the private sector at large. This commission should have the means to range far and wide to do what is necessary to get rid of the curse of crime and corruption in our society, particularly around drugs and the other forms of capital crime which have been the subject of commentary over these past few years.

The convoluted and almost agonised structure which the government has put in place after however many attempts over these past few years just needs to be, if I may say so, unbundled. We need to go back to square one and establish a crime and corruption commission which bears scrutiny from outside and which is of the nature of those that operate in other states around Australia. This is why Mr Brouwer has always been in an untenable position. The office of Ombudsman was set up — I think I am right in saying this — on the back of a model established in Sweden decades ago, based on the notion of investigating administrative decisions taken by general administrative organisations. To then marry that, as the government did, with the Office of Police Integrity and appoint the same person to be both Ombudsman and director, police integrity, was always going to bring about trouble.

It was never, ever going to work. Apart from anything else, as I said many times we have an oversight of the director of police integrity through the Office of the Special Investigations Monitor and inevitably, of course, the special investigations monitor, David Jones, a former highly respected judge of the County Court, has had to report that issues have arisen with the operations of the Office of Police Integrity. That was inevitably going to be the case, and I flagged it on behalf of The Nationals a long time ago. Now we have seen that occur.

We need this separation done in a manner which does justice to the person who is appointed to do the job — it will now be the person to be appointed to do the job, because Mr Brouwer will return to his role as Ombudsman and we will have a new appointment in the Office of Police Integrity — and from the vital perspective of ensuring public confidence in the structure that we have.

You only need to have regard to what happens in other states. In New South Wales a couple of years ago its Police Integrity Commission had a budget of $16 million and a staff of 107 people; the Ombudsman's office had a budget of $15.8 million and a staff of 186 people; the Independent Commission Against Corruption had a budget of $16 million and a staff of 101 people; and the New South Wales Crime Commission had a budget of $14 million and a staff of 108 people. That makes a total contribution of $61 million for its budgetary set-up, together with the employment of 502 people in the process.

In Queensland the Crime and Misconduct Commission had a budget of $30 million and a staff of 276 people. In Western Australia the Corruption and Crime Commission was established with a budget of $20.5 million and a staff of 90 people, with the longer term intention of increasing that number to 150. But the principal issue or the winning aspect of it is to have an entity which has a broadbased ability to be able to look at these issues of crime and corruption across the board, and not to be confined to issues regarding the police.

Surely it was instructive to the government, but in the recent OPI hearings, as I understand it, leaving aside commentary on what anybody was doing, Mr Ashby rejoined the union about six or eight weeks before those hearings were to be conducted, because he thought he could get assistance from that role; Mr Linnell decided that he would resign his position altogether and somehow try to remove the prospect of consideration of him by the OPI hearings. These moves are just reflective of how it is so necessary to have an organisation which has an overarching capacity to investigate these matters and is focused not only around the all-important task of investigating the police.

We support the reasoned amendment. We ought to think carefully, I believe, as a Parliament about this legislation before actually passing it, because it is another go at what we have attempted to do over a period of years as a Parliament, another attempt by the government to try to get it right again — and I fear the same mistakes are being repeated.

We need to just pause, do what the reasoned amendment calls upon us to do — that is, have another look at this — and bring the legislation back into the place on a basis that will do justice to the public of Victoria and most particularly to our police force, as well as to the community at large. I think those are the things which are the driving influences in supporting the reasoned amendment now before the house.

Sitting suspended 6.29 p.m. until 8.02 p.m.

Ms GREEN (Yan Yean) — I rise to make a contribution to the Police Regulation Amendment Bill 2007. At the outset I would like to detail the objectives of this bill.

Firstly — and the government has been requested to do this — the bill is to provide a legislative power to the Chief Commissioner of Police to direct the drug and alcohol testing of Victoria Police members in certain circumstances. Secondly, the bill proposes to separate the offices of the Ombudsman and the director, police integrity. Thirdly, the bill repeals a provision that would sunset contempt powers in relation to the director, police integrity.

There is a detailed proposal in this amendment bill in regard to drug and alcohol testing. The bill provides the chief commissioner with a broad generic power to direct police members to undergo testing for alcohol or drugs of dependence under certain circumstances. This testing will be done when a member reports for duty and the chief commissioner or her delegate believes that the member is affected by alcohol or a drug of dependence and is incapable of or would be inefficient when performing their duties. The testing will take place when a police member is involved in a critical incident and in any other circumstances where the chief commissioner believes it is necessary to direct a member to submit for testing for the good order or discipline of the force. The bill provides that a failure to comply with a direction to submit to testing may be a breach of discipline.

This amending bill will allow information relating to treatment and testing of alcohol and drugs of dependence to be used in discipline proceedings and when managing a police member's performance. The bill prevents members who have been directed to be tested from being individually identified in publicly available reports. It will also protect information relating to the treatment and testing for alcohol and drugs of dependence being used in legal proceedings. The exceptions are some accident compensation proceedings or occupational health and safety proceedings and criminal, civil or coronial proceedings arising from a critical incident.

Importantly these amendments support a welfare-based testing and treatment regime. The regime is similar to that operating in most other Australian jurisdictions. The costs of the testing and treatment regime will be met by existing Victoria Police resources. The legislative testing regime will not apply to public servants employed by Victoria Police as they do not carry out high-risk functions which are carried out by police members. Public servants are subject to the code of conduct for public sector employees in relation to the consumption of drugs and alcohol. The application of anything but a welfare-based drug and alcohol policy is opposed by the Community and Public Sector Union and is contrary to the Victorian Public Service Agreement 2006. But there is the potential for this issue to be negotiated in the context of the next agreement in 2009.

There are amendments in the bill which relate to the split between the Ombudsman and the director, police integrity. The bill removes the requirement that the Ombudsman and the DPI (director, police integrity) be the same person and removes the requirement that the acting DPI be the person acting as the Ombudsman. It provides for a DPI to be appointed by Governor in Council for a period up to five years with eligibility for reappointment. The bill requires that the DPI holds legal qualifications comparable to those required for appointment as a judge of the Supreme Court or County Court — in effect, an Australian lawyer of at least five years standing.

We have reasons why the government has proposed these changes. I refer members to the annual report of the Office of Police Integrity (OPI) for 2006–07, particularly to page 12 of that report. There has been a request for the functions of the Ombudsman and the director, police integrity to be split — and we are responding to that through this bill.

At this point I indicate that I oppose the reasoned amendment moved by the member for Kew. We are not going to be dictated to by the member for Kew or the opposition in the conduct of this matter. We are going to refer to the request made on page 12 of the 2006–07 annual report of the Office of Police Integrity. It is not that the government has proposed this; it has been proposed by the director, police integrity, George Brouwer, who is also the Ombudsman. The previous speakers referred to him, saying that they had no issue with his performance, so I think they should reconsider their reasoned amendment, because this measure has been requested by George Brouwer himself.

Other speakers have said that this should have been done at the outset, but the OPI's annual report indicates — and I refer to page 12 again — that the OPI would not have been able to get up and running and actually undertake its duties and get the outcomes it has been able to achieve without operating as one, and now we have reached the point in time where there can be that transition.

As I said at the outset, the third change made by the bill is that it repeals a provision that would sunset contempt powers in relation to the director, police integrity, and the Police Regulation Act 1958 establishes that certain conduct, such as failing to comply with a summons to appear or produce evidence, or refusing to be sworn or answer questions that would be in contempt of the

Supreme Court, is also a contempt of the OPI. The retention of this power is supported by the OPI, and the contempt provisions are also recommended for retention by the special investigations monitor in his report in relation to division 4A of part IV of the Police Regulation Act 1958. The powers would otherwise sunset on 16 May 2008, and the bill therefore includes a repeal of the sunset provision.

As I said earlier, in relation to the drug and alcohol testing proposed for police, these amendments are supported by Victoria Police, the special investigations monitor and the director, police integrity. The amendments in relation to alcohol and drugs of dependence are broadly supported by the Police Association, but it does not support the admissibility of test results in legal proceedings arising from critical incident testing. I understand that the Police Association also supports the proposed changes to the director, police integrity. I understand that the opposition and a range of commentators have previously criticised the joint office-holder arrangements, and I think that is why they should be supporting the bill now rather than the amendment that they have proposed, which says that this bill should be withdrawn.

I think it would interrupt the effectiveness of this regime if at this time the bill were withdrawn, as proposed in the reasoned amendment moved by the member for Kew. He proposed that this bill be withdrawn and redrafted to provide for the immediate introduction of random drug and alcohol testing for all police members. Once this bill is agreed to, as it should be, the authority to determine when this testing should take place will be the police commissioner herself. It will be an operational matter, and that is how it should be. We are a government that supports the police commissioner and what she is doing in her administration of the force and particularly the integrity of the force. We back her every step of the way. We are not going to be interfering in the way she does her job. We will provide legislation that allows her to do her job. The opposition amendment should be opposed and this bill should be supported.

Debate adjourned on motion of Mr DIXON (Nepean).

Debate adjourned until later this day.

ROAD LEGISLATION FURTHER AMENDMENT BILL

Second reading

Debate resumed from 20 November; motion of Mr PALLAS (Minister for Roads and Ports); and Mr MULDER's amendment:

> That all the words after 'That' be omitted with the view of inserting in their place the words 'this house refuses to read this bill a second time until the minister —
>
> (a) has advised the house that he has sought assurances from other jurisdictions that the removal, from the national transport council model bill, of the reasonable steps defence for operators and drivers is consistent with the approach taken by those jurisdictions; and
>
> (b) provides the house with details of which organisations will be approved to access personal information under the proposed changes to section 92 of the Road Safety Act 1986; and
>
> (c) explains to the house what guidelines will be put in place to protect the privacy of individuals and the type of information that may be disclosed under the proposed changes to section 92 of the Road Safety Act 1986.'

Mr HUDSON (Bentleigh) — It is a great pleasure to speak on the Road Legislation Further Amendment Bill, because this bill extends this government's fantastic record in promoting road safety in the Victorian community. It is a great pleasure to be part of a government that has such a proven track record in promoting road safety. This bill introduces a range of measures that will further increase the safety of drivers in our community.

From the outset I want to deal with the reasoned amendment moved by the member for Polwarth. In his contribution the member for Polwarth moved that the house should refuse to read this bill further until the minister has advised the house that he sought assurances from other jurisdictions that the removal, from the National Transport Commission model bill, of the reasonable-steps defence for operators and drivers is consistent with the approach they are taking in those jurisdictions.

This government has made it absolutely clear in those national discussions that we do not support a reasonable-steps defence for operators and drivers, and there are a whole lot of reasons why that is the case. Firstly, operators and drivers have a high degree of control over the transport task. They decide the length of the trip, when the stops will be made, when the rest periods will be taken and they plan when those things should be done consistent with this legislation. We do not support a reasonable-steps defence.

Secondly, these offences are dealt with by way of infringement notices. They are absolute liability offences — strict liability offences. It is not our policy to issue infringement notices where there is a subjective element. We are not going to make a judgement here about whether the operator and the driver have conformed with the legislation. We are saying that drivers and operators either comply with the breaks that are provided for in the legislation, or they are subject to a fine. If those drivers and operators elect to go to court, a judge will exercise that subjective judgement, but we are not going to do that under our own infringement legislation.

Thirdly, this is model legislation. It has always been known that each state would introduce legislation that catered for its particular circumstances and requirements in relation to fatigue management. At the National Transport Commission meeting the former minister for roads made it crystal clear that we did not support a 16-hour outer limit for drivers to drive. We made it absolutely clear that, here in Victoria and for safety reasons, the outer limit should be 15 hours, and that will be the outer limit in relation to New South Wales. The member for Polwarth has said that this will create enormous difficulties and problems for truck drivers and operators. Well, hello! The major trunk routes in this country for the transport of freight are between New South Wales and Victoria, principally up the Hume Highway. Both of those states have a clear commitment to a 15-hour outer limit that is totally consistent, and I do not believe any problems will be created by that.

In paragraph (b) of his reasoned amendment, the member for Polwarth wants the government to provide the house with the details of which organisations will be approved for access to personal information under section 92 of the Road Safety Act. I think we should indicate that clause 16 makes it absolutely clear that personal or commercially sensitive information will be available to three categories of people: those who are locating and contacting missing persons — —

Honourable members interjecting.

The ACTING SPEAKER (Mrs Powell) — Order! I ask members to stop interjecting across the chamber.

Mr HUDSON — It will also be available to facilitate the reunion of family and friends, for the purposes of road safety research or the dissemination of information or advice on road safety or to enable a road authority or utility to issue or defend civil proceedings in relation to the Road Management Act.

It is clear that research is a common-sense function of the Road Safety Act.

Mr Kotsiras interjected.

Mr HUDSON — The member for Bulleen says it is not. The fact of the matter is that research into road safety has been done for years under section 92(3)(a) of the Road Safety Act. It is absolutely clear that it can be done under that section. What we are doing in the bill is clarifying the existing practice of allowing VicRoads records to be used under strict conditions for road safety research and for communication purposes.

We are actually tightening up the act by specifying the circumstances under which that can occur. It is clear that if, for example, you want to undertake research on road safety in relation to motorcyclists, you have to be able to identify and contact motorcyclists through VicRoads records.

The member for Polwarth asks what sort of organisations would be doing this research. The fact of the matter is that those organisations have been doing this research for years. The Monash University Accident Research Centre and the Australian accident research board are the kinds of bodies that would be conducting the research. The member for Polwarth says we should list those bodies in the bill. What would we be saying in doing this? That they are the only ones who can do this research in the future? That is clearly ludicrous. VicRoads and the government must have the capacity to choose the best body to undertake research at the time.

The other issue raised by the member for Polwarth is that of clause 16, which relates to contacting missing persons.

Mr Kotsiras interjected.

The ACTING SPEAKER (Mrs Powell) — Order! The member for Bulleen!

Mr HUDSON — He asks who can be contacted. At the moment the organisations which do that are the Red Cross and the Salvation Army. They are the bodies that have international databases and missing persons units. If, for example, someone fled from Somalia as a result of the conflict there and came to Australia, and some years later their family in Somalia wanted to contact them through the Red Cross, the Red Cross would be able to approach VicRoads and say, 'They are looking for this person for a family reunion purpose. Do they have a licence? Are they on the database?'. It is completely common sense. It is about a family reunion.

Everyone knows that this information will only be given to accredited humanitarian bodies. There are no reds under the bed. The information will not be given to anyone willy-nilly. It will be dealt with in the same way that VicRoads has been dealing with this information for years — that is, on the basis that the organisation is a proper, authorised body.

The member for Polwarth wanted us to explain to the house the guidelines we will put in place to protect the privacy of individuals under the proposed changes to section 92. Let us make it clear that VicRoads already has in place a process for properly managing the disclosure of records. That is set out in section 92(4) of the Road Safety Act.

However, there are a number of other safeguards. Firstly, we have already spoken to the privacy commissioner, who indicated that he has no concerns about the research amendment at all. Secondly, the researchers who are contracted to undertake research are bound by the ethical standards that bind all researchers. Thirdly, most of those research bodies have their own ethics committees, which will oversee and guide this research — and the Monash University Accident Research Centre is a good example. Fourthly, before a researcher obtains access to VicRoads records they have to sign a confidentiality agreement. And finally, VicRoads itself has in place a process for properly managing records for the purposes of research.

This has been going on for years. What the bill does is clarify the framework in which this will occur. This research is of inestimable value to the Victorian community. It is because we have had this research that we have world-leading road safety legislation and world-leading — and low — levels of accidents. I urge the opposition to support the bill in full. I commend it to the house.

Mr K. SMITH (Bass) — It is a pleasure to speak tonight on the Road Legislation Further Amendment Bill. I speak in support of the reasoned amendment of my colleague the member for Polwarth. He has looked at this bill with a very careful eye and noted that there are some concerns with it. We believe that all the words after 'that' should be omitted with the view of inserting a number of other provisions that we believe are important in order for this legislation to work.

One of the difficulties we have had with this government is its habit of bringing in legislation that is not able to work and will not work properly. It is not really the job of the opposition to keep correcting this legislation. The government has more than enough public servants working for it to try to pull legislation together. It can ask for advice from the parliamentary counsel, but as we are very much aware, time after time we have to return to the chamber to make amendments to all parts of legislation introduced by this government.

One of the great concerns that the member for Polwarth had was in regard to the disclosure of information, which is something the government has written into the bill. It is virtually opening up the books of VicRoads to people who wish to do some research. I was listening to the member for Bentleigh saying that what he saw as being proper road research groups would be the only ones that the minister would allow this information to go to, but we believe the legislation that has been put before this house has an open door, and that virtually anybody who says they are part of a road research group could go to the minister and get the information. I think of the Transport Workers Union road research group.

Mr Kotsiras — They are the same ones I thought of.

Mr K. SMITH — They are the same ones the member for Bulleen thought of. We could probably go through Trades Hall up there, where all the troglodytes hang out — —

Mr Andrews — Spell that!

Mr K. SMITH — It does not matter how it is spelt. Hansard reporters are very capable; I do not have to spell it for them. Most of the Trades Hall people will be trawling through VicRoads looking for information on members of the public that they might want to find out information about. There is plenty of information that VicRoads has. We could mention many of the different trade union movements that would delight in having that information freely available. Just think of the membership list they would have that they could write off to, because VicRoads will have people's names, their addresses, their drivers licence numbers and what type of employment they are in. Whether they are in the trucking business, the taxi business or the courier business — you name it — it will all be there. It will be on the records.

Of course the Transport Workers Union road research group will be into it like Flynn. It will just delight in the thought that it has this membership list that it can draw on. Normally it would be called confidential VicRoads information, but no, it will look at it as being a list that it can go to and get all the information that it wants to get out of it, and it will send out letters to the people on the list. What a great opportunity to get plenty of information to be able to send out some of the election

material and bumf to the road users, the truck drivers, or the — —

Mr Kotsiras — Or former police minister André Haermeyer. Remember him?

Mr K. SMITH — Yes. We do remember the former police minister and his involvement with the information that he had on one of the members who has now been elected to the upper house and who is in fact doing a magnificent job in the upper house trying to keep this government honest. And he has got to work hard at it, I can tell you. It is hard to keep this lot honest. The Attorney-General is sitting opposite; this is the sort of stuff he puts in place, and this is the sort of stuff he would have some input into by saying to his ministerial colleagues, particularly the roads minister, 'Look, I think we should release this bit of information, because it could be handy for us'. Or maybe he wants to find out a bit of information himself that he can pass on to a couple of his legal mates who might want a bit of information on some people.

Mr Hulls — Susan Davies is coming back.

Mr K. SMITH — Oh God, is she coming back?

The ACTING SPEAKER (Mrs Powell) — Order! The member for Bass will ignore interjections.

Mr K. SMITH — I thought the desalination plant was going to guarantee my re-election, but if Susan is coming back I would say, 'Welcome'. I am pleased to have her coming back into the election field, because that has really made my day. I thank the Attorney-General. That has made my day. That is really good. I will probably still be here in another 20 years, and I will be driving the lot opposite mad.

Mr Kotsiras — They will be here on this side. You will be over there.

Mr K. SMITH — I will be in this house.

The ACTING SPEAKER (Mrs Powell) — Order! The member for Bass will ignore injections.

Mr K. SMITH — It is appalling the way these people behave. They raise these stupid issues, and I unfortunately fall for it and have to have a bit of a go back at them. This government does make a lot of mistakes, although occasionally it closes a loophole, which is a good thing in regard to VicRoads. Whereas people can now walk away from fines and so forth that have been sent out to them in the mail by just writing on the envelopes 'Unknown at this address' and sending them back, that will not be able to be done any more, and those letters that go out advising people about their demerit points will not be able to be just written off.

There is also going to be a new offence for drivers who deliberately or recklessly enter a level crossing. I would have thought there was already enough legislation in place for that to happen. We can only think of the stupidity of some of these people who think that they can beat a train across a crossing or that if they go to the other side of the crossing, they can go around the boom gates. It is important that we have an offence for people who do those stupid things, so they can be taken off the road. If the government is going to implement hoon legislation whereby offenders' cars will in fact be taken off them, I think that is a wonderful idea, because these people are not only putting their lives at risk, they are putting the lives of other people at risk, which is a pretty important thing.

We have so many level crossings which are open and which are not safe. This government has been extremely negligent in not getting boom gates and lights into as many crossings as it possibly could. We know of some of the tragedies that have occurred in recent times, and it is time that the government, with the huge surplus that it has, puts enough money into place to get these crossings fitted with lights and with boom gates to create a safe situation for drivers. There will always be weather concerns and problems from that point of view, and people not being able to have the proper vision when they come up to some of these crossings. In fact the minister has done something positive about that, thank God. There had to be something in there!

Also, the bill is going to allow the EastLink Project Act and the Melbourne City Link Act to be pulled together so that the e-tags we have on our cars will work on both those roads. When we go on CityLink we can often sit in traffic jams because of the stupidity of this government. It will not do anything about trying to upgrade the Monash Freeway, although now it is saying, 'We're going to put an extra third lane in, and we're going to take off the safety lane where you go if you have a breakdown'. That has been closed off now. The government also spent some millions of dollars putting the safety rails — the cheese cutters — up and down the Monash Freeway. Now, less than 12 months later, it has pulled them out.

One hates to think how much money that cost the Victorian taxpayer and the Victorian road user. Why did it not use its brain and do something about widening the road first? There has always been a concern that the Monash is not capable of carrying the

traffic that the government has been putting onto it. We believe this house should in fact support the reasoned amendment that has been moved by the member for Polwarth and should in fact be voting that way.

Mr TREZISE (Geelong) — No doubt like yourself, Acting Speaker, and like every other member of the house, I always find it entertaining to listen to the member for Bass, and I am always amazed that the member for Bass can find reds under the bed. Again, tonight with a road safety bill — a bill that is very important to this state — the member for Bass happened to find reds under the bed and the threat of communists in the state of Victoria in relation to road safety!

I am very pleased to be speaking in support of the Road Legislation Further Amendment Bill 2007, because once again it highlights the Brumby government's commitment to road safety in this state. It should be highlighted when speaking on road safety that since 1999 this state government has passed numerous pieces of legislation that have ensured that our roads are not only the safest roads in Australia but in fact also some of the safest roads in the world. As a proud member of the Road Safety Committee, I have had the privilege of visiting most states in Australia and I have also had the privilege of visiting a number of countries around the world, including countries in Europe and Asia, and the United States. I can assure you, Acting Speaker, I can assure this house and I could also assure the member for Bass if he were here that Victoria is looked upon internationally as a leader in road safety initiatives. Victoria is seen to be a leader, as I said, in road safety initiatives not only across Australia but across the world.

Since 1999 this state government, through its Arrive Alive strategy, has implemented numerous initiatives that have ensured that we have reduced the road toll over the last decade. Initiatives include the 40 kilometre-an-hour restrictions around schools, drug-driving testing and a crackdown on speeding drivers, which we have achieved without the support of the opposition, I may add — and the list goes on. As a result, this state has recorded the lowest ever road tolls despite the fact that we have a record number of vehicles on our roads at present. As a state government we are far from resting on our laurels, because even one death, as I am sure every member in this house understands, is one death too many. As such the Brumby government continues to introduce initiatives such as those contained in the legislation we are debating tonight.

I am aware that a number of members want to speak on the bill, but there are two items that I wish to address in my contribution to the debate. The first relates to the provisions in the bill dealing with the issue of driver fatigue, and the second is the provision dealing with level crossing issues. As we are all aware, level crossing issues have caused everyone major concerns in this state over the last 12 months. In relation to driver fatigue, I think all members of this house would recognise and understand that there are degrees, changes and concerns as they relate to driver fatigue in Victoria.

In a number of its reports the Road Safety Committee has addressed the important issue of driver fatigue. In its report on the committee's 2005 inquiry into the country road toll — and I must say it was a very worthwhile inquiry and had the total bipartisan support of the committee — the Road Safety Committee dedicated an entire chapter to the issue and, importantly, the dangers of fatigue driving. Some of the statistics from this report as they relate to fatigue are concerning for not only the committee but also for this house.

For example, it is estimated that a driver who has been awake for 17 hours or more — not driving but who has simply been awake for 17 hours or more — would have his or her performance impaired to a .05 blood alcohol level of performance. Of course that is of major concern to many of us, including me, who drive home after a long day at Parliament.

During that road toll inquiry in 2005 VicRoads informed the committee that it estimated that from 1998 to 2002, 13 per cent of country fatalities in Victoria were related directly to fatigue driving. One can see that fatigue is a significant contributor to deaths on our roads, especially deaths on our country roads. In relation to fatigue experienced by truck drivers — a provision that is specific to this bill — the Road Safety Committee's country road toll report, which is a good report that I suggest members who have not read it should have a look at it, also noted:

> … Victoria Police stated that, from November 2001 through to October 2002, 38 per cent of heavy vehicle serious casualties were single-vehicle crashes. Victoria Police noted that fatigue would be a possible factor in all those crashes.

I highlight that statistic about 38 per cent of all fatalities on country roads in Victoria. Further in its 2005 report the committee noted the findings of a survey of long-distance heavy-vehicle drivers in Australia in 2001:

> … 2001 found almost half of the drivers surveyed had experienced fatigue, with one-fifth reporting at least one

> fatigue-related incident on their last trip. The most common incidences were crossing lanes, nodding off, having a near miss and over or under steering.

They are vital statistics that cause concern, and one can see therefore the seriousness of this issue.

This legislation implements a number of recommendations made by the National Transport Commission in its review a couple of years ago, as they relate to fatigue within the transport industry. I have to say that, in supporting these reforms, I believe that in the future we need to strengthen truck log keeping, an issue that I know this bill addresses. Sometime in the future we also need to consider having a requirement that the logs be recorded electronically in the trucks, as we have seen in Europe.

The other area I would like to touch on briefly is that of safety at level crossings. The member for Bass also recognised and addressed this concern. This is obviously an issue that we must treat very seriously. The main evidence that shows that this government is committed to addressing safety is that since 1999 the Bracks government and now the Brumby government have upgraded something like 200 level crossings. That is to be compared — I know I am only taking a guess here — to the last year of the Kennett government, when I think something like 9 or 10 level crossings were upgraded. This government is committed to ensuring that we do something about level crossings. Our figures show that since 1999 a record number of level crossings have been upgraded. The figure is more than 200, and that program continues as we speak.

This legislation addresses the issue of level crossings. As I said before, we are tightening up our laws to ensure that drivers obey the traffic control warnings that are operating so that they do not put themselves or their passengers at risk. Just as importantly, we are ensuring they will not cause tragic collisions of catastrophic proportions. This is important legislation for all Victorian road users, including drivers of heavy vehicles. Therefore I wish it a speedy passage through this house.

Mr TILLEY (Benambra) — I rise to speak on the Road Legislation Further Amendment Bill 2007, particularly in support of the reasoned amendment moved by the member for Polwarth concerning the provisions about privacy and the reasonable-steps defence. Principally I want to spend this opportunity speaking on fatigue management in this state.

Truck driving is one of the most dangerous professions, based on fatality rates per 1000 employees. In other contributions we have heard statistics which indicate that the majority of single-vehicle truck crashes can be attributed first and foremost to fatigue. When I was involved in road safety in a previous occupation the first thing we would do when called to a truck crash was go for the logbook, or the diary.

What we do not look at is the engineering of our roads, our pavements and the trucks themselves and what our manufacturers are putting on the road and in the marketplace out there. I will put some of the blame on our bureaucracy in Victoria — that is, VicRoads. There is a bit of a closed shop in innovative ideas in relation to the heavy commercial vehicles that are driven on our highways throughout not only Victoria but also Australia. We are also looking at the drivers themselves. Drivers often have to apply for additional licences. We are looking at their driving hours, their rest breaks, their work diaries and their maximum hours, whether they be for the day, the week or the fortnight, and then there is the application of the zero blood alcohol concentration measure.

A terrific advancement — I cannot think of the year when they were introduced — is speed limiters. We know that whizzes are a way of cheating the speed limiters so vehicles can exceed speed limits and possibly catch up on lost time. I do not have the time to explain in detail some of the tricks the heavy transport industry gets up to so as to make up time through speeding, creating not only a dangerous workplace for those in the industry but also for other road users. A lot of it is about productivity. It is about moving goods to market from state to state. We are looking at a revolution in higher mass limits. People and companies are wanting to get more and more goods to market, and the heavy vehicle programs are allowing heavier weights on our roads. Drivers also have difficulty dealing with widths, lengths, heights, front and rear overhangs, and load restraints.

A separate issue to this is contained in the hay report. It is an absolute disgrace. If you drive around country Victoria, you can see the variety of bales, whether they be round bales or square bales, the way they overhang and how the restraints are secured to the vehicles. A substantial amount of work was done for the hay report, but there were substantial flaws in the research that was done. There are extra responsibilities in the chain of responsibility, not only on the drivers but also on the employers and so forth. There are also the Australian design rule compliance requirements in relation to specific loading, braking and other performance standards for registration. There is a whole myriad of things incumbent on drivers to comply with. This creates additional pressures and, no doubt, probably relates to fatigue in the workplace.

One thing in relation to engineering which usually goes amiss but I would like to speak about is whole-of-body vibration. There is an international standard in relation to whole-of-body vibration, and there have been some studies and reports, but the Australian standard has largely dismissed the whole-of-body vibration issue and how it affects drivers. I have heard of incidents of drivers of vehicles travelling between Melbourne and Sydney passing blood in their urine. Heavy vehicles are workplaces, and the original manufacturers need to address the effect of the equipment on our roads. The safety of the equipment on our roads needs to be addressed to ensure we have not only safe workplaces for drivers but also that the roads are safe for other road users.

An honourable member interjected.

Mr TILLEY — It is damn hard work. Those us of here tonight who have driven trucks or spent time working with trucks will know it is damn hard work. I have to pay credit where credit is due in relation to this legislation on the fatigue management issue. There was a problem with interstate drivers travelling between Sydney and Melbourne as an overnight express, turning up at the port of Melbourne, driving 10 hours around the docks shifting containers, getting back into the truck the next afternoon and heading back to Sydney. Pay credit where credit is due: the provisions in relation to work diaries — and we hear in the industry that they are nothing but cheat books anyway — in the legislation will close some of those loopholes.

A contributing factor to whole-of-body vibration is air suspension. Research going back to the 1980s shows that air suspension causes less pavement damage than does mechanical suspension. That is principally due to air suspension being softer, so lower maximum loads are imposed on the pavement during travel. Proposals were developed to allow airbag suspension trucks to operate with higher masses. In turn, the market demand for these vehicles changed so that by around 1993 or 1994 most new heavy prime movers had airbag suspensions.

I have previously spoken about the studies which have not been addressed. We heard other speakers talk about the research. Unfortunately my allotted time to speak in the debate is quickly running out. We rely principally on organisations like the Monash University Accident Research Centre and ARRB Transport Research Ltd. I have spoken in this place about the credibility and integrity of engineers in Victoria, and the principles applying in relation to industry-based, self-serving interests are of great concern to me. All governments need to ensure that those research organisations have very clear, deliberate and nothing but the very highest ethics. Quite often they are in dispute.

A relevant issue of great concern is that the drivers in our transport industry are ageing considerably. This is affecting companies in the region I represent. Last weekend a large company had six trucks whose wheels were not turning, just because they could not get the drivers. A number of companies had two trucks in the yard. If the wheels are not turning, they are not making any money.

I notice in regard to the work diaries that an exemption has been included for people who do not have proper English literacy skills. By making application to the corporation they can get an exemption from having to prepare a work diary. Is this the future? Are we going to be bringing over people who cannot prepare a work diary because they cannot understand English? How are they going to be able to read the signs on our roads? Are we looking at bringing people from overseas into our transport industry just to keep the wheels turning? In turn, what sort of road safety regime are we going to have if we have to bring people from overseas just to keep the wheels of our heavy transport industry turning? It is an issue of great concern.

I think the way forward is electronic work diaries. I agree with the research findings. Some companies are using intelligent transport systems; I think that is the way to go. I hope to see one day, through trials, where that is heading. It is going to be a very hard sell to the transport industry, but this is similar to what we saw happen in the past with speed limiters. I think the way forward is to use intelligent transport systems. In the future we will see original manufacturers fit electronic work diaries to all vehicles, which will lessen the stress on employers and drivers and improve the safety of our roads in Victoria.

Mr LIM (Clayton) — This bill makes a number of amendments to several acts, including the Road Safety Act. With the Arrive Alive road strategy, road infrastructure programs, the increased testing of impaired drivers, including drug testing, and the work of Victoria Police, Victoria is having one of its safest years on the road. However, there is always more that can be done, and this legislation is an example of the commitment of the Brumby government to making our roads even safer.

The bill has a large number of measures, and I will canvass several of them now. The bill aims to reduce the risk posed by heavy-vehicle driver fatigue. While drivers are obviously responsible for their conduct, at the same time there are others in the chain who must

also be held responsible. This includes those operators who deliberately or negligently place such demands or pressure on drivers to meet their times as to make them dangerous. This conduct, in the event of death or injury, is as negligent as that of the fatigued driver and should not be allowed.

The bill implements the National Transport Commission's model legislation on fatigue management for drivers of heavy vehicles, subject to a couple of variations which make the provisions in Victoria stronger than the national standard — and this should be commended. A reasonable-steps defence will not be available to drivers and operators in relation to heavy-vehicle driver fatigue offences. Further, the maximum working hours allowed in a 24-hour period will be 15 rather than the 16 in the national model.

The conduct of some drivers in deliberately running railway level crossings when the lights are flashing and the boom gates are lowering — and we have seen many accidents occur — can only be described as crazy and criminal. The bill introduces a new offence for drivers who deliberately or recklessly enter level crossings when warning devices are operating or a train or tram is approaching. Drawing on our highly successful anti-hoon legislation, which I have spoken about on numerous occasions, repeat offences will lead to the impoundment, immobilisation or forfeiture of the vehicle. I welcome this measure, as I can see that it will increase safety at the Clayton Road railway crossing in my electorate. The line there carries both metropolitan trains running on the Pakenham and Cranbourne lines, and V/Line trains. It is one of the very busy lines, so the crossing is also very busy as it carries a lot of road vehicles, including heavy transports, given the interplay of the Monash Freeway and the Princess Highway as well as other major roads in the area.

This bill will improve safety, although ultimately, of course, other structural measures need to be implemented. Accordingly it would be remiss of me not to say that it is an understatement to suggest that the grade separation of the Clayton railway crossing is sorely needed. This I will continue to advocate within the government.

The bill introduces a number of other sensible measures. Information privacy principles are now well established in Victorian legislation, but they can sometimes be a barrier to making information available where it is desirable to do so. The bill allows for the use of VicRoads records to assist in locating missing persons, to facilitate road-safety-related research projects and to assist infrastructure managers to carry out their statutory functions under the Road Management Act 2004.

The bill will enable VicRoads to block the renewal of a driver's licence and delay the sending of a demerit point suspension notice if a demerit point notice is returned undelivered. This is an entirely reasonable proposition given that drivers have an obligation to notify VicRoads of any change in address for the purpose of their drivers licences. This bill contains significant measures to make our roads safer and deserves the support of the house. I commend the bill to the house.

Mr DELAHUNTY (Lowan) — I would like to make a few comments on behalf of the Lowan electorate, which I proudly represent, on the Road Legislation Further Amendment Bill. When I look at the bill I see it has many pages — 219 — and I think of the number of trees we knock down to run this place. I thought that with computers we would be able to avoid that. It is a very big bill, and I take the word of the member for Rodney, who said to us at our party meeting on Monday night that it is an omnibus bill covering many parts of the Road Safety Act. I will cover a few of those in my small presentation tonight. The first one is in relation to implementing the National Transport Commission's model legislation on fatigue management for drivers of heavy vehicles.

It amazes me greatly that in Australia we have wall-to-wall state Labor governments — the state governments are all Labor, and for the sake of Australia we cannot let it go that next step — but they cannot get together and standardise the road rules in relation to interstate drivers. Many of my colleagues talk about border anomalies, and here we are developing another border anomaly where Victorian drivers of heavy vehicles will only be allowed to do 15 hours and in other states they will be able to do 16 hours. How do the police and other enforcement people work on this when we have drivers coming across the border having different laws in different states? Surely the states can get together and get it right. If they cannot get this right, how can they run the country federally? The reality is that the Australian Transport Council agreed on a 16-hour limit, and here we have this state bringing in 15 hours, so there are concerns from heavy vehicle drivers across Victoria, but particularly those enforcement people on the borders.

Another thing I want to say is that in relation to doing something for our interstate drivers, the government could upgrade the Western Highway.

Mr Nardella — We're going to do that.

Mr DELAHUNTY — Unfortunately there is not as much money as the federal coalition government has put into the Western Highway. The reality is that we need to upgrade that. There have been too many accidents on the Western Highway, particularly west of Nhill and also in the area between Ararat and Horsham. We have seen numerous truck accidents. The ideal thing would be to duplicate the highway from Ballarat on, but we know that is going to take a long time. In the meantime we should be doing some more work on passing lanes to assist the trucks and cars using that road and also providing adequate rest areas for truck drivers to get off the road and have some sleep and the rest that they badly need. Again, if the government wanted to do something in relation to road safety, it should be looking at that because at the end of the day the federal government does fund the Western Highway, but it is up to VicRoads and the state government to put in the application for that.

I travel the Western Highway regularly, and the amount of money being spent on the wire rope barriers is amazing. Some people are saying to me that they are not spending money on the road pavement; they are putting in wire rope barriers to catch the cars and trucks bouncing off the road. That is really what is happening. I think they should be spending more money on the pavement and less money on the wire safety rope barriers.

Mr Nardella — They save so many lives.

Mr DELAHUNTY — They do save lives, but it would be better to stop them running off the road in the first place. I refer to just some of the concerns out there.

The second part of this bill talks about more work needing to be done on a new offence for drivers who deliberately or recklessly enter level crossings. We would have to support that. I have seen video footage and photos where the boom gates are down and cars are still driving around them. Motorists who do that should be hit and hit hard in the back pocket, because not only does it cause enormous dislocation to the community if there is an accident, but importantly for the train drivers it just about wrecks them for the rest of their lives.

I want to talk about country rail crossings. The Mininera rail crossing is one that badly needs an upgrade, including the installation of warning lights. Tragically we lost a young person there a couple of years ago and too often we are seeing that across the state. I commend the government on some of the work it is doing, but it took the Kerang railway crossing to shake it out of its bunker. The reality is that the government is doing more work now, and I also think that putting some ripple strips in front of the other lines is a commendable exercise.

This bill talks about regulations allowing for different procedures or requirements to be imposed on a driver's licence depending on the person's age or experience. In Victoria you have to be 18 years of age to get a licence to drive a car. We have the oldest requirement in Australia. I do not think it is right to be able to get a driver's licence on the same day you can legally drink. We have too many accidents in that period of 18 to 20 years of age. I still believe, particularly in country areas when we are talking about a person's age and experience, that the driving age could be lowered. Fair enough, they should be putting conditions on the licence.

It might be about having only one person in the car or the power-to-weight ratio — or all those things — but if the government wants to do something for young people in country Victoria, it could look at dropping the driving age to, say, 17½ or even as low as 17. More work needs to be done on that, because if you talk to country people, Acting Speaker — and you are experienced in doing that — you find that transport is the biggest issue. If young people want to get around, whether it be to school, to work, to recreation, to entertainment and those types of things, all too often they must rely on their parents to do so. Again, there should be more work done by the government in that area.

I note that we are going to see some changes in relation to Melbourne CityLink and the EastLink project. The government is introducing some commonality in relation to enforcement offences. It was interesting that when I first came to this place about eight years ago the now Minister for Regional and Rural Development raised the instance of a bloke from Bendigo who came down to Melbourne to purchase a car. He had to get one CityLink permit on the way in and then get another on the way out. She was going bananas about why he needed to have two permits. The reality is that she should have been asking that person why they had to come to Melbourne to purchase a car in the first place. He should have been shopping locally and supporting his local traders, but at the end of the day that is the way some people who live in Bendigo might act these days.

In the last couple of minutes I want to talk about other matters in relation to the Road Safety Act. As we all know, if you fix country roads, you save country lives. That has been drummed in to country members and they will keep harping on it. But there are many state roads and category C roads across my electorate and particularly across country Victoria that are 100 per

cent state funded. Those roads have deteriorated, the infrastructure is breaking up and the vegetation is getting too close to the roads. I have letters and I have had councils speaking to me about the fact that they believe the roads should be cleared from the table drain on one side to the table drain on the other side.

When I looked at the Road Safety Committee's report on crashes involving roadside objects I noted that of the accidents involving roadside objects, about 20 per cent of those resulted in an injury or a fatality, so they are enormous statistics when you consider what is happening on those roads. We have seen too much of the vegetation getting closer to the roads, which is impacting on visibility, whether it be wildlife or other animals crossing the road. But I think when it comes down to a choice between the preservation of vegetation — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Jasper) — Order! The honourable member for Lowan without assistance.

Mr DELAHUNTY — I do not need too much assistance, Acting Speaker, but I appreciate your guidance. If it comes down to a choice between the preservation of vegetation or the risk to human life, I think it is important that we put human lives first. I refer to the recommendations in the committee's report that was brought down in March 2005. One of the recommendations was that VicRoads increase the minimum clear zone distance for high-speed, high-volume roads, such as freeways, beyond the current 9 metre limits. We know that that is not happening in country Victoria. We have high-speed roads — 100 to 110-kilometre-an-hour roads, and some people even drive faster than that — but the reality is that most drivers stick to the speed limit. However, at the end of the day we need to make sure the roads are safe for them to drive at that limit.

The reality is that Melbourne drivers would not tolerate that. We need to ensure that the roads in Melbourne and country Victoria are treated the same. When I looked further at the report I noted that it talks about how the decisions by road authorities and the Department of Sustainability and Environment should be based on the principle that the safety of road users always takes precedence over the conservation of native vegetation within road reserves. So again I say that it is important that we fix our country roads. We know that that will save country lives. The government needs to put more money into the resources area, and even organisations like the RACV have said that we need to spend more money on country roads.

I want to finish by saying that there was an accident at the Glenelg Highway–Nigretta Road intersection in Hamilton only a couple of weeks ago. It is important that, like other dangerous intersections, this be provided with a turning lane. There are a lot of trucks using that road. I call on the government to fund the Glenelg Highway–Nigretta Road intersection for the safety of those users.

Mr HERBERT (Eltham) — It is a pleasure to speak on the Road Legislation Further Amendment Bill 2007. I note in doing so that this bill has wide support within this chamber. It is a good example to show the public that we do not always argue about and differ on major points about our society and that a bill that genuinely improves the safety of many people on our roads gets widespread support and agreement.

This bill does a number of important things which I think will go a long way towards improving the safety of people driving on our roads both in the bush and in the city. It is also a piece of legislation that will undoubtedly get widespread support from the police force, whose members do a sensational job in enforcing the law and making our roads safe for all users. This bill will assist them in doing that important job.

The bill does a range of things, as I said. Firstly, it implements the National Transport Commission's model legislation on fatigue management for drivers of heavy vehicles. We all know that drivers of heavy vehicles can suffer fatigue and that if they do and they fall asleep at the wheel it can result in an absolute disaster on our roads, with multiple deaths and multiple-vehicle accidents. This legislation, through a range of measures, tries to reduce the incidence of fatigue driving by the drivers of heavy vehicles.

The legislation also creates a new offence for drivers who deliberately or recklessly enter level crossings when warning devices are operating and a tram or train is approaching. How important that is after some of the fatalities we have had over last few years, where in many cases a tragic loss of life occurred where it should not have, simply because a driver entered a level crossing when the warning devices were on. I think this is a really good move that probably should have been made decades ago. It is also something that creates an even stronger offence for repeat offenders that will lead to the impoundment, immobilisation or forfeiture of the relevant vehicles, making it really tough for people who go through level crossings when warning devices are on.

A novel part of the legislation deals with missing persons. The issue is a tragedy for many families that

have lost someone and have no idea what has happened to them. It is often difficult to track them down. Making all records available to the authorities is particularly important, and making sure that VicRoads records can be used by the police in trying to find missing people is a very worthwhile part of this legislation. It is probably one aspect that has been overlooked a little in terms of its significance to a large number of families.

One part of the legislation that is of particular interest to me is the changes to the law regarding drivers under the age of 21. We will have a new system of licences for drivers under the age of 21. The P1 licence applies to the first year of the four-year probationary licensing system. This bill will enable different terms to be applied to older drivers compared with the terms applied to younger drivers. The bill also makes some changes in respect of learner drivers in terms of different ages. Essentially it defines the probationary period that applies to people under 21 differently from the probationary period that applies to older drivers. This is incredibly important. So many of our brightest, our best and our smartest loved ones die on the road at a young age. When they first get in a car and have not had much experience, they are a bit more prone to impetuous behaviour than older drivers — as I guess we all were when we were younger.

It has taken some time to tighten up the regulations in order to make things a lot safer for young people on the roads, including restricting how they operate while driving a car. This is not about saying that young people are all reckless or irresponsible; it is simply a reaction to the fact that too high a percentage of young people die or are maimed or injured on our roads. This is particularly important to me. I have been giving my young 17-year-old daughter her first few driving lessons. Many of us here who have done that will know the terror of sitting in the seat next to a new driver! I am sure that after 120 hours driving practice she will be a lot more proficient at driving than she is right now, but even after that it will take many years before she hones her driving and safety skills behind the wheel. I am relieved that we are tightening up these provisions for young drivers. It will make it safer for her when she is driving and when she is in a car with another young driver.

There are a range of other provisions in the legislation. I have mentioned the ones that I think are important, although there are other provisions which tighten up the capacity to deal with repeat drink-driving and drug-driving offences. There are changes dealing with tolling offences, which are important administrative mechanisms in terms of the way our toll roads operate. Essentially, though, what this legislation does is put in place provisions that will make it much safer for drivers under 21; that will make it tougher for people, particularly repeat offenders, who go through warning signals at railway crossings; that will put in place a better regime for dealing with fatigue-driving by drivers of heavy vehicles; and that will enable the extensive record system of VicRoads to be used to assist with finding missing people. I commend the bill to the house. I think it is good legislation that is supported by all, and I hope it has a speedy passage through this Parliament.

Ms WOOLDRIDGE (Doncaster) — It gives me pleasure to speak on the Road Legislation Further Amendment Bill 2007. This bill seeks to do a number of different things. The opposition has some serious concerns, which is why it has moved a reasoned amendment. I would like to outline the assurances and clarification we are seeking from the minister prior to being able to support this bill.

We are looking for assurances from other jurisdictions that the removal from the National Transport Commission's model bill of the reasonable-steps defence for operators and drivers is consistent with the approach taken by those jurisdictions. We are also looking for clarification as to which organisations will be approved to access personal information under the proposed changes to section 92, as well as clarification on the guidelines that will be put in place to protect the privacy of individuals and define the type of information that may be disclosed.

There is one small part of the bill which I would like to talk about further and which is unrelated to our objections. I wish to speak on it because it is relevant to my electorate of Doncaster and shows some progress on an issue that has been around for many years. I refer to the changes to the Road Management Act, whereby there is a new set of arrangements for the funding and management of streetlighting on arterial roads. In terms of two major arterial roads in the Doncaster electorate, Springvale Road and King Street, the current cost-sharing arrangements are not consistently applied across different streets in the city of Manningham.

The cost of some public lights on arterial roads is shared with VicRoads, but the cost of a significant number of others is not. Under the existing arrangements, VicRoads contributes approximately 65 per cent of the streetlighting along arterial roads, and the council has to pay for 35 per cent. Of that 65 per cent, VicRoads contributes 66 per cent of the cost of the lights, averaging a contribution of 43 per cent to the cost of streetlights on arterial roads in Manningham.

These discussions have actually been going since the late 1990s, so it has taken at least seven or eight years to get to the point where there is a reasonable agreement on how to address these issues. The proposal was actually a two-thirds/one-third sharing as opposed to the sharing that has now been agreed, but despite the fact that it has taken so long and despite the fact that it is not the proportions that the council was seeking, it is progress.

The new agreement will cover all public lighting on Springvale Road and King Street, including all lights between Mitcham Road and Reynolds Road on Springvale Road, which are currently with the council, so that will come under the cost-sharing arrangements. It will also include the vast majority of lights along King Street, which are also currently fully charged to the council. These will also become cost shared. After seven or eight years of negotiation and, as the bill says, at least six years for the implementation of this — so it is a very long gestation with a long delivery period — finally Manningham's contribution will drop from the present 57 per cent down to 40 per cent on arterial roads, which is progress.

Both Springvale Road and King Street are desperately in need of new lighting; they are very poorly lit, and the residents complain about this regularly. It is an important issue that needs to be progressed, so I encourage the government with this new legislation in place to actually make the investment that is needed for the installation of lights on both King Street and Springvale Road. While the government is there, I would suggest it also looks at the other fundamental and damning issues in terms of arterial roads, open drains, rough edges, poor eyesight, as well as the lighting, and address these other issues that need to be addressed for these important roads in the Doncaster electorate.

The Manningham council has also asked for some clarification in terms of one of the issues in the bill, and perhaps the minister can address this in the course of the debate. The amendment implies that the responsible authority for the installation of any road-related infrastructure is the road authority. This would include responsibility to inspect and maintain infrastructure assets which may include new streetlights and poles that currently vest with the electricity distribution companies. There is a question in relation to who is now responsible for them. Is it the responsible authority or is it the electricity distribution company, as it has been previously? It would be very helpful to have some clarification from the minister on this issue.

While this amendment to the streetlighting provision, which I have discussed, has been a very long time in coming and it is a long time in being implemented, which we all find incredibly disappointing, it is some progress. As I outlined, we have some broader significant concerns in relation to the bill, which is why I am supporting the reasoned amendment of the opposition.

Mr WALSH (Swan Hill) — I rise to speak on the Road Legislation Further Amendment Bill 2007. The Nationals will be supporting the Liberal Party's reasoned amendment to this bill.

I will spend my time in this contribution talking about the changes to the Road Safety Act, rather than the other parts of this particular bill. This is one of the bills that comes to mind when we talk at the start of the week about the week's business program. It is not necessarily the number of bills that are on the business program, it is also the size and the number of changes that those bills are implementing that determines how long we need to debate them, and this is an example of a bill that has quite extensive changes. There needs to be the opportunity for a large number of speakers to get up and talk on different parts of this bill. This is one example where it should count as more than one bill in the government business program.

The road safety part of the Road Legislation Further Amendment Bill implements the National Transport Commission model legislation on fatigue management for drivers of heavy vehicles; it introduces a new offence for drivers who deliberately or recklessly enter level crossings when warning devices are operating or a train or tram is approaching; and providing for the empowerment, mobilisation or forfeiture of the relevant vehicle in certain circumstances.

It allows VicRoads records to be used for the disclosure purposes of locating missing persons; facilitating road-safety related research projects and enabling infrastructure managers to issue or defend civil proceedings. It also makes some changes to the procedures for requiring drivers to have a probationary licence and the length of time they must hold it, depending on how old they are.

The first thing I will talk about is the issue of fatigue management and the fact that this bill actually has a different set of hours in it than is in the national model bill. Although we are not opposing the bill, we have some concerns about the work that the Ministerial Council for Road Transport and the staff go to in developing a model bill, and then we find Victoria and

New South Wales are actually having legislation enacted that is different to that model bill.

We have seen this happen in this place with other road transport bills. As some major trucking companies are based in my electorate, I know they are constantly frustrated by the different laws that go across the different states. I have heard you, Acting Speaker, on numerous times talk in this place about border anomalies. What we are doing to some extent with this bill is setting up another border anomaly where the bill has 15 hours in it, but the national model legislation talks about 16 hours.

I have used the example in the past of Pickering Transport in my electorate, which operates across the river at Swan Hill, and how it had a B-double of fuel — its own fuel in its own truck, being carted from Adelaide to its depot across the river at Murray Downs, Swan Hill. It was loaded legally in South Australia and in Victoria, but it had 500 metres of road to go on in New South Wales where it got booked for overloading. Those are the sort of anomalies that we do not actually want to set up; those are the sorts of anomalies that we want to get out of the system so that we have a more efficient transport system right across Australia.

When there has been an effort made to have model legislation right across Australia, we do not want states bringing in variations on that, which can actually create problems into the future for trucking companies that operate all over the nation.

The issue that I put on the table for the minister to take on board in his summing up and maybe for some discussion while the bill is between houses is that in relation to the fatigue-management requirements in the bill, there are two different and particular categories of drivers. There are drivers who work within a 100 kilometre radius or more of their base operation, and the bill details the things that they are required to do in keeping work records going forward. There is another category of drivers who work in a less than 100 kilometre radius of their workplace.

One of the unforeseen consequences of this bill is that farmers, particularly grain handlers who cart grain to and from a silo and who have not previously needed to carry a logbook when running short distances, will now have major bookkeeping requirements placed on them. If you go through the duty restrictions that they have, you find that farmers who operate their grain harvesters may cart grain to the silo on the same day. You may also find that they will have to spend hours outside their work times doing the required record keeping. There is potentially an issue for those workers who run distances of less than 100 kilometres. When we have rail closures and silo closures, there are a lot of farmers who have to cart grain to a silo more than 100 kilometres away. They are then picked up by a huge new lot of regulations, even though they are actually driving their own trucks and carting their own grain. We do not want the record-keeping requirements to become too much of a burden on farmers at harvest time, especially when those record-keeping requirements may restrict their work practices.

I would like to briefly touch on what is not in this bill, because it concerns grain handlers and harvesters. In December 2004, when the Transport Legislation (Amendment) Bill was before this house, The Nationals raised the need for some tolerance levels for grain transport at harvest time which involved carting grain directly from the paddock to the silo. In the upper house Barry Bishop, then a member for North West Province, moved an amendment to put a scheme in that bill that had tolerance levels similar to the levels in Queensland. During the committee stage of that bill in the upper house Bill Baxter, then a member for North Eastern Province, put forward the case for The Nationals. He sought clarification from Candy Broad, the then Minister for Local Government, who was representing the then Minister for Transport. At that time, Ms Broad said:

> I should reiterate that I have been advised that legislation is not expected to be necessary —

in regard to putting a tolerance level in place —

> and that this can be done by gazettal. The commitment to have this in place by the 2005–06 grain harvesting season is a firm commitment, so I do not wish to speculate about circumstances which the government does not expect to be necessary —

meaning legislation.

> But the commitment is there that the government will do everything that is necessary, if required, to have this in place for the 2005–06 grain harvesting season.

We are now in the 2007–08 grain harvesting season, and we still do not have a grain transport tolerance scheme in Victorian legislation.

The government made a firm commitment in December 2004, but there has still been no action on this issue. I have received calls, and no doubt other members who represent grain-growing areas have also received calls, about the fact that there are people loading trucks off the header during harvest time and about how hard it is to judge the correct weight. If those people turn up at the silo 500 kilograms or a tonne overweight, VicRoads books them. I think it is wrong that, although we had a

promise from the then minister in 2004 that this scheme would be put in place, it still has not happened. I say to the Minister for Roads and Ports that there was a cast iron commitment to fulfil that promise, and we would like him to fulfil it post haste so we can have a little tolerance for those who are loading their trucks directly off the header at harvest time.

The other issue I would like to deal with is the ability of VicRoads to release data for research. I have raised the issue of the Charlton driving school and the fact that for nigh on seven years we have been trying to get money to keep the school going. It is a great facility, and last Sunday I was there when it opened a garage for its cars. That has been funded by the Foundation for Rural and Regional Renewal and by the local OASIS (old Apexians still in service) club. That club is doing a lot of work to keep the school open. However, we still cannot get a commitment from the government to fund that school.

One of the things we want is some research data to show that pre-license training actually delivers good outcomes compared to post-licence training. One Monash report was not structured all that well; it was inconclusive as to whether pre-licence training was good or bad. That report is constantly thrown back at us as a reason for not funding the Charlton driving school. There is an opportunity to get some data and track the people who have been to the school when they get their licences. This will provide us with the opportunity to prove to the government that pre-licence training actually delivers good outcomes on our roads and that there has been an improvement in road safety.

Mr SEITZ (Keilor) — I rise to support the Road Legislation Further Amendment Bill 2007. The important part of the bill that I want to talk about is the amendment to section 92 of the principal act, which will:

> … add further purposes for which information in VicRoads' records may be used, namely —
>
> to assist in locating missing persons;
>
> to facilitate the reunion of families and friends;
>
> to facilitate road safety related research projects;
>
> to assist infrastructure managers to carry out the managers' functions under the Road Management Act 2004.

These are very important purposes. Locating a missing person is very important, particularly if it is someone in your family or someone you need to find in an emergency to sign documents, provide blood transfusions or give permission for a medical operation. It is also very important to use records to assist in finding a next of kin. That information may be needed not only by police but to deal with urgent medical cases or to arrange things like family reunions. We often read wonderful stories about friends and family members finding each other after many years of not knowing whether they were still alive.

This amendment of the principal act is a very progressive step. You may be living in the same suburb as a relative you may not have seen for many years or even since your childhood. You may not know where they are — and you may not even know that you are related to them. That is positive management of the use of the data.

I turn to research facility and road research, which is important. It is important to look at accidents, whether they be minor, major or fatal, so that we can plan roads and safety facilities that are needed in particular areas. This can involve traffic lights, pedestrian crossings, zebra crossings or improvement in the alignment of roads and kerbs and things like that which need to be done at different times. Trucks that are rolling or losing their loads can be very dangerous if you are travelling behind them, because they may go into a kerb and not reduce their speed enough so that their load is safe. We do see signs indicating that loads are secure, but we only have to travel down freeways and highways to see how debris — pallets in particular — has fallen off trucks. I would not like to be sitting behind a semi when a pallet slides off because of the incline of a road in a place where the kerb and camber of the road is facing the wrong way.

I have been involved in arguments with engineers about some of the road construction in my area. My electorate is a growth area in which infrastructure is being put in as we speak. Modern technology means that, rather than digging out a road and removing the rocks, road builders now seem to level off the land and build on top of it. It is not unknown for contractors to get the camber the wrong way on a bend, opposite to the way it should be, and sometimes they have to come back and fix it. It is very important that we have research facilities and that there is access to the records of what can take place, that it then be applied to areas of new construction. It is important to have computer models that show engineers how roads need to be designed in a certain area and what speed limits need to be placed on them. As I have mentioned, that is a very important part of this bill.

This bill goes a lot further, particularly in its provision relating to driver fatigue, long-distance drivers and the maintenance of logbooks. There is total improvement in those areas which highlight driver responsibility.

Drivers are forced to make their deliveries within certain times because of the modern-day emphasis on just-in-time delivery of products to shelves. They have to keep up with timetables which are sometimes over and above what can be done by one human being. For example, if a driver experiences wet weather, like the weather we have today, traffic jams can happen and deliveries become slower. It might take drivers a bit longer to get to Sydney or Albury than is anticipated in their plans.

Bus drivers have similar problems. They forever raise with me the issue that they should have a bus lane or priority to move up. When they pull up to let passengers on and off, they can put on their diverging blinkers, but no car will stop to let them back on the road, yet they are still required to maintain their schedules so that people do not complain that they are not sticking to the timetable. Many drivers are not courteous enough to let buses go and give them priority; then, naturally, they cannot keep up with their timetables.

This bill's management of issues relating to the management of fatigue and who can be held responsible is very important, but it also protects managers. If managers can justify that they did not know about, were not able to avoid and were not expected to know that issues of driver fatigue were involved in an accident, they can use that in their defence. Again, that is an important issue.

Lighting is another safety issue. We have talked about the cost-sharing of lighting on arterial roads. We have heard earlier speakers talk about cost-sharing of lighting between local councils and VicRoads. Sometimes it takes months to resolve streetlighting issues, and people in my constituency do not understand why a traffic light or a streetlight has taken so long to be installed in a particular location. Often it is because of the length of the negotiations between the council and VicRoads, who all want a say in where the streetlight will be put.

New bus routes, such as the one in my electorate of Keilor which connects Caroline Springs to the Keilor Plains railway station, need to have streetlights relocated to where the buses stop so as to make those stops safe for passengers. Having said all that, I wish the bill a speedy passage through the house.

Mr THOMPSON (Sandringham) — The opposition has a number of concerns in relation to the bill and, to respond to the concerns, the shadow Minister for Roads and Ports has wisely moved a reasoned amendment. One of the concerns relates to which organisations will be approved to access personal information under the proposed changes to section 92 of the Road Safety Act 1986. Also, we require the minister to explain to the house what guidelines will be put in place to protect the privacy of individuals and the type of information that may be disclosed under the proposed changes to section 92 of the Road Safety Act 1986.

Earlier in this debate one of the government members boldly stated to the house that the protections offered to the people of Victoria will be that those who are given access to the information will be required to sign a confidentiality agreement. My mind only had to wander back a short distance in time to consider what happened with the LEAP (law enforcement assistance program) database. There was an expectation that the police would not inappropriately access information, but a raft of officers has done so.

Now we have had the Office of Police Integrity inquiry, which has indicated that despite it being a statutory requirement, not just a confidentiality agreement, that requirement would appear to have been breached. Therefore on behalf of the people of Victoria it might be said that this is a very sound amendment that enables the government to step onto the front foot and provide a greater indication of what protocols may be in place regarding the release of this information.

There is also the example of process servers who are very keen to track down names and addresses, as they have done in the past. I think a member on this side of the house mentioned a family member. Somehow they had an association with a person who needed information, but access to that information was inappropriately supplied. It is my view that there need to be very strong protocols to protect the rights, liberties and privacy of Victorian citizens.

When I looked at the bill another thing caught my eye — that is, the alignment of protocols relating to both EastLink and CityLink, and more specifically the EastLink project and the Melbourne CityLink acts. One only needs to go back a little bit in time to understand that EastLink is the Scoresby freeway — a project that was going to be free of tolls. In what probably amounts to one of the greatest political somersaults of the 21st century to date, the state Labor government backflipped on a commitment that was given to the people of Victoria — I think at the last federal election — that it would not extract tolls on the Scoresby freeway. *Hansard* records very accurately the myriad statements that appeared in election literature and also on the part of government members regarding that road being toll free.

With the CityLink project, in 1996 the people went to the polls knowing that it was going to be a tolled project. What is more, the then member for Tullamarine, who is now an upper house member for Western Metropolitan Region, was returned, despite the aspiration of a Labor member to move down from the upper house. For the record, I think it should be noted that EastLink is in fact the Scoresby project, and when it refers to owner-onus tolling and invoicing, it needs to be drawn to the attention of the house that this was the project that the Labor Party was going to make a toll-free road.

The next matter I wish to turn my attention to is the provision which will allow VicRoads to delay sending a demerit point suspension notice if a demerit point option notice is returned as undeliverable. I gave examples to the house recently of the circumstance of a red-light camera that is operating at the intersection of Bay Road, Nepean Highway and Karen Street in Cheltenham. More than 200 people have contacted my office to raise their concerns regarding fines that they have incurred for reasons that are yet undetermined. VicRoads and the roads minister have not yet responded to a number of questions on notice requesting information that my constituents seek to access as they prepare to challenge their fines in court. I invite the Minister for Roads and Ports to contact the head of VicRoads to find out when answers will be provided to questions such as how many fines have been issued over what period of time and what is the time duration for the amber light at that intersection, noting that it is a variable time, as members of the chamber need to be aware.

It may not be a matter that affects the member for Murray Valley as much as it does members representing city electorates who deal with traffic lights on multiple occasions as they make their way across the metropolitan road network. Drivers should be aware that as they approach a set of lights that show an amber light, that light may be on for only 5 seconds or 3 seconds — it might be a variable within that time frame. A driver in this circumstance has to make a range of driving decisions — whether to brake suddenly or proceed through the intersection. The upshot of this is that over the last seven years, police fines in Victoria have gone from $100 million a year to $400 million a year. Police fines is another area in this year's state budget where there has been a significant increase.

A large proportion of those fines are being derived from the senior citizens of my electorate and people who have been entrapped. The government may have some level of disregard for that. I remind members about the Vietnamese bus driver who was caught twice in a week. He has three children and is the only income earner in his family, yet he faces the loss of his livelihood owing to his being entrapped at an intersection with a variable yellow light time frame. He may lose his right to drive a bus.

I also can tell members about a family that has been in the area for only about three months. They have received four lots of 3 demerit point penalties in the one household in that period, which is approaching $1000 in fines, with the imminent risk of a loss of licence. The story goes on. Senior drivers are losing their valued but limited incomes in trying to pay fines. I have news for the minister — and I am pleased to see he is in the house today — because there will be legal action to challenge a number of these fines in court.

VicRoads has not responded to a question on notice that has been on the notice paper for more than 30 days. The minister should instruct the department to get itself into gear and provide information to the people of Victoria who are being affected by the imposition of significant financial penalties on the roads.

There are a number of other traffic issues that affect the residents of my electorate. One is the increased time spent on Melbourne roads when commuting into the city. The government has failed to give sufficient attention to the provision of infrastructure in the longer term. It has failed to give sufficient attention to the construction of roads. It is all very well having a Melbourne 2030 policy with a population increase of 1 million additional residents in Victoria, but without a focus on providing infrastructure — including water infrastructure, public transport infrastructure and road infrastructure — it is falling down on the job it is required to do.

In order to allow other members to raise their individual electorate concerns, I will conclude by challenging the minister to provide more information to the over 220 residents who have been fined for making a right-hand turn at the intersection of Nepean Highway and Bay Road in Cheltenham, so that they can then review how they can best prepare their challenge to the operation of those lights and the governance of that intersection by traffic signals.

The ACTING SPEAKER (Mr K. Smith) — Order! Before the honourable member for Shepparton commences, I suggest that the Minister for Roads and Ports, as the minister responsible here, should be sitting at the table. Or perhaps he is passing that responsibility on to the member for Gippsland East, who is at the table.

Mrs POWELL (Shepparton) — I am pleased to speak on the Road Legislation Further Amendment Bill 2007. The legislation has a broad range of purposes. It is virtually an omnibus bill, as our spokesperson for transport has said in his contribution, so it has a lot of purposes. I will restrict my comments to a number of them.

One of its purposes is to implement the National Transport Commission's model legislation on fatigue management for drivers of heavy vehicles. It was interesting that the Australian Transport Council says you need to have 16 hours between sleep breaks, but the bill proposes that it be 15 hours. We will be supporting the Liberal Party's reasoned amendment to make sleep breaks more consistent so that drivers will understand what the law is.

The bill also introduces a new offence for drivers who deliberately and recklessly enter level crossings while warning signals or boom gates are operating or a train or tram is approaching. The bill provides for vehicle impoundment for this offence. If someone tries to beat the train across the crossing and it is a first offence, the penalty will be impoundment for 48 hours. The vehicle will be released when all the costs are paid for, including the cost of towing and storage.

If a person offends a second time within a three-year period, the offence is much greater, which means the vehicle can be impounded for three months. Of course the third offence is a greater offence, and the court has the power to order that the motor vehicle be forfeited. This is in line with the hoon laws that we supported in this house a while ago. It sends a very strong message to people that our use of roads is not to be taken lightly. We need to make sure that drivers heed safety rules and are responsible when they are driving.

We recently saw one of the reasons for the need for this type of legislation in a tragic train and truck accident at the level crossing at Kerang, in which a number of people lost their lives. This did not just hurt the people involved as much as it did; the whole community was affected. The member for Swan Hill attended the scene of the accident, because it is in his electorate, and I know that it affected him very greatly. As people who come into this place to establish laws, we are always pleased to make sure that those laws protect those who use the roads.

I will make some comments relating to the fatigue provisions. It does not really relate to this bill — I understand that the bill deals with the fatigue suffered by drivers of heavy vehicles — but it needs to be dealt with as well. One of the areas I would like to flag has been raised with me by ambulance officers, who tell me that they have to do shift work and they also get put onto rosters. They may in fact work all day and then be on call at night. A number of ambulance officers have actually spoken to me about working a full day, then being called out at 3 o'clock in the morning and again at 5 o'clock in the morning. They would by then be very tired, but they are expected, they say, to go out there because under the roster system that is what they have to do.

When I raised that issue at a road safety function I was told that the police also have the situation where some police officers may have to do back-to-back shifts. We need to make sure that we protect those in the emergency services and that we make sure they are not too tired to go out onto the roads. I also include in that some of our firefighters. We saw during the recent bushfires that some of those firefighters were driving for many hours over many weeks.

One of the proposed amendments in this bill is to the Road Management Act 2004. We debated that legislation in this house in 2004, and that came about when councils lost the non-feasance defence. There was uncertainty about who was responsible for certain roads and who was responsible for bridges, and I know that during debate on that legislation the issue of bridges was raised. If there was found to be a fault in a bridge or if there was a complaint about a bridge, the council could either close that bridge or limit the load of the trucks going across it, or it had to repair the bridge. That put a huge burden on councils in that they had to make sure they managed their roads and their bridges much better.

This bill actually establishes new arrangements for the funding and the management of streetlighting on arterial roads, which are roads that are administered by the road authority. The bill makes sure that the roads are much safer and ensures that we know who actually administers streetlighting. The bill provides that the installation costs are paid for by the road authority and that the operating costs are distributed 60 per cent to the road authority and 40 per cent to the councils. This will start on 1 July next year, and it is going to be phased in over six years. The bill actually spells out who is responsible for streetlighting.

As The Nationals spokesperson for local government, I want to make sure that this legislation is not a means by which the government can again put a burden onto local government or shift the costs onto it. We understand the importance of lighting on arterial roads. The government has recently upgraded the Peter Ross-Edwards Causeway. It has put $10 million into

that road, which is fantastic, but one of the issues I raised over that time was about extending the streetlighting for the full length of the bridge. That road, which is a very dangerous and busy one, has six bridges along it.

I urge the Minister for Roads and Ports — I am pleased to see he is at the table — to take that on board. It is really important that we have lighting along the length of that road, because the emergency services people are telling me it is very difficult for them if they attend breakdowns on that road at night and in the winter. They certainly do need lighting along the full length of the bridge.

Clause 6 of the bill talks about probationary drivers licences. It allows regulations to be imposed on a driver's licence, depending on age or experience. It also allows for a probationary licence for a person who is aged under 21 years for a longer period of time than for older drivers. I would have liked to have seen the minister also include The Nationals' policy that has been raised in this place since I first went into the other house, which was in 1996 — that is, 17-year-old drivers having a limited or a restricted licence. That is really important in country areas.

In my example, in our business we have had two apprentices who lived outside of Shepparton; one had to leave home because they did not have any way of getting into the workplace, which is our business, and the other one had to move from their farm to live with their grandmother.

If Victoria did have a restricted licence, you could put conditions on that licence whereby the driver could only drive between certain hours of the day and they could only drive on certain routes, and if they went against those conditions, then they could lose their licence just the same as anybody else who does not do the right thing on their licence.

We have raised this with the government time and time again, and we just hope the government listens to this, because it is important for country people to be able to attend education venues, whether it be university or TAFE, and attend work. In some cases it is very difficult for our young apprentices to be able to attend work in a major city because there is no public transport available.

One of the other issues I would like to raise is about privacy and access to the VicRoads database. The bill says it is open to community groups, and it does mention community groups like Red Cross. The bill does not define community groups, and we will be supporting the Liberals' amendment to identify those groups so we do know who is actually going to have access to that database.

We have heard that the database can be used to help locate missing persons, and that is a good outcome. It is also to be used in civil proceedings resulting from road accidents. The government also said it will put in place controls to stop the misuse of personal information. I think that is really important, because the community needs to have confidence that the information on those databases is controlled and that not everybody can have access to those files.

We have seen in the past where the LEAP (law enforcement assistance program) files with the police have been accessed inappropriately. People want to know that their personal information is protected and is not open to scrutiny by other groups to do with whatever they like. The Nationals do not oppose this bill, and we wish it a speedy passage.

Mr NARDELLA (Melton) — I support the bill before the house. I want to correct the record in regard to what was said by the honourable member for Sandringham, to make it clear to the house that the federal government did the backflip that he referred to in regard to the Scoresby freeway. The federal government was the one that capped its contribution at $325 million. You cannot build the Scoresby freeway — or any freeway — its full length with a capping at $325 million. The construction work and the fantastic economic and safety benefits that the Scoresby freeway will bring would not have occurred were it left up to the federal government and its backflip. Under the Liberal Party's plan, it just never would have been built.

The particular bill before the house makes it an offence to deliberately go onto or through a level crossing when the boom gates are down or when the warning lights are on. That is absolutely imperative. There has been accident after accident involving drivers in this situation, and I have seen this type of reckless situation occur in Melton South, when the boom gates have been down and cars have just disregarded them and gone around the gates. This was at school time, and the drivers had kids in the car. These drivers are just moronic. Hopefully this bill will stop a lot of that behaviour.

In regard to the clause relating to assisting with locating missing persons, it is appropriate that the minister determines who are the appropriate organisations. They will change. The Red Cross has been highlighted in the second-reading speech, and that is appropriate.

In regard to the 15 hour limit for driving a heavy vehicle, I still think 15 hours is too long. That is certainly the view of this government along with the New South Wales government. I think 16 hours would have been a consensus decision. It should be about safety and not just about regulation. I support the bill before the house.

Mr KOTSIRAS (Bulleen) — I wish to briefly speak on the Road Legislation Further Amendment Bill. I wish to limit my remarks to clause 16, which deals with the disclosure of information by VicRoads to organisations, bodies or persons for the purpose of locating missing persons and also for research and communication.

I am concerned that this information will be used inappropriately by this government. I believe each case should be dealt with on a case-by-case basis. The system should be open and it should be transparent, and the information on demerit points and the database should not be used by anyone simply to gain some personal information. That is not why this legislation was established, and I am just concerned that this government — because I know how this government acts — will use this type of information for its own personal agenda and for its own personal use. So I support the member for Polwarth and his reasoned amendment, which proposes that all words after 'That' be omitted and replaced, in part, by:

> (b) provides the house with details of which organisations will be approved to access personal information under — —

The ACTING SPEAKER (Mr Nardella) — Order! The time has come for me to interrupt the business of the house.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The ACTING SPEAKER (Mr Nardella) — Order! The question is:

> That the house do now adjourn.

Tertiary education and training: overseas students

Mr BAILLIEU (Leader of the Opposition) — I raise a matter for the Premier and specifically ask him to take immediate steps to protect Victoria and Melbourne's hard-won reputation as a safe, secure and welcoming place for overseas students to obtain a quality education and first-rate qualifications, and in doing so to protect one of the key competitive advantages of our economy.

As we know, Victoria has long had a good education system; it is particularly so in our higher education sector. Our universities have a worldwide reputation, and our TAFE system is also well regarded. Over the last 20 years our institutions have been encouraged to export their services. Some have taken campuses overseas, some have taken staff overseas, some have established online services and many have provided opportunities for students here in Victoria. Qualifications from Victorian institutions are highly coveted, and our education service sector is now highly popular with Chinese, Asian and Indian students in particular.

This market is now being challenged by the rising dollar, by other institutions here and overseas, but also by damage being done by word of mouth and by bad experiences. I have had recent representations from a number of community representatives. They have been positive about the education but are concerned about a number of issues. They are concerned about the misrepresentation by agents for our institutions of facilities, service availability, accommodation costs, the availability of jobs and the cost of living, particularly the cost of transport and food. Some students are simply arriving here completely unprepared.

Community representatives are also concerned about increasing violence and discrimination and, dare we say it, some racist elements. There is concern about the fear some of these students have about reporting incidents which may, they believe, wrongly jeopardise their status in whatever they are pursuing.

We are not alone in raising this issue; it is, I believe, the tip of the iceberg. The Committee for Melbourne, in its report entitled *Higher Education at a Tipping Point*, has raised this issue and notes that our education sector:

> is faced with intensifying competition and a range of structural and funding issues, which could see its higher education sector at risk of decline.

We cannot ignore this problem. I urge the Premier to act quickly to bring the police minister, the education minister, the skills and workforce minister and the police commissioner together to demand tertiary institutions provide accurate and uniform information packs and monitor their agents to set up a central online information website to work with universities to address the accommodation issue, to look at establishing a higher education bureau, to assist students with legal, financial, job and cultural issues, to

assist students with police liaison and to encourage reporting of crime.

Narre Warren South P–12 College: tennis courts and pavilion

Ms GRALEY (Narre Warren South) — I would like to raise an issue with the Minister for Sport, Recreation and Youth Affairs who I am pleased to see is in the house. I ask the minister to take action to assist the development of tennis courts and a pavilion at the Narre Warren South P–12 College in my electorate.

The Narre Warren South P–12 College is one of the biggest schools in Victoria and is in one of the fastest growing areas in Victoria. The school has grown very quickly and the need for additional sporting facilities is necessary to meet the needs of the sporting curriculum as well as to provide facilities which can be used for a variety of activities. I am pleased to say that under the leadership of the school principal, Ross Miller, and his very able assistant principals, Ken Robinson, Leanne Davison-Armao, Kerrie Bolch and Robert Duncan, the school has a comprehensive master plan which they are consistently working through and with the help of our government are each year providing new facilities for the students, staff and families of Narre Warren South. I know today the school will appreciate this rain as it is undertaking a major landscaping project with students involved in the planning and planting, and this will do much to make this big school an even more attractive place.

I have met with the school leadership team and they are keen to develop six new tennis courts and a pavilion on council-owned land as part of the Narre Warren South P–12 multi-use sports precinct. The total project value is $1.047 million, so any assistance would be warmly welcomed. I understand that the City of Casey is right behind this project and is willing to also assist financially. The City of Casey identified a shortage of tennis courts in the council's 2007 facilities plan. Research in the area indicates that tennis club memberships are increasing; this has a lot to do with the fact that many young people in the area are interested in getting out and being involved in sport. A new facility like this would be of use to the school, clubs and community members and of great benefit to the Narre Warren South community. This is also a very financially sensible approach to providing new facilities with people sharing better infrastructure that is well used rather than having a lot of small facilities not being well utilised.

I would like to commend the school for developing such a comprehensive proposal, consulting widely and being inclusive. Key stakeholders have been involved and support the project. Council has indicated that it will work with clubs and Tennis Australia to determine appropriate access and tenancy arrangements. Sport and Recreation Victoria has indicated that it is willing to be consulted during the detailed design phase. This is a great project. It is well supported and now deserves our support. I ask the minister to seek assistance.

Roads: Lowan electorate

Mr DELAHUNTY (Lowan) — I wish to raise a matter for the attention of the Minister for Roads and Ports. The action I request on behalf of the Lowan electorate — the largest electorate in the state, with many, many roads — is for the minister to provide a strategy and action plan to make our country roads safer. As we all know, if you fix country roads you save country lives. As I travel around the electorate I personally observe many roads, which are the total responsibility of this state, where the infrastructure has failed or the vegetation has got so close to the roads they have become unsafe for people, particularly with wandering stock.

The government must know some of these tragic statistics regarding our roads. We have about 30 per cent of the state's population in country Victoria, but the fact that road fatalities in country Victoria account for 50 per cent of road deaths in this state is a real tragedy for country people. During my visits I have seen many of these roads which need improvement. Whether it be the Glenelg Highway — right along its route it is breaking up — the Glenthompson-Maroona Road, the Wimmera Highway or the Henty Highway, all of these are state responsibilities which need attention.

Also intersections like the Nigretta Road intersection with the Glenelg Highway, Douglas and Balmoral roads, Stawell and Williams roads in Horsham are all state responsibilities which need attention. I have also seen and have had many concerns raised with me about vegetation which is causing traffic hazards and creating visibility problems with wandering wildlife and livestock. One example is an email I received from Charlie, Janelle and Sam Dowler from Dergholm:

> I have asked the West Wimmera shire for many years to do something about the problem of trees needlessly falling on our roads. It is only a matter of time before someone is killed due to neglect from VicRoads and West Wimmera …
> These … trees have been falling for 10+ years. One morning taking the top off a car with four young people, no injuries, plus many other accidents and 'close shaves'.

They have many concerns and I have seen their photos. I have also spoken with the West Wimmera shire about

this matter. It also has concerns. It believes there should be a strategy to remove the vegetation back to a clear area between one table drain and the other table drain. I spoke earlier about the Road Safety Committee in 2005 recommending there be an increase in the clear zone distances on high-speed roads. Most country roads are over 100 kilometres an hour, so we need to make sure that they are catered for.

Again I say that city people would not tolerate this, and we will not tolerate it in country Victoria. Our country roads are failing, and it is no wonder that leading authorities, including the Royal Automobile Club of Victoria, believe that improving safety on country roads is the best way to reduce the road toll. Safe roads are a fundamental component of our state infrastructure, and our country communities and industries depend on them. I remind the Brumby government that Victoria is bigger than Melbourne. We need safe state roads. They are essential for the future progress and development of the Lowan electorate.

Rail: early bird tickets

Ms THOMSON (Footscray) — I wish to raise a matter with the Minister for Public Transport in regard to the early bird trial that is currently under way on the metropolitan train network. The trial of the early bird train ticket commenced on Monday, 29 October, on the Sydenham and Frankston lines.

In speaking to many of my constituents who have access to the Sydenham line, the trial has been widely welcomed by the community, particularly those who have moved with their feet and changed their travel arrangements to reap the benefits of the free train travel if arriving at their destination before 7.00 a.m. The government should be congratulated for looking at innovative solutions to the unprecedented public transport patronage surge of over 20 per cent in the last two years. The benefits of such an initiative as the early birds are not just felt in monetary terms by those on early bird trains but it is also hoped that capacity is freed up on adjacent services.

I am obviously keen to see as many of my constituents as is possible aware of the early bird trial. My constituency is multicultural and I know that the minister is well aware of this as she is a former mayor of Footscray and knows that Footscray is one of the most multicultural areas in Melbourne. It is important that all those constituents have an opportunity to understand the benefits of using the early bird service.

I ask the minister if she could investigate the information that is provided to the public in relation to the early bird free travel trial and ensure that information is available in as many community languages as possible so that all my constituents who travel on the Sydenham line are able to use that service and make that choice to be at their destination before 7.00 a.m.

Princes Highway, Yarragon: traffic lights

Mr BLACKWOOD (Narracan) — I wish to raise an issue for the attention of the Minister for Roads and Ports. The action I request is for turning arrows to be installed on the eastbound right-turn lane of the traffic lights on the Princes Highway in Yarragon. On Friday, 5 October 2007, three young lives were lost in a tragic accident, leaving the families and local communities numb with shock. A fourth person in the car, my niece, suffered serious injuries. Yes, bad weather was a contributing factor in the accident. There had been thunderstorms on the night and torrential rain at the time of the accident. But I believe inadequate traffic signals were the largest contributing factor to the tragic and sudden loss of life.

No-one will ever know exactly what caused the accident. It would have been easy to misjudge the speed and distance of oncoming traffic in the very poor visibility at the time. Locals have been calling for turning arrows on the traffic lights for some time, but it has now actually taken a tragic accident to inspire renewed calls for something to be done. The car with the four young friends on board was travelling east along Princes Highway and turning right into Rollo Street in Yarragon when it collided with a westbound car at that intersection. There is a turning lane to allow vehicles to turn right at this intersection; however, there are no turning arrows at the traffic lights.

Hundreds of children travel with their families through this intersection every day into Rollo Street to attend the Yarragon Primary School. The floral tributes and photographs are still attached to the now damaged and leaning traffic light pole that the car slammed into and are a harsh reminder to all to take care. I call on the minister to address the urgent need for turning arrows to be placed at this intersection. This would not come at great cost as the turning lane is already in place.

I am pleased to say that my niece is slowly physically recovering. On the tragic night in October she lost her boyfriend and two of her best friends. She and the families of her best mates will never erase the pain of tragic loss, but with the support of friends, family and community hopefully they will be able to cope with that loss as time goes by. I call on the minister to take action

and fund the immediate installation of turning signals at this intersection.

Australian Masters Games: Geelong

Mr TREZISE (Geelong) — I raise an issue tonight with the Minister for Sport, Recreation and Youth Affairs. It relates to the 2009 Australian Masters Games to be held in Geelong. The action I seek from the minister is for the minister to work with and provide ongoing support to games organisers and the advisory board to ensure that the games are the most successful Australian games yet to be held.

On Saturday, 13 October, I had the pleasure of attending the closing ceremony of the Australian Masters Games held in Adelaide. Together with the mayor of Greater Geelong I was pleased to receive the masters flag from Adelaide. Only two weeks before the City of Greater Geelong had taken another flag from Adelaide!

Adelaide hosted a marvellous event; there were 10 000 competitors in approximately 60 events, and 2000 volunteers were involved. The event injected something like $12 million into the South Australian economy. Geelong will be hosting the event in February 2009. I was pleased to represent the minister at the opening of the games in Geelong last night, which the games patron, John Landy, officially launched. I must say the city of Greater Geelong is just starting to sober up after the mighty win of the Cats!

For the information of the house, the Australian Masters Games is the largest multisport participation event staged in Australia. It is held bi-annually, with the first being held in Tasmania in 1987. It is an eight-day event, and it is envisaged that around 60 sports, ranging from archery to athletics, badminton, gymnastics — and the list goes on — will be played in Geelong. The games provide an opportunity for anyone over the age of 30 to compete in their chosen sport, no matter what their ability. One of the key attractions of the games is the social interaction and spirit of camaraderie that our competitors experience.

In September 2009 the World Masters Games will be held in Sydney. In the lead-up to those games the Geelong games in February will prove to be an important warm-up event for those competitors looking to participate in the World Masters Games. Like Adelaide, Geelong is aiming to have 10 000 competitors, if not more, and just as many family and friends, along with something like 2500 volunteers. It is envisaged that between $9.5 million and $10 million will be injected into the Victorian economy, and a large proportion of that will be going to Geelong and the regional area.

It is a great event. We are looking forward to working with the City of Greater Geelong. I see the Minister for Local Government is at the table as well. No doubt he will support the Australian Masters Games as, I am sure, will the Minister for Sport, Recreation and Youth Affairs.

Doctors: area-of-need guidelines

Mr INGRAM (Gippsland East) — The matter I raise is for the attention of the Minister for Health. It is in relation to the guidelines and the application of the area-of-need criteria in Victoria. The action I seek is for the minister to conduct a thorough investigation of the area-of-need criteria in Victoria and following that investigation to make a public declaration on the establishment and implementation of clear and concise area-of-need guidelines.

The area-of-need guidelines have been misused in Victoria. Area of need is generally a useful method of designation, which allows the fast-tracking of overseas-trained doctors to areas that cannot attract an Australian-trained doctor. I note the public comments in the November 2007 issue of *Vicdoc*, an Australian Medical Association publication. The AMA president, Dr Doug Travis, is reported as saying that the failure of the health system in Gippsland has seen ‘the pressure on hospital services resulting in bastard administrators driving people out’ and ‘experienced doctors being threatened with replacement by international medical graduates’.

The Australian Medical Council area-of-need guidelines clearly state the requirement to examine the local workforce and provide evidence of unsuccessful attempts to recruit an Australian-trained doctor to the position. The Queensland Dr Death inquiry, reference 6.90, was scathing of the then process, which involved area-of-need status being made and granted when no such need could be demonstrated. In reference 6.91 it was stated that ‘overseas trained doctors are preferred by administrators because they are more compliant and more accepting of conditions and directions than their Australian-trained counterparts, because of the controls the administrators have over the visas of doctors’. The minister’s delegate who approved the area of need status when it did not exist was found in the Dr Death inquiry to have failed her statutory duty.

In my region there were two extremely well-qualified paediatricians who were engaged in activity advocating

for child health services. Both applied for the vacant paediatric position at the Central Gippsland Health Service, but, despite their unblemished and exemplary records, were not even granted an interview for the position. The minister's delegate declared the position as an area-of-need position, and the health service went to great expense to import two less-qualified, overseas-trained doctors, who had failed the Australian paediatrics exam.

My constituents are very strong supporters of these two paediatricians and want them to treat their children in the local hospitals. I request the Minister for Health to declare and report to this house if he supports this misapplication of the area-of-need criteria when excellent, committed Australian doctors are available for a job and to indicate whether he supports two Australian paediatricians being denied the right to practise their craft in paediatric units in Sale and other areas of Gippsland.

Moreland Community Health Centre: men's shed

Ms CAMPBELL (Pascoe Vale) — I raise a matter for the attention of the Minister for Senior Victorians. The action I seek is for her to examine and fund the Moreland Community Health Centre's men's shed proposal for Carinya disability services. I strongly support the men's shed movement. It is a unique Australian concept, which is beginning to be embraced across the world. Men's sheds can provide a welcoming and familiar venue for men of all ages, backgrounds and abilities to come together, share experiences and develop new skills. Men's shed activities are usually based on the specific interests of the participants and are often very social. These include wood and metalwork, crafts, hobbies and garden-based projects. However, in many ways the men's shed is secondary to the importance of the environment created for the men to address broader issues of men's health, welfare and their sense of community.

The Moreland Community Health Service is keen to develop the men's shed concept in my electorate and sees specific potential benefits for older men, who often experience social and health difficulties after retirement. These men are often at risk of social isolation and depression. The Moreland Community Health Service also sees the opportunity for men's sheds to become a focus for working with both older and younger men around issues of family violence and mental health as well as many other health promotion activities. It intends to partner with Carinya disability services and neighbourhood houses to develop an unused workshop on the Carinya site and to open this up to community resources for men's health and wellbeing. Quotes are currently of the order of just under $20 000 for the modification of a roller door leading into the shed to allow street entry to the shed for community groups and to install pool fencing, a covered walkway and a paved barbecue area.

The Moreland Community Health Service and neighbourhood houses are planning to work together on the facility, focusing on the areas I have already mentioned. The Moreland Community Health Service, which is ably led by the chief executive officer, Phil Moran, and in this particular project by Maree Kulkens, the health promotion and quality assurance manager, is a really exemplary organisation. The proposal put up in conjunction with Carinya and the local neighbourhood houses is not only going to be fantastic for the men that will be involved but will also be very important for many of the service users at Carinya. This is a great partnership project. It is focused around health and wellbeing and community engagement. For the men who will be involved in this men's shed project it really deserves strong attention and funding from the minister.

Local government: councillors and officers

Mr K. SMITH (Bass) — The action I seek tonight is for the Minister for Local Government to meet with his department and local government to take action to provide a solution to the problems that we have in Victoria regarding misconduct charges against councillors and council officers who commit various offences, involving stealing, making threats of violence, assaults, bribery, corruption, fraud, disclosure of confidential information and conflicts of interest, which are not able to be handled in a full and comprehensive manner in a reasonable time frame under the current system.

The minister and his department must create an independent body to handle the myriad offences that unfortunately occur on a regular basis in many areas of Victoria. This independent, broadbased anticorruption commission must have the powers to fully investigate and refer criminal matters to the Director of Public Prosecutions. Some areas of local government in recent years seem to be becoming cesspools of criminality, where people consider they are above the law and can do what they like without the threat of criminal charges against them. Some of them are just stupid and others are just greedy and corrupt. It is important that we take this opportunity to root out of local government the corrupt councillors and officers and those who encourage corruption and show absolute contempt for their ratepayers.

There is a successful record in New South Wales, Queensland and particularly Western Australia where the broadbased anticorruption commission has the power to properly investigate crooked councillors and officers and clean up local government. Cr Dick Gross, president of the Municipal Association of Victoria, has called on this Labor government to honour its election promise to establish a system with powers to impose sanctions, including life bans and jail terms for those who are guilty of serious offences.

The past track record of the local government office shows it has not been expeditious in its investigations and is lacking the powers to properly punish the offenders. We have had some recent cases of investigations running for more than three years with little or no result in the end. They have involved serious matters but councillors have walked away scot-free. We have seen ongoing allegations of corruption and criminal activities in the councils of Geelong, Melton, Casey, Brimbank, Frankston, Banyule, Maribyrnong, Cardinia and Moreland.

The Municipal Association of Victoria and its president, Dick Gross, should be congratulated for the stand they have taken — it is one I support — in favour of an independent, broadbased anticorruption commission for local government. I ask the minister to take this opportunity to make a positive change, restore local government to its respected place in our community and root out the rogue councillors and officers who are currently carrying out these outrageous acts.

St Kilda Football Club: Frankston base

Dr HARKNESS (Frankston) — Tonight I raise a matter for the attention of the Minister for Sport, Recreation and Youth Affairs. It follows today's very exciting announcement that the St Kilda Football Club will relocate its home base to Frankston from 2010. The action I seek is that the minister transfer $3.45 million of state government funding originally earmarked for Moorabbin to the Saints proposed development at Frankston.

Today has been an incredibly exciting day for the Frankston community, which has traditionally had and still retains a very strong Saints following. Indeed I am among the many loyal and long-term Saints supporters. I have my brother Iain to thank for my support for the Saints, because back in about 1978, when he was a prep or grade 1 student at Frankston Heights Primary School, his physical education teacher was former St Kilda player Robert Elliott. As is often the case, the many kids he taught all suddenly developed a very strong interest in St Kilda. My parents bought all the attire, and three years later I fitted into that attire and became a very strong Saints supporter as well.

This project has the strong support of the Frankston City Council, which has agreed to contribute funding to the new project. The Australian Football League has also agreed to transfer its full commitment of $2.55 million from the Moorabbin project to the Frankston Oval. I understand the state government's original $3.45 million commitment to Moorabbin was aimed at delivering community benefits, and I anticipate those same community benefits will be delivered at Frankston. The total cost for the new high-tech stadium has been put at $10.25 million, so obviously the government's $3.45 million would be absolutely crucial to the development.

I note the comments today of coach Ross Lyon, who said that the new facility would be a boost for the club's preparations in future seasons. He said:

> The bulk of our list as it sits today, it will be in their head going forward knowing that they're going to have access to a world-class facility and that they won't be the poor cousins to anybody.

Frankston has an enormous amount to offer the St Kilda Football Club, and I am sure that every Frankston resident as well as many club members throughout the state will also be thrilled by the decision made today. This new facility will result in some very exciting facilities and partnerships, including state-of-the-art training facilities, community meeting space and a whole host of other local engagement programs. I will be working with both the St Kilda Football Club and the Frankston City Council to ensure that community benefits are paramount to this project.

Once again I emphasise that this is fantastic news for the Frankston community. It is a very big project for Frankston, and it is one that many people in Frankston are looking forward to. I again urge the minister to transfer the funding of $3.45 million earmarked for the Moorabbin development to the Frankston Oval.

Responses

Mr WYNNE (Minister for Local Government) — I rise to respond to the matter raised by the member for Bass in relation to councillor conduct. The member raised some interesting points in the first part of his contribution about questions pertaining to councillor conduct. His more florid review of local government later in his contribution was frankly unnecessary. Nonetheless he raised questions about good governance and councillor conduct, which were matters that the

Municipal Association of Victoria sought to pursue with both the government and the opposition prior to the last election. As the member for Bass would be aware, we went to the election with a commitment to work with the MAV on a development variously called a code of conduct or a good governance review.

That work is well advanced. We have been in close consultation with the MAV about what the structure of such a mechanism might look like, being cognisant of course of issues of natural justice and being respectful of councils in the first instance seeking to manage issues of behaviour pertaining to elected representatives. I am sure the member for Bass would agree that, particularly in the first instance, councils ought to try to deal with behavioural matters within the local government area itself.

I indicate that we will be in a position in the very near future to release a significant discussion paper, which we will send out to local councils and to the peak local government bodies. That will require a broad level of consultation over the Christmas–New Year period and into early next year, when councils will deliberate on those matters and provide the government with feedback. I invite the member for Bass, as a representative of the Liberal Party, and The Nationals to provide input into how we can ensure good governance. At the end of the day, local government is a critical level of government, and it is one we recognise in the constitution.

We want to support local government. There is no value in talking local government down. 'A cesspool of criminality'? Seriously! The member for Bass should be a bit more constrained in expressing his views on this matter. However, when that paper is out and about we will look forward to receiving the views of the member for Bass and indeed any of his colleagues in the house on how we can assist in strengthening and further supporting the role of local government elected representatives going forward.

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — The member for Geelong asked that I work with and provide ongoing support to the Greater Geelong City Council for the staging of the 2009 Australian Masters Games. The Australian Masters Games is the largest multisport participation event in Australia and will bring a host of benefits to Victoria and to the Geelong region. On top of the immediate economic benefits for Geelong, the games will generate valuable promotion for Geelong and for regional Victoria.

The Geelong and Surf Coast regions include some of Victoria's most spectacular regional attractions, such as the Great Ocean Road and the Bellarine Peninsula. Geelong itself is arguably one of Australia's finest sporting and regional major events cities. Highlights on the recent Geelong major events calendar have included the UCI Women's Road Cycling World Cup, the ITU Triathlon World Cup, the 2006 Commonwealth Games basketball, the Rescue 2006 World Life Saving Championships, Skandia Geelong Week, the Australian International Airshow, the 2006 Victorian Teachers Games and the 2006 Australian Transplant Games.

This proud tradition will continue in February 2009, when Geelong will again host a festival of sport. I can assure the member that I will continue to work with and provide support to the Great Geelong City Council to make this event the best yet.

The member for Narre Warren South raised the Casey City Council's funding application for the Narre Warren South P–12 College's tennis court and pavilion project. I can confirm for the member that the application is currently being assessed under the community facilities funding program. The program is very familiar to every member of this house, because there is not an electorate in the state that has not received funding for sporting infrastructure upgrades under the program.

As I have mentioned in the house before, over $146 million has gone towards more than 1650 community sport and recreation projects right across Victoria, the latest being a $1.5 million investment in the Ballarat Aquatic Centre, which I had the pleasure of announcing in Ballarat this morning. I will be announcing further successful projects over the coming month, and I can assure the member for Narre Warren South that I will take into account her very strong support for the Casey City Council's application.

Finally, the member for Frankston raised the Brumby government's $3.45 million commitment to the St Kilda Football Club under the Victorian Australian Football League club facilities funding program. Specifically, the member requested that the funding originally earmarked for the Moorabbin redevelopment be transferred to the proposed Frankston development.

The Victorian government's $14 million contribution to the Victorian AFL club facilities funding program was designed to help upgrade seven former AFL venues in partnership with the AFL, the clubs themselves and local councils. The government's funding of all these projects was always contingent on the outcomes providing improved community access to important

infrastructure as well as better training and administration facilities for the football clubs themselves. The projects need to improve access to open space and deliver community facilities such as meeting rooms, offices, sheds, gymnasiums, aquatic facilities and basketball stadiums. I understand that St Kilda's transfer to Frankston will be supported financially by the Frankston City Council, while the AFL has agreed to transfer its full commitment of $2.55 million from the Moorabbin redevelopment to the Frankston oval.

The state government will transfer its $3.45 million in funding from the Moorabbin redevelopment to the Frankston project only when I am satisfied that the anticipated community benefits are comparable with those that would have been delivered at Moorabbin. I can assure the member for Frankston that, like him, I will also sit down with St Kilda and with the Frankston council shortly to discuss this in further detail. I look forward to seeing a firm proposal that will provide community benefits from the club before any commitment is given to transfer that funding.

The ACTING SPEAKER (Mr Nardella) — Order! The honourable Minister for Sport, Recreation and Youth Affairs to respond to matters raised by the Leader of the Opposition and the honourable members for Lowan, Footscray, Narracan, Gippsland East and Pascoe Vale.

Mr MERLINO — I will raise those matters with the relevant ministers for their action.

The ACTING SPEAKER (Mr Nardella) — Order! The house is now adjourned.

House adjourned 10.38 p.m.