

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-SIXTH PARLIAMENT**

**FIRST SESSION**

**Tuesday, 4 December 2007**

**(Extract from book 17)**

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Mr P. L. WALSH

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<sup>1</sup> Resigned 6 August 2007

<sup>2</sup> Elected 15 September 2007

<sup>3</sup> Resigned 6 August 2007

<sup>4</sup> Elected 15 September 2007



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**Tuesday, 4 December 2007**

**The SPEAKER (Hon. Jenny Lindell) took the chair at 2.04 p.m. and read the prayer.**

**BUSINESS OF THE HOUSE****Photographing of proceedings**

**The SPEAKER** — Order! I advise the house that I have given approval for still photographs to be taken from the public gallery, government advisers box, Hansard box, microphone operators area and wheelchair viewing area during question time today. No additional lighting or flash photography will be used. The photographs will be used by the Parliament for educational and promotional purposes.

**QUESTIONS WITHOUT NOTICE****Police: member for Kororoit**

**Mr BAILLIEU (Leader of the Opposition)** — My question is to the Premier. I refer the Premier to recent allegations of improper political influence in a rape case by a former police minister, the member for Kororoit, and I ask: given that the relevant officer, Detective Inspector Peter Harvey, has advised that he has not been interviewed by the ethical standards department or the Office of Police Integrity, how can the government claim these allegations are baseless? Is this not another reason why Victoria needs an independent, broadbased anticorruption commission?

**Mr BRUMBY (Premier)** — I understand that the OPI (Office of Police Integrity) looked into the matter raised by the Leader of the Opposition and did not believe — —

**Mr Baillieu** interjected.

**Mr BRUMBY** — Because they said so at the weekend.

**The SPEAKER** — Order! I ask the Premier to ignore interjections, which are disorderly.

**Mr BRUMBY** — As I said, I understand that the OPI looked into that matter and did not believe it warranted further investigation. Obviously if the OPI has any reason to investigate, it has the powers and the resources to do so.

**Commonwealth-state relations: cooperative federalism**

**Mr FOLEY (Albert Park)** — Can the Premier update the house on how Victoria will benefit from a new, cooperative federalism?

**Mr BRUMBY (Premier)** — I want to thank the member for Albert Park for his question. Obviously at the outset I congratulate Kevin Rudd on his emphatic victory and his swearing-in yesterday as the 26th Prime Minister of Australia, the 10th to come from the Labor Party. I spoke to the Prime Minister last week. He is a very strong supporter of cooperative federalism. I believe there are great opportunities now for the states and the commonwealth to work together to do what is best not just for the people of Victoria but for the people of Australia.

*Honourable members interjecting.*

**Mr BRUMBY** — I have always been a great — —

**The SPEAKER** — Order! The level of interjection is far too high. I ask for cooperation from all members.

**Mr BRUMBY** — I have always been a very strong supporter of cooperative federalism. I have always believed that governments can achieve much more by working together cooperatively than by taking partisan political positions.

I put that in the broader context of the policy framework which Kevin Rudd took to the last election. It is a policy framework which I think in many ways is consistent with the framework that we have had in place here in Victoria. If you look at the emphasis that we have put on education as the no. 1 priority, if you look at the emphasis we have put on health — a 96 per cent increase in health funding and a big commitment to tackling preventive health issues — and if you look at the commitment that we have made in terms of accelerated infrastructure development, you see that many of these policies are policies which the Prime Minister took to the Australian people at the recent election. I will just say, in terms of those policies, that they have served Victoria well.

The figures for building approvals were released today. Building approvals for October 2007 show that Victoria was up 52.7 per cent, and 92 per cent over the year, while in Australia they were up 14.8 per cent in October, and 29.8 per cent over the year. The retail trade figures out today for October 2007 show that Victoria was up 0.6 per cent in the month, while Australia was up 0.2 per cent in the month.

I refer to population growth. Victoria is up 0.33 per cent, and this quarter our population passed 5.2 million for the first time. We have a good story to tell in this state, and what we want to do is work with the federal government, the Rudd government, to make sure that we continue with economic prosperity going forward. As we have said, we have an ageing population, we have a competitive world economy around us — the BRIC economies of Brazil, Russia, India and China — and we need to invest in human capital to give us productivity growth to ensure that we can enjoy prosperity in the future.

In health, I believe the time has come to rethink the way in which our health system works and to look at the best ways of reforming the running of Australia's public health system, particularly to tackle preventable disease, to rebuild the health workforce, to modernise our hospitals and to invest in e-technology. In education, too, we know now that in the early childhood years the best start given to children in those years pays dividends right through their school years and through later life. We look forward to working with the Rudd government on early childhood development, on school education and of course on the skills revolution to drive more productivity growth going forward.

The other area on which the Rudd government has a strong and clear position is of course climate change. Yesterday the Prime Minister signed the Kyoto protocol. The Prime Minister will be attending the United Nations conference in Bali next week. I will be attending that conference also. I will be giving the keynote address to the regional governments. Let me make this point about climate change: this is a big issue for our state. We are an energy-intensive state. We have huge coal resources. How we tackle this issue of climate change going forward is crucial both to our environment — about securing a sustainable future and our quality of life — and to our economic success.

We have led Australia in things like the Victorian renewable energy target. We have led Australia with 5-star energy ratings in houses. We are leading Australia with our commitment to the Victorian energy efficiency target. Next week in Bali I will be addressing the subnational governments on the initiatives that we have taken in Victoria as we work towards a national emissions trading scheme and to make sure that it is the right scheme with the right detail that secures both our economic and our environmental future for this state.

### **Agriculture: genetically modified crops**

**Mr RYAN** (Leader of The Nationals) — My question is to the Premier. I refer to the government's decision not to renew the moratorium imposed on genetically modified canola, and I ask: will the Premier provide certainty to Victorian industries by guaranteeing that there will be no further moratoriums imposed by his government as the gene technology regulator continues to approve a range of genetically modified products?

**Mr BRUMBY** (Premier) — I thank the Leader of The Nationals for his question and note both his and the Liberal Party's strong support for the decision which I have announced in relation to genetically modified (GM) canola. That decision is one which —

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Bass and the member for Bulleen!

**Mr BRUMBY** — That decision is one which —

*Honourable members interjecting.*

**The SPEAKER** — Order! I warn the member for Bulleen. I ask the Deputy Leader of the Opposition to stop interjecting across the table.

**Mr BRUMBY** — That decision of course follows an exhaustive review of the impact of GM on export markets. That review was conducted and chaired by Sir Gus Nossal, eminent scientist and former Australian of the Year, who concluded that farmers should be given choice and that there would be significant economic and environmental benefits to our state from that decision. That moratorium will lapse.

In relation to the latter part of the question from the Leader of The Nationals, it is a hypothetical question. There are no applications, as far as I am aware, for any GM products currently in place across Australia. Until there are, I am obviously not able to answer a hypothetical question.

### **Commonwealth-state relations: energy policies**

**Mrs MADDIGAN** (Essendon) — I would like to ask the Minister for Energy and Resources a question. Can the Minister for Energy and Resources update the house on how the election of the new federal government will affect the delivery of Victoria's key energy policy objectives?

**Mr BATCHELOR** (Minister for Energy and Resources) — The election of the Rudd government heralds a new era of cooperative federalism.

*Honourable members interjecting.*

**The SPEAKER** — Order! I will not have those questions bandied across the table. I ask all members to cooperate.

**Mr BATCHELOR** — The election of a Rudd government really does herald a new era of cooperative federalism here in Australia. Finally the climate change sceptics have gone; finally the roadblocks that have been preventing the state and commonwealth governments from working together on climate change have been removed.

Here we see that the first act of the incoming Prime Minister was to ratify the Kyoto agreement and to put climate change and responsible activities front and centre. He has been matched by his energy and resources minister, Martin Ferguson, who has convened a meeting of energy ministers from all around Australia for next week to tackle these important issues. This new government, under the leadership of Kevin Rudd, together with Martin Ferguson, is off and running on energy matters. They are not waiting; they are working as hard as they can — and they have already started. We look forward to taking the opportunity to work with the incoming government and its ministers.

One of the key objectives of our energy policy is to make sure that our energy production in the years ahead becomes more sustainable but also produces less greenhouse gases. Tackling climate change is really the most important issue in terms of the relationships between the state and federal governments that will occur during 2008. Tackling all of this will require a suite of initiatives, and that is why in the past the Victorian government — notwithstanding the old Howard government, which would not believe that climate change existed and which was not prepared to work with the states — had to undertake a whole lot of initiatives well in advance of the federal election. But now it is entirely a new scenario.

We have a new federal government which wants to work with state governments to tackle this most important issue. If you ask anybody — any individual, any Australian, any Victorian — ‘Do you believe that climate change is here? Do you believe it is currently happening? Do you want governments to work together to solve this?’, on each and every occasion they will say yes, and they are dismayed that the previous government had not done that.

The first issue we need to deal with is the introduction of a national emissions trading scheme. The intellectual development of this proposal has been commenced by the states working together. They have produced a framework which will enable the new, incoming government to tackle the intimate design detail in a very successful way. We look forward to continuing to work with the new government to develop this fine detail, which will need to occur during 2008 if we are to see the successful introduction of a national emissions trading scheme by 2010.

While putting a cap on emissions and a price on carbon is essential, emissions trading is not the only course of action that governments will need to undertake. When the old Howard government did not proceed to expand the mandatory renewable energy target (MRET) we introduced our own state-based VRET (Victorian renewable energy target) scheme, whereby we gave a commitment that, by 2016, 10 per cent of Victoria’s electricity consumption must come from renewable energy.

It is really pleasing to see that the new Rudd government’s commitment is to extend the MRET scheme so that the amount coming from renewable energies across the nation will be increased to 20 per cent by 2020. We will be pleased to work with the Rudd government to see this transition from our scheme to a national-based scheme, but of course we will be seeking to ensure that those investments that have been triggered by the VRET scheme are able to make a smooth transition and are protected when they move from under VRET to MRET.

We have also led the way with our energy technology innovation strategy (ETIS), which provides very large sums of money for research and development. We will see the establishment by the national government of two new energy funds, each worth some \$500 million: firstly, the Renewable Energy Fund; and secondly, the National Clean Coal Fund. We seek to work with the federal government. In Victoria, because of the work we have previously done, we are well placed to lead Australia in the development of both renewable energy and clean coal technology. Both of these have been at the forefront of the initiatives that we have undertaken already, and we seek to work with Prime Minister Kevin Rudd, Minister Penny Wong and Minister Martin Ferguson to deliver creative and exciting programs that will fit into these new funds, which are delivering very large amounts of money that we want to make sure Victoria gets its fair share of.

**Mr Thompson** — Seven minutes!

**The SPEAKER** — Order! I ask the minister to conclude his answer.

**Mr BATCHELOR** — I am pleased to do that. In concluding I want to say that we look forward to the opportunity that the change of government provides for Victoria. Climate change is important. The actions of the new incoming government and its ministers clearly demonstrate that there is a desire on their part, and on our part, to work cooperatively to make sure that we respond appropriately to the challenge that climate change poses.

### **Crime: assaults**

**Mr McINTOSH** (Kew) — My question is to the Minister for Police and Emergency Services. I refer the minister to comments by the chief commissioner last year, when she described an increase in knife attacks as a statistical blip and not part of a growing culture, and I ask: given that the former police minister, the member for Kororoit, who I notice has just scurried from the chamber, recently said there is a growing culture of using knives and other weapons amongst Victorians, does the minister accept that the 40 per cent increase in weapons crimes since 1999 to over 6400 attacks last year is more than just a statistical blip?

**Mr CAMERON** (Minister for Police and Emergency Services) — May I say at the outset that Victoria has a fantastic chief commissioner who has been a moderniser and a reformer. During her time as chief commissioner we have seen crime reduce by 23 per cent across this great state. When it comes to knife attacks there has been an increase in the past year, as was revealed and as we made very clear at the time of the release of the police statistics this year, which show that overall 23 per cent decrease during the last seven years.

As a government we have responded. We have increased penalties when it comes to the possession of knives, and we have done that this year. These are initiatives that we have put in place. We fully support the chief commissioner when it comes to operational matters. We do not interfere in operational matters; we do not believe in interfering in operational matters. We will continue to support the chief commissioner in her initiatives, together with those laws we have put in place, which include the increase in penalties together with an additional increase in penalties when they are in nightclub premises, because there has been a particular problem around nightclub premises.

### **Commonwealth-state relations: water infrastructure funding**

**Ms MARSHALL** (Forest Hill) — My question is to the Minister for Water. Can the minister update the house on how a more cooperative form of federalism will see Victoria's water infrastructure funded in a more timely manner?

**Mr HOLDING** (Minister for Water) — I thank the member for Forest Hill for her question, because on 24 November we, like almost all Victorians, were able to celebrate the ending of a very dark chapter in Australian history. We were able to celebrate the end — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the member for Bass to cease interjecting. The member for Bulleen will not be warned again.

**Mr HOLDING** — There is very good news for Victorians across a whole range of different areas of public policy where a Rudd Labor government will bring new leadership for Australians, but that is particularly so in the area of water, where cooperative federalism can be put to work to make sure that Victorians, and indeed all Australians, get the best possible outcomes from a water perspective and most importantly the timely funding of critical water infrastructure.

For the people of Ballarat it is very good news, because it means that the funding of the Ballarat leg of the goldfields super-pipe can now proceed with an appropriate level of federal government support. The previous government had promised a \$31 million interest rate subsidy, in effect, which would have effectively merely delayed price increases for the people of Ballarat. What we now see is a Rudd Labor government that is committed to funding the full commonwealth share of this vital piece of water infrastructure. The people of Ballarat can be assured that \$90 million of federal funds will now flow into that very important project. That is great news for the people of Ballarat — much better news than the insulting offer that was made to them by the previous government.

**Mr Ryan** interjected.

**Mr HOLDING** — What it means for the people who live in the area of the Wimmera–Mallee pipeline project is that they will get \$124 million of federal government funds to fund the rescheduled element of the Wimmera–Mallee pipeline project. This is something

that the state government welcomes. I notice that the member for Lowan also welcomes it as a federal government commitment. Under the previous government that funding was committed only if the Victorian government agreed to sign up to the commonwealth's takeover of Victorian water functions and activities. We reject the view that we should have had to sell out Victorian irrigators in order to get our hands on vitally needed federal funds for that Wimmera–Mallee pipeline project. Now Victorians, particularly those in that area, will know that that project can continue to be fast-tracked without a gun being held to the heads of Victorian irrigators in order to get the full and appropriate share of federal funding for that project.

**Mr Ryan** interjected.

**The SPEAKER** — Order! I ask the minister to stop his answer in order to ask the Leader of The Nationals to cease interjecting across the table. This has been constant during this question time, and I seek his cooperation.

**Mr HOLDING** — It is great news for the Snowy River, and I know this will be of interest particularly to the member for Gippsland East. It means that for the first time many of the commitments that the Victorian government made in providing national leadership on this issue to restore vitally needed environmental flows into that river are now able to be given a federal government focus as well. The previous government had refused to allow moneys allocated under the Water for Rivers program to be provided for the Snowy River. It had specifically earmarked its funding to go only to the Murray River, a position rejected by the Victorian government. It took a Rudd Labor government to commit to \$50 million in funding to return more water to the Snowy River.

The election of a Rudd Labor government signals a new era in cooperative federalism. It means that vitally needed funding for Victorian water projects will now proceed. It means a better outcome for all Victorians, and it is one that we welcome.

**Mr K. Smith** interjected.

**The SPEAKER** — Order! Before calling the member for Polwarth I ask for the cooperation of the member for Bass. If the member for Bass would like to go outside — —

**Mr K. Smith** — No.

### Princes Highway: upgrade

**Mr MULDER** (Polwarth) — My question is to the Premier. Will the Victorian government provide matching funding of \$110 million to ensure the duplication of the Princes Highway between Waurn Ponds — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Polwarth will need to repeat the question, because I could not hear it.

**Mr MULDER** — My question is to the Premier. Will the Victorian government provide matching funding of \$110 million to ensure the duplication of the Princes Highway between Waurn Ponds and Winchelsea, and when will work start?

**Mr BRUMBY** (Premier) — I thank the honourable member for his question — and also for denying the rumours going around that in the federal election he voted for Labor in Corangamite!

The fact of the matter is that the AusLink program is a 10-year program. As the Minister for Roads and Ports made very clear in this place when asked about this matter during the last sitting week, we have looked at all of the commitments that have been made in relation to road funding, and we will address those with the new government.

**Mr Mulder** interjected.

**The SPEAKER** — Order! The member for Polwarth has asked his question and should give the Premier the opportunity to answer it.

**Mr BRUMBY** — That is entirely consistent with the AusLink arrangements. These arrangements are now much more flexible than they have been in the past. As members are aware, in the past there have been national highways, which have been funded 100 per cent; there have been roads of national importance, which have been funded fifty-fifty; and there have been state highways, which have been funded 100 per cent by the state. The new arrangements going forward are more flexible, and as the Minister for Roads and Ports has confirmed, we will discuss all those commitments with the new government.

**Mr Mulder** interjected.

**The SPEAKER** — Order! The member for Polwarth!

**Mr BRUMBY** — I might say more generally that at the commencement of the federal election campaign we made it very clear as a government that we were looking to maximise our share of national road funding, and I am pleased to say that during the campaign the Labor Party committed much more to Victoria's road network than did the old Howard government. We are delighted with those commitments. We will now work with the new government in terms of the timetable and the funding arrangements for these roads going forward.

**Commonwealth-state relations: road funding**

**Mr SEITZ** (Keilor) — My question without notice is directed to the Minister for Roads and Ports. Can the minister update the house on the government's response to the new federal government commitment in relation to Victorian roads? As the minister is aware, I have been asking these questions all along.

**Mr PALLAS** (Minister for Roads and Ports) — I thank the member for Keilor for his pursuit of road funding justice over a substantial period. Unlike those opposite, this government has sought to engage both sides of politics at a federal level in order to achieve justice in terms of road funding for the state of Victoria. You will of course recall, Speaker, that we produced our 30 priority projects for the purposes of seeking to achieve some justice in road funding for Victoria. Unfortunately our efforts fell on deaf ears when it came to the coalition. In fact, it was too preoccupied with putting \$2.3 billion into the federal seat of Blair, which it otherwise described as the Blair ditch program — and it did. That works out to be about \$16 000 per voter in the electorate of Blair, as opposed to what it offered the voters of Victoria, which was about \$481 per person. We saw a disparity there.

At the end of the federal election campaign the then federal government — the Liberal and National parties — offered 10.9 per cent AusLink funding, under the AusLink 2 program, to Victoria, compared to 34.3 per cent funding for Queensland. There was a new slogan emanating from the Liberal Party: Queensland — beautiful one day, bitumen the next.

**The SPEAKER** — Order! The minister should confine his comments to Victorian government business.

**Mr PALLAS** — We should not be surprised that Victoria has suffered for a considerable period of time in terms of funding injustice: 16.5 per cent under AusLink 1 when we constitute 25 per cent of gross domestic product, the freight task and indeed the fuel

excise paid. All this was done while we were attempting to get money put into Princes Highway west, which was rejected by those opposite and was rejected in effect by the federal Liberal and National parties.

I am pleased to say that the new government has committed to, amongst other projects, Princes Highway west. A calculation of the promises made by the federal government in terms of its commitments during the election campaign demonstrates that its commitment to Victoria under AusLink 2 is 18.4 per cent, which is a substantial improvement on where we were. Of course we want more and we will continue to lobby for more, but this is a substantial step in the right direction. There is \$900 million for the Western Ring Road; a commitment to intermodal terminals in Somerton, Altona, Dandenong and Doon; \$604 million for the Western Highway; and \$107 million for the Geelong Ring Road and for Princes Highway west.

As the Speaker would recognise, there are still many negotiations to be had with the federal government, and of course we do not shirk from negotiating. We will get involved in a robust process.

**Mr Hulls** — Cooperative federalism!

**Mr PALLAS** — It is cooperative federalism, not compliant federalism. As a government we are committed to making our contribution to achieve a fair share for Victorians. Our contribution will amount to 25 per cent of the total of the contribution. We will leverage that contribution to get projects delivered early and efficiently for Victoria. We look forward to a constructive working relationship with the new federal government, one where we recognise the legitimacy of each other's points of view. We are working together, and we believe we can promote safer roads and economic benefits for all Victorians.

**Smoking: bans**

**Mr RYAN** (Leader of The Nationals) — My question is to the Premier. Given the Premier's commitment to preventive illness initiatives, will the government support The Nationals plan to make it illegal for people under the age of 18 to consume tobacco products in a public place and to ban smoking in cars when children are present?

**Mr BRUMBY** (Premier) — I understand that The Nationals have a private members bill in relation to this matter. I have not seen the details of that bill. I can say that we have a very strong commitment to preventive health programs. We have made a commitment to

further reducing the incidence of smoking in our community by 20 per cent by 2013. The Minister for Health will release the specific details of that initiative in the new year. If you look at the incidence of smoking in our community, you will see that over the last two and a half decades we have reduced the level of smoking from one in three in the population to closer to one in six now, but there is always more work to do.

I have not seen the details of the bill. I do not intend to answer hypothetical questions or rule things in or out, but I would say that we have a range of strategies in place. I believe those strategies are working well, they are making a difference and we are changing behaviours. As I said, we have reduced the level of smoking from one in three in the community to one in six. There are more initiatives which the government will take in the new year which will tackle chronic disease in our community. I was with the Minister for Health yesterday and announced, with VicHealth, \$20 million of funding, including funding towards the RecLink Australia project in our community to target sport and activity, particularly towards disadvantaged groups. Tackling diabetes, tackling smoking and tackling the abuse of alcohol are the priorities of our government, and there will be further initiatives in the new year.

### WorkChoices: future

**Mr NOONAN** (Williamstown) — My question is to the Minister for Industrial Relations. Can the minister update the house on how the election of the new federal government will affect the Victorian government's commitment to standing up for Victorian workers?

**Mr HULLS** (Minister for Industrial Relations) — Many Victorian working families will have breathed a sigh of relief because of the election result the other Saturday. They know there will be a new era of cooperative federalism as a result of the election of the Rudd Labor government. Voters in this state, and indeed around the country, have made it crystal clear that they support what the Victorian government has said and done about WorkChoices. They have said, loud and clear, that WorkChoices is a rotten system and one which they will never have to deal with again. In the words of the former federal industrial relations minister — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the Deputy Leader of the Opposition not to interject across the table in that manner. And I ask the member for Warrandyte, for the

last time today, to stop interjecting in the manner that he has become very accustomed to.

**Mr HULLS** — As the former federal Minister for Employment and Workplace Relations said:

... WorkChoices is dead, and there is an overwhelming mandate for the Labor Party's policy of tearing up WorkChoices.

As members of this place would know, the Victorian government embarked upon a whole range of strategies designed to assist Victorian workers. Members know that we enacted a number of laws, including legislation creating the Office of the Workplace Rights Advocate, to try to ameliorate the worst aspects of WorkChoices.

Unfortunately overcoming WorkChoices will indeed take some time. As we know, many workers lost their penalty rates, they lost overtime, they lost family time and they lost job security. The culture in many workplaces no doubt has been contaminated by unfair AWAs (Australian workplace agreements), so it will take some time before workers fully recover — and unavoidably, the tail of WorkChoices still has some sting.

It is particularly disappointing to hear that some unscrupulous employers are rushing to shackle workers with unfair AWAs before the Rudd government has time to abolish them. We have even had the federal workplace ombudsman make it quite clear that such conduct will not be tolerated. Those who are still particularly vulnerable to the sting in the tail of WorkChoices are young people. We know that exams are over, and this is the time of the year when thousands of young people start hunting for jobs. Unfortunately, because of the legacy of John Howard some will still be asked to sign up to substandard and unfair AWAs. I certainly call on businesses to adhere to the federal election result and not continue to use WorkChoices, and indeed AWAs, against vulnerable employees.

The Brumby government will certainly continue to stand up for Victorian workers. My message for young people looking for a job is, 'Don't sign away your rights. Don't lock yourself into any unfair working arrangements'. Any young person — —

**Mr K. Smith** interjected.

**The SPEAKER** — Order! I ask the member for Bass to contain himself or to leave the chamber.

**Mr HULLS** — Any young person who is feeling pressured to sign an AWA should contact the Victorian workplace rights advocate. I also urge those opposite to join with us in standing up for Victorian workers, and I

would urge them to no longer stand shoulder to shoulder with the federal Liberal Party on WorkChoices. We all remember the comments made in this place by the former shadow Minister for Industrial Relations.

I encourage everyone in this place to move on — in particular those who supported WorkChoices — from that support and move on from the views they had in voting against every single one of over a dozen pieces of legislation that were introduced into this place to ameliorate the worst aspects of WorkChoices. I conclude by urging the Leader of the Opposition, in particular, to retract the comments that he made about WorkChoices —

**The SPEAKER** — Order!

**Mr HULLS** — when he said that WorkChoices is about work and is about choices.

**The SPEAKER** — Order! The Minister for Industrial Relations will not use question time to attack the opposition. The minister, to conclude his answer.

**Mr HULLS** — I conclude on this note, Speaker: there are those, particularly at a federal level, who have in effect apologised for their support of that draconian piece of legislation formerly known as WorkChoices. I now ask the Leader of the Opposition to have the guts to do the same.

## LEGISLATION REFORM (REPEALS No. 2) BILL

*Introduction and first reading*

**Mr BRUMBY (Premier) introduced a bill for an act to repeal certain spent acts.**

**Read first time.**

## RELATIONSHIPS BILL

*Introduction and first reading*

**Mr HULLS (Attorney-General) introduced a bill for an act to establish a relationships register in Victoria for the registration of domestic relationships, to provide for relationship agreements, to provide for property adjustment between domestic partners and for maintenance, to repeal part IX of the Property Law Act 1958, to make consequential amendments to other acts and for other purposes.**

**Read first time.**

## INFRINGEMENTS AND OTHER ACTS AMENDMENT BILL

*Introduction and first reading*

**Mr HULLS (Attorney-General) introduced a bill for an act to amend the Liquor Control Reform Act 1998, the Summary Offences Act 1966 and the Crimes Act 1958 to provide for a trial period of enforcement of certain offences by infringement notice, to make miscellaneous amendments to the Infringements Act 2006 to refine the operation of aspects of that act and to make various amendments to other acts which interact with that act, to amend the Supreme Court Act 1986 to further provide for sheriff's powers in executing civil warrants and for other purposes.**

**Read first time.**

## CONSTITUTION AMENDMENT (JUDICIAL PENSIONS) BILL

*Introduction and first reading*

**Mr HULLS (Attorney-General) — I move:**

That I have leave to bring in a bill for an act to amend the Constitution Act 1975, the County Court Act 1958, the Supreme Court Act 1986, the Attorney-General and Solicitor-General Act 1972, the Magistrates' Court Act 1989 and the Public Prosecutions Act 1994 and for other purposes.

**Mr CLARK (Box Hill) — I ask the Attorney-General to provide a brief explanation of this bill.**

**Mr HULLS (Attorney-General) — I am happy to.** This bill will ensure that the state's constitutionally protected pension schemes operate in accordance with Victorian equal opportunity legislation. In particular the bill replaces the terms 'spouse' and 'widow' with the term 'partner' for the purposes of extending the entitlement to a reversionary pension to same-sex and de facto partners of constitutionally protected officers, who include, among others, members of the judiciary.

**Motion agreed to.**

**Read first time.**

## PROFESSIONAL BOXING AND COMBAT SPORTS AMENDMENT BILL

### *Introduction and first reading*

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

That I have leave to bring in a bill for an act to amend the Professional Boxing and Combat Sports Act 1985 and for other purposes.

**Mr KOTSIRAS** (Bulleen) — I ask the minister for a brief explanation of the bill.

**Mr MERLINO** (Minister for Sport, Recreation and Youth Affairs) — This act is about strengthening the controls on professional boxing and combat sports, particularly in relation to the health and safety of the contestants. It will do things such as provide the board with the power to prevent fighters from contesting fights if they do not have the required skills.

**Motion agreed to.**

**Read first time.**

## CONSUMER CREDIT (VICTORIA) AND OTHER ACTS AMENDMENT BILL

### *Introduction and first reading*

**Mr ROBINSON** (Minister for Consumer Affairs) — I move:

That I have leave to bring in a bill for an act to amend the Consumer Credit (Victoria) Act 1995, the Credit (Administration) Act 1984, the Fair Trading Act 1999, the Residential Tenancies Act 1997, the Sale of Land Act 1962 and certain other acts and to repeal the Credit Reporting Act 1978 and for other purposes.

**Mr O'BRIEN** (Malvern) — I ask the minister to provide a brief explanation of the contents of the bill.

**Mr ROBINSON** (Minister for Consumer Affairs) — The chief purpose of the bill is to implement a number of measures arising out of the consumer credit review — namely, the provision of protection for consumers who enter into vendor-terms contracts; the provision of greater protection for consumers who enter into rent-to-buy arrangements; and the introduction of an enhanced registration scheme for credit providers.

**Motion agreed to.**

**Read first time.**

## BUSINESS OF THE HOUSE

### Notices of motion: removal

**The SPEAKER** — Order! I wish to advise the house that under standing order 144 notices of motion 64 to 82 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.

## PETITIONS

### Following petitions presented to house:

#### 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 Dr SYKES (Benalla) (200 signatures)**

#### Gaming: poker machines

To the Legislative Assembly of Victoria:

The petition of Cr E. A. Chatwin, Rev. Dr Peter Crawford, Mrs Dot Griffin, Mr Robert Farr, Mr Keith Ewenson, JP, OAM, residents of the Gembrook electorate of the Victorian Parliament, draws to the attention of the house that the residents of the Gembrook electorate earnestly consider that any move to bring and install electronic gaming machines to Ranges ward of Cardinia shire be rejected.

The petitioners request therefore that the Legislative Assembly of Victoria support the Cardinia shire gaming policy and its submission to the Victorian Legislative Council select committee inquiry into gaming licensing in Victoria. Further, that the gaming and planning legislation in Victoria needs to be changed to allow local governments and judiciary to enforce what is in the best interests of the community.

**By Ms LOBATO (Gembrook) (42 signatures)**

**Agriculture: genetically modified crops**

To the Legislative Assembly of Victoria:

The undersigned citizens and residents of Victoria remind the Assembly that the government:

introduced a one-year moratorium on commercially growing genetically manipulated (GM) canola in May 2003;

passed the Control of Genetically Modified Crops Act 2004 to give the state general legislative power over planting GM crops, specifically to ban the commercial planting of GM canola until 2008;

but also gave the agriculture minister power to authorise GM crop 'trials' (to produce GM seed for export), in addition to trials licensed by the federal OGTR;

is required to review the act before 24 March 2008.

The petitioners therefore call on members of the Legislative Assembly to intercede with the Victorian government, state cabinet and health minister Bronwyn Pike to:

set up independent and participatory processes to review the act;

make a firm commitment to extending the bans on GM crops til 2013;

urge all the state, territory and federal ministers on the Gene Technology Ministerial Council (GTMC), to also extend their GM crop bans;

encourage GTMC to lower thresholds of GM canola contamination allowed, from 0.9 per cent in grain and 0.5 per cent in seed, to 0.1 per cent — as promised.

**By Ms LOBATO (Gembrook) (444 signatures)**

**Lorne: parking meters**

To the Legislative Assembly of Victoria:

The petition of residents, ratepayers and visitors to the township of Lorne, Victoria, draws to the attention of the house that the introduction of parking meters along the Lorne foreshore has placed an unfair burden on residents, ratepayers and visitors to the township of Lorne.

The petitioners therefore request that the Legislative Assembly of Victoria remove the parking meters from the Lorne foreshore.

**By Mr MULDER (Polwarth) (1139 signatures)**

**Planning: Glen Waverley easement**

To the Legislative Assembly of Victoria:

The petition of Glen Waverley residents draws to the attention of the house that we are opposed to the current request for planning permit for 57 Kinnoull Grove because:

we object to narrowing the carriageway easement from 18 metres to less than 8 metres in width for reasons of

connectivity and provision of emergency evacuation in the event of a disaster;

we object to the mass, bulk and inadequate setbacks of the proposed development, which is out of character with our neighbourhood.

VCAT reference no: P2673/2007 City of Monash reference no: 35307

The petitioners therefore request that the Legislative Assembly of Victoria ask the Minister for Planning to:

ensure that our rights to this easement are protected and that any development approved for this site will be respectful to our neighbourhood character.

**By Ms MORAND (Mount Waverley) (257 signatures)**

**Tabled.**

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

**Ordered that petition presented by honourable member for Polwarth be considered next day on motion of Mr MULDER (Polwarth).**

**BARWON REGION WATER CORPORATION****Partnerships Victoria project summary**

**Mr HOLDING (Minister for Water), by leave, presented *Partnerships Victoria Project Summary — Barwon Water Biosolids Management Project*.**

**Tabled.**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE*****Alert Digest No. 16***

**Mr CARLI (Brunswick) presented *Alert Digest No. 16 of 2007 on:***

**Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill  
Criminal Procedure Legislation Amendment Bill  
Equal Opportunity Amendment (Family Responsibilities) Bill  
Freedom of Information Amendment Bill  
Port Services Amendment Bill**

**together with appendices.**

**Tabled.**

**Ordered to be printed.**

## DOCUMENTS

**Tabled by Clerk:**

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Banyule — C49  
 Bass Coast — C73, C76  
 Brimbank — C99  
 Campaspe — C46  
 Cardinia — C96, C102  
 Greater Bendigo — C87  
 Greater Dandenong — C85  
 Hume — C91  
 Maribyrnong — C69  
 Melbourne — C128  
 Moorabool — C38  
 Moreland — C84  
 Port Phillip — C65  
 South Gippsland — C42  
 Warrnambool — C51  
 Whittlesea — C41 Part 1  
 Yarriambiack — C7

Statutory Rules under the following Acts:

*County Court Act 1958* — SR 127  
*Supreme Court Act 1986* — SR 125  
*Taxation Administration Act 1997* — SR 126

*Subordinate Legislation Act 1994:*

Minister's exception certificate in relation to Statutory Rule 127  
 Minister's exemption certificate in relation to Statutory Rule 123

*Wrongs Act 1958* — Notice under s 28LXA.

## ROYAL ASSENT

**Message read advising royal assent to:**

**27 November**

**Crimes Amendment (Rape) Bill**  
**Education and Training Reform Miscellaneous Amendments Bill**

**Graffiti Prevention Bill**  
**Transport Accident and Accident Compensation Acts Amendment Bill**

**4 December**

**Electricity Safety Amendment Bill**  
**Melbourne and Olympic Parks Amendment Bill**  
**Port Services Amendment Bill.**

## PERSONAL EXPLANATION

**Mr HAERMAYER** (Kororoit) — Last Saturday the *Herald Sun* printed an article by Mr Keith Moor alleging interference in a rape investigation more than a decade ago. To the best of my recollection of events that took place more than a decade ago, the facts are as follows.

In early 1997 I was overseas with the parliamentary Drugs and Crime Prevention Committee when a woman employed in my electorate office alleged that she had been raped by another person. She had been encouraged by others who were comforting and supporting her at the time to report her allegations to police.

I was at the time not the minister for police but rather the opposition spokesman. I believe at the time that then Superintendent Ashby had been the liaison person at police headquarters through whom my electorate staff were required to facilitate my visits to police stations as opposition spokesman. Because the woman felt comfortable talking to him, she chose to discuss her allegations with him in the first instance. As I understand it Superintendent Ashby then referred her allegations to the Broadmeadows CIU (criminal investigation unit) to investigate. I was unaware of any of these developments until after I returned from overseas.

I was advised at the time that the woman in question had been going through intense personal, emotional and psychological trauma. By the time of my return, or very shortly thereafter, the woman was under active care. The only contact I had with Mr Ashby was when he advised me, as the woman's employer, that, one, the woman had made a rape allegation against another person; two, Broadmeadows CIU had investigated the complaint and found it unsubstantiated; three, Broadmeadows CIU was contemplating charging her with making a false complaint; and four, Superintendent Ashby had reviewed the matter and determined that, given the woman's mental and emotional state, it would be inappropriate to advance such charges and it was improbable under the

circumstances that such charges would succeed in court.

I did not make any comment or suggestion to Mr Ashby as to how the case ought to be handled or what the outcome should be, other than to emphasise that I was keen to ensure that there should be no suggestion that the case had been favourably treated compared to others because the woman worked for a political figure. Mr Ashby advised me that he had referred the matter for review by the rape squad and that it had independently verified his decision that she should not be charged. I never requested a review, as suggested in Mr Moor's article.

Nothing that either Mr Ashby or Detective Inspector Harvey said in Mr Moor's article in any way suggests anything illegal or improper on my part. The only suggestions of wrongdoing in the article came from anonymous sources. From reading the article and from the questions put to me by Mr Moor, it is apparent that these sources know very little that is factual about this matter, other than a farrago of conspiracy theories they picked up on the rumour mill. In reading Mr Moor's article one is left with the clear impression that I was the minister for police at the time and had brought improper ministerial influence to bear. I did not become the minister until fully two and a half years later!

In another article a fortnight earlier, on 14 November, Mr Moor, without checking with either Mr Neil Comrie or me, claimed that the former chief commissioner, Mr Comrie, and I were part of a 'plot' to make Mr Ashby the next chief commissioner. Mr Comrie and I have both rejected Mr Moor's claims as completely false. I ultimately recommended the appointment of Christine Nixon. I never lobbied for anybody else.

For the record, I did not go to school with Mr Ashby. I have never played golf or any other sport with him. Our wives have never played tennis together. I have never been to his home, nor he to mine. We were not 'golf buddies' as has been suggested by Mr Moor and others. My relationship with him was cordial, professional and proper, as it was with scores of other senior police, with whom I had to deal on a regular basis. My social interchanges comprised the occasional exchanges of pleasantries at official functions.

Finally, in a further article by Mr Moor this morning, it is suggested by the member for Kew that there is something irregular in my having knowledge of a recent review of the aforementioned rape investigation by the Office of Police Integrity (OPI). My knowledge of that review was obtained in the same manner as Mr Moor's. If it is inappropriate for me to have this

knowledge, which it is not, it would be equally inappropriate for Mr Moor to have such knowledge.

At least Mr Moor's article this morning has confirmed that he was aware that the OPI had reviewed an original review by the deputy ombudsman (police complaints) and that both reviews had found nothing inappropriate that warranted further action. Mr Moor omitted this fact from his original story on Saturday.

This matter is now in the hands of my lawyers and will be dealt with appropriately through legal channels.

## ROAD SAFETY COMMITTEE

### Reporting dates

**Mr BATCHELOR** (Minister for Community Development) — By leave, I move:

That the resolution of the house of 1 March 2007 providing that the Road Safety Committee be required to present its report on:

- (1) the inquiry into federal-state funding arrangements to the Parliament no later than 30 September 2008, be amended so far as to require the report to be presented to the Parliament no later than 30 September 2009; and
- (2) the inquiry into vehicle safety to the Parliament no later than 31 March 2008, be amended so far as to require the report to be presented to the Parliament no later than 31 August 2008.

**Motion agreed to.**

## BUSINESS OF THE HOUSE

### Program

**Mr BATCHELOR** (Minister for Community Development) — I move:

That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 6 December 2007:

- Children's Services and Education Legislation Amendment (Anaphylaxis Management) Bill
- Criminal Procedure Legislation Amendment Bill
- Fair Trading and Consumer Acts Further Amendment Bill
- Legislation Reform (Repeals No. 1) Bill
- Motor Car Traders Amendment Bill
- Transport Legislation Amendment Bill 2007 — amendments of the Legislative Council.

In moving this motion for the week, which is the last parliamentary sitting week for calendar year 2007, it is clear that the government has provided a manageable workload for this chamber to consider, bearing in mind that there will be, in addition to the matters that are contained in the motion, a debate on Wednesday on sessional orders. In that context, together with the sessional orders vote, the government business program sets a well and truly achievable target for this chamber at the end of this calendar year.

It is worth reflecting on the fact that over recent parliamentary sitting weeks the opposition has predicted that an avalanche of legislation would descend from on high in the last week of the parliamentary year. That just demonstrates, when you look at the program for this week and the program for a large number of the preceding parliamentary weeks, that the government has — through the staggering of sitting weeks over the whole year — enabled the Parliament, through the support mechanisms underpinning the parliamentary process, to spread the workload evenly. Accordingly, that is to the benefit of members of Parliament in that under this arrangement they have not had to deal with a large workload at the end of an autumn or spring session.

*Honourable members interjecting.*

**Mr BATCHELOR** — Here we go. The member for South-West Coast — what a lazy person he is! We have seen that this new method of spreading the parliamentary sitting weeks, with its smoother attendant workload, is a much kinder, friendlier and easier process by which to deal with legislation and our parliamentary obligations and duties than was previously the case when we had an autumn session followed by a spring session and on almost every occasion needed to cut things short.

**Mr McINTOSH** (Kew) — I am very grateful that the government is finally listening to the opposition. While we predicted that we would have an avalanche of material, we are very pleased that this week in the lead-up to Christmas is very light, at the government's behest. But I point out that over the last three sitting weeks the government business program has been extensive and that not everybody who wished to contribute to the debate on a variety of pieces of legislation was able to do so. On those three occasions debate on many bills went to the guillotine at 4 o'clock on the Thursday without every member who wished to make a contribution and benefit their communities and the state of Victoria by having it on the record being able to do so.

On any cursory look, with five bills and one set of amendments, the government business program is certainly not overtaxing by any stretch of the imagination. Notwithstanding the debate tomorrow afternoon on sessional orders, I have no doubt that we will complete the program within the allotted time. So luckily this week I can say with some degree of confidence that those members who wish to make a contribution on each of these pieces of legislation on behalf of their own communities, on behalf of people who have an interest — key stakeholders or otherwise — or on behalf of the people of Victoria will be able to make that contribution.

One thing that concerns me is the absence of the Freedom of Information Amendment Bill, on which this house voted unanimously to abridge and bring forward the usual period of adjournment, being two weeks, to enable the bill to be debated. After the minister's second-reading speech, that was the expectation. The whole house agreed that it was such a significant bill that it should not be adjourned for two weeks and should be properly debated during the course of today. The opposition and I are disappointed that the government has again flouted the Parliament by ignoring the Parliament's express view that the bill should be debated in totality during the course of this week in the lead-up to Christmas. Given the fact that the government extolled its own virtues through this bill, which is not necessarily accepted by the opposition in any manner or form, one would have expected that this very significant bill would have been debated in very short compass to enable those reforms, meagre as they may be, to be implemented as soon as possible. However, the government has chosen for whatever reason not to debate this important bill that got a lot of publicity in the lead-up to the second-reading speech.

**Dr Napthine** interjected.

**Mr McINTOSH** — As the member for South-West Coast says, it is probably just another stunt. Rather than dealing with the substance of the matter and with the Parliament's intention of having it debated today, the government has chosen to ignore the bill and put up a very light program, which we can perhaps be grateful for in the lead-up to Christmas. As I said, the opposition will not be opposing the government business program because we are confident that all speakers will be given an opportunity to make their contributions on the bills before the house this week.

**Mr DELAHUNTY** (Lowan) — The Nationals will also be supporting the government business program. Looking through the six pieces of legislation, we know they are not too controversial, and I think there should

be adequate time for members who want to contribute on behalf of their electorates to do so.

**An honourable member** — For once.

**Mr DELAHUNTY** — For once — for the first time in about three or four sitting weeks. But I have to say that I have often heard government members talk about family-friendly hours. Last Thursday night I received the government business program — and we have always appreciated getting it on the Thursday. A young lady from the Premier's office rang me to say that the business program was about to be emailed, and it came through at 6.50 p.m.

**Mr Batchelor** — Weren't you working then?

**Mr DELAHUNTY** — I was still working, but my staff were not.

**Mr Batchelor** — Can't you use a computer?

**Mr DELAHUNTY** — I can. The reality is, though, that people are not beside the computer all the time to be able to send the information on to my parliamentary colleagues and their staff so that they can prepare for the coming week. I would say that it is a bit of an insult to the staff of the Premier's office who had to stay until 7 o'clock, when I am sure the decision on what the government business program would be was made earlier in the day. For the sake of staff, particularly in the Premier's office, who would like family-friendly hours, I am sure that email could have come through a bit earlier.

**Mr Batchelor** interjected.

**Mr DELAHUNTY** — They did not say that at all. We in The Nationals are also concerned when we hear all the discussion by ministers here today about cooperative federalism. We have heard about roads, we have heard about water, but it would be interesting to see if we could get some cooperation within the Parliament to debate legislation like the Water Amendment (Critical Infrastructure Projects) Bill that has been laying on the notice paper for nearly 12 months now. That has not been debated, even though it was brought into the Parliament at the end of 2006.

We will watch with interest the cost of water, the cost of petrol and the cost of energy under this government, particularly while we have this so-called cooperative federalism. We have had extensive government business programs in previous weeks, and we did not support them. This week we have six bills, and we believe they can be debated appropriately in the amount

of time provided. There will also be a bit of discussion about the sessional orders. I appreciate the Leader of the House briefing the Liberal Party and us in relation to the new sessional orders, and we will look at them in detail and make appropriate comments when the matter is brought into the house later this week.

I also want to make a brief comment on the FOI legislation. Like the member for Kew, many members of The Nationals were here when the Attorney-General said this legislation would be brought into the Parliament. There were a lot of promises, a lot of spin and then more spin. That was before the federal election. Again, we are disappointed that we will not get the opportunity to debate the Freedom of Information Amendment Bill, which is on the business paper but which obviously will not be debated this week. With those few words I indicate that The Nationals will be supporting the government business program for this week.

**Mr LUPTON (Pahran)** — I want to make a few brief comments in support of the government business program for this week and to note the way in which the legislative program has developed. As the year has unfolded there has been a good flow of legislation coming before the Parliament, which has meant that from one week to another the Legislative Assembly has dealt with something of the order of five to seven pieces of legislation. Some bills are more complicated and take a little more time to debate than others, but overall I think the work of the Legislative Assembly has been productive and appropriately dealt with as this year has unfolded.

I want to take up a couple of points that were put by both the member for Kew and the member for Lowan in relation to the Freedom of Information Amendment Bill, because I think material that was put before the house — —

**Mr Walsh** — You've got the wrong speech there. We are not opposing it.

**Mr LUPTON** — I know that, but I will mention a couple of matters that were raised in relation to the bill. While the member for Kew and the member for Lowan are not opposing the government business program in substance, they never miss an opportunity to try to attack the government business program in this debate every week. Their comments on the Freedom of Information Amendment Bill are an example of that. The member for Kew used a quite spurious argument in suggesting that the bill would be delayed in its implementation by not being debated this week. Of course members will be aware that that piece of

legislation, regardless of what the Legislative Assembly did, would not be capable of being passed by the Legislative Council this week.

The detail of the bill indicates that the new administrative arrangements that provide for improvements in the freedom of information legislation also need some time to be put into effect. Whether the Legislative Assembly debated it this week or not, the bill would not become law this year, so not dealing with it this week would not make any difference at all to its implementation date. It is very good legislation which will implement all the recommendations in the Ombudsman's report and more. The way in which the opposition deals with these sorts of matters cannot be left unchallenged.

Having said that, the government's legislative program for this week is an exceptionally good one, and I look forward to its passage by the close of business on Thursday.

**Motion agreed to.**

## MEMBERS STATEMENTS

### Energy: Tatura project

**Mr BATCHELOR** (Minister for Energy and Resources) — I wish to congratulate Diamond Energy, the first registered generator under the Victorian renewable energy target scheme, and Goulburn Valley Water, for working together to create a wonderful renewable energy project at Goulburn Valley Water's wastewater treatment plant at Tatura. Diamond Energy has developed a 1.1-megawatt generator at the treatment plant which burns the methane produced as a by-product of the wastewater and sewage treatment process. This project is a great example of the innovation that can come from partnerships between private industry and a public authority.

Flaring methane is a common method of reducing greenhouse gas emissions, as burning converts methane, a very potent greenhouse gas, into less potent gases. By capturing methane and using its flare for energy generation, the waste is converted into an environmental benefit and a source of revenue. The project delivers greenhouse gas abatement of approximately 24 000 tonnes per year and produces enough energy to power over 800 homes. The Victorian Labor government has been very supportive of the project, contributing over \$431 000 from the Renewable Energy Support Fund. Under the Brumby government Victoria is well positioned for strong

growth in the renewable energy industry, and we will continue to support innovation in this area.

### Water: infrastructure

**Ms ASHER** (Brighton) — I wish to draw to the house's attention the government's practice of announcing water projects, claiming significant government investment in water infrastructure, then spreading the expenditure over a very long time frame. For example, in budget information paper no. 1 for 2007–08 a range of water projects are listed for both the Department of Sustainability and Environment and non-Melbourne water authorities. New water projects of \$1.5 billion to \$8 billion were announced with much fanfare; however, expenditure to June 2007 was only \$54.7 million, and to June 2008 it will be only \$291 million. The remaining expenditure of \$1.182 billion — that is, 77 per cent of the projects announced in the May 2007 budget — will have only 23 per cent of their moneys expended by June 2008; that is if the projects are on time, and we all know the government's record on that.

I also draw to the house's attention key deficiencies in, for example, the Shell recycling project, where 78 per cent of the expenditure will occur post June 2008. Under the heading 'Sustainable water initiatives', it shows that 97 per cent of expenditure on statewide maintenance will occur post June 2008. As for regional urban water corporations, 78 per cent of the expenditure announced in the budget will occur post 2008, and 75 per cent of the expenditure on Grampians Wimmera Mallee Water will be post June 2008. I simply wish to draw to the attention of the house the government's spin rather than to its actual expenditure on water projects.

### Andrew Hondromatidis

**Mr BROOKS** (Bundoora) — I would like to congratulate Andrew Hondromatidis, a year 12 student this year at Viewbank College who lives in my electorate of Bundoora, for recently receiving an Australian Defence Force Long Tan leadership award, which includes \$500 in prize money. Andrew has shown excellent leadership skills through his secondary college years. He is the college captain this year, having been elected by his peers in year 11 and the staff of the college. In years 10 and 11 he was a member of the students representative council.

The more I learn about Andrew, the more I am impressed. Andrew is a dynamic and energetic person, and his skills and talent extend over many areas such as music performance, debating and fundraising, to name

but a few. He has represented the college as an outstanding ambassador, led such events as the Anzac Day ceremony in front of many guests and the school community, and participated in the local Jagajaga youth forum run by our local federal member, Jenny Macklin.

His organisational skills have shone through whilst working with the student leadership team to work out the order for school assemblies, a task that requires great commitment to ensure that deadlines are met and the assemblies continue as a highly respected celebration of student life and achievement at the college. Andrew, whilst doing all of this and maintaining a very good academic performance, also works part time. He is a great example of a young person who contributes to his community. Andrew is certainly an outstanding student, community member and most deserving recipient of the Long Tan award. I wish him well in his future endeavours.

### **Sir Gustav Nossal**

**Mr WALSH** (Swan Hill) — I would like to condemn the member for Gembrook for her cowardly attack on the integrity of Sir Gustav Nossal, the chairman of the government's GM Canola Review Panel. He is an eminent Australian scientist and an Australian of the Year recipient for his services to science and to Australia. The member for Gembrook may be appalled and disgusted by what she says is an ignorant and short-sighted decision by the government she is a member of in not renewing the GM canola moratorium, and her colleagues may believe that the Premier is like a bull in a china shop and that he just will not listen. It is up to the Premier to defend himself against these criticisms from his colleagues — and I am sure he will, with gusto — but why drag Sir Gustav Nossal's good name into an ALP party room brawl?

The committee that Sir Gustav Nossal chaired was charged with reviewing the trade and economic issues arising from not renewing the moratorium on growing GM canola, not the health and environmental issues that the member for Gembrook keeps alluding to. If anyone's credibility should be questioned, it is that of the member for Gembrook, for her unsubstantiated attack on Sir Gustav Nossal's integrity and her ill-informed comments on the GM regulatory process.

### **Braybrook: Big Day Out festival**

**Ms THOMSON** (Footscray) — The last time I spoke in this house I spoke about the hard work that the communities of Braybrook and Maidstone were undertaking to make the annual Braybrook Big Day Out festival a reality. So it was on the Sunday after the

election that the Big Day Out was held. The festival was a huge success and it was a fitting afterparty for all who attended. About 4500 to 5000 people attended the day and were treated to a truly multicultural festival, demonstrating first hand the communities that make up the western suburbs and also the uniqueness of the western suburbs, which is something that the community can be very proud of.

The festival featured performances by the Dinjerra Primary School, Braybrook Secondary College, the ever-active Vietnamese Women's Association, the Nubian Knights, the Sudanese choir and the mosque call from the Al-Noor Mosque, just to name a few of the activities on the day. The crowd was also treated to a culinary experience — a hallmark of the Big Day Out festival year after year. A festival goer could travel around the world by visiting each of the 16 marquees which housed food stalls featuring Thai, Vietnamese, African and Spanish fare — and even the old Aussie barbecue, with halal snags. All this was run by 21 hardworking volunteers from the Braybrook and Maidstone Neighbourhood Association.

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

### **Emergency services: south-western Victoria helicopter**

**Dr NAPHTHINE** (South-West Coast) — People are dying unnecessarily in south-west Victoria due to the failure of the city-centric Brumby Labor government to fund a locally based, life-saving, multipurpose emergency helicopter. If you are seriously injured at home, at work or on the roads in the south-west, it could take 8 to 10 hours for you to get to the Alfred trauma centre, compared to only an hour to an hour and a half with a locally based helicopter. If your aunty has a severe stroke or your brother is missing at sea on a fishing trip, you know that a locally based helicopter could be the difference between life and death.

On 30 September families who have experienced this pain met with Premier Brumby at Coleraine to plead the case for a locally based helicopter. In response, the Premier regularly referred to a multipage briefing note on the south-west helicopter issue. After the meeting the families asked if a copy of the note could be made available. The Premier said he would make it available. Therefore on 4 October under FOI I requested that briefing note. Recently I received the response, which was a refusal to release the briefing note under FOI because it was 'not in the public interest'.

People are dying due to the government's refusal to fund a south-west helicopter. Now the Premier is even refusing to release a briefing note to justify this cruel, heartless and uncaring decision. The only conclusions to be drawn in this secret state are that the Premier told a lie when he promised to release the information and that the Premier and the Labor government do not care about saving lives in south-west Victoria. This is a cruel, heartless, city-centric government.

### World AIDS Day

**Mr FOLEY** (Albert Park) — On Saturday I participated in the HIV/AIDS memorial ceremony at the Positive Living Centre in Prahran, marking World AIDS Day. The ceremony was hosted by the Positive Living Centre and included representatives from the Victorian AIDS Council; Positive Women, representing the significant number of women who are HIV/AIDS positive; Straight Arrows, representing heterosexual males living with AIDS; and the Catholic AIDS Ministry.

The theme of the world memorial day for HIV/AIDS was that HIV/AIDS prevention is everybody's business, with a focus on education, prevention and support. The deeply moving ceremony commemorated the lives of those lost to the disease in the past year as well as the tragic toll over the past 20 years. It offered friends and families of those who have lost loved ones to the disease the opportunity to share that grief and seek solidarity and support and hope for the future.

The needs and the changing demands of the community suffering and still dying from this disease, and increasingly living with its impact, truly do make HIV/AIDS everybody's business. This is a challenge which I am sure this government, in partnership with the HIV/AIDS community, is determined to combat to overcome this disease and its debilitating influence on so many in our community.

### Commonwealth-state relations: funding

**Mr WELLS** (Scoresby) — This statement condemns the Brumby Labor government for its endless federal government blame game over the past eight years and, following the election of the Rudd federal Labor government, demands that the Premier and his government now deliver on their spin and rhetoric regarding the alleged current comparative unfairness and inequality of federal funding for Victoria. For the past eight years the Premier continually attacked the former federal coalition government over every funding issue with the commonwealth, particularly comparative funding with

other states under the existing fiscal equalisation formula applied to federal grants and GST funding.

On 8 August the Premier, who has a long history of attacking the former federal government, was reported in *Hansard* as making the following claims:

... we look forward to a better deal in terms of GST funding, where it is still the case ... that for every dollar Victorians pay in GST only 88 cents comes back to our state.

He said also:

We look forward to a better deal in terms of roads, where we receive just 16.5 per cent of national road funding despite the fact that we pay 24 per cent of fuel excise and represent 25 per cent of national gross domestic product.

... under the Australian health care agreement the commonwealth is meant to be funding 50 per cent of the cost of the hospital system.

The Premier said that in Victoria it is funding just 41 per cent. The Premier now has the opportunity to put his words into action and actually reverse the policies he has continually said were the fault of the former federal coalition government.

### Ukrainian holocaust: commemoration

**Mrs MADDIGAN** (Essendon) — On Sunday I attended at the Ukrainian Catholic Cathedral of Ss Peter and Paul in North Melbourne a service to commemorate the Ukrainian genocide of the 1930s. Perhaps the Ukrainian genocide is not known as well as some other events that occurred at that time and were equally if not more disastrous. In 1932–33, a Stalin-inspired genocide of Ukrainian people took place. There are estimates of between 7 million and 10 million people, which included one-third of the population of children, dying in Ukraine during that period. Obviously that changed the Ukrainian community forever. It has been only since the Orange Revolution, when Ukrainians gained independence again, that attention is being given to the effect of Stalin's activities at that time in this area and surrounding areas.

Last week Stefan Romaniew, who is known to many members of this house, appeared before the United Nations to seek recognition of the genocide in Ukraine during that time. A number of nations, including our Senate in October 2003, have already acknowledged the terrible crime done to the Ukrainian people and recognised the starvation in Ukraine as one of the most heinous acts — —

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

### Forests: management

**Mr WELLER** (Rodney) — I wish to bring to the attention of the house the bewilderment surrounding the allocation of funds to the management of forestry reserves in Victoria. Last week I met with local environment groups who were concerned about the inadequacy of funding allocated to policing areas such as the Barmah Forest.

When the Bracks Labor government stood for election in 1999, it advocated the permanent care of our natural environment as one of the most important duties of any government. It promised to properly resource and manage the role of park rangers in order to guarantee the sustainability of our environment for future generations. But when I reviewed the money the government has allocated to this issue, I discovered that any direct evaluation of our expenditure on reserve management per hectare in comparison with other states has been made practically impossible due to convoluted and missing data.

While it is clear Victoria spends less on ecological systems than other states, in a submission to the Senate inquiry entitled *Conserving Australia*, witnesses said it was extremely difficult to obtain a clear-cut figure. In response, the committee recommended that all states and territories annually publish comprehensive information on funding levels in a nationally consistent form. If Labor is as serious about the environment as it would have us believe, I encourage our Minister for Environment and Climate Change in the other place to follow the recommendation outlined in the Senate's report and provide Victorians with greater transparency on this issue.

### Glen Katherine Primary School: softballers

**Mr HERBERT** (Eltham) — I rise to congratulate four students from Glen Katherine Primary School who were selected for the Victorian Primary Schools Sports Association state softball team. This is a terrific achievement by four grade 6 boys — Joshua Ward, Mitchell Ellis, Nathan Lowe and Lewis Thorpe. It is the first time that any primary school has had four students selected for one state team.

Whilst the boys are naturally talented softball players, they have also shown a great deal of effort and determination in getting to this position. They had a fantastic time competing in the national competition in Canberra last month, where they did exceptionally well in winning the silver medal for second place. They were runners-up to the ACT team, which won by 1 point. This is the best ever result for a Victorian

primary school boys softball team since the beginning of the competition, and it is something the boys can be very proud of.

I would like to acknowledge Sherryn Owen, the boys' softball coach at Glen Katherine Primary School. She is, quite rightly, very proud of what the students have achieved. I first learnt of the students' achievements when I was presenting the Premier's reading challenge certificates at the school, and I am very pleased to see young people in my electorate excelling in a range of areas. It is always great for children to develop a love of sporting activity, which will stay with them in the years ahead and lead to a much healthier lifestyle in the future.

I wish the boys the best of luck in all their future endeavours in the sport of softball.

### Victorian Wilberforce Awards

**Mr THOMPSON** (Sandringham) — On Friday, 30 November 2007, the Victorian Wilberforce Awards dinner was held in Queen's Hall to honour Victorian citizens who have made outstanding contributions to the Australian community and beyond, echoing the principles reflected by William Wilberforce, who, with members of the Clapham group, changed the course of world history as they achieved major social changes. Their achievements include the passing of a bill, the 200th anniversary of which was marked this year, which led to the abolition of the slave trade within the British Empire.

Recipients included Dame Elisabeth Murdoch, for her contribution to medical research and philanthropy. Dame Elisabeth has quietly woven many golden threads into the tapestry of Australian community life. They also included Michael Bowden, who, with the support of his wife, Judith, has devoted much of his life to the enrichment of the lives of Aboriginals and to Aboriginal programs; General Eva Burrows, for her work with the Salvation Army in South Africa, Britain, Eastern Europe and Australia; George Halvagas, marking his campaign for justice and caring for individuals in distress; and Sir James Gobbo, a former Governor of Victoria, for his work with multicultural and community groups, hospitals, refugees and other organisations.

Recipients also included senior constables Naomi Breadon and Mark Zerafa, who are tackling escalating juvenile lawlessness through their innovative multilateral programs; and Professor Graeme Clark, who pioneered the world's first clinically successful, multiple-channel cochlear implant for deaf people,

improving the life journey of over 100 000 people. Other contributors on the evening included the Reverend Michael Raiter; Richard Young, a relative of Sir Doug Nicholls; the Reverend Gavin Baulch; Jimmy Little; and Heather McKenna. The event was compered by Simon McKeon.

### **Willmott Park Primary School: upgrade**

**Ms BEATTIE** (Yuroke) — On Wednesday, 28 November, I was very pleased to attend the official opening of the \$1.6 million upgrade at Willmott Park Primary School, Craigieburn, in my electorate. This project has provided four new classrooms and a new IT centre equipped with the latest digital learning equipment, as well as upgrades to the library, staff and administration areas and sports and physical education facilities. The Brumby government contributed more than \$1.57 million to the project, while the school's parents and friends association contributed \$30 000 to establish the IT centre.

Since opening in 1995, Willmott Park Primary School has earned a reputation as an innovative and highly regarded school, and it is a valuable asset to our local community. This upgrade will enable the school to continue to provide high-quality education and ensure that students have access to the world-class facilities and state-of-the-art equipment they need and deserve.

I congratulate the entire school community on this project, but in particular I congratulate principal Evan Hughes for his ongoing commitment. I also thank the school council president, Phillip Nicholson, who has shown great leadership on this project. I want to praise them particularly for their ongoing commitment to excellence in all aspects of the school's operation.

### **Roads: Ferntree Gully electorate**

**Mr WAKELING** (Ferntree Gully) — I raise a matter with the Minister for Roads and Ports that is of great concern to residents in Ferntree Gully. It concerns the current state of the intersection of Ferntree Gully Road and Mountain Gate Drive. Residents have raised concerns firstly about the uneven surface of the pedestrian crossing. The road surface is undulating, which has caused residents to stumble while crossing this busy section of road. Furthermore, the median strip at the pedestrian crossing has a raised surface, due to the location of an inspection pit. Consequently many residents with mobility issues are unable to mount this crossing and are forced to travel around the median strip into oncoming traffic simply to cross Ferntree Gully Road. I call upon the Brumby government to listen to the concerns of residents in my electorate and

ensure that pedestrian safety is improved at this busy intersection.

Residents in my electorate are concerned about their ability to access major feeder roads throughout the Ferntree Gully electorate. People residing near Dairy Lane in Ferntree Gully have difficulty in accessing Ferntree Gully Road during peak times, as do those who reside near Lakesfield Drive in Lysterfield when they try to access Napoleon Road. On behalf of these concerned residents, I have advocated to the Brumby government for 'Keep clear' signs to be simply painted on these major roads. The government indicated it would not deliver on either request. This response provides little comfort to my constituents. Many residents are still reeling from the effects of the Kelletts Road duplication fiasco. It is imperative that the government start listening to the concerns of residents in my community.

I call upon the government to act and to start listening to the concerns of the people who live not only in my area but all over Victoria.

### **Schools: Williamstown neighbourhood cluster**

**Mr NOONAN** (Williamstown) — I rise to congratulate the teachers and students of Williamstown Primary School, Spotswood Primary School, Williamstown North Primary School and Williamstown High School, who collectively form the environmental neighbourhood cluster of Williamstown.

The cluster of four schools was recently recognised with the WaterSmart School of the Year award at the 2007 ResourceSmart awards, which were sponsored by Sustainability Victoria. The award recognises the cluster's outstanding achievements in water conservation. Students in the cluster have been encouraged to take ownership of their WaterSmart education program by planning and implementing their school's WaterSmart actions and directing their own learning.

The students of these schools were empowered by the cluster to work with the broader community to make significant water savings. Students have also developed a strong connection to their local community by working together to run Splash! Splash!, which is a student H<sub>2</sub>O forum to celebrate water savings during National Water Week. The students have also created programs such as Water Promises, an interactive display for the Melbourne Museum and Scienceworks museum. Water Promises has led to the cluster forming a partnership with Melbourne Museum to educate the

broader community about the importance of being water smart.

In closing I wish to make special mention of the cluster's management team: group coordinator Kara Spence, along with Susan Walker, Steven Montgomery, Annemarie Honeybone and Melanie Voigt. Finally I congratulate the students on taking such a strong interest in the environment and in water conservation.

### **Maroondah Hospital: crisis assessment and treatment teams**

**Mrs FYFFE** (Evelyn) — My office is receiving an increasing number of complaints about the cutbacks to the crisis assessment and treatment (CAT) teams based at Maroondah Hospital. They have had cutbacks in the hours they operate and they are underfunded, resulting in stress for the staff, who cannot give the service they want to residents requiring assistance. Local police are now automatically calling for an ambulance when a mentally ill person is having an acute episode instead of calling for a CAT team, because on many occasions they have had to wait hours for a team to arrive — or even worse, they have waited with distraught patients only to be told there was no team available to attend. These cutbacks to CAT teams result in police having to take people to the already overstretched emergency department at Maroondah Hospital. The long wait for the patient to be admitted ties up scarce police resources.

The number of people in the Yarra Ranges area suffering from mental illness and needing support has increased substantially in the past few years, yet real funding is continually being cut. The shire of Yarra Ranges averages one suicide every 16 days. In an area with such a high suicide rate you must ask why the government is cutting funding instead of increasing it. In a community where people might be socially isolated because of the geographic location of the towns and hamlets and the lack of public transport, it is imperative that CAT teams are available to respond quickly to give the treatment that is required and to help the people who so desperately need support.

### **Millwarra Primary School: Premier's reading challenge**

**Ms LOBATO** (Gembrook) — Last Monday I had the pleasure of attending Millwarra Primary School at both the Millgrove and Warburton East campuses to award students for their successful completion of the Premier's reading challenge. This was the first year that Millwarra had participated in the challenge, with

teacher Skye Clark initiating the program and encouraging students' participation. Congratulations to Catrin Hobb from Millgrove campus and Skye Johnson from East Warburton for the most books read.

### **Beaconsfield Upper Primary School: Premier's reading challenge**

**Ms LOBATO** — On Thursday I attended Beaconsfield Upper Primary School to congratulate students on their achievements with the Premier's reading challenge. Beaconsfield Upper had a very inspiring completion rate of approximately 97 per cent, and I therefore congratulate the students and the teachers responsible for the administration of that program. I have seen the success of this program first hand, with my son, Archie, developing his love for reading encouraged through the Premier's reading challenge.

### **Caulfield Grammar School: politics week**

**Ms LOBATO** — This morning I enjoyed another school visit, this time to year 9 students at Caulfield Grammar School at Wheelers Hill. I had the honour of officially opening their politics week and speaking with them about my role as a parliamentarian. I congratulate them on their keen interest in our democratic system and wish them all the very best for the campaign being run by their five houses. I was asked many questions and endured a couple of curly ones. Many thanks to Greg Pearce for his invitation and Caulfield Grammar's commitment to politics week.

### **Energy: prices**

**Mr K. SMITH** (Bass) — Recently we have heard so much about working families, yet obviously the socialist Minister for Energy and Resources was not thinking about them when he increased the price of electricity by up to 17.6 per cent and gas by 7.5 per cent on the basis of a lack of hydropower. From my investigations in the library, I found that in fact hydropower makes up only 2.5 per cent of energy use here in Victoria — 2.5 per cent. Yet the minister looks forward to putting up the price by 17.6 per cent for his working families. What a joke! It is a lie, and it has been a lie right from the start with this government. Of course, this is on top of water price increases which bring about a \$350 per annum increase for working families.

My electorate is made up of working families who cannot afford these unprecedented increases on top of the water price increases. The Premier has advised the working families of Victoria that their water prices will

rise by at least 50 per cent over the next five years. What is going on with this pinko, socialist government that was supposed to be the great saviour of working families? We have heard it all. Its members have turned into liars, cheats and vagabonds, and they are robbing blind the people of Victoria while claiming that they are providing cheaper power. It is a lie, and it has been from the start.

### **Len and Lynne Freney**

**Mr LANGDON** (Ivanhoe) — I pay tribute to Lynne and Len Freney, the coordinators of the Olympic Village Neighbourhood Watch, officially known as BNY 043, who announced in the November newsletter that after almost 16 years they are retiring as neighbourhood watch coordinators. For 16 years Len and Lynne have prepared monthly newsletters and chaired monthly meetings. They have dealt with the local police and given friendly advice to all the neighbours in the area who needed assistance.

They have been the life force behind this particular neighbourhood watch. Their friendly, caring personalities have made everyone welcome. The Christmas break-up, which is due next week, is an almost must-attend function. I wish Lynne and Len all the best for their future and thank them for their enormous contribution. Please enjoy your retirement.

### **Australian Labor Party: federal election**

**Mr SEITZ** (Keilor) — I would like to congratulate Kevin Rudd on his election as Prime Minister of Australia. I also congratulate the federal member for Lator, Julia Gillard, on being the first female Deputy Prime Minister of Australia and for being from the western suburbs. The federal member for Gellibrand, Nicola Roxon, was re-elected and is a minister, and again she represents the western suburbs. The federal member for Burke, Brendan O'Connor, is another minister in the Rudd government who represents the western suburbs, as does the federal member for Maribyrnong, Bill Shorten, who is now a parliamentary secretary.

This augurs very well for the western suburbs, and I am looking forward to working with my colleagues from the western suburbs in the Rudd government in order to provide the services we need which were denied by the Howard government for 11 years. I have been campaigning for improvements on the Calder Highway through the Keilor electorate from the Western Ring Road to Diggers Rest. Commitments were made by both parties before the federal election. I am sure my federal colleagues will ensure that these roadworks will

continue and money will come to the Victorian government for roadworks.

Not only that, the hospitals in the area have urgent requirements, and I am sure they will be addressed by the federal government, because it is fully aware of the needs of the people in the western suburbs. It is fully aware of those needs because its members traverse their electorates, they communicate with people in their electorates, they live in the area and they know the needs of the people in the western suburbs. As I said, being a colleague of theirs, I look forward to working closely with them.

### **Bocce: parliamentary challenge**

**Mr KOTSIRAS** (Bulleen) — I wish to advise the house of the bocce challenge this Sunday between the Labor Party and the Liberal Party. I also wish to advise the house about a missing ball. An invitation went out to all the members showing the member for Brunswick holding one bocce ball and me holding two bocce balls. Unfortunately the final version that went around showed me holding only one ball because there was a complaint from someone on the other side regarding the fact that I was holding two bocce balls and not one ball as the member for Brunswick was doing.

I invite all members to attend. The Minister for Sport, Recreation and Youth Affairs will be turning up. Last year the Liberals were successful; they are the champions. This year we look forward to a better Labor team than the one that was fielded last year, because the six who took part last year manipulated the game and tried to win by gaining the support of good players from the bocce association. I urge all members to attend this Sunday.

**The ACTING SPEAKER (Mr Ingram)** — Order! The time for members statements has expired. Before calling the Clerk I remind members about unparliamentary remarks during members statements, particularly the members for Bass and South-West Coast, and refer them to standing orders 118 and 119.

## **TRANSPORT LEGISLATION AMENDMENT BILL**

### *Council's amendment*

### **Message from Council relating to following amendment considered:**

Clause 23, page 25, lines 22 and 23, omit "Elva Zhang" and insert "the individual named in the complaint, as at 23 March

2007, as the person on whose behalf the complaint was lodged”.

**Ms KOSKY** (Minister for Public Transport) — I move:

That the amendment be agreed to.

The amendment makes a small adjustment to clause 23 of the bill. Clause 23 enables private, full fee-paying overseas students to be excluded from public transport concessions in line with government policy. The provision precludes the entitlement both prospectively and retrospectively and confirms that the action is not discrimination under the Equal Opportunity Act 1995.

In taking this step the government has sought to carefully balance public and private considerations. The clause expressly preserves the rights of a named person in a current Victorian Equal Opportunity and Human Rights Commission discrimination complaint relating to the refusal of concessions to private, full fee-paying overseas students. As a result of the bill, the named person can pursue the complaint to its conclusion, but in relation to the particular circumstances of the complaint only.

Since the introduction of the bill both the Ethnic Communities Council of Victoria and the Victorian Equal Opportunity and Human Rights Commission have written to me expressing concern about clause 23. Both organisations have been concerned that the amendment identifies the complainant by name. In particular the commission is concerned that its internal dispute resolution process remain confidential. Accordingly it asked that the government move an amendment to omit the complainant’s name.

After careful consideration the government agreed to this request. The amendment is very carefully worded. Instead of identifying the complainant by name, the amendment identifies the relevant complaint and complainant by other means. While the preserved complaint is already identified by number in the clause, the amendment again confirms that it is preserved only in respect of the individual making the complaint. The complaint is further identified by its date, which is 23 March 2007.

When I spoke with both the Ethnic Communities Council of Victoria and the Victorian Equal Opportunity and Human Rights Commission they said they were pleased we were going to make this change, which takes out the direct identity of the complainant but identifies the complaint through the number and date, and so preserves her privacy in relation to this matter.

**Mr MULDER** (Polwarth) — The Liberal Party will be supporting the amendment. We have had discussions with the government leading up to today. I must admit I was somewhat surprised that the name actually appeared in the original bill. I wonder where the communication program broke down and caused this to be part of the bill. I would have thought that the amendment that has been put forward by the government, which inserts ‘the individual named in the complaint’ rather than spelling out the individual’s name, should have been part of the original bill.

In relation to this matter, further amendments were put forward by the Greens in another place in which they were looking to remove the name of Elva Zhang and include the Ethnic Communities Council of Victoria. As I understand it, that would have enabled the Ethnic Communities Council of Victoria to proceed with further cases before VCAT (Victorian Civil and Administrative Tribunal). The opposition did not support that, nor did the government, because it would have allowed for a flood of complaints. The intent of this bill of course is to allow this particular person to proceed with her case before VCAT.

The issue of international full fee-paying students not having access to concessions on public transport in Victoria has been canvassed widely. Naturally it is an initiative that the Liberal Party would have loved to have supported. However, I think we all understand in this place that when you look at the current condition of the public transport network in Victoria — whether it is the signalling system, the fact that we do not have enough trains or the fact that the entire infrastructure is basically clapped out — you see that we have significant congestion on the network as it is.

If we did have a spare \$20 million or \$30 million per year to spend, we would be looking to put that into upgrades to the system. As I say, it is unfortunate that the public transport system is in the condition it is currently. International students would know and understand more than anyone else, even more than people who use the public transport network now, that they are paying more, they are getting less and they are going slower in Victoria. That is a slogan that is continually put out there in the community in relation to the public transport network in Victoria.

We support the amendment before the house, but I do feel for the international students. I understand their plight. We have to get the system up and running properly first. We have got to deal with the backlog created by the Labor government in terms of not investing. Once that has been completed and the system

upgraded, then perhaps we can have a look at this issue again at some stage in the future.

**Mr HUDSON** (Bentleigh) — It is a pleasure to speak on this amendment to the Transport Legislation Amendment Bill. The government made it very clear in the introduction of this bill that it was not going to extend public transport concessions to private, full fee-paying students. The policy basis for that is very clear. These students come here on restricted visas. They come here on the basis that they are going to pay all their costs. Consistent with that, we know that at the federal level they are not eligible for Medicare, and they are not eligible for social security payments or any other government-provided subsidies. That policy basis is shared by the federal government. We also know in relation to public transport that a significant concession is already being offered. Public transport is not provided on a full cost-recovery basis. In fact there is a 50 per cent concession built into the full fare. The students are able to avail themselves of that subsidy from the government.

The basis of the amendment is simple. We wanted to make sure that we preserved the rights of anyone in relation to an action that was on foot. We did not want to use this legislation to snuff out the rights of any individual who had an action on foot through the Victorian Equal Opportunity and Human Rights Commission. That reflected our commitment to allowing that case to proceed. But as the Victorian Equal Opportunity and Human Rights Commission pointed out, the naming of the complainant in the bill created some difficulties with its processes, which are confidential, particularly in relation to conciliation where these disputes can be settled through the internal dispute resolution processes. That is why the government has agreed to an amendment that will allow the case brought by that individual to be identified through other means.

The member for Polwarth raised the Ethnic Communities Council of Victoria. The reason we have not agreed to the naming of the Ethnic Communities Council of Victoria is that it could broaden the range of complaints that can be brought. We were keen to preserve the rights of a person where an action was on foot, but we wanted to make it clear that we were drawing a line under that and that following the resolution of that case the government's policy would be given clear legislative intent.

In relation to the other comments by the member for Polwarth, I note that he said people are paying more for public transport and they are getting less value. That is a ridiculous statement by the member for Polwarth.

This government just abolished zone 3. We have made it cheaper for people to travel from the outer suburbs into the centre of Melbourne. We delayed the consumer price index increase in relation to — —

**The ACTING SPEAKER (Mr Ingram)** — Order! The motion is very narrow and relates to the amendment to the bill.

**Mr HUDSON** — Thank you for your guidance, Acting Speaker. The statements from the member for Polwarth are completely fallacious. This government is investing in public transport. We will continue to improve the service, not only for Victorians and for Victorian citizens but also for overseas full fee-paying students. I commend the amendment to the house.

**Mr CRISP** (Mildura) — The Nationals are not opposing this amendment from the Legislative Council. However, the purpose of the bill was extensive. It covered a large number of issues such as the smartcard ticketing solution, the introduction of new metropolitan bus contracts, provision of financial assistance to traumatised train drivers, some effective controls over illegal touting for taxicabs and hire cars and addressing parking rules at various places, as well as tidying up other things. The contentious issue that has returned to the house is the confirmation of the policy that full fee-paying international students are not entitled to concession travel on public transport.

Specifically the amendment deals with some words in clause 23 on page 25, lines 22 and 23, where we are omitting a name and inserting:

the individual named in the complaint, as at 23 March 2007,  
as the person on whose behalf the complaint was lodged ...

The amendment seeks to remove the name of the individual and insert some words to be consistent with privacy and other issues. That is continuing the conditions relating to the travel of full fee-paying overseas students while preserving, in proposed section 220DA(5), the principle of retrospectivity. This principle is held in high regard by The Nationals.

Proposed subsection (5) was brought about as a result of the Ethnic Communities Council of Victoria seeking an action under the Equal Opportunity Act 1995. This particular complaint, no. 3064890, is before the Human Rights and Equal Opportunity Commission, and the action lodged in the name of the complainant was consistent with the legislation at the time. The complainant is reported as being from the federation of international students. The statement of compatibility confirms the power of the director of public transport to determine and publish a condition that requires that

overseas students, or specified classes of overseas students, are not eligible for student concession entitlements and use of public transport.

The amendment removes the complainant's name and preserves the right of that particular complainant to pursue her case, although it is interesting to note that even though the complainant may pursue her case — the provisions expressly preserve the right of the complainant within the Victorian Equal Opportunity and Human Rights Commission — it cannot be won. We have preserved the principle of retrospectivity even if we have found that the case cannot be won.

The Nationals are not opposing this bill. Perhaps in closing I would indicate that we only wish we could attract more overseas students to the country areas to study, which would make this a bigger issue for us.

**Mr THOMPSON** (Sandringham) — The first comment I wish to make is to contrast the position of the Labor Party on the issue at hand when in opposition, when it supported the concession being extended to overseas students, and now, when in government it has not followed through with the policy position which had been articulated.

The chief concerns of public transport commuters in my own electorate at the present time relate to the proliferation of graffiti along the Frankston and Sandringham rail lines, the unreliability of the services during certain travel times —

**The ACTING SPEAKER (Mr Ingram)** — Order! The debate is specifically about the amendment, and the member should not stray from the motion before the house.

**Mr THOMPSON** — The amendment relates really to the fare structure that might be otherwise available. In relation to fare structures, the bill adopts Liberal Party policy regarding the abolition of zone 3, but there is still this issue that affects commuters, and that is the feeling of commuters on the public transport system that they are paying more, getting less and going slower.

Part of their getting less is the overcrowding on trains. The government, which has the responsibility for transport infrastructure provision, has failed during its time in office to adequately plan for the future of public transport services or to redress the increased levels of patronage — there has been an increase of some 20 per cent in the last few years owing to rising fuel prices. The opposition supports this amendment but at the same time draws attention to the contrast between the position of the government on this issue when it was in

opposition and the position it is adopting on the bill and the amendment that is before the house today.

**Motion agreed to.**

## CHILDREN'S SERVICES AND EDUCATION LEGISLATION AMENDMENT (ANAPHYLAXIS MANAGEMENT) BILL

*Second reading*

**Debate resumed from 1 November; motion of Ms MORAND (Minister for Children and Early Childhood Development).**

**Mrs SHARDEY** (Caulfield) — I rise to speak on the Children's Services and Education Legislation Amendment (Anaphylaxis Management) Bill 2007. It is with pleasure that I rise to speak on this bill and to offer the Liberal Party's very strong support for this piece of legislation. It is a piece of legislation which seeks to protect children who are at risk of suffering anaphylactic shock as a result of the ingestion of certain foods or as a result of other allergens. The purpose of this bill is to require all children's services and schools which have a student diagnosed with anaphylaxis to have an anaphylaxis management program in place, for commencement by the beginning of term 3 in 2008 at the latest — that is, next year. The management program will establish mandatory minimum first-aid training for teachers and staff and establish storage guidelines for the EpiPen — that is, the anaphylaxis drug treatment.

By way of background, anaphylaxis is a severe and life-threatening allergic condition that affects a significant number of children. It includes breathing difficulties and can cause sudden death if adrenalin is not administered promptly with what we call here in Australia an EpiPen. Foods, insect bites and stings, medication and latex — that is, rubber — can trigger anaphylaxis. I think it is interesting to note that things other than food can trigger this reaction.

Recently the issue of anaphylaxis has gained momentum in the public consciousness as an increasing number of parents have faced the problem of managing their children's condition, particularly when the children are not in their care but are in the care of either a children's service or a school. There has been significant media coverage in the last five years of cases in this state where children have, so sadly, passed away from anaphylaxis whilst in the care of teachers and child-care workers outside the home environment.

I think we should give recognition to the children and families who have suffered under these very tragic circumstances, notably Alex Baptist, the four-year-old who died in a Victorian preschool in September 2004, possibly from exposure to peanut butter, and most recently Nathan Francis, the 13-year-old Victorian boy who died from eating beef satay rations, it is said, on an army cadet training camp in March 2007. The boys are thought to have died from inadvertent exposure to peanuts, despite staff being aware of their peanut allergies, and many people feel that with better management and training these deaths may have been avoided. That is not for certain — you cannot say anything for certain in medicine — but they may have been avoided.

Certainly every step is now being taken to ensure that in the future children will face far less chance of having this reaction without significant medical assistance from teachers and staff. It is estimated that approximately 35 per cent of schools in Victoria have a student diagnosed with this condition. It is also estimated that currently 1 child in 200 has been diagnosed as being at risk, which corresponds to approximately 5000 Victorian children. The provision of EpiPens comes under the federal government's pharmaceutical benefits scheme, which means they are provided now at a very reduced cost to parents and individuals.

The bill will amend two acts of Parliament — the Children's Services Act 1996 and the Education and Training Reform Act 2006. Therefore this is very much enabling legislation; the detail of the implementation of course will be prescribed by the regulation of the ministerial orders. The bill is expected to be law and fully implemented, as I said previously, by July 2008, or at the latest by the third term. In relation to the Children's Services Act amendments, the bill requires that proprietors of a children's service must have in place an anaphylaxis management policy. Failure to do so will constitute an offence and encounter a penalty of 30 units. The bill inserts a new section which provides that the Governor in Council may make regulations with respect to prescribing requirements about anaphylaxis management.

In relation to the Education and Training Reform Act amendments, the bill will require that if schools have a diagnosed student, they must register their anaphylaxis management plan with the Victorian Registration and Qualification Authority. The bill inserts new section 4.3.1(6)(c), which requires the Victorian Registration and Qualification Authority to not register a school that has enrolled a student diagnosed as being at risk of anaphylaxis unless it is satisfied that the

school has developed an anaphylaxis management policy as required by the bill. It makes clear that the minimum standards required are those prescribed by the regulations, which of course are going to be made later. It amends schedule 6 of the Education and Training Reform Act to include an anaphylaxis management policy as a new item 11 in the schedule.

I would like now to turn to the guidelines that have already been put in place. I want to commend everyone for all the work that has been done in the preparation of the introduction of this legislation. The *Anaphylaxis Guidelines for Victorian Government Schools*, which is a resource for managing allergies in Victorian government schools, will, I am sure, form the basis of the regulations which will come into being and will guide them. There is also another document put together by Kindergarten Parents Victoria and others in relation to anaphylaxis policy. The policy guidelines of the Department of Education and Early Childhood Development, in talking about training, say:

Teachers and other school staff who are responsible for the care of students at risk of anaphylaxis should receive training in how to recognise and respond to an anaphylactic reaction, including administering an EpiPen.

I understand the training does not take a long period of time — some 2 hours — and it is hoped that all the teachers who have regular contact with a child at risk of anaphylaxis in a school or children's service will have this training. The document goes on to talk about the main causes. It cites the fact that eight major foods cause 90 per cent of food allergies in Australia — peanuts, tree nuts, egg, cow's milk, wheat, soybean and fish and shellfish. It describes the signs and symptoms of anaphylaxis:

The symptoms of a mild to moderate allergic reaction can include: swelling of the lips, face and eyes; hives or welts; abdominal pain and/or vomiting.

This document goes on to talk about the roles and responsibilities of school principals. They have overall responsibility for implementing strategies and processes for ensuring a safe and supporting environment for students at risk of anaphylaxis. In particular principals should meet parents and carers to develop an anaphylaxis management plan for each individual student. One of the areas I am going to ask some questions about is what is the responsibility of parents under this legislation? Is it envisaged that there would be more detailed regulation to guide parental responsibility as well as the responsibility of schools and children's services?

This document then talks about the role and responsibilities of all school staff who are responsible

for the care of students at risk of anaphylaxis. This may include administrators, canteen staff, casual relief staff and volunteers. It talks about a duty to take steps to protect students from the risk of injuries that are reasonably foreseeable. Here again, I would like to seek some further clarification in relation to how broad it is, including the number of staff within a particular school or volunteers. It is something we are going to have to have a clear understanding about so that schools can properly respond to the legislation. It will be important for parents to have an understanding of what the school is meant to be doing in relation to which people within the school are meant to be trained.

The document talks about the role and responsibilities of first-aid coordinators and school nurses saying they should take a lead role in supporting principals and teachers to implement prevention and management strategies for schools. This is a very sensible element because teachers are not trained as nurses or in medicine, and they often need support and assistance to be able to fulfil this role. In some cases it may in fact not be easy and mistakes can be made.

It talks about the role and responsibilities of parents and carers of a student at risk. This relates to the fact that parents should inform the school either at enrolment or at diagnosis of a student's allergies and whether the student has been diagnosed as being at risk of anaphylaxis. The parents should obtain information from the student's medical practitioner about their condition and what medications need to be administered, and they should inform the staff and the students. This goes to the heart of parental responsibility. The parents should meet with the school to develop the student's anaphylaxis management plan.

The document says that every student who has been diagnosed as being at risk of anaphylaxis must have an individual anaphylaxis management plan. It should clearly set out the type of allergy or allergies, the student's emergency contact details, practical strategies to minimise risk of exposure to allergens et cetera, and what to do. The document goes on to give advice about the storage and accessibility of EpiPens. There are a couple of little issues I want to raise later in relation to that, although I note it says that EpiPens should be stored in an unlocked, easily accessible place away from direct heat. Whoever is responsible should make sure that the EpiPens are not cloudy or out of date. These are just simple little things that are very important. The document also talks about what to do about food bans. It provides a whole range of information, which is very helpful. Importantly it shows how to use an EpiPen. I must admit that when I was shown an EpiPen I was looking at the wrong end in

trying to see how it worked. I am sure there is a learning curve for many people.

We spoke to the Anaphylaxis Association, which was extremely helpful. One of the people who advised us was a parent. It is very interesting to talk to parents about these sorts of issues and about how they deal with them. Part of it is being practical, and part of it is being a bit emotional. I have children and grandchildren, and I can imagine the concern that a parent, a grandparent or anyone who is a relative of a child who has this kind of reaction would feel.

The people from Kindergarten Parents Victoria told us that they had been very involved in advising the Office for Children on the appropriate response by government, and they are broadly happy with the approach that is being adopted. They made the point that it could be argued that the provisions of the Children's Services Act could have been changed by regulation. However, they are pleased that there is a specific bill, because it is a powerful statement that brings a focus to the legislation. One thing they talked about is their model policy, which was done in conjunction with the Royal Children's Hospital's allergy department, Anaphylaxis Australia and the Department of Human Services. They certainly hope that this model forms the basis of the regulations, particularly in relation to child-care services. They believe that the development of the prescribed requirements should be an inclusive process and that all parties involved should be acknowledged in any public statement about it. That is their desire in relation to the way forward.

There are a number of issues that I would like to raise in relation to the legislation. Some raise matters of concern, but it is more about asking the minister to provide clarification. I have already asked one question about the role of parents and their responsibilities. I appreciate that a great deal of work has gone into putting this legislation together and into schools, child-care centres and organisations having input, but there is still a lot of work to do. The whole policy has to be rolled out. I ask this fairly practical question: in terms of the policy being operative by the third term next year, when will teachers and staff receive their training? Will they have received it by the time the third term starts? Will they know about and understand the needs of the children that are either in their schools or transferring from other schools? We would just like some description of how the whole thing is going to be put together.

The ongoing monitoring of training is part of the policy, although ensuring the regular and consistent monitoring

of primary and secondary schools and child services could present problems. I therefore ask what the plan is in relation to the proper monitoring of this policy. As I understand it, monitoring is going to take place in early childhood centres and child-care centres through the normal processes. May I suggest that more might have to be done on this issue so that all schools and all child-care services are monitored regularly to make sure that the training of staff is up to date, EpiPens are secure and there is a plan for each child.

As to the training budget of \$1.3 million that I am told has been set aside by the department, I would like some explanation as to how far this money is going to go. We are looking at all schools, which means independent schools as well as state schools. Catholic schools have to provide for this through their funds. In my electorate alone there are some independent schools that are not wealthy. Some of the Jewish day schools in particular are not in the least bit wealthy, and parents of the children have very large families. I am concerned that the funds will not be available in those schools, so they may be seeking some subsidy from the government. I would like some clarification from the government as to its thoughts on the financial needs of schools.

This bill requires — and we support it — the mandated development of specific managers for anaphylaxis. But has the government considered the need for the future management of children who have other immunologically based illnesses and other general medical conditions? What is the thinking around that? I understand there is a working party at the Department of Human Services level, but I would like further clarification as to what the government sees as its responsibility in relation to children who have other life-threatening illnesses.

In relation to the amendment to the Education Training Reform Act, new section 4.3.1(6)(c) says:

if the school has enrolled a student in circumstances where the school knows, or ought reasonably to know, that the student has been diagnosed as being at risk of anaphylaxis ...

I would like clarification as to what the government means by 'ought reasonably to know'. Does this imply that parents have a responsibility to tell a school or a preschool about their child's condition, or is the onus all on the organisation providing a place for the child? I think this is a very important issue.

The bill requires the training of relevant staff. Again, I am looking for some clarification as to whether this involves anyone who has contact with a child or just specific people within a school who have contact with a child. Of course the greater the number of people who

require training, the greater the amount of funding that is going to be necessary to ensure that everybody is covered.

One minor point that was raised with me relates to the storage of EpiPens. The guidelines suggest that they should be in an accessible place. Some people have raised the issue of whether an EpiPen is dangerous if a child who does not suffer anaphylaxis inadvertently gets a little shot of adrenalin. Would this have an effect on a child? Could there be a cardiac reaction? I do not know, but I am asking that question.

While we are looking at staff being trained and everyone being able to do the right thing, the one thing that I am told is going to be most important is ensuring that an ambulance is called immediately a child starts having a reaction and staff seek to treat the child. An ambulance must be called immediately as a 'priority zero', which is the most urgent call, in order to get a child to hospital as soon as possible, because often we do not know whether the amount of adrenalin administered is enough for a child. Maybe there has been a cardiac reaction and the reason for it has to be determined. Maybe the child has collapsed for other reasons, not because of anaphylaxis. Maybe it is because of something else that is very serious.

My challenge to the Brumby government relates to the response to this 'priority zero' or a code 1 call. Over the last five years the ambulance service has failed to meet the response target of 13 minutes for the most serious call-outs. The target now has been lowered from 13 minutes to 15 minutes. We are told that the space of time in which a child has to be treated properly is a maximum of 20 minutes — and maybe it is a whole lot less.

It is great to have this policy and it is good to have people trained, but what is the Brumby government going to do to ensure that, once the call is made when a child is suffering anaphylactic shock, an ambulance capable of treating the child actually gets there in time and is then able of getting the child to hospital? That is one of the major questions in relation to all this. Everyone has very good intentions. Everyone wants to make sure this policy moves forward — it has the strong support of Parliament — but unless we have an ambulance system that actually backs it up and makes sure that these children get to hospital as soon as possible to be assessed, lives will not be saved in the way everyone hopes.

I wish this bill a speedy passage. I have asked a large number of questions, and I am hopeful that the minister will be able to answer those questions in her response.

**Mr DELAHUNTY** (Lowan) — We all know that our children are our investment in the future and that we will do anything we can to assist our children as they go through their lives. This bill is important for children, particularly those in schools and child-care centres. So I am pleased on behalf of The Nationals to rise and make a few comments on the Children's Services and Education Legislation Amendment (Anaphylaxis Management) Bill 2007.

We know the bill has many purposes. The two main purposes are to amend the Children's Services Act and the Education and Training Reform Act. It will amend the Children's Services Act to require children's services to have an anaphylaxis management policy containing the matters prescribed by the regulations. That is one of the concerns that we have.

Often when we debate legislation in this Parliament it is the detail that is important to its implementation. We have not seen the regulations at this stage, but we received enough assurances at a briefing we had that they would be appropriate. Even though the guidelines are there, we think that at this early stage there is a common-sense approach, and we support that. In preparation for today's debate we were given great assistance at the briefing we had, and I compliment the department and the minister on that. In fact they had progressed much further than I had anticipated, but there are still some concerns out there in the community.

As I said, this bill amends the Education and Training Reform Act to require certain schools to have an anaphylaxis management policy as a minimum standard for registration. It also enables the minister to make orders setting out the matters that are required to be included in an anaphylaxis management policy. At the excellent briefing we had there was a question about the words 'certain schools'. I believe they apply to any schools that have students that have been identified as being at risk of having this type of problem. Those schools will have to have the minimum number of trained staff and also minimum standards for registration.

We consulted very widely on this bill, including with the Australian Medical Association, Anaphylaxis Australia, the Ilhan Food Allergy Foundation, the Royal Children's Hospital's allergy department, the Asthma Foundation of Victoria, Ambulance Victoria First Aid, Parents Victoria, the Association of Independent Schools, and the Catholic Education Commission. I also sent the bill out to all the schools within the Lowan electorate, and I have 53 schools

within my electorate, those being government, non-government and other independent schools.

The Nationals have discussed this bill extensively, and a couple of weeks ago we had a briefing. Members of The Nationals wanted to have input into the bill. We discussed our position and whether we would support the bill or not oppose it. We strongly support the principles of this legislation, but because of our concerns about its implementation and the regulations, we have to say that we are not opposing the bill as it is today.

As we know, anaphylaxis, or anaphylactic shock, is a severe allergic reaction and is most commonly caused by nuts, insect stings and some medicines.

**Ms Morand** interjected.

**Mr DELAHUNTY** — We are not opposed; that is correct. What separates this disorder from other childhood illnesses such as epilepsy, asthma or diabetes is that anaphylaxis is a sudden, severe and potentially fatal allergic reaction if not treated urgently.

I was pleased to get some comprehensive information from Anaphylaxis Australia. A one-page sheet which can be put up at schools, in offices, in child-care centres and in occasional day care centres talks about food allergy awareness. It says that foods that are the most common cause of an allergic reaction are peanuts, tree nuts, milk, eggs, fish, shellfish, sesame and soy. Talking about soy, it is interesting that a lot of the doughnuts on supermarket shelves have GM-modified soy. It would be interesting to see if there is any difference between the reaction of people to GM soy and their reaction to normal soy. The way we read it, it is just soy in general.

The warning signs and symptoms of severe allergic reaction, commonly known as anaphylaxis, are difficulty with or noisy breathing; a wheeze or persistent cough; difficulty talking or a hoarse voice; swelling of the tongue; swelling or tightness of the throat; loss of consciousness and/or collapse; and being pale and floppy, particularly in young children. The sheet says:

If you see someone showing any of these symptoms, act fast.  
Call 000.

I heard the member for Caulfield speak about the concerns of ambulance services. As you know, Acting Speaker, ambulance services are very important in our country communities, not only the ambulance staff but also the volunteer services, and it is important when calling 000 that you get the details right to direct them

where to go. Many of our ambulance services have to travel more than 50 kilometres — it can be a lot further than that in some cases — to get to a sudden call-out. It is important to provide the right information to 000 to get ambulances there quicker.

There are concerns among the ambulance staff at the workloads they have at the moment. Some of them are getting call-outs regularly and are not getting adequate sleep, and they are concerned about getting appropriate rest time to be able to deal with patients. Another concern — and Damian Drum, a member for Northern Victoria Region in the other house, is meeting with a lot of the ambulance people about this in his area — is the quality and the changeover of the vehicles. All those things are of concern for us as country members regarding ambulance services being called on 000.

This bill applies to all schools, kindergartens and child-care centres, whether they are for long day care or occasional day care or even if they provide services for youth with a disability. In the briefing we had I raised the fact that a couple of weeks ago we had a strike where teachers walked off the job. I asked the question, 'What is the responsibility of the education centres in relation to students who turn up at schools when the teachers are not there?'. My information is, and it would be interesting to know — and I appreciate the minister being here for this debate — that there is a responsibility under the duty of care on the principal to ensure that appropriately trained staff or parents are there.

That is where I have a concern. If there are parents supporting the education services, child-care centres or kindergartens, are they in the equation and do they have to be appropriately trained up to the standard — and my understanding is that there is a minimum of 2 hours training, delivered mostly by Ambulance Victoria First Aid. What is the minimum standard required for schools to be able to comply with the duty of care? This is putting enormous pressure on principals. I can understand in a sense why we cannot get people to take on principals jobs: it is because of the enormous workload and responsibility. We need to support principals, schools and child-care centres in making sure that, if staff are away on sick leave or on strike or are not there for whatever other reason, there are people there who are trained to the appropriate standards, whether they be staff or parents, to make sure that the new management policy is complied with.

As I said, we consulted widely on this bill. I asked the parliamentary library to get me details of the number of schools, child-care centres and kindergartens in Victoria. It was amazing to know that there are

1206 government primary schools, 378 Catholic primary schools and 51 independent primary schools in Victoria, a total of 1635. There are 50 government, 13 Catholic, and 133 independent primary/secondary schools, a total of 196, and there are approximately 1600 funded kindergartens, of which 387 operate as long day care centres, and 1033 long day care centres. You can see that there are an enormous number of facilities that will have to comply with the new ministerial order and regulations. In relation to child-care centres, there are 435 private long day care services, 299 community-based long day care services and 70 family day care services.

On top of that there are 14 in-home care services. Those are the registered ones, but we know that many others are not registered. There are approximately 818 child-care centres, which is a lot, but there are probably others which are not registered and which I believe are not covered by this legislation. The minister can clarify, but my understanding is that the bill covers only registered child-care centres, registered kindergartens and registered schools. Things are much further advanced than I had anticipated, and I was pleased to hear in the briefing that information kits have been provided. There is a blue one which goes to all schools and an orange one which goes to other children's services.

To provide a bit of background, we all know anaphylaxis is a severe and life-threatening allergic reaction that can occur immediately or within 20 minutes of exposure to trigger allergens. It is estimated that peanut allergies affect 1 in 100 children, and hospital admissions have tripled in the last five years according to statistics from the Royal Children's Hospital. Research from the United States of America indicates that reactions occur away from children's homes, particularly at schools, which is interesting. While deaths from anaphylactic shock are rare, 90 per cent of deaths occur when adrenaline pens are not administered within the first 15 minutes of a reaction, so we can see why a lot of work is being done by the department in preparing management policies for schools and child-care centres.

I have to say that I believe government schools are much further advanced than independent and Catholic schools. A letter we received from the Association of Independent Schools of Victoria is similar in its response to information from the Catholic Education Office and says in relation to current practices regarding management and training that the extent to which independent school staff have been trained varies from school to school. The letter goes on to say:

Many schools have undertaken training of staff at their own expense. Most of these schools have students at risk of anaphylaxis, but some schools have no such students currently but have trained staff as part of their general duty of care.

In relation to future practices regarding management and training, the association says it will review its policies and procedures to ensure that they comply with the new legislation. The association has concerns in relation to which staff will be classified as responsible for the care of students with anaphylaxis and the type of training that will be regarded as approved. I believe that is outlined in the policies already in place. The association is concerned about how long the training will be valid for and who will be qualified to provide it. It is my understanding that is being done at this stage by Ambulance Victoria First Aid, but I believe there could be other training providers, and the minister might want to talk about that. The association also wants clarity on what records are expected to be kept by schools.

I understand from talking with independent and Catholic schools that they have some questions, but they also have compliance and administration burdens in relation to the record keeping of student needs, the organisation of approved training programs, the record keeping of individual teachers, and teacher release to attend approved training sessions. The initial training of most of the teaching staff is a clear financial burden, and there will also be a need for additional funding to allow schools to meet the requirements for the additional regulatory burden created by the bill. In summary, the Catholic and independent schools will need financial support for ongoing training of new staff as well as those needing upgrading, which they say will create a considerable financial burden with the implementation of the bill.

In summary, our concerns are in relation to the implementation of the bill, the detail in relation to the regulations and importantly the funding. It is my understanding that the government schools are pretty well down the track in relation to training being put in place, but I believe our Catholic and independent schools are currently a long way behind. They, and particularly country schools, need support from the government to access training, to provide relief staff and to provide funding to cover travel and accommodation costs to enable them to get to training, if it is not delivered at the school.

I compliment the government on most of the training being done by Ambulance Victoria First Aid, which has a twofold benefit. It is an opportunity for ambulance staff to come to the schools and child-care centres —

although I am not sure they are going to child-care centres — and build up a relationship with the younger people in our community. By visiting the schools, ambulance staff know where they are situated and can get there fairly quickly if there is a call-out. But we need to do more work in relation to that. The Nationals policy on education and training states that we believe:

... quality education and training are crucial to young people of all abilities, and in all parts of the state.

That is a concern in relation to the delivery of this type of training to all parts of the state. As I said, there are 53 schools in my electorate, which is a very big area. Some are at least a 2-hour drive away from regional centres, where most of these ambulance services are, so it is important to provide resources to enable schools and child-care centres, and particularly kindergartens, to qualify to be registered. The Nationals believe it is important that every child has the opportunity to go to school and that there should be an unambiguous focus on the individual child and unconditional respect given to every child, irrespective of their background, skills, ability and location. The schools that provide these resources must be given support by the government. We believe it is the responsibility of the government to provide a public education system and assistance to non-government schools.

To finish off, The Nationals are not opposed to this legislation. We have some concerns, as outlined in the letter received from the Association of Independent Schools of Victoria, and similar concerns were raised by the Catholic Education Office. This is not an easy program to administer, particularly in relation to the training of staff. EpiPens used on children having an anaphylactic fit need to be administered very quickly and therefore under pressure, whether by teachers, parents or staff at schools, so it is important that they get appropriate training.

As part of a study conducted by the Royal Children's Hospital, 100 doctors were recruited in order to test their ability to correctly use EpiPens. Only two doctors demonstrated all six administration steps correctly. The most common errors were failing to hold the pen in the correct place for more than 5 seconds, failing to apply pressure to activate the release of adrenaline, and self-injection into the thumb, which was done by 16 per cent of the doctors. Only 41 per cent of the doctors were able to demonstrate the remaining five steps correctly after reading the instructions. This is a concern we have regarding training — —

**The ACTING SPEAKER (Mrs Powell)** — Order! The member's time has expired.

**Mr LANGUILLER** (Derrimut) — I rise today as a legislator, a member of the government and a parent of four children to support the Children's Services and Education Legislation Amendment (Anaphylaxis Management) Bill 2007. Initially I wish to quote from the second-reading speech made by the Minister for Children and Early Childhood Development on 1 November. In her final remarks in introducing this bill the minister said:

... I would like to acknowledge Nigel and Martha Baptist, whose son Alex tragically died while attending a Victorian kindergarten in 2004.

From that time Nigel and Martha have worked selflessly, and with great dignity, to raise awareness of anaphylaxis and its tragic consequences.

I would like to commend them for their commitment and their courage.

I wholeheartedly endorse, as I know every legislator in this chamber does, those profound and passionate remarks of the minister. In some important measure, every parent in the state and the nation is grateful to them for their commitment and passion.

The first comment that ought to be made about this legislation is that Victoria is the first state of all the jurisdictions to actually mandate the minimum safety standards which will apply to all schools — public schools, independent schools and Catholic schools — and children's services. Apart from the Northern Territory, the other states and territories have guidelines but have not yet legislated in relation to this important matter. In addition, the commonwealth has provided guidelines but has not yet formed a view that there ought to be uniform legislation across the nation. This is a very significant achievement that leads the way, short of Sabrina's Law of 2005 in Ontario, Canada, where legislation was first introduced. From that point of view I am confident that every member of this chamber commends the government, and indeed those parents who so passionately lobbied the government for the purpose, for introducing legislation to make children as safe as we can in every environment they live in. That is an important achievement.

A second point ought to be put on the record. Far too often some sections of the community think that the government and opposition in this chamber fundamentally disagree. The reality, as you, Acting Speaker, know, is that more often than not we reach agreement. Some important issues have been raised by the opposition, and I know that in her summary the minister will address them. The important thing to also place on the record is that the spokeswoman for the opposition said there is strong support from both

opposition parties for this legislation. That is an important achievement as well, because the government is bringing into this chamber and introducing into the community legislation that is consensual, in that everyone who has worked with it endorses it. I am confident that the matters that have been raised will be addressed and worked through.

Another point I wish to place on the record is that we ought to recognise the work of the Australian Medical Association, Anaphylaxis Australia, the Ilhan Food Allergy Foundation, the Royal Children's Hospital's allergy department, the Asthma Foundation of Victoria, Ambulance Victoria First Aid, and many parents whose children have been diagnosed with anaphylaxis.

This is good legislation, and as I have indicated, it is important. It proposes to amend the Children's Services Act 1996 to establish an anaphylaxis management policy containing prescribed matters as a requirement for children's services. It requires schools to have an anaphylaxis management policy as a minimum standard for registration. At this point it is important to clarify that the schools that will be required to have that policy are those that have a student who has anaphylaxis. Every children's centre will have a policy.

The bill introduces a maximum penalty of 30 penalty units for children's services that fail to comply with the above requirement. Clause 4 requires proprietors of children's services to keep records concerning matters pertaining to the plans, procedures and implementation strategies included in the anaphylaxis management policy, the training of the staff and the storage and availability of anaphylaxis medication.

I refer to the other legislation which the bill amends, the Education and Training Reform Act 2006. The bill requires the Victorian Registration and Qualifications Authority to not register a school that has enrolled a student diagnosed as being at risk of anaphylaxis unless it is satisfied that the school has developed an anaphylaxis management policy containing the matters required by ministerial order. It is clear that every safeguard is being put in place to ensure that schools and children's centres adhere to the requirements and expectations of the legislation. Clause 8, which amends schedule 6, details the matters to be included in the anaphylaxis management policy, including the training of relevant staff and the planning procedures relevant to such a policy.

I wish to take this opportunity to commend the good work of the minister and the department. It is important to note that some very useful kits have been developed, which I have had the pleasure of going through.

Usually I find kits difficult to understand, particularly when they relate to these matters. As I said to my colleague the member for Northcote, I tend to get a bit nervous, as a father of four, when dealing with these issues. I have dealt with my son, who has asthma, and I know how difficult it is for parents. I commend the work that has been done, because it is terrific that these kits have been produced in this manner.

It is also important to indicate to the community that this literature will be translated into other languages, so it will be found on the department's website. I represent an electorate in the western suburbs where 120 different community languages are spoken daily. This literature will be translated by the department and placed on its website, so if parents, teachers, carers and people at children's centres require the kits in other languages for the purpose of assisting parents and others who do not read or understand English sufficiently well, they will have access to them.

Another important comment to make, if I might indulge myself — the minister will probably have wanted to make this announcement — is that these kits will be made available to every member of Parliament. The government is very committed to ensuring that members of Parliament, who are spokespersons for their communities, are able to get their heads around the kits and their use. Commendation should also be given for the proper and comprehensive consultation that took place. The process ensured that the views of all stakeholders were taken into account.

**Ms Richardson** interjected.

**Mr LANGUILLER** — In conclusion, and as the member for Northcote reaffirms, we are very proud that Victoria leads the way in delivering a commitment that was made by former Premier Bracks. He made the announcement that legislation would be introduced and funds would be made available for the purpose of providing training to teachers and people in children's centres, and he said that every assistance required would be made available to parents. It is important to reiterate that the achievement with this legislation is that it is the first of its type in Australia, that this is a whole-of-community approach and that it is a recognition that in order to make the lives of children, and indeed their parents, safer we must work together. This is an example of good debate, because today all the legislators in all the parties in this chamber have endorsed this good legislation. I commend the Children's Services and Education Legislation Amendment (Anaphylaxis Management) Bill to the house.

**Debate adjourned on motion of Mr DIXON (Nepean).**

**Debate adjourned until later this day.**

## MOTOR CAR TRADERS AMENDMENT BILL

*Second reading*

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

**Mr O'BRIEN** (Malvern) — The opposition is pleased to indicate its broad support for this bill. This is an important bill. Many of the measures contained within it stem from the fairly comprehensive report that was undertaken by a former member for Higinbotham Province in the other place, Mr Noel Pullen, and tabled in December 2004. The government considered Mr Pullen's report and responded to it in 2006. Here we are at the end of 2007 and the government has put forward some legislative responses to Mr Pullen's report and his recommendations. That has been perhaps a little less rapid than many in the industry would have been hoping for, but nonetheless the bill itself does contain some measures that are worthy of support.

The bill does three main things. Firstly, it alters the requirements relating to motor car traders, particularly in relation to the employment of persons in that industry. That has been a matter of concern for some time. There have been a number of instances where people employed in the car industry have perhaps not reflected great credit on that industry, and consumers have suffered some detriment.

**Mr Jasper** interjected.

**Mr O'BRIEN** — In every profession, as the member for Murray Valley would know, it only takes one or two rotten apples to spoil the reputation of the rest of them. The measures in this bill are supported by the opposition because they seek to remove those rotten apples from the barrel.

Secondly, the bill enhances consumer protection, most notably through the introduction of the concept of a cooling-off period for the purchase of new vehicles. Previously, cooling-off periods have only applied in relation to the purchase of used vehicles. These measures extend that protection to new vehicles.

Thirdly, the bill makes reforms to the way claims can be made upon the Motor Car Traders Guarantee Fund. The fund was clearly designed and set up to benefit

consumers, who may have otherwise suffered loss or damage through the actions of various motor car traders. However, what we saw in practice was that in some instances government instrumentalities, such as the State Revenue Office, were availing themselves of the funds that were designed to compensate consumers. The SRO was utilising the law as it stood, and currently stands, in an attempt to recoup stamp duty that may have been lost in circumstances where a motor car trader had become insolvent and the money had been taken in by the car dealer but had not been forwarded to the SRO. The SRO was stepping in and making claims on the Motor Car Traders Guarantee Fund. It was depleting that fund, ultimately at the expense of consumers.

Clause 7 of the bill provides that the Business Licensing Authority, which is the relevant regulatory agency for the purposes of the present act, in determining whether or not to issue a licence for a motor car trader, is able to consider whether an applicant is or was a partner or director of a partnership or a body corporate that has had a claim admitted against the fund in relation to an act or omission that occurred at the time that person was involved. This was recommended by Mr Pullen in his report and was to cover people who were seeking to obtain a new licence and who had perhaps been involved in failed enterprises in the past, particularly where consumers had lost out as a result. It is very important that the relevant licensing authority be able to consider the track record and history of these persons and whether or not consumers have lost out as a result of some of their acts or omissions in the past.

There is also a provision in the bill whereby a licence for somebody who is an associate of a person, within the meaning of the act, who has within the last 10 years been convicted or found guilty of a serious offence, whether or not a conviction was recorded, can be refused. Again, this is designed to try to ensure that people operating in the industry are of the highest standard. The definition of a serious offence is where somebody has been found guilty of an offence such as fraud or dishonesty, drug trafficking or violence. I am sure all members would agree that they are not the sorts of people we want operating in the motor car industry.

It has been suggested that it is important that such a prohibition not be black and white. This is on the basis that there may be cases where people have previously led lives which took them down the wrong path. Should they be prohibited from operating in the motor car industry? That is a legitimate question to ask, but I note that the authority has the discretion to allow somebody to operate in the industry, notwithstanding a previous

conviction or guilty finding against them. This provides a safeguard in the relatively few instances where somebody has committed a serious offence but for whatever reason may be found to be worthy of being admitted to practice in the industry, notwithstanding their previous misdeeds.

The bill also inserts a penalty for failing to keep a dealings book, and it contains other provisions relating to dealings books. Dealings books are obviously a very important part of the industry in terms of ensuring that all relevant transactions are properly recorded. This is important in maintaining the integrity of the industry, particularly given that it is an industry that is unfortunately both affected and afflicted by the propensity of people to steal cars and sell them on.

This is something that hurts the industry and hurts consumers. It is important that proper records be kept to try to keep those sorts of instances to a minimum. This bill introduces a penalty for failing to keep a dealings book, which perhaps through an oversight has not existed in the past. There is a penalty of 50 units, which would seem to be appropriate.

The bill also requires a licensed motor car trader to require a police check when employing new staff in any customer service capacity. I have indicated previously what a serious offence is within the meaning of the act. This is an interesting provision in that it does not apply to existing employees; it only applies to new employees who are operating in a customer service capacity. I think the public can legitimately ask: if it is a sensible step to require police checks for new employees being brought into a company when they are going to be dealing with the public on a regular basis, why is it not useful to extend that provision to current employees?

**Mr Jasper** interjected.

**Mr O'BRIEN** — In his other role as an Acting Speaker the member for Murray Valley would say it is disorderly for me to respond to an injection. Nevertheless I will take up his point. The fair point is that it is a cost factor. What I would say is that the opposition does not oppose the government's decision to not extend it. We note, though, that it is something that needs to be kept under watch, and if it turns out that there are problems because the existing employees in the industry are the ones who are causing issues rather than the new employees, it should be revisited. It should at least be reviewed down the track. It is important for people in customer service positions in the motor car trades industry to have integrity so customers can have a level of confidence in dealing with them.

The measures to extend the requirement for police checks to new employees are certainly worthwhile, and as I indicated not extending the requirement to existing employees is fair enough at this time given the cost that would be involved. But if these measures do not do the job in terms of getting rid of some of the bad apples in the industry, they should be kept tucked up the sleeve, so to speak.

The other thing I notice in this regard is that the definition of customer service capacity has not been amended. This is contrary to Mr Pullen's recommendation 9, which is:

The definition of 'customer service capacity' should be extended to include aftermarket service and finance, unless evidence can be provided as to why they should not be added.

This recommendation was rejected by the government, and evidence of that rejection is found in this bill, which makes no change to that definition. In some ways it is a bit short sighted of the government not to give Mr Pullen's recommendation a little more consideration. Anybody who purchases a car, particularly anybody who purchases a new car, would have had the experience that I have certainly had, which is that the aftermarket service and the finance are very much a part of the transaction. It is not just a case of signing a document to purchase a car. There is a lot of documentation involved in the financing of it and in signing up for various aftermarket services. The government has been a bit short sighted in peremptorily dismissing Mr Pullen's recommendation in this regard, because I think it makes some sense. If the changes made by the bill do not pick up some of these flaws, I urge the government to revisit Mr Pullen's recommendation, because, as I said, on its face it appears to be quite sensible.

The bill also prohibits any trader from having dealings with anyone under the age of 18. I think this is an important consumer protection mechanism. While it might seem trite, because you must be 18 years of age or older before you can legally drive a car by yourself, nonetheless it is probably a form of protection not only for consumers but also for traders. There may well be instances where somebody who is very close to 18 years of age has engaged in a dealing with a trader and has been in full possession of all the relevant facts but has subsequently used their lack of legal majority to try to either get out of the transaction they had voluntarily agreed to or otherwise taken action that ultimately leads to the dealer's detriment. I think this is probably an important consumer protection mechanism, but it is also an important trader protection mechanism, because if someone is not 18 years of age it throws up all sorts of legal obstacles in relation to the enforcement

of a contract. Having a stipulation in the bill that says that a dealer cannot have any dealings with somebody under the age of 18 years is probably the safest way to deal with it for both parties.

The bill also stipulates that electronic forms of advertising are classified as an offer to sell and makes it an offence to not have an up-to-date dealings book. I think these measures are very worthwhile because electronic forms of advertising are increasingly becoming the main way that people sell cars. One need only click on a few internet sites such as carsales.com.au, to mention just one, or drive.com.au and its various umbrella sites to see that many people are buying and selling cars over the internet. The original act was passed in 1986, and one cannot expect the drafters of the day to have foreseen the rise of the internet. Certainly it is important that as legislators in 2007 we acknowledge the fact that so much commerce is transacted on the internet and bring our legislation up to date to reflect that.

The bill also provides that traders must keep business records relating to their past three years of trading at their office and make them available for inspection by Business Licensing Authority inspectors. It is important in terms of maintaining the integrity of the industry that participants in the industry, and traders in particular, be subject to spot checks on their operations to ensure their transactions are properly recorded. While traders may think it onerous that they need to retain three years worth of business records on their premises and available for inspection, unfortunately it is part of the price of operating in this industry. As I indicated to the member for Murray Valley previously, I have not had a lot of experience operating in the industry, unlike the good member, and I would certainly welcome the benefit of his expertise in these matters.

Moving to the consumer protection aspects of this bill, and in particular the proposal to extend the application of cooling-off periods to purchasers of new cars, I note that the proposal does not extend to commercial vehicles. That is interesting, because in his report Mr Pullen proposed that consideration should be given to cooling-off periods for both new and commercial vehicles. I do not think the government has necessarily been very clear as to why it has decided that new vehicles are worthy of this extended form of consumer protection when commercial vehicles are not. It is particularly interesting given that there is an increasing blurring of the categories of what is a commercial vehicle and what is a passenger vehicle.

It used to be that a ute was a work vehicle, and that was pretty clear cut. Now you see utes being marketed and

advertised as lifestyle vehicles, the primary purpose of which is passenger transport. There would be a lot of utes on the road today that would never see a toolbox or a plank of wood; they would never see a kelpie or a cattle dog. These sorts of vehicles are not being marketed as commercial vehicles. There is a blurring of the lines. A lot of commercial vehicles are purchased by small business people, and in some ways small business people may suffer some of the same asymmetry of information deficiencies as other consumers. Running a small business does not necessarily mean you know a lot about cars, in the same way that an ordinary consumer may not know a lot about cars. I think the government's decision not to extend the protection of a cooling-off period to commercial vehicles is in some ways retrograde.

I would urge the government to keep the situation under review, because I think there is an argument that small businesspeople who purchase commercial vehicles should be entitled to greater consideration. Given the increasing blurring of the distinction between commercial vehicles and passenger vehicles, I think the case is even stronger. While we are supporting this bill, I would urge the government and the minister to keep the situation under review. If it does appear that there is a strong argument for extending the operation of cooling-off periods to commercial vehicles, I would urge the minister to bring legislation into the house to do so.

I have consulted with the VACC (Victorian Automobile Chamber of Commerce) in relation to this matter, including David Russell, the VACC senior manager of government and public affairs. I should say that the VACC is encouraged by the majority of amendments to the principal act. However, it did express some concern about, and in fact does not support, the idea of a cooling-off period for new cars. The VACC's concerns are legitimate and deserve discussion in this house. It is concerned that a cooling-off period for a new car lessens the value of the contract. The VACC believes it changes the relationship between the car trader and the consumer, and it could potentially create a very unfair situation for traders, who will be faced with consumers shopping the market.

What I understand the VACC to mean by that is that a consumer may come to an agreement with a car trader, sign a contract for a new car and then use this signed contract to walk around town or drive to the next car yard and say, 'I am very serious about buying a car; in fact I am so serious I have signed a contract. This is the price I am paying for it. What can you do for me? Can you get me a better deal?'. A signed contract could be

seen as a real indication that somebody is a serious purchaser of a car, and this could be used to enable the consumer to shop around and play various dealers off against each other. If it turns out that the contract is terminated within the cooling-off period, then the original car dealer who had the contract may be left significantly out of pocket.

Against that there are some other arguments which I think should be put and which on balance the opposition has accepted as making this measure worthy of support. The first is that an increased penalty, if you like, for terminating a contract during a cooling-off period will apply to a new car. Instead of the penalty being 1 per cent, which is the relevant percentage for a used car, it can be 2 per cent or \$400, whichever is the greater. It would act as a financial disincentive for somebody to use the contract to shop around, because they would have to do at least 2 per cent better in their negotiations with a subsequent dealer to overcome the penalty they would have to pay to the first dealer for terminating the contract during the cooling-off period.

The second aspect which makes the extension of the cooling-off period to new cars worthwhile is that there is no requirement for a dealer to place an order for a new car while the cooling-off period is in existence. I think that is an important protection for the trader. It is made quite clear in this bill that if I am a motor car trader and somebody enters into a contract with me to purchase a car, I am under no obligation to place an order for that car, which I may then be stuck with in the event that the consumer terminates the contract during the cooling-off period.

The third aspect of this which I think makes it a worthwhile proposal is that consumers and traders can agree between themselves to the waiving of a cooling-off period. That is an important mechanism to ensure that, if a consumer is fully informed of their rights and wishes to move straight ahead with the purchase of a new motor vehicle, they are able to do so, knowing that they are waiving their rights but that that will give the trader the certainty to place an order straightaway and continue the commercial transaction. It is obviously important that a consumer is aware of what they are giving up when they choose to waive their right to a cooling-off period, but I think the legislation should adequately provide for that. The forms that provide for that waiver will, I trust, make that eminently clear so that the consumer will make an informed decision in deciding to waive a cooling-off period.

This bill also prohibits dummy bids at car auctions. However, it will permit vendor bids by an auctioneer if

it is announced that vendor bids are being made or are permissible. This brings it into line with real estate auctions, where vendor bids are permitted as long as they are up front and disclosed as such. The bill also requires auctioneers to record the details of the seller and purchaser of a motor car. This would seem to be a sensible measure in relation to trying to rid this state of the scourge of both the trade in stolen motor vehicles and unlicensed motor car trading. It appears that one of the sources of cars for unlicensed motor car traders is the public auction. By recording the details of purchasers and sellers it appears that this mechanism will enable the relevant authorities to ensure that unlicensed motor car trading is kept to a minimum.

One other aspect of consumer protection I would like to refer to relates to the proposal in this bill that the requirement to display the name and address of the former owner of a used car on the form 7 will no longer apply. Instead this information is to be available on request and must be supplied by the motor car trader. This has been introduced as a result of privacy concerns. People have been worried about their personal details — their names, addresses et cetera — being displayed on used cars, which anybody could conceivably have a look at and note. The argument against changing the system is that it is pretty clear that if you are looking to purchase a used car you can check with the former owner on, for example, what the odometer reading was, whether it has been in any serious accidents and what sort of mechanical history it has. It allows you to get the sort of information that perhaps would not be available through a logbook or a service book.

**Mr Jasper** — You can ask the dealer.

**Mr O'BRIEN** — The proposal is that the information be made available through a dealer. However, as I am sure the member for Murray Valley is aware, under this proposal once you have actually purchased the car you cannot get the information. That is a very important consideration, because sometimes it is not until you drive off the lot that you are aware of problems with a car. In those circumstances I think it is important that consumers have the ability to find out who the previous owner was and whether a motor car dealer has been less than up front.

On that basis I am concerned about this proposal, not in relation to the privacy aspect so much as the fact that the ability to obtain the information ends as soon as the car is purchased. That means that the ability of the consumer to track down the previous owner of a vehicle and find out if something untoward has happened will be commensurately reduced. I place on

the record my concerns and the concerns of the opposition in relation to this aspect of the bill. I urge the minister to keep it under review. If it turns out that consumers are finding it difficult to deal with problems with used cars because they cannot obtain information once they have actually purchased the cars, I would urge the government to bring in amending legislation.

The final aspect of this bill I wish to make reference to is the change to the Motor Car Traders Guarantee Fund and the restrictions on who may claim on the fund. As I briefly mentioned previously, the fund was set up to compensate consumers who suffered losses as a result of the collapse of licensed motor car traders. However, what has been happening in practice is that statutory authorities such as the State Revenue Office have been able to utilise this fund to claim stamp duty which may be owing to them but which they have not received as a result of the collapse of licensed motor car traders. Clearly the fund was not set up to compensate the state government or its instrumentalities; it was set up to compensate consumers. That aspect of the bill has the opposition's full support.

In summing up, this is a good bill that contains many useful measures. There are some recommendations from the Pullen report that have not been implemented, and I would urge the government to keep them under review. There are some changes here which, for the reasons I have outlined, are worthy of further consideration, particularly if they wind up being to the detriment of consumers; but on the whole this is a useful piece of legislation and one that the opposition supports.

**Mr JASPER** (Murray Valley) — I am pleased to join the debate on the Motor Car Traders Amendment Bill 2007 on behalf of The Nationals. I indicate from the outset that I grew up attending school at Rutherglen and I attended Scotch College. I returned to Rutherglen to be trained in my family's motor vehicle business, which now operates as a General Motors Holden dealership at Rutherglen and Corowa. In the 1970s I was trained in all aspects of that business and became a director of the company prior to entering the Parliament in 1976. I want to place on record that I do not have a direct interest in the family business, but I certainly have an indirect interest in that motor vehicle business which operates at Rutherglen and Corowa.

Having said that, I want to make sure that the house is aware of my great interest in the motor industry. I want to place on record some brief statistics to highlight the critical importance of the industry to the economy of the state of Victoria. Three major motor vehicle manufacturing businesses based in Melbourne and

Geelong employ 35 391 people; across Victoria the wholesale area employs 8138 people and the retail area employs 52 741 people. That is a huge industry as far as the state economy is concerned. Australian Bureau of Statistics figures indicate that the automotive industry is worth \$173 billion in retail turnover in Victoria. It is a critical industry and obviously needs to be supported by governments at both state and federal levels. Of the licensed motor car dealers in Victoria, 300 are involved with new cars and 1000 are involved with used car retailing.

In passing I wish to comment that the licence fee for people operating within the industry is a set figure of around \$1000. I believe this should be a graduated figure, as it is in many other industries, so that smaller dealers can pay a smaller fee compared to the major and bigger dealers operating in, say, metropolitan Melbourne and the major regional areas.

The revenue from the motor industry to the state of Victoria has been enormous. Earlier this year I strongly applauded the changes set out by the state government in the budget papers, because the stamp duty on motor vehicles had not changed since 1989. At that time I highlighted that for the period 1988–89 the actual revenue to the state government was \$219 million and that it had risen in the last financial year to \$555.5 million — a massive amount. I applaud the fact that the government finally, after years and years of representations, indicated that there would be a change to the fees. I will not go into the details of the changes, but it was a very good move in reducing the impost of stamp duty on motor vehicle transfers for new vehicles within the state of Victoria.

The Nationals will not be opposing this important legislation before the house. I listened with a great deal of interest to the contribution from the member for Malvern, who indicated in the early part of his speech that there were three major areas in this legislation. In fact, he went over a multitude of other things that are included in the legislation.

In 2004 an investigation of the Motor Car Traders Act was undertaken by Noel Pullen, a former member in the upper house, because the 1986 act certainly needed major changes. He included 38 recommendations for changes to the act to improve the operation of the motor car industry within the state of Victoria. By late last year only one amendment had been brought before the Parliament. It allowed for the electronic transfer to VicRoads of information about the ownership of motor vehicles. This important move was a strong recommendation within the report. In the debate on that amendment I indicated my disappointment that the

government had these 38 recommendations and only one recommendation had been included in the legislation.

At the same time VicRoads introduced a system of electronic information transfer, and this created difficulties for licensed motor car traders who lived in New South Wales but were licensed in Victoria. We had the situation where licensed dealers in Albury who were buying cars in both Victoria and New South Wales found that they were not able to transfer those vehicles to their New South Wales registered address. This caused enormous problems for dealers operating on the border between the two states. I have to pay some tribute to the former Minister for Transport, because following my representations to him he made representations directly to VicRoads. It undertook to make amendments to the provisions for the transfer of vehicles to make sure that the dealers who were licensed outside Victoria could hold those vehicles where they were being held for wholesale or retail sale. That action overcame one particular problem.

As I said, this is important legislation because it seeks to update the Motor Car Traders Act to modern-day terminology, and it introduces changes that have been recommended over many years, including 18 of the 38 recommendations contained in Noel Pullen's report. I want to just quickly mention some of the changes which have been implemented, and then perhaps I will go into some detail on a number of the recommendations which have been included in the legislation which is before the house.

There is an extension of the cooling-off period for new car sales, including a penalty to deter contract shopping — I noted the comments of the member for Malvern in relation to this and I will come back to it, provided I have time, to make further comment. There is a restriction on dummy bidding at motor car auctions. Further details relating to that are contained in clause 16 of the amending bill. The bill introduces restrictions on who can claim on the Motor Car Traders Guarantee Fund.

The bill removes the requirement to display the personal details of previous owners on form 7s — again a change that was previously mentioned by the lead speaker for the opposition. I disagree with some of the comments he made, because whilst the Privacy Act has been utilised so that the name of the seller is not shown on the form 7, the buyer is able to ask the dealer who owned the car and to contact that person if they wish. I think that process would be fairly easy. Any reputable licensed motor car dealer would be most pleased to indicate who the previous registered owner was and to

allow a buyer to undertake those investigations, because the buyer has a three-day cooling-off period anyway with the used car they are buying.

The bill introduces positive obligations to check that potential employees are not prohibited persons. Again I take issue with the comments made by the member for Malvern. He indicated that this ought to apply retrospectively to people already employed within the industry. I suggest to the house that a motor vehicle dealer, particularly some of the larger ones, would have a large number of employees, and if that obligation were to be applied retrospectively, it would mean that they would have to go through the full procedures of police checks on all those employees, which could be not only time consuming but also costly because of the procedures they would have to go through. Importantly, all employees who are taken on by licensed motor car traders in future will be subject to police checks.

Auction houses are to record details of vendors and purchasers and to make them available for inspectors and for the police — again an area where concerns have been raised in relation to people operating within auction houses. Traders will not be able to enter into a contract with persons under the age of 18, which is a very worthwhile recommendation contained in the Pullen report that has now, importantly, been included in this legislation.

There are also a number of other changes made by this legislation that are not based on recommendations from the Pullen report. One is the introduction of a penalty — 50 penalty points — for not having a dealings book available. The bill allows claims on the fund to be made in certain situations where a person has traded in their vehicle subject to finance. Clause 24 of the bill deals with situations in which claims can be made, and that is the result of a Supreme Court decision.

Another interesting change which did not arise from the Pullen report is that dealers will not have to hold documentation for seven years, which is the current situation for people operating within the industry. The period will be reduced to three years. There are also changes involving the Bankruptcy Act. That is a complex situation, with some 38 acts listed in the schedule being amended. The schedule makes minor references to a range of acts that will have to be consequentially amended to deal with the situation where a personal insolvency agreement is dealt with under part X of the Bankruptcy Act.

I said that I wanted to mention in detail some of the other issues covered by this legislation which I referred

to earlier. The cooling-off period is an issue that has been brought to my attention. At this stage I indicate that I have had two discussions with representatives from the minister's department, and I acknowledge the information they provided to me in relation to the legislation, but I have also undertaken extensive discussion with representatives of the Victorian Automobile Chamber of Commerce (VACC), which has indicated its concern over the extension of the cooling-off period to new cars.

As the house would be aware, the cooling-off period for used cars is three business days, with a forfeiture penalty of \$100 or 1 per cent of the price of the vehicle. On new cars it is now proposed that the penalty be \$400 or 2 per cent of the cost of the motor vehicle. The industry and the VACC have indicated to me that they have concerns that a purchaser would be able to sign the contract, pay the deposit and then move around and contact a range of dealers. If you have been in the industry, you understand precisely what can happen in relation to both new and used cars where a person or persons buy a particular car and can then go hawking that contract all around the place — indeed all over the state — seeking a deal involving reduced payments for the purchase of that vehicle.

The VACC has suggested that the penalty should be a higher amount — \$1000 and 5 per cent. The government has not accepted that, but the VACC believes — and I think it has the interests of the motor vehicle industry at heart, particularly those of the motor vehicle dealers it represents — that the amount is justified to make sure that the person who has purchased the vehicle is sincere when they sign the contract and that they would be subject to a penalty if they took the car around to other dealers.

The issue there is that generally, if people are buying a motor vehicle, they seek prices from a range of dealers, whether they visit them personally or go onto the internet or use other mediums to seek that information. Once they go to a dealer they generally know what they are looking for, know the pricing structure and indeed know that there will be guarantees and a warranty provided. I indicate to the house in the context of these issues that approximately 50 per cent of used cars sold within the state of Victoria are sold private person to private person, so in fact only about 50 per cent of cars that are being sold within the industry are subject to guarantees and warranties. I think it is important that people understand that, if they buy a car privately, they do not have warranty and they do not have the protection of the industry. That is a critical issue as far as I am concerned for people who are operating within

the industry, and indeed for people who are purchasing a vehicle.

There are many other areas in the legislation which I want to refer to if I get the time. One other area that was mentioned in particular — and I think it is worthwhile going back to it — was about restricting who can claim under the Motor Car Traders Guarantee Fund. VicRoads found this was a good way of getting revenue. If a particular motor vehicle dealer had not been paying the transfer fees, VicRoads claimed from the fund. It claimed approximately \$200 000 per year from the guarantee fund when transfer fees had not been paid, whether through a licensed motor vehicle dealer or a result of a change of vehicle between private individuals. VicRoads, an authority operating for the government, was claiming from the fund to the extent of approximately \$200 000 per year. There has been an agreement that VicRoads will not be proceeding with claims on the guarantee fund. It is going to withdraw them and will not be able to succeed with any future claims because of the changes to the legislation currently before the house.

It is important to expand on those particular issues because of the importance of the legislation before the house and to recognise the large number of amendments which refer particularly to the report by Noel Pullen. I put it on record again that Noel Pullen did an excellent job investigating the industry and looking at changes to make the legislation more effective within Victoria.

I want to also indicate again that people should understand the importance of the industry to the state of Victoria and the contribution it makes to the economy. I mentioned some figures to highlight how critical this industry is for the state. Most people who operate within the industry do so effectively and honestly, and they want to be seen in the community as not only making a contribution but also assisting the industry to operate in Victoria.

I indicate again that I was pleased to get the information that was provided to me by representatives from the minister's department. This legislation is a move in the right direction. Let us take up more of the recommendations contained in the Pullen report. They are important in improving the industry and in updating the Motor Car Traders Act and bringing it to the level at which it should be operating within this state.

I should also add that some of the penalties included in the act generally go too far. They are maximums, admittedly, and it is up to courts to decide on the penalty imposed on a particular dealer if they are not

operating effectively and doing the right things within the industry. This legislation should be supported. It will not be opposed by The Nationals because we see it as important. It will be able to improve the industry operating within the state of Victoria.

**Ms GREEN** (Yan Yean) — It is with great pleasure that I join the debate on the Motor Car Traders Amendment Bill. I am very pleased to see that both the Liberal Party and The Nationals are also supporting this bill. I might add that it is always a great pleasure to follow a speech by the member for Murray Valley in this house. You can tell that he still has a great fondness for the industry that he previously worked in.

It is important for legislation like this to protect consumers in this area involving the second most expensive purchase that many of us will make in our lives. Any legislation in this area must give proper protection but also needs to be balanced and not create too much of an impost on business. As previous speakers have said, this legislation gives effect to recommendations made by the Pullen report conducted in 2004 and concluded in December of that year by Mr Noel Pullen, MP, a former member of the other place. He was a great bloke who undertook this report with great humour, honesty and balance. Anyone who knows Mr Pullen knows that he did that in any work he undertook. I miss him a great deal in this place.

I am pleased to say that Labor governments have always been very committed to good legislative protection for consumers. I saw this firsthand in the early 1990s when I worked in the then ministry of consumer affairs alongside some very passionate and committed professionals working to the benefit of consumers. The Kennett government abolished that ministry and in its place created an entity with much fewer teeth and incorporated it in the then Office of Fair Trading and Business Affairs, which caused a lot of sadness in the department at the time because it created an imbalance and showed a lesser commitment to consumers. I am pleased to see that we now have the balance right. That is indicated by the consumer protections that are in this bill and also by the fact that prior to the preparation of this bill, as is good practice, I believe, a business impact assessment was conducted. What you see in the bill is really only what the business impact assessment has recommended, so it is not going to be too onerous on business whilst being fair to consumers.

Amendments were made last year, I think it was, following the recommendations in Mr Pullen's report. They facilitated the keeping of purely electronic dealings by motor car traders. That has achieved an

ongoing burden reduction for licensed motor car traders of \$7.5 million per annum, which is good for this important industry.

The proposals in this bill will provide further efficiencies for licensed motor car traders as well as more effective protection for the people who deal with them. The amendments that reduce the burdens or imposts on traders include proposals to restrict the persons who may claim on the Motor Car Traders Guarantee Fund, to no longer require traders to display certain details about the vehicles they acquire from other traders or special traders, and to prohibit dummy bidding at motor vehicle auctions, where 70 per cent of most vehicles are sourced. This is similar to what is required for estate agents.

As previous speakers have mentioned, the bill makes some amendments to extend and improve the effectiveness of cooling-off periods. This is important, given that buying a car is the second most expensive purchase anyone is likely to make. I agree that there is a need for balance here. I do not agree with the concerns that have been expressed by the VACC (Victorian Automobile Chamber of Commerce) that this may lead to shopping around following the signing of the contract, which the member for Murray Valley alluded to.

There are many ways in which consumers in this modern, 21st century climate can make very effective price checks of their purchases over the internet, so it is unlikely that there will be a widespread problem of price shopping during the cooling-off period. An impost of \$400 or 2 per cent of the cost of the car is a significant enough response. Consumers are unlikely to do this often, because a \$400 penalty is something that they are not going to take lightly. The VACC should understand that there will be an evaluation period after 12 months to see whether this feature is working. If there are other remaining concerns, they can be dealt with at that time.

The member for Malvern raised some concerns about commercial and light vehicles not being included in these changes. The bill only includes items that were recommended in the business impact assessment. The form 7 window displays of information on vehicles will be improved, so I think this is an improvement regime that does not impose too many costs on business.

Other amendments allow the licensing authority to consider associates when assessing licence applications. It is important that we have people of good character operating in this business, as the member for Murray Valley said. Community assessments of the professions

often rank motor car traders, members of Parliament and estate agents down around the bottom. Maybe we are all unfairly maligned, but it is important to have that protection there.

The bill also makes changes so that the names and addresses of previous owners are not automatically displayed on vehicles. I think this privacy provision is important for sellers. I am also quite interested in the clarification of the provisions that preclude purchasers under the age of 18 from making contracts. I think this is really important. I was very fortunate when I purchased my first car to have the assistance of my father. It was the year before I lost him, but I had his support and advice then. I also had the advice of Wilfred the mechanic. Young people do not always have access to a parent or someone skilled like that, so I think that change is important.

Thinking about the time I bought my first vehicle made me think about our love affair with cars. I will never forget Doris Datsun, the red 180B with racing stripes on the side, a roll cage and full harness seatbelts. It had been a rally car before I owned it. Once I was behind the wheel I was transformed from surfer chick to petrol head. I have some great memories of that car and the times I had in it. Everyone stores up those sorts of memories for a lifetime. It is important that we make sure a person's experience of purchasing their first car or any other car throughout their lifetime is a good one. That is why this is good legislation.

I am pleased to see the Liberals and The Nationals supporting the bill. I again offer my congratulations and commendations to Noel Pullen for undertaking this report and to the government for its response to the report. It is a measured and well-thought-out response that is fair to consumers and to traders. I commend the bill to the house.

**Mr MORRIS** (Mornington) — It is a pleasure to have an opportunity to participate in the debate and to support the bill. The intent of the bill, as we have heard, is to amend the Motor Car Traders Act to improve the operation of that act; to amend the Interpretation of Legislation Act to change the definition of 'insolvent under administration' from its meaning in the Corporations Act to a much more substantial and hopefully more precise version, and to amend some 38 acts as a consequence of that; and to amend the purpose as stated in the principal act to ensure that the legislation applies not only to the purchase of motor cars but also to all those who deal with motor car traders, which I think is widening the net in a positive way.

It is worth noting that the second-reading speech — and indeed the government's own media release at the time — referred to the extensive consultations undertaken by a former member of the other place, Noel Pullen, in 2004. All previous speakers have commented on that. It is of concern that, while the report was presented in 2004, it took until 2006 for the government to respond to its recommendations and indeed until December 2007 for us to actually have the bill before us. While I am sure the bill will pass this place this week, it will not get through the other place until February at the earliest.

In all that time, how many employees who in reality should never have been employed have slipped through the net and got jobs in the industry? How many people have been ripped off because those people have got into the industry? How many times have traders who are trading as incorporated businesses, as companies or as partnerships been dealt with differently from the way they would have been if they had been individual licence-holders? How many Victorians have had their privacy violated by the intrusive and unnecessary display of their private details to all and sundry who have browsed on car lots? How many people have been ripped off at auction by the practice of dummy bidding in those three years? They are all questions worth considering as we debate this bill. They are things that could have been fixed but unfortunately have not been addressed with any haste.

I do not condemn the industry as a whole. The vast majority of motor car traders are upright and honest individuals. I know the Mornington electorate is very fortunate to have many conscientious and community-minded motor car traders, so I am certainly not in any way condemning the industry as a whole. Unfortunately we are compelled to deal with the few who think the rules do not apply to them. That is the reason for this legislation, and it is a shame that those individuals have had another three years to pull the sorts of stunts they do.

This bill is also of particular importance to the electors of Mornington — and I imagine to all outer metropolitan and country electorates — because in many cases the motor vehicle is the only form of transport they have. They do not have any trams or trains, and they have precious few buses. The government's latest public transport initiative — the in-before-7.00 initiative — is not available if you happen to live in Mornington. It is simply not possible to get into Melbourne from Mornington by 7.00 a.m. The earliest anyone can get into Melbourne by public transport is 7.19 a.m., so it is no wonder the Frankston freeway grinds to a halt at 6.00 a.m. Motor cars and the

ability to purchase them in an honest and transparent market are particularly important to people in electorates like Mornington.

I wish to address some specific issues. This bill places a number of conditions on motor car traders: it prohibits them from employing anyone with a claim against the Motor Car Traders Guarantee Fund without the appropriate authority; it requires a police check — I will come back to that issue in a moment — for new staff employed in a customer service capacity; and it extends the range of prohibited employees, which is entirely appropriate. Corporate vehicles must not be used to avoid individual responsibility under any circumstances.

The bill prohibits traders from dealing with people who are less than 18 years of age, as other members have said. I think that is an important and necessary initiative. The bill also clarifies that electronic advertising is indeed about an offer to sell, which in this e-commerce environment we all know is a fact, but it is nice to see it reflected in the legislation. It also makes changes to the requirements for record keeping, amongst other things.

I read the police-record-check provision with interest. It is an eminently sensible proposition which I support, but I have some serious reservations about the practicality of the provision and the sorts of delays that may be created for business by having it as a requirement. In recent years we have seen an enormous increase in the number of police checks required. I do not particularly want to canvass all the issues and enter into that debate right now. The fact is that regimes under various acts are in place, but there is an enormous backlog in terms of getting through the checks.

Many community groups are affected by this, and lots of groups in my electorate have one, two, three or four people who have been checked, but there might be 40 people who normally operate in the sorts of areas that require police checks. Unfortunately those checks are still not through. A surf lifesaving club which is well known to me, although not in the Mornington electorate — we are not really noted for surf in the Mornington electorate, unless the bay has a northerly running, which can be quite spectacular, and if there are boats in the harbour it can be spectacularly destructive as well — has been waiting for over six months to get a number of its instructors through. The practical result of that is that they simply will not have enough people to instruct the young people joining the club. It also means they will not be able to get them qualified and available for patrols, so the lack of resources is starting to have a serious impact.

That is in the volunteer sector, but here we are talking about the business sector. I hope the government will provide the resources by whatever manner is adequate, presumably on a user-pays basis, to get the process working and enable these people to get their jobs.

The bill also provides for some important reforms in the consumer protection area. There is provision for a cooling-off period — I know there are some concerns in the industry about the cooling-off period — and there are penalties. Personally I think the penalties are adequate, but if the penalties prove inadequate and if the cooling-off period turns out to be a mechanism that is used to play one trader off against another, then no doubt further amendments will be made to deal with that. I do not think they will be required.

The bill outlaws dummy bids at auction. Hopefully the legislation will be more effective than that which governs the real estate industry, because more confusion seems to have been caused by the changes in that industry than existed beforehand. The bill also addresses a longstanding concern about the display of an owner's private details on a car they have disposed of. The changes to section 52 will not eliminate the privacy issue entirely but effectively balances the competing interests of privacy on the one hand and the necessity to be aware of the provenance of the vehicle on the other. The member for Malvern pointed out the potential for a vehicle to be sold and the address subsequently not being able to be obtained. The government may care to pick that up and address that, because it is a legitimate problem.

I conclude by saying that these are quite important changes to the Motor Car Traders Act. The legislation is certainly appropriate. The delay in getting the bill into Parliament is regrettable; it simply should not take three years to get a legislative response to a report. There are also some practical difficulties, including getting the police checks done. Despite the shortcomings, it is sensible legislation and it is worthy of support. I wish the bill a speedy passage.

**Mr SCOTT** (Preston) — I too take great pleasure in rising to speak on the Motor Car Traders Amendment Bill 2007, a bill that is supported by both the Liberal Party and The Nationals. It demonstrates good legislation, particularly where the legislation is a product of extensive work by a well-regarded former member of the other place, Mr Noel Pullen. As has been stated by earlier speakers, in 2004 he conducted an extensive review and a report came down in December 2004.

I was particularly interested in the contribution of the member for Malvern because he raised some pertinent points which I agreed with. It is always a pleasant surprise when an opposition speaker is supporting a government bill.

**Dr Napthine** interjected.

**Mr SCOTT** — But I take some solace from continued interjections by another opposition member who is fulfilling his usual role in this house.

Some particular aspects of the bill that I wish to highlight in my contribution include the issue of the cooling-off period. Again I found myself in furious agreement with the member for Malvern, which is dangerous. The introduction of the cooling-off period is an important advance in consumer law protection. Some concerns were raised by the Victorian Automobile Chamber of Commerce about the introduction of a cooling-off period, but I happen to agree with the member for Malvern in his support of the government legislation.

Three aspects of the cooling-off period where a claim could be made were highlighted. They were: that exercising the right of the cooling-off period would cost the purchaser \$400 or 2 per cent of the purchase price, whichever is greater, which is an important protection for licensed motor car traders in this case; that there would be no requirement for a motor car trader to place an order with the supplier until the cooling-off period had expired; and that the cooling-off period could be waived by the purchaser in circumstances where they were made aware of their rights. This is an important aspect of consumer law. It highlights that consumer law is often about protecting choice. It is an important balancing act where the rights of the consumer to have choice need to be protected in such a manner that they do not destroy the supply in the industry. If consumer law is so onerous that it restricts supply, it defeats the purpose of consumer law. This legislation provides a useful balance which does not undermine the supply of the goods in question but provides greater protection to consumers. That is always the balance that consumer law seeks to achieve.

I also wish to highlight the provisions outlawing dummy bidding. I find dummy bidding a practice hard to defend at the best or worst of times, because in many circumstances it can be a process which destroys the ability of a consumer, a purchaser, to know what the real value of a good or service is because of the artificial boosting of the price through what can essentially be trickery. There is nothing wrong with a vendor bid where that is conducted openly, and this bill

allows for vendor bids. An appropriate way to deal with the rights of vendors is by protecting the price and not selling at a price which is unacceptable, but doing it in such a manner that is transparent and open. I would hope that all members of the house would be against processes which can be essentially tricks on a consumer and prevent a market from functioning effectively. As I said, I have nothing against vendor bidding. That is a reasonable process which protects the right of a vendor to sell at a price they are comfortable with, but it should be done in such a way that is open and transparent.

A further aspect of the bill which I would like to highlight in my contribution is the improved privacy provisions where the personal details of previous owners will now not be automatically displayed on motor vehicles at the premises of licensed motor vehicle traders, although they will be made available to a potential purchaser if they are requested. I understand this was highlighted in the report and was due to privacy concerns which had been raised with Mr Noel Pullen during his consultation process. This is a sensible change which again strikes a reasonable balance between the needs of purchasers and the rights of previous owners to have their details restricted and not just be open to all.

Of course there is useful benefit in people being able to contact previous owners to discuss a motor vehicle. Like others, I have had mixed experiences with motor vehicles in my life, particularly with second-hand vehicles that I have purchased, some of which could best be described as lemons. I was probably a sucker who wandered in and did not take due regard and care.

*Honourable members interjecting.*

**Mr SCOTT** — In fact I perhaps should have availed myself of the opportunities which were available to me and then I would not be blaming the vendors.

**Mr O'Brien** interjected.

**Mr SCOTT** — I put the full responsibility onto myself in those cases. This also highlights why consumer law cannot always protect people. I am sure every member of this house has made purchases they regret, and consumer law has limitations. You cannot entirely protect people from themselves — it is a balancing act — without destroying the supply of services, though the legislation should protect people from some practices which I have had the misfortune to witness.

The trader concerned with my first purchase of a vehicle had an entrepreneurial attitude to payment, and only upon production of numerous receipts was he

willing to accept that I did not have to pay a final \$100 for the vehicle. Sadly the public standing of motor car traders is brought down by some participants in the trade, although I noted that the member for Yan Yean compared them to politicians in their public standing. I would add journalists as another group of much-maligned figures. The member for Malvern suggested that I was wrong in saying that they were inappropriately maligned; he was suggesting they were rightly maligned, but I would give many journalists the benefit of the doubt. There are certain bad apples who bring down the rest.

Another aspect of the bill that I would like to highlight is the restriction on persons who can claim through the Motor Car Traders Guarantee Fund. This is a sensible restriction which ensures that the fund is focused on protecting consumers. I am sure all members would agree that it is always a good sign if a government brings forward legislation which perhaps limits revenue to the government and instead ensures it goes to consumers in circumstances where the fund is designed to assist consumers and protect them from adverse consequences. That is a positive aspect of the bill and one that I am very pleased to highlight in my contribution to the debate.

The restrictions on the employment of persons who have been otherwise prohibited from employment in the industry is an improvement on the current situation and will hopefully ensure that this aspect of regulation of the industry operates more effectively. I think every member of this house would agree that those who are engaged in the motor car industry should be fit and proper persons and would support measures which prevent those who really have no place in the industry being involved in the sale of motor cars to consumers.

I would also like to highlight the aspect relating to electronic advertising. The bill ensures that electronic advertising is treated as an offer to sell. This reflects modern-day practice and reflects how our society functions. I too have used these websites — CarPoint and drive.com.au — to purchase vehicles, check prices and meet the needs of a consumer. I think this is where the industry is headed, and the legislation should reflect those changes.

In conclusion, this is an excellent bill. The support of the opposition parties demonstrates the effectiveness of the bill and the careful and considered manner in which it was developed. It builds on a tradition of consumer law whereby there is a slow shift away from the concept of caveat emptor, let the buyer beware, towards a more balanced view of consumer law where the interests of consumers are protected. This is a growing

area of law, which I am sure will come before the Parliament more often. I commend the bill to the house.

**Mr CRISP (Mildura)** — I rise to join the debate on the Motor Car Traders Amendment Bill. The Nationals are not opposing this bill. I would like to acknowledge the work done by my colleague, the member for Murray Valley, and the consultation he has undertaken — —

**Dr Napthine** — On a point of order, Acting Speaker, it is my understanding that the call should have gone to the Liberal Party.

**The ACTING SPEAKER (Mr Eren)** — Order! I apologise; that was my mistake. I will ask the member to continue, but I will call the member for Evelyn — —

**Dr Napthine** — But she will be in the chair at 8 o'clock. That is the whole point.

**The ACTING SPEAKER (Mr Eren)** — Order! There about 3 minutes to go. If she is brief — —

**Mr CRISP** — To facilitate the business of the house, Acting Speaker, I would be happy to cede this spot to someone who has to take a role in the chair.

**The ACTING SPEAKER (Mr Eren)** — Order! The member for Mildura, to continue.

**Mr CRISP** — The purpose of the bill is to make a number of amendments suggested by a review of the Motor Car Traders Act by Noel Pullen, a former member in the other place. Eighteen of his 38 recommendations for legislative change are included in this legislation. The seven primary areas are: the extension of the cooling-off period for car sales, including a penalty to deter contract shopping; restrictions on dummy bidding at motor car auctions; restrictions on who can claim on the Motor Car Traders Guarantee Fund; the removal of the requirement to display personal details of previous owners on form 7s; a positive obligation to check that potential employees are not prohibited persons — that is, to have police checks; auction houses having to record details of vendors and purchasers and make them available to the police; and a number of small amendments that do not arise from the Pullen report but are also included.

The area I wish to focus on in the short period before the dinner break is the confusion among the public about police checks and working-with-children background checks. As we go forward with far more restrictions in our community the government needs to clarify the confusion that is occurring in country areas, and I am sure in the city, between police checks and

working-with-children background checks. If we can clear that up, it will take away some of the problems that occur as we have to come into a far more regulated world, particularly in the areas of honesty and integrity.

**Sitting suspended 6.30 p.m. until 8.02 p.m.**

**Mr CRISP** — I return to expand on the seven points of the bill that I was debating before the dinner break. I consulted with the dealers in my electorate on the issues the bill raises, and I have received a number of positive responses.

As for the seven points I want to debate, members heard debate on customer dealer hopping. I hope the cooling-off period provided for in clause 14 will protect everybody on both sides. The restriction on bidding should bring some transparency and a little more honesty to auctions, as was intended by the Pullen review. On the Motor Car Traders Guarantee Fund, the member for Murray Valley indicated that VicRoads has been claiming more than \$200 000 for stamp duty and other losses. The bill tidies that area up, leaving considerably more money in the pool for those people who need to claim for genuine reasons.

Privacy is protected, as people will be spared having their names and addresses identified on the white forms on the windows of cars in used car lots. This is a welcome result. However, the history of a vehicle should still be available from the dealer for those who wish to know it.

Police checks will be required for new employees. It is all very well to pursue this, but The Nationals have been concerned for a long time about the confusion that arises between background checks for working with children and police checks. To make it simpler so that everybody understands where they are and what they are doing, we need to have one check. It seems quite bizarre that someone who moves to a town to take up a position with a car dealer will need to have a police check, yet if they wish to sit in a corner where they may not be supervised so they can hear their child read in a classroom, they will also need a working-with-children check. Surely we can simplify this for country people. We do not want to scare them away from making a contribution to the community beyond their employment. Surely the trust that in a community builds up in someone in the motor car industry can include that person's extending themselves into the community so that many of the things we are protecting ourselves against today do not occur.

It is all well and good to have these protections. Everybody will be happy, with people managing to buy

a new car after establishing the integrity of the process, but there will not be much joy if they drive it along some of our very poor country roads. If country roads are fixed, country lives can be saved. The Royal Automobile Club of Victoria has done a study that looks at the state of our country roads. It has said that country people are going to be back for new cars and therefore subjected to this long motor car trader integrity process far sooner than other people. We have to travel more miles, and we knock our vehicles around on those roads. The RACV has indicated that to make the Motor Car Traders Act simpler our roads need to be fixed so that we do not have to do as much work on them. The government has provided \$200 million a year for a fund that we understand now has \$1.1 billion in it, with a budgeted amount of \$311 million. If we can get some integrity into the government's process for fixing country roads, we may well find that we do not have as much trouble with our car dealers.

**Mr Jasper** interjected.

**Mr CRISP** — The member for Murray Valley is defending those in his former profession very strongly, and I acknowledge that.

The bill makes a number of other, smaller amendments. It is interesting that the Pullen report identified 38 recommendations, 18 of which are being addressed. The Motor Car Traders Act was passed in 1986, and this bill is the first substantial overhaul of it. We will be required to look at the other recommendations of the Pullen inquiry as the motor car trade changes over time. The review of this act should not be neglected for as long as it has been in the past.

It is important that country people have honesty and integrity in country businesses. I reiterate that, if the government does not fix country roads, country people will be back far sooner to pick up their cars and go through some of these processes that we are endeavouring to close off. The Nationals are not opposing this bill.

**Ms CAMPBELL** (Pascoe Vale) — I appreciate the opportunity to speak on the Motor Car Traders Amendment Bill 2007, which is important legislation. I refer in my contribution particularly to clause 14, which provides for the cooling-off period. This is important legislation and for me is the key to the quality of the legislation. Clause 14 amends section 43 of the principal act to provide for cooling-off periods for car sales that in all instances will terminate three clear days after the purchaser has signed the agreement for the sale of a motor car or sooner if during the cooling-off period

the purchaser signs a waiver. There is provision for flexibility if that is what the consumer wants.

The clause provides also for the waiver to be a prescribed form that sets out the purchaser's rights, explains the effect of a waiver and requires that a motor car trader retain a copy of the prescribed form if the purchaser signs a waiver of the purchaser's rights. Many times we have discussed legislation in this house that has insisted upon regulations and forms that have made the lives of traders and consumers much simpler. The legislation before us clearly explains that there is to be a prescribed form. I think everyone would appreciate that, particularly the motor car traders, who will not have to face the legal costs they would if they all had to develop a form that they hoped would abide by the legislation. The government has made it easy for motor car traders.

I highlight the fact that the clause enables the vendor to retain \$400 or 2 per cent of the purchase price, whichever is greater, if a purchaser terminates an agreement for the sale of a new car where it is not an off-trade-premises sale. In that case the vendor may retain \$100 or 1 per cent of the purchase price under the agreement, whichever is greater. Nothing in this clause requires a motor car trader to place an order for a new car with the manufacturer before the cooling-off period has expired. It is very clear. There is absolutely no ambiguity.

I want to go into the rationale for this important component of the legislation. Because it allows for cool consideration of the contract, it enables the purchaser to finalise finance arrangements, for example, or to review the terms and conditions of finance where this has been arranged or negotiated by a trader. I recall some legislation we debated in the not-too-distant past on which a number of people in this house, the Speaker included, talked about the importance of adequate consideration of and adequate time to reflect on the important components of one's decision making. This legislation, for a matter as significant as a car and some might say of lesser significance than some other important legislation we consider, highlights the importance of time to reflect. There are many people in this house who have welcomed that in their contributions already.

There is evidence from a consumer perspective of the need for this cooling-off period. I cite, for example, the 2005 Victorian Automobile Chamber of Commerce-Royal Automobile Club of Victoria survey that found many purchasers were not aware of the actual price of the vehicle they had purchased until they signed or after they had signed the contract. We are not

talking about buying an insignificant item; we are talking about a significant component of the family or the personal budget. I was astounded to hear that so many purchasers were not aware of the actual price of the vehicle until after they had signed the contract.

I also want to highlight that the adoption of the penalty for exercising the right nominated by the Victorian Automobile Chamber of Commerce represents a significant compromise from the Pullen report's proposal, as consumers will now incur a significant cost in exercising their cooling-off right. The extension of cooling-off rights in relation to the purchase of new cars is the main consumer protection initiative in this bill, and it is an important component of the overall package in terms of achieving a reasonable balance — and that is what we all want to achieve — between reducing the regulatory burden on industry and more effective consumer protection.

I also want to point out in this contribution to the debate that since the new cooling-off period is the major initiative in the bill, it will be evaluated after the first 12 months of operation to assess its effect. If we as members of Parliament find it is meeting the needs of our constituents, the minister will not be hearing from us, but should we have matters brought to our attention, we will be able to convey them to the minister. I also want to highlight that such an evaluation will gather information from industry itself on any instances in which the right has been exercised during its first year of operation. That will be helpful to the department, to the minister and to the government, as it will be using this information to assess the costs and benefits of the new consumer right.

Before I conclude my contribution I want to pay tribute to Mr Noel Pullen, a former member for Higinbotham Province in the other place, for his work on this particular report. From a consumer perspective it is welcome, and from an ethical trader's perspective it is welcome. There is nothing more frustrating from the perspective of an ethical business than to find the shonks and charlatans getting away with blue murder. Ethical businesses feel they suffer a disadvantage because others behave inappropriately. This legislation will make sure that all motor car traders abide by the law. The proformas will ensure there is consistency, and consumers will know where they stand.

In conclusion, I commend the bill to the house. I look forward to speaking in future on other proposals that are a component of the Pullen report as the government assesses their business impact.

**Dr NAPHTHINE** (South-West Coast) — I rise to speak on the Motor Car Traders Amendment Bill. This bill is in part based on a report produced by a former Labor member of Parliament in the other place, Noel Pullen. In fact his name is mentioned in the explanatory memorandum to the bill, which is a rare event in parliamentary circles.

**An honourable member** interjected.

**Dr NAPHTHINE** — It is interesting to hear the interjection that he is such a great person. It is tremendous to hear the Labor Party singing his praises. This is the same Labor Party that could not find a spot for him in its team. It dumped him at preselection, saying he was not good enough, and put him in an unwinnable seat. You would hate to be a success in politics in the Labor Party! Noel Pullen was such a success and did such a great job on this review that he was mentioned in the Parliament on many occasions and mentioned in the explanatory memorandum to the bill — but he got dumped at preselection. He could not even crack a place in the team. It must really gall Noel Pullen when he sees some of the riffraff who did get preselected.

**Ms Campbell** — On a point of order, Speaker, I draw your attention to the bill that is before us, which has everything to do with motor car traders. It has nothing to do with the state seat of Sandringham.

**The ACTING SPEAKER (Mrs Fyffe)** — Order! I believe the member for South-West Coast was actually talking about the former member, Noel Pullen, who wrote the report this bill is based on. I rule that there is no point of order.

**Dr NAPHTHINE** — The bill is based on the Pullen report. Many members on the other side of the house have mentioned him and said what a good job he did.

**Mr Nardella** interjected.

**Dr NAPHTHINE** — The member for Melton said he did a good job. They felt he did such a good job they took away his preselection. He served one term in the Parliament — a one-term wonder. He must be disappointed, even though his name is mentioned in the explanatory memorandum to the bill.

There are a whole lot of people who did win preselection and safe Labor seats who could not hold a candle to Noel Pullen. He is an excellent fellow, and he did a great job on this report. It is interesting to note that all is not lost for Noel Pullen, because the Labor Party has appointed him to the board of Greyhound Racing Victoria.

**The ACTING SPEAKER (Mrs Fyffe)** — Order!  
The member for South-West Coast, on the bill.

**Dr NAPHTHINE** — He has now been given a job on the Greyhound Racing Victoria board. There are five members, two of whom are ex-Labor members of Parliament — —

**Mr Nardella** — On a point of order, Acting Speaker, the member for South-West Coast is now absolutely off the bill, and I ask you to bring him back to the bill.

**The ACTING SPEAKER (Mrs Fyffe)** — Order! I had called the member back to the bill.

**Dr NAPHTHINE** — The car industry in my electorate of South-West Coast is a very significant industry. Motor vehicle transport is vital in terms of the economic and social links it provides in country Victoria, and I am very pleased to say that there is a very reputable car industry in south-western Victoria. I think that each and every one of the car dealers who operate in my electorate operates in a professional and honest way.

I wish to refer in particular to clause 14 of the bill, which amends section 43 of the Motor Car Traders Act to extend the cooling-off period for car sales to include new car sales. Currently the three-day cooling-off period only applies to used cars, but clause 14 will extend it to new cars. There are no changes to the law in respect of used cars, but the cooling-off period will now apply to new car purchases. This has caused some concern among motor car traders, and that concern has been expressed by the Victorian Automobile Chamber of Commerce (VACC) as well as a number of car dealers across Victoria. One of those car dealers in my electorate wrote to me and said:

I am writing to you because I am extremely concerned about the proposed changes to the Motor Car Traders Act. The three-day cooling-off period being extended to new cars creates a major concern. When a customer decides to purchase a new car we have to place an order. Some customers have special requirements, so we are concerned that they can then decide not to proceed and we are left with a vehicle in our stock which we could find extremely difficult to onsell, leaving us considerably financially disadvantaged. I hope that you can give this problem serious consideration and look forward with anticipation to your reply.

I spoke to car dealers who said that they may get a customer who wants a particular colour which is to their fancy but which may not be a popular selling colour. For example, they may wish for a purple car and they may wish for special tyres or wheels or special additions to the vehicle. If that order is placed, the car dealer could be left with a quite expensive motor

vehicle that would be very difficult to sell, particularly in rural and regional areas where there is a more conservative and limited market.

I raised this in discussions on the bill with the department. The departmental staff referred to various measures within clause 14 that provide some protections, and I will go through some of them. Clause 14(5) substitutes a new section 43(4)(a) of the principal act to provide that a car dealer can receive the sum of \$400 or 2 per cent of the purchase price if a person does not proceed with the purchase. I note that the VACC believes it should be a much higher penalty to act as a deterrent for people who do not proceed with the purchase after the cooling-off period.

It also advised me that the purchaser can sign a waiver to forgo their right to a cooling-off period. I understand that, and it helps a motor car dealer, but I would suggest that it may actually be contrary to the whole consumer protection aspect of the legislation. If you have a vulnerable consumer who might be pressured into buying a vehicle they cannot afford or is not appropriate for their use, one would think that that vulnerable consumer would also be equally susceptible to signing a waiver of the cooling-off period, and I think that is contrary to the legislation. I think the signing of a waiver may actually defeat the whole cooling-off protection aspect.

The third protection that was put to me is probably best explained on page 3 of the explanatory memorandum to the bill, which states:

Nothing in this clause —

it is referring to clause 14 —

requires a motor car trader to place an order for a new car with the manufacturer before the cooling-off period has expired.

When I raised that with a motor car dealer he said that in practice that does not work. Selling new cars is a very competitive business, and if you say, 'I am not going to place your order until the cooling-off period has expired', then you often lose that customer. If you say, 'If you sign a waiver, then we will place the order immediately', you are often seen as a less than scrupulous dealer, and that is not the professional way dealers in my electorate want to operate.

None of these protections, or the \$400 or 2 per cent, is sufficient if you are left with a \$60 000 vehicle that you cannot sell. None of these protections is entirely satisfactory in terms of providing confidence and reassurance to the motor car dealers who sell new cars in the South-West Coast electorate. While the dealers

understand the purpose of the cooling-off period, they think this bill has not quite got it right and it needs some further consideration. I urge the government, and the Minister for Consumer Affairs, to closely monitor the operation of this cooling-off period and to work with the VACC and the motor car traders — and especially to consult with motor car traders in regional and rural Victoria where this would have particular effect — to ensure that, if there are problems with the operation of this cooling-off period for new cars, the legislation can be looked at and modified. I hope we do not again take as long to do it, because Mr Pullen's report is now several years old — —

**Mr Nardella** — Cut it out!

**Dr NAPTHINE** — It is several years old. In closing I just say that I wish Mr Pullen well in his position on the board of Greyhound Racing Victoria. He was appointed by this government, which looks after ex-Labor members of Parliament. Jan Wilson, who is another ex-Labor MP, has done well as the chair of Greyhound Racing Victoria, and I hope Noel Pullen does equally well. I hope in future in making appointments to important bodies like Greyhound Racing Victoria the government looks further afield than failed former MPs.

**Mr SEITZ** (Keilor) — I rise to speak on the Motor Car Traders Amendment Bill 2007. The purpose of the bill is to amend the Motor Car Traders Act 1986 to improve its operation, to amend the Interpretation of Legislation Act 1984 to insert a new definition of 'insolvent under administration' and to make consequential amendments to other acts.

I commend the bill because a car is a big purchase in a person's life and involves spending a lot of money. In particular I look at young people. If they have been working hard, as soon as they turn 18 years of age they want to buy a car. If they go out and buy a new car they might be disappointed, so the cooling-off period is important. In many cases parents have to go and bail out their young ones because they have overspent. They sign a contract and then find out they will be paying three times the original price of the car through hire purchase or other finance arrangements, so they might not have an opportunity to save money for anything else. They have to work for ever and a day to pay off the car.

Many parents come to my office and complain about those issues. A cooling-off period is essential. It is also essential for new car traders. Their salespeople will act responsibly and will not engage in high-pressure selling to get people to sign on the dotted line, and that is an

important fact which was not mentioned by the previous speaker. Salesmen and responsible companies have a duty of care to have a concern for the public. It is not only about making a sale at any cost. It is also about whether the customer is able to pay for it and whether the customer is in a position to make those sorts of decisions, particularly when it involves large amounts of money, because cars, and particularly new cars, cost a lot of money. They are not cheap.

They might be cheap to someone earning \$100 000 or \$200 000 or a million dollars or more a year, but to a young person who has just finished school it is big money. Basically it is their total savings from their 18 years of life. Because they have their driving licence, they want to purchase a car, and being young and headstrong they know better than their parents until they are caught in the trap, and I think we have all experienced that at some time or another. For those reasons I think this legislation is very sensible.

If your child comes home with a brand-new car and you start reading the fine print and what is involved, you can try to convince them to use the cooling-off period. Previously that was not able to be done with a new car. With second-hand cars we have provision to do that. As I said, it is only affecting and putting pressure on those traders who seem to think they have to force their salesmen to make X number of sales and X number of dollars each quarter and have competitions between their salesmen. I believe that with good training and proper representation — and if they are good vehicles — you do not need high-pressure sales. They need to make the customer, whatever age they might be, aware of their rights and what the conditions are and that they can use the cooling-off period. That is the important part.

The bill makes a number of other legislative changes. I am very glad about the changes to dummy bidding at auction. I have purchased several cars at auctions and have spent time looking at auctions. I cannot say that I have actually seen dummy bidding happening but it does concern me. To have that addressed in the legislation is important so it does not creep in, which is what we heard was happening in the real estate industry with house auctions some time back. Wherever there is a loophole there will always be a temptation. It is up to us as a government and as community leaders and members of Parliament to have these changes made to the act so that responsible action is taken by people in the industry. It stops them from being misguided, misled and trying to push out the boundaries a bit further wherever they can.

I must say I have been fortunate in the cars I have bought so far at auctions. I believe I have paid a reasonable price, but of course I went and inspected the cars and I went to several auctions before I committed myself to purchasing. I recommend that to all people, young people particularly. If they want to buy a certain car, they have to make up their mind, set the price they are going to spend on it and no more and not get caught up in the excitement of a certain vehicle or a certain action of the auctioneer. Auctioneers talk so fast that sometimes you cannot tell what is happening, if there is a bid or not, unless you have got three people watching what is going on in the room.

When you go to Fowles Auction Group and some of the others, you see they work very fast. I do not want to denigrate them, but nearly every 2 minutes there is another car in there and another auction happening. It is very hard to detect if there are bids grabbed out of the sky, but from my observations I have not seen that. However, there is no harm in having that sort of provision in this bill because it prevents it from happening in other places. The reputable firms, even in the new car industry, do not want to have any deals withdrawn in cooling-off periods. They would rather have proper businesses. They are concerned about being good corporate companies and about their own reputation and their company's reputation, so they always do the right thing. The car industry has come a long way, in both the second-hand car dealerships and the new car dealerships, from what we had 20 and 30 years ago. I commend this bill to the house. I hope it has a speedy passage through the house.

**Mr WAKELING** (Ferntree Gully) — It is with pleasure that I rise to add to the debate on the Motor Car Traders Amendment Bill 2007. As has been mentioned by members before me, this bill has come about as a consequence of a report handed down in 2004 by a former member of the other house, Noel Pullen. I would like to say two things in regard to that report. Firstly, the report was handed down nearly four years ago. That demonstrates how this government is dragging its feet when it comes to areas of legislative reform. The government cannot articulate any clear reason for it taking so long to deal with this issue. The second point is Mr Pullen was obviously so highly regarded by his party that it thought he might be able to beat the member for Sandringham, but he was unsuccessful. One can only think, if Mr Pullen was so successful in producing this report, that his party might have found him a seat other than Sandringham.

The motor car industry is a fantastic industry in this state. It is part of the engine room that drives this economy. Small business is a fantastic area of industry.

The automotive industry in particular employs many people. When working as an industrial adviser with the VACC (Victorian Automobile Chamber of Commerce) in the 1990s, I dealt with many dealer principals and automotive staff across this state. I saw firsthand the wonderful work they do in driving this economy. But I also know the problems that they face in terms of government regulation and legislation at both the state and federal level. It shackles them and prevents them from employing people, and it provides a great disincentive to them taking entrepreneurial risk. I can only think of my time representing these companies in unfair dismissal claims, the money they expended and their unwillingness to engage additional staff. One can only hope that the new Rudd federal government will refrain from taking steps that will place great hardship on companies in this industry by making significant changes to the unfair dismissal legislation.

This legislation seeks to make a number of variations, and I would like to deal with them in my time. The introduction of cooling-off periods for new car sales is a significant change. One thing I discovered when working in the industry is that we traditionally have not had cooling-off periods for new car sales because the purchase of a new car is a major purchase. People would not traditionally expend such amounts of money on a whim. A family on either a single income or two incomes would not necessarily go off and expend upwards of \$40 000 on a whim. That is the reason traditionally for there not being a need for a cooling-off period.

I recall times while I was at the chamber when we received calls from individuals who had gone off and purchased a new vehicle and then purchased another vehicle. They had then turn backed to the original car dealer and said they wanted to hand in that purchase because they had found a better deal. That was part of the reason why a cooling-off period was not applied. Obviously the government is seeking to introduce a cooling-off period. It believes that the introduction of a \$400 payment or a 2 per cent levy, whichever is the greater, as outlined in clause 14(5) of the bill, will provide enough disincentive to people forum shopping for the purposes of purchasing a new vehicle. However, as has been said by other members in this house, car dealers still have reservations. The VACC has indicated its reservations. Car dealers within my own electorate do such a fantastic job and they too have reservations about the way in which this provision will operate.

I can only hope that this government will start to consult with industry and will actually take on board the concerns and views of business, particularly small business. Its introduction of changes to the equal

opportunity legislation and other, similar areas of the law just reaffirms the view of industry in this state that this is not a government that is interested in the concerns of small business. I can only hope that if this legislation is passed the government will ensure it continues to monitor the outcome of this cooling-off period and that it consults with the industry, with the VACC and with traders throughout Victoria to ensure that the best outcomes are being achieved.

The bill seeks to remove the requirement to display the name and address of the former owner of a vehicle. I recall situations where high-profile Victorians have had their personal details displayed on motor vehicles for the purposes of selling a used car. I certainly understand the concerns that that had raised, and I understand this bill will be moving away from that situation. There was legislative change, from memory in the 1990s, that dealt with this issue, but obviously this will be taking it one step further. The bill also seeks to prohibit dummy bids at car auctions; however, vendor bids by the auctioneer are still permissible if announced. This is certainly piggybacking on what has occurred in the real estate industry, so we will be monitoring with interest how it plays out and the effect it will have on the automotive industry.

There are a number of other amendments this bill is seeking to make. One provision is going to require traders to undertake police checks when employing new staff in any customer service capacity, and they will not be able to employ a person who is excluded from holding an MCT (motor car traders) licence or who has been found guilty of a serious offence — fraud, dishonesty, drug trafficking or violence — in the last 10 years. Whilst I understand the reasoning behind that, it demonstrates the level of bureaucracy this government is imposing on industry, particularly when businesses not only have to go through this police check process but also, if they are dealing with children, have to undertake working-with-children checks as well. It is another area of regulation. I understand the sentiment of what the government is trying to do, but again we are seeing more legislation introduced by a Labor government that is seeking to increase the level of regulation on business rather than reduce the level of regulation.

In addition to that, traders will be prohibited from having dealings with anyone under the age of 18. This is covered by clause 13, which substitutes a new section 37 in the principal act. Again I understand the sentiment behind requiring that a motor car trader must not knowingly, or knowingly purport to, sell or give a motor car to a person who is under the age of 18. Whilst on the surface that will ensure that young people

are going to be protected, it raises real concerns for young people who have a high level of disposable income who are going to be prohibited from purchasing a motor vehicle prior to their 18th birthday. Many young people are undertaking driving lessons and are actually saving their money to purchase a vehicle for when they turn 18. As a consequence of this provision a young person will require their parents to purchase the vehicle and then will have to enter into some sort of financial arrangement with their parents for the ownership of the vehicle.

As I said, I understand the sentiment behind this, but these provisions are going to place greater uncertainty on business and on some within the community, and I can only hope this government will ensure that the provisions of this bill are actively monitored, because I believe that, as with a number of bills that have come before this house, we will be dealing with this legislation again in the future to try to fix up the mess that this government has put in place.

**Mr STENSHOLT** (Burwood) — I am delighted to speak on the Motor Car Traders Amendment Bill 2007 because it actually brings into this house amendments that follow on from the report prepared by Noel Pullen, who of course was a member of the upper house in the last Parliament. Noel did very extensive consultation — the previous speaker got it completely wrong there. There was extensive consultation by Noel in 2004; he talked to many people. He is one of those people who gets around and actually talks to people. He is very disarming in the way he approaches people, very friendly and very easy to talk to. I am sure he exercised that particular skill in talking to motor car traders and consumers in consultations for the review of the Motor Car Traders Act.

This bill continues down the path of making it easier for motor car traders while also providing protection for consumers. Noel's report was released in December 2004, and it contained a wide range of administrative and legislative recommendations to improve the regulatory framework — I should say that the Brumby government is absolutely committed to improving the regulatory framework. We have actually set ourselves a target of reducing it by 15 per cent over the next few years.

The first recommendations, which were included in the response in May 2006, were aimed at a more effective and less burdensome regulatory environment for licensed motor car traders. This whole process was actually helped and improved with a business impact assessment examining the costs and benefits of the legislative proposals. Of course only the ones which

came up as being positive in that business impact assessment were included in the bill. Already we have seen from amendments made previously to implement recommendations of the report to facilitate the keeping of purely electronic dealings books by motor car traders that it has been possible to achieve an ongoing reduction in the burden of regulation of around \$7.5 million per year. That is the aim we set ourselves: to reduce the regulatory burden, to reduce the costs of small business. Certainly motor car traders, members of the VACC, are very much part of small business.

I am personally a very strong supporter of small and medium businesses in my electorate, and some of them are motor car dealers or repairers. Our household even frequents some of them now that everyone in it is over 18, so we are very much aware of what is required. This bill carries on the process of seeking to reduce the regulatory burden for motor car traders and reduce the costs incurred by licensed motor car traders in terms of restricting who can claim on the Motor Car Traders Guarantee Fund.

As has already been mentioned by other speakers, traders are no longer required to display certain items and details on vehicles they acquire from a trader or special agent. Dummy bidding at motor vehicle auctions is to be prohibited. Those members of the house who have had some recent experience with dummy bidding — and of course we have outlawed it in terms of houses — would remember many occasions where they have faced the great difficulties that consumers face in that regard. I am very pleased in particular with the two amendments that have already been mentioned.

There are amendments that favour the consumer in regard to extending the cooling-off periods for all new car sales. Presently they apply only to used car sales and certain new car sales. Under the bill improved information has to be provided to purchasers of light goods vehicles about the fact that they are not covered by statutory warranty. This will be done by having form 7 window displays in the light goods vehicles. It is a matter of providing improved information in terms of the rights of people buying vehicles, including their right to an extended cooling-off period.

There is a new section that deals with young persons. New section 37, which substitutes section 37 of the principal act, says:

A motor car trader must not knowingly, or knowingly purport to —

- (a) sell or give a motor car to a person who is under the age of 18 ...

I am sure members of the house with children who have grown into young adults would be very much aware of this. My youngest turned 18 just recently, and we had to go through this particular process. This is the real world, of course, where parents take a strong role, particularly when teaching their children to drive. Many of our children are so keen that when their 18th birthday is coming the examination for their licence is arranged for the same day or as close as possible to it. They can either borrow the car that their parents have or else the parents can acquire a second-hand car for them to borrow, extending the number of vehicles in the family home. Naturally everyone would prefer that they took public transport, but I guess part of growing up and being a young adult is being independent, and in our society a lot of independence revolves around driving a motor car. Certainly providing protection for them is very important, and this bill provides that and makes sure there is further protection available.

I should add that the privacy of people who have sold their vehicles will also be better protected, with the need to display the names and addresses of previous owners on vehicles for sale being removed by amendments in this bill.

I have already mentioned that past proposals have saved \$7.5 million per year. I would hope that several of the amendments that reduce the regulatory impost on dealers would also have a positive impact on the businesses of car traders. This is very much the intent of this government. Members may recall that each year we specifically have the VCEC (Victorian Competition and Efficiency Commission) put out a statement on the extent of regulation in all areas. This provides an annual guide, if you like, of the regulatory impact in all sectors.

This bill is about reducing some of that regulation. We have already successfully done so as a result of Noel Pullen's report, and this is a further example of that reduction. Naturally as a government we are keen to continue along that path of regulation reduction; we are very serious about it, and we have serious goals. We will see annual reporting in terms of regulation reduction and reaching the goals we have set ourselves. This is a good bill that makes improvements to the regulatory framework while at the same time protecting consumers. I commend it to the house.

**Mrs POWELL** (Shepparton) — I am pleased to speak on the Motor Car Traders Amendment Bill 2007, which The Nationals are not opposing. I have been involved with the motor industry for a very long time. Before coming into this place my husband, Ian, and I owned and operated an automotive electrical business. I

was part of that business and managed it for about 17½ years. We have had a long association with the automotive industry, so I understand some of its concerns. In fact I support a number of the amendments that have come before the house.

A number of speakers have spoken about Mr Noel Pullen, a former member of the upper house, and his report, which was undertaken in 2004. I congratulate him on his consultation with people. I spoke to Noel Pullen about the concerns some motor car traders in Shepparton had about the review. He agreed to meet with those people, and indeed he met with them in Melbourne. During that review in 2004 there were a number of raids throughout Victoria. In fact there was one in Shepparton, when about 30 CAV (Consumer Affairs Victoria) inspectors raided premises in Shepparton in September 2004.

When I spoke to the director of CAV, Dr David Cousins, I asked him why businesspeople were not made aware that inspectors were coming to the area. He disagreed that it was a 'raid', but I said that about 30 inspectors came in without notice. In fact 4 inspectors lobbed at one particular business without notice. It was quite confronting for the people, considering they were still running their business. Because of those raids, a number of people were booked for a number of issues. Some concerns were raised by those traders, and those concerns brought about amendments in 2005 and 2006. It is pleasing to see them in this legislation as well. The Shepparton motor traders actually had a large input into the legislation that is now being introduced in this house.

The *Shepparton News* at that time reported some comments that made the traders very angry. The comments were that consumer affairs inspectors had begun a week-long crackdown on rogue traders in Shepparton. That epitomises the concerns of a number of traders in the motor industry. They say that obviously there are rogue traders, but there are also very respected and well-established people in the motor trade as well. The fact was that CAV came into the town and virtually announced that these were all rogue traders, when in fact these were people trying to do the right thing.

I was pleased to see that a number of the issues that the Shepparton people brought forward in regard to the dealings book have now been brought into legislation. Clause 11 of this bill reiterates some of those issues. A number of those traders were investigated because their dealings books were not up to scratch. When you talk to those traders they say that they provide most of their information online and have done so for many years.

All the information that normally is in the dealings book is now online and readily available. It has now been found by Consumer Affairs Victoria that in fact most businesses put information about who owns what vehicle and those sorts of particulars online. They do it online and do not necessarily go through a dealings book, which they saw as the old-fashioned way. Nevertheless, a number of those traders were penalised for that.

Another issue was the issue of privacy. There was the obligation for dealers to display the owner's name and address on the window of the car or motorbike. One trader told me about a vehicle that had been owned by a police officer who did not want his address put on the vehicle. Because by law the trader had to put it on, it was put on. It is great to now see that clause 18 of this legislation provides that information does not need to be on the window of a vehicle. It can be made available to the new owner at their request. It is important to note that some of the issues put forward by people from Shepparton are now part of the legislation. I am sure they are very pleased about that.

As I said, I contacted the major motor traders regarding this bill to make sure that the issues brought forward in the bill were not of any significance to them and did not include bureaucratic red tape that was going to be too onerous for them. They had no major concerns about this legislation, but they had a few concerns about things like the cooling-off period. At the moment there is in place a provision where a customer can waive that cooling-off period when buying a used car, but there is not that waiver on new cars.

Some of the traders are saying to me that the consumer may in fact be disadvantaged, because they may want delivery of the vehicle immediately. They may have made the decision that they do not need a cooling-off period, and they may want to take possession of the vehicle immediately. The salesperson obviously will wait three days before he or she will order the vehicle in case during that time the buyer cools off and reneges on the deal. It virtually means that the salesperson or that business will then have that vehicle in stock. They are saying that because of the cooling-off period, the salesperson might not order that vehicle for three days, which could mean a great wait for the consumer.

I understand that the Victorian Automobile Chamber of Commerce is also concerned that the person may get the contract during that three-day period and may go around to different dealers and say, 'This is the contract I have, and this is the price that I have from this dealer. Can you do better?'. That is happening at the moment, but this three-day cooling-off period will allow that to

happen even more. I know that the members for Malvern and Murray Valley also raised those issues. It is a real concern for some of the salesmen.

On the issue of dummy bidders, one of the motor car traders I spoke to talked about an issue that could be of concern. The legislation prohibits the owner of a motor car from making a bid at the auction of the motor car. It also states that a person must not make a bid at an auction of a motor car knowing that the bid is made on behalf of an owner of the motor car. An example was given to me of a friend of the owner of a motor vehicle going to an auction to bid on another car and seeing his friend's car being brought up for auction. The friend may bid on that car to increase the price of the car. The owner of the car may not know that that friend is bidding on that vehicle, whether it be an advantage to the owner or not. There was a concern about whose responsibility it is. Is it the bidder or the owner, given that the friend of this person may be doing it in all the best interests of the owner but the owner may not know?

This legislation says that evidence that a person who made a bid at an auction of a motor car had the intention of benefiting an owner is evidence that the person made the bid on behalf of the owner. But there is also a part of the legislation that says that a bid may be found to have been made on behalf of an owner even though it is not made at the request of, or with the knowledge of, the owner. There is concern from some motor car traders that a seller may become involved in the situation of a person who comes along and bids on the car in the best interests of their friend. The friend may not realise that the person has bid on it, and the seller may actually be responsible.

During the review in 2004 Consumer Affairs Victoria promised there would be ongoing discussions. I am pleased to say that CAV has had a forum in Shepparton with 30 businesses. They discussed things like prosecution and how the law could be applied under the Crimes Act. They also have provided newsletters to motor car traders so that they are aware that honest mistakes can be made, and they are advising dealers of new information and trends.

During those forums in Shepparton a number of people said to me that they have been in business for a very long time and there have been no inspectors and no police coming to their business to tell them they were doing the wrong thing. They thought they were doing the right thing. In fact with the dealings book in particular there were issues that showed that consumers were unwittingly doing the wrong thing. It is important that Consumer Affairs Victoria gave them the benefit of

the doubt, which it has done, and the dealers are saying that it is great to see those newsletters getting out. They are vital, and the dealers hope CAV will continue those newsletters.

**Debate adjourned on motion of Mr LIM (Clayton).**

**Debate adjourned until later this day.**

## AGENT-GENERAL AND COMMISSIONERS FOR VICTORIA BILL

### *Council's amendment*

**Returned from Council with message relating to following amendment:**

Clause 10, after line 6 insert —

“( ) The Minister must cause each report submitted under subsection (1) to be consolidated in the relevant annual report of operations of the Department of Innovation, Industry and Regional Development.”.

**Ms ALLAN (Minister for Regional and Rural Development) — I move:**

That the amendment be agreed to.

This is an amendment that provides for reporting on agent-general and commissioner activities to enable those activities to be consolidated in the Department of Innovation, Industry and Regional Development's annual reporting. Members of the house will recall during the debate on the passage of this bill through the lower house that this issue was raised by the opposition at the time. There has clearly been good, constructive discussion by our colleagues in the upper house. It is pleasing to see that that happens in the upper house from time to time, so that we now have before us an agreed wording of the amendment. I am pleased to be able to present this amendment to the house.

I also note that this is in the overall context of the Brumby government's efforts to strengthen Victoria's international presence and the role of our activities, because it knows that the enormous benefits that will come to the Victorian economy will be derived from strengthening the role of our international offices by elevating those posts to the title of commissioners and having them appointed through the Governor in Council process.

It will enable an incredible amount of coordinated effort across government, whether it be in trade, in attracting more international students or in attracting investment into the economy. I think it is something that all members on both sides of the house will agree

is absolutely vital. Considering the size of the Victorian economy, we need to strengthen our role internationally, and I am very pleased to present this amendment to the house.

**Ms ASHER** (Brighton) — I also wish to make a brief comment on the amendment before the house, again in the context of the need for Victoria to broaden its international network. That is something that the Liberal Party supported in government and obviously supports in opposition. I spoke at length on the government's proposal when we debated the principal bill before the house. However, we have now an amendment that has come from the upper house, and I just want to touch on the history of this.

Initially an amendment was moved in the Assembly by the Liberal Party which called for more transparency in the annual reporting in relation to the reports of the Agent-General and the new commissioners. That was an amendment which was to insert a different form of words to the words which have come by way of this amendment from the upper house. I want to comment by way of observation that in the Legislative Assembly, where the government clearly has the numbers, whenever an issue of transparency is raised the government uses its numbers in the house. It voted that amendment down.

Let us not say that this is complete agreement, harmony and light. This circumstance has occurred because we now have a different upper house. I believe former Premier Steve Bracks said that the changes to the upper house were his greatest political achievement. Let us not be under any misapprehension that the amendment the Liberal Party moved in the Assembly, which called for complete disclosure and to have these reports placed in full in the annual report, was voted down by the Labor Party in this chamber. We have here a compromise amendment, and isn't it good to see the Labor Party ministers in the upper house having to deal with reality, with the fact that they do not have the numbers and they cannot have it all their own way! The Labor Party has had to give a couple of points on the issue of transparency.

Instead of having full disclosure in the annual report, we now have an amendment before the house which says:

The Minister must cause each report —

that is, the reports submitted by the Agent-General and the commissioners —

submitted under subsection (1) to be consolidated in the relevant annual report of operations of the Department of Innovation, Industry and Regional Development.

The end result of the upper house debating the amendment, which was rejected in this chamber by the Labor Party, is that the government has moved to some extent on an issue of transparency in annual reports.

The critical issue, however, is the word 'consolidated'. One would assume from the use of the word 'consolidated' that the government had agreed to amended or condensed reports. But that was not the amendment that the lower house moved; it was an amendment which would have truncated the reporting. The house should be reminded that the spur for the original amendments moved by the Liberal Party was the fact that this whole change to the agent-general and commissioners legislation was based on the Buckingham report and that the report itself was doctored. So we move for further transparency, because the government would not be transparent about issuing the Buckingham report. It is very good that we have seen compromise on this particular issue.

I have not had a chance to read *Daily Hansard*, because the matter was discussed in the upper house today, so I will just refer to a number of assurances that I believe have been made by the Minister for Industry and Trade in the other house. Again I stress that obviously I am not privy to *Daily Hansard*, but I believe the minister has given the following undertakings. He has given some assurances about what the word 'consolidation' means and that there will be a fair amount of reporting in the annual reports. I also understand he has given assurances in relation to FOI. I note that this is in complete contrast to the practices of lower house ministers and the practices of this government, which has not been transparent. But if it is accurate that the Minister for Industry and Trade has given some assurances about consolidation being reasonably fulsome and that FOI will be facilitated, then as a member of the Liberal Party I commend him for that. But we must reflect on why the Minister for Industry and Trade is so willing to be so transparent and to compromise. The reality of the matter is that everything has changed since the upper house was —

**Mr Nardella** interjected.

**Ms ASHER** — to use Labor's word, 'reformed' by the Labor Party, which never in a million years thought it would lose control of that house. I am obviously pleased to support this amendment. It is a move towards transparency, which is completely uncharacteristic of any of the ministers in this place. If not for the upper house, this amendment would not

have been accepted — and nobody in this place should be under any illusion about the fact that the only reason we have a step forward in transparency is that the upper house has been changed in terms of its representation.

**Mr RYAN** (Leader of The Nationals) — This is an important and instructive amendment. We are pleased to see it come from the upper house, and we are very pleased to support it. The original legislation contemplated that each year the commissioners and the agent-general would have to submit a report to the minister on the performance of their functions or the carrying out of their duties for the year ending 30 June. They were the terms of clause 10 under the heading ‘Annual report’. This amendment requires that the minister must, in turn, submit a consolidated report which carries the consolidated view of those commissioners and the agent-general as to their respective operations. That is a big advance on the position we were in.

This issue is crucial, because as the debate unfolded in the Assembly it became very apparent that one of the elements that caused great concern to Mr Buckingham in the preparation of his report was that Victoria’s export performance had stalled, and there were real worries about the way that had evolved over the past few years. This amendment will keep people much more honest — if I can use the term in the colloquial sense — about the way they discharge their duties, particularly on the basis that these reports will now come before Parliament, and that is the way it ought to be.

In an environment such as Victoria, where the basis of our economy is structured around exports and where, from a country Victorian’s perspective, exports are all important to the performance of not only our economic fortunes but, in turn, our many communities, the question of our appropriate performance in these international forums is vital. Therefore we supported the Liberal Party amendment in this house at the time, which would have brought about a greater level of transparency, as the Deputy Leader of the Opposition has just observed. We strongly support the end result, which is that what was then intended is now being achieved — albeit by somewhat of a hybrid outcome.

Nevertheless it is being achieved in a way that will enable the Parliament to have placed before it a report which properly reflects the efforts of those respective commissioners and the agent-general. We therefore support this very important amendment.

**Motion agreed to.**

## MOTOR CAR TRADERS AMENDMENT BILL

*Second reading*

**Debate resumed from earlier this day; motion of Mr ROBINSON (Minister for Consumer Affairs).**

**Mr LIM** (Clayton) — I am pleased to support this bill, which protects Victorian consumers even further. Next to buying a house the purchase of a motor vehicle can be the most important and expensive purchase most Victorian consumers will make. Consumers are vulnerable in a number of ways. Not only is the up-front purchase price or commitment to ongoing repayments the next biggest expense that most people will make after buying a house but there is also the exposure to costly repairs, especially for faulty second-hand cars. If the car is off the road, it can have serious consequences and implications for working families in such basic areas as getting to work and dropping kids off at and collecting them from school.

For many consumers the relationship with the motor vehicle trader is not equal. Lacking the technical expertise and the knowledge of the history of the vehicle they are vulnerable to the hard sell or out-and-out lies, which we have seen too often. Media releases from consumer affairs ministers and reports from Consumer Affairs Victoria give countless examples of what is not just the unethical but the criminal behaviour of rogue dealers. One of the most common is winding back the odometer. Other instances include failing to provide or retain proper records, agreements and other documentation.

Like the phoenix, the worst traders rise again by obtaining a licence in an associate’s name. This bill makes a number of important amendments to the Motor Car Traders Act 1986. To deal with traders hiding behind an associate for the purpose of obtaining a licence, clause 7 of the bill amends section 13 of the principal act by widening the definition of ‘associate’ and applying the refusal of licence criteria to partners, directors and persons involved with the management of such businesses.

Another important safeguard introduced in the bill is the requirement for traders, when engaging new employees in customer service positions, to check whether they are prohibited persons in terms of the act. Traders are also required to obtain police checks on potential employees to ascertain whether they have been convicted of serious criminal offences in the past 10 years. Other safeguards which will be most welcome include the outlawing of dummy bids at motor vehicle

auctions; the extension of the cooling-off period to the purchase of new cars; requiring the motor car trader to provide the name and address of the last owner of a motor car — if that information is known to the motor car trader — to a prospective purchaser of the motor car on request, if the last owner was not a motor car trader or special trader; and prohibiting the dealer from buying or selling to a person under the age of 18.

I do not think anybody could claim that this bill or any other possible legislation will guarantee that consumer affairs ministers will no longer have to report prosecutions of motor car traders in media releases. Consumer Affairs Victoria does good work in policing the shonks, and we will still be reliant on its vigilance; however, this bill provides Victorian consumers with increased protection. I am pleased that the opposition supports this bill and that it has consulted widely. I commend the bill to the house.

**Mr BURGESS** (Hastings) — I rise to speak on the Motor Car Traders Amendment Bill 2007. The purpose of the bill is stated as being to amend the Motor Car Traders Act 1986 by implementing further legislative changes recommended by the 2004 Pullen report. The bill itself and the explanatory memorandum accompanying it state that one of the goals of the bill is to reduce burdensome regulation and make it more effective. I find it very difficult to accept that it achieves that. The bill achieves most of the things it sets out to achieve, which are really about protecting consumers in an industry that is very important to Victoria and at the same time lifting the respect that Victorians have for this important and valuable industry.

The bill sets out three elements that are about balancing the protection of the industry, by providing it with added respect in the community, while at the same time protecting consumers. Those elements are put together with the fact that traders are unable to employ anyone who has had a claim admitted against them under the Motor Car Traders Guarantee Fund without the permission of the Business Licensing Authority. They are also unable to employ anybody who is an associate of a partnership or company which has had such an admitted claim. Traders are compelled to require a police check when employing new staff in any customer service capacity. They cannot employ a person where the person is disqualified from holding a motor car traders licence or where the person has been found guilty of a serious offence such as fraud, dishonesty, drug trafficking or violence within the last 10 years.

Putting those elements together, it is clear that the bill is looking to achieve the dual purposes of increasing

respect for this vital industry and at the same time providing consumer protection. There are elements within the bill which go to consumer protection in a more positive way and are based around the cooling-off period. The cooling-off period has existed for some time for used cars, but this bill introduces it for new cars. However, the cooling-off period can be waived by the purchaser. The member for South-West Coast raised on behalf of one of his constituents the very valid point that the person who can waive the cooling-off period is the same person that the cooling-off period is there to protect in the first place, so I am not sure it achieves its purpose.

If the cooling-off period is activated by the purchaser, and the contract is not completed, there is a fee of \$400 or 2 per cent of the purchase price to be paid by the purchaser, which is meant to put in place a barrier to forum shopping or shopping around for a cheaper price on a similar car using that particular contract. However, the member for South-West Coast said the same constituent had put to him that in a professional industry, which new and used car traders consider themselves to be working in, making people wait three days until your cooling-off period expires before you go and order the car they have asked for and indicated they want to purchase is probably not a very professional way to go about business. There are some question marks over that as well.

The bill prohibits dummy bids at car auctions; however, vendor bids by the auctioneer are still permissible as long as those bids are announced. The auctioneer must record the details of the seller and purchaser of the motor car. The bill removes the requirement to display the name and address of the former owner of the car. As the member for Ferntree Gully raised earlier, prior to this bill there have been instances where high-profile Victorians have had their names, addresses and details put on form 7s and displayed for the community to see. That element has been taken away with this bill, which is a very positive thing.

The bill restricts the entities which can claim on the Motor Car Traders Guarantee Fund, ensuring that only consumers can access compensation under that fund. Again, that is a very positive thing. It restricts bodies, including motor car traders, public statutory authorities and finance brokers, from doing the same thing.

It is always a matter of balance — of balancing the rights of consumers and those of the motor vehicle traders. In general the bill improves consumer protection for car buyers in this state and restricts the ability of criminals and other undesirables to operate in the industry. It also prevents inappropriate entities from

making use of a fund designed to compensate consumers. While the Victorian Automobile Chamber of Commerce expressed concern that the cooling-off provisions for new cars may lead to consumers entering contracts for new cars and then using those contracts to shop around for a better price, I think on balance the measures that have been put in place to deter people from using those provisions in that way are likely to minimise that type of conduct, and I am happy to commend the bill.

**Mr NARDELLA** (Melton) — I support the Motor Car Traders Amendment Bill 2007. It is interesting that in their contributions to debate on a consumer affairs bill the honourable members of both the Liberal Party and The Nationals have not talked about consumer protection or rights or the purpose of this legislation. What they have placed before the house, as the honourable member for Hastings said, have been the rights of a constituent of the honourable member for South-West Coast — but in actual fact it was not a constituent, because he was talking on behalf of a motor car trader. Members opposite have been talking about their only constituency, which is the business community in Victoria. Members on this side of the house have talked about and support wholeheartedly the consumer protection provided by this bill for people buying new vehicles.

I remember post the 1996 state election when the wreckers on the other side of the house were in government. Of the 1100 speeches that I have made, people can read the one I made when those opposite reduced consumer protection.

**Mr Wakeling** — Wrong!

**Mr NARDELLA** — No, it is not wrong. The member for Ferntree Gully should read my speech — especially when he is finding it hard to sleep late at night!

Those opposite reduced consumer protection especially in warranties for used cars. They have a history of not looking after the consumer, particularly the little person. This legislation certainly does. It is wrong for the honourable member for South-West Coast to have talked about the \$400 or the 2 per cent being an impost on his constituency, his motor vehicle mates within the Victorian Automobile Chamber of Commerce. When a car is ordered, it usually takes six to eight weeks to come off the production line, particularly if it is a special vehicle; then there is no loss if within three days that purchase is withdrawn. The trader gets to keep the deposit, the 2 per cent of the purchase price, and that is appropriate. People are not going to go shopping

around, leaving \$400 deposits everywhere to get a better deal. That is just a nonsense. The waiver is part of the consumer protection in these situations and is within consumer law in any case.

Certainly people have to wait until they are 18 before they can make a decision to purchase a vehicle. It is like going to the pub — you have to wait until you are 18 to go to the pub formally, and this is no different from that. When you are making a decision about a very expensive purchase, you should be 18 and responsible under the law. Again it is appropriate to try to protect consumers from dummy bidding. I support the bill before the house.

**Mr KOTSIRAS** (Bulleen) — It gives me pleasure to stand to speak on the Motor Car Traders Amendment Bill. It is a pity that the member for Melton always tries to politicise an issue or score cheap political points and refuses to acknowledge that when members of the Labor Party were in opposition they were so critical of a number of areas, but when they formed government they forgot about those promises and what they stood for. If members were to read in *Hansard* the speeches of a number of those opposite, they would see how they have changed between when they were in opposition and today, when they are in government. It is a pity that the member for Melton tries to politicise every single bill that comes before this house rather than standing up for his residents or constituency — that is, the consumers. When he tries to score cheap political points, he is not standing up for the consumers; he is standing up for the Labor Party.

I comment on clause 14, which provides for the cooling-off period. As members have said, the purpose of the bill is to amend the Motor Car Traders Act 1986 by implementing further changes recommended by the 2004 Pullen report. With the cooling-off period the consumer will be protected by having three working days in which to pull out of a contract, which is good.

I ask that the minister advise me whether that also includes the purchase of motorcycles. I have been advised by a public servant that it does, but I am not sure that he was confident that the bill also covers new motorcycles. My son went to purchase a new motorcycle and had to endure a hassle the following day, when he tried to get out of the contract. He was just 18 at the time, he went to buy a new motorcycle and the guy convinced him, saying that he had to pay only \$50 a fortnight. He said to him, 'You can afford \$50 a fortnight', and of course convinced my son to sign a contract for a new motorcycle — not advising him that the bike, which was worth \$7000, would have ended up costing him \$26 000 over six years. Luckily,

my son was able to get out of the contract. I ask the minister to advise whether the cooling-off period includes new motorcycles.

Otherwise, the bill is good. The opposition supports the legislation because it improves consumer protection for car buyers and restricts the ability of criminals and other undesirables to operate in the industry. It also prevents government agencies from making use of a fund designed to compensate consumers. The only concern I have is whether it includes new motorcycles, as I said, and I hope that in his summing up the minister will advise the house whether motorcycles will be caught by this legislation.

**Mrs FYFFE** (Evelyn) — I wish to make a brief contribution on the Motor Car Traders Amendment Bill 2007. Some aspects of this bill concern me. I have met and known many dealers of both new and used cars. The majority operate honestly and efficiently. They put in long hours and operate very good small businesses. Having a large family of five children, we have had lots of dealings with used car dealers, and I have not had a problem.

I am concerned that the bill prohibits any trader having dealings with anyone under the age of 18. When each of my children got their learner's permit, I insisted that they learn to drive in the car they would be driving once they had their full licence, so that they were fully aware of the power of the car and the different sounds in the car — so that they got to know the vehicle. Most young people get their learner's permit at 17 years and 3 months. This bill prohibits them from buying a car from a trader but not from buying one privately. I sincerely believe it is very important that a young person learns to drive in the car they will be in on their own the moment they have their licence.

Not extending the cooling-off period to commercial vehicles is also of concern. It should be extended, because many small businesspeople, particularly tradespeople, are under pressure. They are under pressure not only to carry on their trade but also to fill in the necessary paper work. They must comply with the regulations, and they are involved in quoting for and chasing jobs. Often they can make an impulse purchase. The cooling-off period should be extended to commercial vehicles.

Another aspect of the bill concerns me. Many years ago, not long after I arrived in Australia, I worked in the car industry. I had a lot of fun there, and it was also a lot of hard work. The provision that a trader cannot employ a person who is disqualified from holding a motor car trader's licence is not of concern, but not

being able to employ a person who has been found guilty of a serious offence is of concern to me.

Many people who have had gambling problems and committed fraud or been dishonest, or drug addicts who have dealt in drug trafficking to support their addiction, are wanting to bring their lives back on board. It is very difficult for anyone who has been convicted of a serious offence to actually get work. Clause 12(4) substitutes new section 35A(3), so that a trader cannot employ a person who:

- (c) has, within the last 10 years, been convicted or found guilty of a serious offence (whether or not a conviction was recorded).

The used car industry has been very useful to many people in finding employment and aiding rehabilitation. I am concerned that the requirement for police checks is spreading into so many areas. When someone is working with children or with old people, the checks are definitely required, and I absolutely support them, but I care about people's human rights. We are getting this database of police checks. How long is that database going to be held? Who is going to have access to it in the future? Why do we need police checks for people who are selling cars? I do not understand why we have something like this coming in when there seems to have been no evidence of the need for it. It should be a case of buyer beware. Buyers themselves should be careful of what they buy and get a roadworthy certificate.

I promised that I would not speak very long on this bill, but I am very concerned about the points I have raised.

**Mr CAMERON** (Minister for Police and Emergency Services) — On behalf of the government I thank the members for Malvern, Murray Valley, Yan Yean, Mornington, Preston, Mildura, Pascoe Vale, South-West Coast, Keilor, Ferntree Gully, Burwood, Shepparton, Clayton, Hastings, Melton, Bulleen and Evelyn who spoke on the bill. I thank the Liberal Party and The Nationals. Despite the various things that are always said in relation to a bill, I thank them for getting behind another Labor initiative, and I wish the bill a speedy passage.

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

## FAIR TRADING AND CONSUMER ACTS FURTHER AMENDMENT BILL

*Second reading*

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

**Mr O'BRIEN** (Malvern) — This evening, and for the second time in a day — in fact for the second time since coming into this Parliament — I am in the rare position of indicating that the government supports a piece of government legislation.

The Fair Trading and Consumer Acts Further Amendment Bill is a form of omnibus bill in that it makes a number of different amendments to various forms of consumer protection and other provisions. In the main it improves them. This is something that the opposition regards as being a good thing and is happy to support.

The main provisions in the bill, firstly, expand the powers of the director of Consumer Affairs Victoria to institute and defend proceedings in the Federal Court. We think it is very important that Consumer Affairs Victoria takes a proactive role in getting into court, where necessary, to defend the rights of consumers and ensure that the obligations required of traders are met. Obviously litigation should not be the first port of call; it should be the last port of call. Education of consumers and traders should be the first thing that is done. Negotiation and conciliation should be the second.

Where necessary it is important that we have an active and effective regulator and an active and effective department that is going to take steps to go to court and ensure that the rights of consumers are properly protected under the law. In that regard the opposition is quite happy to support this expansion of the powers of the director of Consumer Affairs Victoria to institute and defend proceedings in the Federal Court.

The bill also enables the director of Consumer Affairs Victoria and inspectors of that body to certify to a court where a person has failed to comply with a particular requirement under consumer affairs legislation. In particular this is where a person, an organisation or a corporation has failed to comply with the requirement to provide documents or otherwise assist an investigation that is instigated by Consumer Affairs Victoria. In such circumstances this bill provides that the director of Consumer Affairs Victoria or an inspector can make application to a court and certify that there has been a failure to comply with the

provisions of the Fair Trading Act, specifically the failure to provide documents that are necessary for an investigation being undertaken under that act.

In circumstances where a court then makes a relevant order requiring the producing of these documents, any failure by a company, an individual or a trader to provide those documents will then amount to contempt of court, and the appropriate proceedings can subsequently follow. Again we think this is an important step in making sure that Consumer Affairs Victoria can be an active and effective regulator. There is very little point in giving CAV the powers to require documents for the purpose of investigation if a trader can refuse to provide those documents, leaving CAV with very little recourse. The opposition supports these measures.

There has been some speculation as to why the government has gone down this particular path in terms of certification of these matters to a court. It has been suggested that under the federal Trade Practices Act, the Australian Competition and Consumer Commission (ACCC) follows a different procedure. I would have thought that in the interests of uniformity there may well be an argument that provisions under Victorian fair trading legislation should mirror national fair trading legislation. However, we are prepared to take the government at its word, that this is the appropriate path to go down. We are certainly not prepared to stand in the way of this bill on the basis of anything else.

This bill also clarifies the font size requirements for consumer documents. As a former practising lawyer I can say that advising clients that they always needed to read the fine print was just par for the course. I think it is important that, if you want to get clients to read the fine print, it should be legible. Therefore a minimum font size in certain consumer documents should be no less than, I think, 10 point Times Roman. That is an appropriate size to make sure that people are able to read documents. It does not necessarily require that they understand them, but it is very important that they be able to read them, and it is certainly a first step to their comprehension.

The bill also provides that persons who make complaints or who provide evidence to Consumer Affairs Victoria will not be liable for any loss or damage sustained by another if their actions are done in good faith. This is a very important provision because it has been reported that a number of consumers who in good faith have made complaints to CAV about the conduct of traders and what has befallen them have subsequently been threatened with legal action. That legal action can be in the form of defamation suits or

other measures which result in people being intimidated about making complaints or pursuing complaints, and that is something that is completely unacceptable. There must be a level of acceptance that people who in good faith make a complaint to a regulatory body have the right to have that matter pursued without fear of legal action. This is another measure in the bill which the opposition is pleased to support.

The bill also implements reforms to various areas of trade measurement including such things as firewood measurement. This is in accordance with national reforms which are being implemented by the states and the commonwealth. We are in favour of cooperative federalism, as is the government. It seems to be sensible that legislation that affects consumers not just on a state-by-state basis or on a territory-by-territory basis but on a national basis should contain uniform provisions, and Victoria's agreement to meet these national accords is something the opposition believes is quite useful.

The bill also seeks to repeal other consumer protection statutes. The Hire-Purchase Act 1959 and the Frustrated Contracts Act 1959 are two such measures. The Hire-Purchase Act is being repealed, and while hire purchase agreements which are the subject of that act will be saved in terms of ongoing legislation, essentially there is going to be a tidying up of a piece of legislation that really does not have a lot of ongoing relevance. Most of the provisions that were incorporated in the Hire-Purchase Act seem to have been picked up by either the Fair Trading Act or consumer credit legislation in Victoria. Therefore it seems appropriate in a day when hire purchase agreements are commercially almost a thing of the past to have those measures properly regulated through more relevant legislation, being the Fair Trading Act and consumer credit legislation.

One very interesting provision in the bill is the repeal of provisions in the Shop Trading Reform Act 1996, and specifically those provisions which allow polls in local communities to restrict Sunday trading. Of course shop trading reform was one of the great legacies of the previous coalition government in this state. Prior to that, shop trading was comprehensively regulated — but not regulated in the interests of consumers. It was regulated in the interests of certain companies and certain groups in the community, but consumers were not one of those groups.

The idea that consumers should be told when to shop and traders should be told when to trade is not something which found favour with this side of the house, and I think one of the proudest legacies of the

previous coalition government was deregulating shop trading hours. It gave consumers the right to shop when they wanted to shop and gave traders the right to trade when they wanted to trade. I think those measures were a bit of a symbol of the commitment of this side of the house to free enterprise and to consumer choice. It is something I am very proud to support as a member of the Liberal Party.

Part of the Shop Trading Reform Act 1996 was a provision which allowed local communities that were not comfortable with Sunday trading to petition for a poll, and if a poll was successful in overturning Sunday trading, then that would happen in that particular community. These measures were only invoked once in the existence of the legislation, and that was in 1998. The City of Greater Bendigo was petitioned to undertake a poll in relation to the Sunday trading that had been occurring in that area. In what was a non-compulsory poll 72.5 per cent of eligible voters decided to participate, which is an extraordinarily large turnout for a voluntary poll. Having had such a high turnout, when the numbers came in it was found that 77 per cent of voters were in favour of the maintenance of Sunday trading and 23 per cent of respondents were opposed. There was an overwhelming level of support for the continuation of Sunday trading in Greater Bendigo.

Not a single poll has been conducted since that poll in 1998, and I think that is probably the rationale for the government's removal of the polling provisions from the Shop Trading Reform Act 1996. While it could be said that the removal of the polling provisions is another example of the Brumby government's failure to listen to local communities, I think in this case the proof of the pudding is in the eating. The fact that we have had almost a decade with no polls on this topic is a pretty clear indication that the community as a whole has moved on. We have accepted the right for Sunday trading to exist. We have accepted the right of consumers to decide when to shop and for traders to decide when to trade, and it is not something that government has a role in interfering in. Certainly if people have an individual objection to Sunday trading, they can exercise it with their feet and with their wallets. Nobody forces you to shop on a Sunday, and nobody forces you to trade on a Sunday; but if you wish to shop or you wish to trade, you should have that right.

In that vein I notice as a matter of regret that this government has gone backwards in terms of the deregulation and freeing up of trading in this state. The government's moves to re-regulate shop trading hours over the Easter period were something that was done

really for sectional interests, and particularly in the interests of the Shop, Distributive and Allied Employees Union rather than in the interests of Victorian consumers or traders.

Another aspect of the bill is to amend the Subdivision Act 1998, which clarifies that lot owners can increase the area of a lot by only 10 per cent of the size of the lot, rather than by the whole subdivision. That seems to be something which slipped through under the radar. It is an unintended aspect of previous legislation which is now being clarified in this bill, and it is something the opposition supports. The bill also amends the Partnership Act 1958 to allow early stage venture capital limited partnerships. Again this is something which is done in accordance with national provisions, and it is important to see Victoria leading the way in relation to the development of these forms of companies.

A matter that I would like to raise with the house is that this bill also contains amendments to the governance of bodies corporate and the way in which they operate. The timing of this change has attracted a considerable amount of attention from those who are interested in the regulation of bodies corporate — or, as they are called these days, ‘owners corporations’. I refer the house to a press statement issued by the Institute of Body Corporate Managers (Victoria) on 26 November. The release is headed ‘New body corporate laws late and flawed: state government fails owners, occupiers and managers’. It starts off:

The peak body for professional body corporate managers has slammed the state government for its handling of the Owners Corporations Act, due to take effect on 31 December this year, as a bill set to amend the act before the laws come into force stalls in Parliament.

A number of the measures in this bill that relate to the reforming of the governance of bodies corporate are certainly welcome. They are arguably necessary to make sure that the government’s Owners Corporations Act works effectively from the time it takes effect on 31 December this year. Unfortunately the government’s management of this process has been so lacking that it only saw fit to introduce this legislation so late in the day that it has no opportunity to pass through the Parliament as a whole by the time the principal act comes into operation. The poor body corporate owners and managers will effectively have two sets of laws that they need to watch out for. There will be the set of laws that will come into effect on 31 December this year. They will also be very well aware that these amending provisions are in the Parliament, will presumably have passed through one house of the Parliament but will be

awaiting the agreement of the upper house and royal assent before they can be complied with.

This government’s management of the process has been absolutely abysmal. The fact that such a fundamentally important area of legislation for property maintenance in Victoria can be left to the last minute and the fact that the body corporate managers association has come out in such strong terms against the government’s mishandling of this speaks volumes. I will refer again to the press statement of the IBCMV. It quotes the general manager of the Institute of Body Corporate Managers Victoria, Rob Beck, as saying:

Now, in a move that beggars belief, the government has indicated that the bill amending the Owners Corporations Act will not be passed this parliamentary session, laying over until the house sits in autumn next year, months after the act and the regulations enabled by it come into force. As a result, owners, tenants and occupiers, along with professional managers, will be expected to comply with two sets of laws all because the government literally can’t get its ‘act’ together.

The regulatory impact statement process has also been a shambles, with the regulations only just finalised. The government closed submissions for the proposed regulations on 8 November, yet the minister and the department of consumer affairs failed to release one media statement to alert the 1 million stakeholders — owners and occupiers — of the review, robbing people of the chance to have their say. Indeed, not one release relating to the Owners Corporations Act has been made since its passing last year ...

When industry stakeholders which are certainly not regarded as being partisan, such as the IBCMV, come out in such strong terms against the mishandling of this legislation by this government, it speaks volumes for the competence of those concerned. While the opposition is happy to support the measures contained in the bill, we note that the timing of it is completely inadequate. To expect body corporate managers, owners and occupiers to comply with in effect two sets of laws because this government was not able to get its act together and get the legislation passed and assented to before 31 December 2007 indicates that the government is just not up to the job in this area.

Having said that, as I indicated, the provisions in this bill are generally of benefit to consumers. The bill contains some quite sensible tidying up of consumer legislation that will protect consumers in one way or another. The timing of it is something we have expressed some concern with, but otherwise we think it is something which deserves the support of this side of the house. On behalf of the opposition I am pleased to indicate that we will be supporting this bill.

**Mr JASPER** (Murray Valley) — I rise to make comment on the legislation before the house, the Fair

Trading and Consumer Acts Further Amendment Bill 2007, and to put forward views on behalf of The Nationals. At the outset I want to thank the minister for his cooperation in providing me with two briefings by representatives from the department. I see they are present in the house observing the progress of this legislation through the Parliament. The briefings were very good and in fact made me very much aware of the provisions in this legislation. The bill can be described, as I see it, as an omnibus bill. It makes a range of amendments to the Fair Trading Act. The Nationals will not be opposing the legislation. However, we certainly have some comments on the provisions contained within it.

I want to say from the outset that the fair trading bill before the house, and indeed the Minister for Consumer Affairs in his role, must ensure that there is balance between consumers and retailers. We have often seen in the past legislation brought before the Parliament which, as I see it, seems to lean on the side of protecting consumers but not giving balance back to retailers, people who play an important role in the state of Victoria. The strength of the economy in Victoria comes from people operating businesses right across this state, whether in metropolitan Melbourne or in country Victoria. We need to make sure we get a balance within the community for the retailers, who, as I have indicated, are the backbone and the drivers of the Victorian economy, and small business generally, which is a large part of the economy of this state.

It is pleasing the Minister for Consumer Affairs has come into the chamber, despite the fact that we will be finishing up the debate for this evening within 2 minutes. I will be reserving my major comments on the legislation until we resume debate on the bill tomorrow. I hope the Minister for Consumer Affairs will be in the house to listen to my contribution. I have to say that I was disappointed that the minister was not in here for the major part of the debate on the Motor Car Traders Amendment Bill. I think I was able to make an important contribution to that bill and it was disappointing that the minister was not here, but he will be able to read it in *Hansard* and note my strong support for motor car traders operating within the state of Victoria. Of course that is part of the Fair Trading Act and is the responsibility of the minister himself. Having made those opening comments, I will wait to make my major contribution when this bill returns for further debate later this day or tomorrow.

**The DEPUTY SPEAKER** — Order! It is time for me to interrupt the business of the house.

**Business interrupted pursuant to standing orders.**

## ADJOURNMENT

**The DEPUTY SPEAKER** — Order! The question is:

That the house do now adjourn.

### Wildlife: suburban management

**Mr WELLS** (Scoresby) — I would like to raise a matter of concern with the Minister for Environment and Climate Change in the other place or the Minister for Consumer Affairs at the table. The action I seek is that the minister implement a management plan to make it clear what happens when wildlife enters suburban areas due to the drought and water shortages. This is becoming a large issue in areas in the outer east, particularly in the cities of Monash and Knox. We have noticed more constituents contacting the office to raise concerns. We would expect a management plan to make it very clear who is responsible for moving wildlife from an area back to its natural habitat. The guidelines should also make it clear who is responsible for the costs of moving injured animals to safety and, in those cases where animals have been injured and need to be nursed, who is responsible for picking up the cost of nursing the animals back to health.

The reality is that the drought is dragging on and water is becoming more scarce, and from further out these animals are moving closer to areas in the outer east such as Monash and Knox. Recently there was an example of a kangaroo at Lakewood Reserve in Knoxfield. When a constituent contacted one of the local organisations they were told to contact the local animal welfare shelter. The cost of moving the kangaroo was around \$500 and it was suggested that the local animal shelter, which relies on donations, should pay for the total cost of the removal. Fortunately in this particular case the Knox council stepped in and the matter was resolved as it was able to pay.

The other matter of real concern is that we have an incredible band of volunteers out in the community who pick up wildlife and look after these animals — whether they be kangaroos, ducklings, wombats, echidnas — and get them back to some sort of safety, but the reality is that the cost of the food for this number of animals is becoming significant. My office spoke to a person today who said that the cost was around \$150 for the last lot they paid this week. That is an enormous drain on the budget of any family which is trying to do the right thing by the community in taking these injured animals in.

I ask the animal — —

*Honourable members interjecting.*

**Mr WELLS** — I got it right the first time!

**The DEPUTY SPEAKER** — Order! On that note, the member's time has expired.

### **Energy: household savings**

**Mr STENSHOLT** (Burwood) — That is almost worth commenting on! It is a good point to raise, though. Someone in my electorate does that work, and she is very good at talking to animals.

I would like to raise a matter tonight for the Minister for Energy and Resources. The action I want him to take is to do a bit more work to promote the importance of energy efficiency and energy saving, particularly in the home as well as — which I am sure the member for Murray Valley would appreciate — in small business.

About 69 per cent of greenhouse gas emissions in Australia in 2004 came from energy use. About one-third of Victoria's energy is used in the home. Therefore a prime target for energy efficiency is energy saving in the home. We have seen this week that the cost of energy is going to increase, particularly because of the drought and the impact of dry weather. Again summer is with us, and it is expected to be another long, hot, dry season. The number of days over 30 degrees has been increasing. People want to turn on the air conditioner or else try to whip down to Camberwell Electrics, just outside my electorate, to buy a new air conditioner. I always advise people to buy an evaporative cooler, because it is much cheaper to run and to put in.

Energy saving is important, because energy costs more and it has an impact on emissions. A lot of work has already been done. I note we had a 10-point plan for savings of energy — the top-10-tips checklist — and I remember last year and the year before personally letterboxing about 8000 of those into the homes in my electorate.

**An honourable member** interjected.

**Mr STENSHOLT** — This is an important issue. We told everyone in the electorate to come along to a water and energy saving forum. We had someone from Sustainability Victoria talk about it.

I would like the minister to keep promoting this program of energy efficiency with the black balloons — —

**The DEPUTY SPEAKER** — Order! The member cannot ask for continuing action. He must ask for action.

**Mr STENSHOLT** — I actually want him to take specific action, now, to promote the importance of energy savings. It is not just a request to continue what he has done in the past, but I want him to take specific new action in this regard.

### **Country Fire Authority: maps**

**Dr SYKES** (Benalla) — I wish to raise a matter for the attention of the Minister for Police and Emergency Services, who, I am disappointed to say, has just left the chamber.

The matter is the Country Fire Authority's intention to roll out new maps for use by firefighters — maps which unfortunately contain many inaccuracies and are difficult to read. I request that the minister halts the rollout of the new maps and implements the constructive proposals of CFA volunteers to overcome the inadequacies of the new maps in their current form.

The issue has been drawn to my attention by CFA volunteers in north-east Victoria who have used their many years experience in active firefighting to assess the proposed Spatial Vision's Vicmap book for north-east Victoria. Many inaccuracies have been detected, including: Myrree Primary School being located on both maps 296 and 331; Winton Primary School being mislocated on a non-existent road; and the omission of Molyullah Hall on map 295. All of these structures are correctly located in the 1998 CFA map book. It is unfortunate that the CFA did not honour its original commitment to have grassroots volunteers check the draft maps before finalisation.

The maps are also quite difficult to read due to factors such as the inclusion of too much information and the poor use of colour and style. The principal purpose of the maps is to increase the efficiency of fire brigades and other emergency services when responding to emergency calls. However, the CFA has attempted to have a map that is useful for tourists and visitors to the area as well. This has led to excessive information on the maps and the omission of property owner names from the maps. Local CFA volunteers have offered common-sense solutions, which at this stage appear to have been rejected by the CFA. The volunteers say the CFA is, and I quote:

more interested in covering its butt rather than making it easier and safer for CFA volunteers and other emergency services personnel to carry out their vital and much-appreciated work.

One common-sense solution is to have two versions of the map books: one for emergency services use, with property owner names included; the other for general use, without the property owner names. This can be achieved by simply deleting those pages with property name lists from the general-use version.

I request the minister halts the rollout of the new maps and implements the constructive proposals of the CFA volunteers to overcome the inadequacies of the new maps in their current form and to achieve the principal purpose of the maps, which is to increase the efficiency of fire brigades and other emergency services when responding to emergency calls.

### **Preschools: Geelong**

**Mr TREZISE** (Geelong) — I raise an issue in tonight's adjournment debate for the Minister for Children and Early Childhood Development; it relates to the kindergartens in my electorate of Geelong.

As you, Deputy Speaker, would appreciate and as all members of this house would appreciate, a year of kindergarten for all preschool children is of paramount importance prior to their primary school years. In turn the quality of kindergarten services is just as important. I appreciated my three years of kindergarten and my teenage children appreciated their one year of kindergarten.

I can assure this house that the kindergartens in the electorate of Geelong are of the highest quality, as I am sure are the vast majority of kindergartens across this state. However, meeting with kindergartens across my electorate, as I do every year, I am aware of their issues and the ideas and initiatives that they would like to discuss and share. The action that I seek is for the minister in 2008 to visit my electorate of Geelong and indeed the wider Geelong region, including of course Bellarine, and to visit the local kindergartens to view for herself the operation of those kindergartens and discuss, with committees and teachers, their issues, their ideas and initiatives.

As I said before, as a parent of two teenage daughters who loved their kindergarten year, I understand the importance of the preschool year. As a parent who served on a kindergarten committee, I also understand the issues that are raised with kindergartens on a year-to-year basis and the issues that parents face. Parents who have young children at those kindergartens and who serve on committees put in a lot of dedicated hours. It is important that we as a government listen to those concerns, ideas and initiatives. It is important that the Minister for Children and Early Childhood

Development meet with the committees and kindergarten teachers. I know the minister is very capable and that she will be quite prepared to fulfil the action I seek. I look forward to her visit in 2008 to my electorate of Geelong and to the kindergartens across the electorate and the wider region.

### **Gas: market congestion charge**

**Mr CLARK** (Box Hill) — I raise with the Minister for Energy and Resources the gas market congestion charge that was imposed on customers of Simply Energy earlier this year. I ask the minister to take action to remedy the planning inadequacies and market design flaws introduced by the Bracks and Brumby governments that have led to Simply Energy's customers being hit with this charge.

In one case drawn to my attention a customer was hit with a congestion charge of \$77.81 on a bill with only \$184.28 of regular charges, which amounts to a surcharge of more than 40 per cent. These charges arose from gas shortages that occurred in June and July of this year, which led to the government's gas market operator, VENCORP, being forced to pay compensation to gas suppliers whom VENCORP had ordered to supply gas which was additional to that supplied through the usual market in order to ensure that there was enough gas in the pipes. VENCORP recovered these amounts by imposing congestion charges on retailers, and one of those retailers in turn passed on the charges to its customers. Whether Simply Energy was entitled to do so under its customer contracts is another issue that needs to be resolved, but what is clear is that Simply Energy and other retailers would not have been hit with these charges in the first place had VENCORP and the government done their job of forward planning and designing market rules properly.

I understand Victoria had a serious gas shortage incident in July 2003, which resulted in a class 5 gas emergency. However, VENCORP and the government failed to learn quickly enough the lesson that Victoria needs critical upgrading of its pipe network to meet demand peaks. It was not until October 2005 that modelling was completed for a preferred option, which is a pipeline upgrade known as the Corio loop, which is to run from Lara to Brooklyn. It was not scheduled to be available until March 2008. This is despite the fact that the government itself has been boasting about the increased amount of gas-fired electricity generation capacity being installed, which has been slowly growing despite the delays and deterrence caused by industrial disputes. This in turn has been reducing the gas available for other gas customers. It is the delays in the long-needed pipeline upgrades that have been the

primary cause of the peak-demand gas shortages we have been suffering, the costs of which have been passed on to retailers under the government's gas market rules.

I make the point that the Bracks and Brumby governments cannot blame any of this on the previous Kennett government, because the introduction of full retail contestability for gas occurred in October 2002 and a new wholesale market structure was introduced in early 2007. The current minister has received a hospital handpass from his predecessors on this issue, but it is up to the minister to exercise responsibility for his department and for VENCORP to make sure that future pipeline needs are identified and built in time to avoid these shortages, that market rules cope with demand peaks and that costs are allocated as efficiently and fairly as possible so that Victorian gas consumers are never again hit with these substantial extra congestion charges on their gas bills.

### **Tullamarine Freeway: sculpture and artwork**

**Ms CAMPBELL** (Pascoe Vale) — I raise a matter for the attention of the Minister for Roads and Ports. The action I seek is for the minister to work with VicRoads staff to improve the Tullamarine Freeway. Motorists who travel on the EastLink project have been told that they will be able to view freeway sculpture and artwork. The artwork on the Tullamarine tollway is a grand choice between light grey, medium light grey, dark light grey, grey, very dark grey and very very dark grey. It is totally boring! There is nothing by way of interest on this important link between the airport and the city.

CityLink has spent precious little in terms of making that entry to Melbourne a vibrant and exciting entry to our capital city. It is about time it took its corporate responsibility more seriously. If you look at, say, the Craigieburn bypass, on which a lot of work has been done by VicRoads, and if you look at the Geelong Road and the projects that are out on the Eastern Freeway, you can see that they are vibrant, interesting roads with noise walls — and EastLink is going that step further. On the Tulla, we have the grand choice, as I said, of grey, drab grey, very drab grey or medium dark drab grey. All in all it is boring, and it is important that CityLink takes its responsibility far more seriously.

VicRoads could also assist in making sure that the Tullamarine Freeway is improved at the intersection with the exit ramp to Bell Street. The signs there are quite faded and the paintwork needs to be redone to ensure that safety is improved. The Tullamarine Freeway needs work, creativity and better corporate

attention. The ambience of the vegetation could greatly be improved with the advice of VicRoads, which has proved that its staff can install drought-resistant plants. CityLink could learn from it.

### **Police: Bayswater electorate**

**Mrs VICTORIA** (Bayswater) — I rise to ask the Minister for Police and Emergency Services to conduct an immediate investigation into police numbers in the Bayswater electorate with a view to increasing them before Christmas this year. During the last two weeks three significant fires have caused havoc for my constituents. All three of those fires have been deliberately lit. The St Vincent de Paul centre has been completely gutted at a time when the community desperately needs the services it provides. With Christmas approaching food hampers were being prepared at the centre, and its welfare arm was in high demand. St Vinnie's is a well-oiled machine, and this particular group of 70-plus volunteers in Bayswater are resilient beyond belief. They have found a way to continue to help the locals despite the thoughtless and callous acts committed by arsonists, but the stress of losing their base has been devastating.

The Boronia rail station kiosk is another service that has been targeted by the mindless act of arson. Again, this incident has affected many lives. Nancy has been selling newspapers and the like for almost eight years and provides a bright start to many weary travellers' mornings. She has been reduced to selling magazines from a card table reliant on good weather and exposed to those who may wish to unlawfully relieve her of her morning's takings.

The Bayswater Netball Club lost all its equipment, uniforms, precious team photographs and premiership flags when its clubrooms were attacked by selfish thrill seekers last week. Michelle and her teams were not insured, as they barely make enough from their memberships to keep the teams going, much less afford the \$2000 plus per year that insurance companies are demanding. In an area where most people are conscious of the household budget, asking for the extra money from members would see many of them drop out of physical activity, something I was under the impression that this government was encouraging us all to do more of.

If one looks at the crime statistics, one sees that arson is just one of the categories on the rise, with a 23.5 per cent increase in recorded offences since 2005 in the Knox municipality alone. The Australian Institute of Criminology has stated that juveniles are thought to be the starters of around 20 per cent of the fires in

Australia. Studies have shown that the majority of juvenile fire setters come from less-than-perfect family environments. Whilst we cannot fix the antisocial behaviours caused through poor parental supervision or life's stressful events, something can be done to limit the opportunities to start the fires.

Police patrols and numbers need to be increased, and although that does not provide a 24-hour, 7-day-a-week watchful eye, we know that a visible police presence is an effective deterrent. Police leave due to stress is also on the rise. Members are tired and disgruntled at having to work harder and under ever-increasing pressure to keep statistics down but with proportionately fewer police in troubled areas. They are becoming despondent due to the constant barrage of comments by the public. That includes — as one policeman relayed to me — the fact that the public often do not ring for attention as they know the police will not show up.

There was never a truer adage than that you cannot get blood out of a stone. Again, I ask the minister to relieve the pressure on police and the community, and immediately increase police numbers at police stations servicing the Bayswater electorate.

### **Rail: Wandong and Heathcote Junction pedestrian bridge**

**Mr HARDMAN** (Seymour) — I wish to raise a matter for the Minister for Public Transport. The action I seek is for the minister to ensure that there is proper consultation with the communities of Wandong and Heathcote Junction on the construction phase of the pedestrian bridge over the north-eastern rail lines to ensure that it is practical and aesthetic and that it will connect the community with the town's commercial centre.

Last year the now Premier, then the Minister for State and Regional Development, came to Wandong to commit the state government to addressing a serious safety issue for the communities of Wandong and Heathcote Junction. The towns are bisected by the two broad-gauge north-east rail lines and the standard-gauge line to Sydney. There is currently no safe way for residents to access shops and supermarkets without illegally crossing the rail lines, which is very dangerous, or walking up to 2 kilometres out of their way along the roads.

This project will save lives, and I am very pleased that the Brumby government has listened to the community and committed to the funding of this project. The consultation around this project has to date been fantastic; it has been second to none. Firstly, I would

like to thank and congratulate the Mitchell shire and local councillor, Sue Marstaeller, who have helped lobby for and then negotiate future ownership issues. They went to the extent of making reports and consulting with the community before coming to government about funding for this project.

Secondly, I wish to thank the Wandong-Heathcote Junction community group and the local community and businesses in general, which have lobbied hard and provided evidence of the need for the bridge as well as great feedback on and suggestions about the best way to address the issues that need consideration. Thirdly, I would like to thank Regional Development Victoria, the Department of Infrastructure and VicTrack, which have jointly worked to listen to the community, fund the project and provide the opportunity for the community to continue to have ownership of it. I particularly wish to thank the state government bodies for their genuine consultation.

On 25 July I attended a fantastic consultation meeting about the design of the pedestrian overpass which included the above groups and departments. At that meeting the feedback from the community representatives was very constructive. Concerns were taken on board, including that the pedestrian overpass be designed to ensure that disabled members of the community are able to access the facility; that bike riding and skateboarding be discouraged; and that efforts be made to make the bridge as attractive as possible.

Again, I ask the minister to provide assurances that these concerns will be taken into account, that the great work that has been done in the consultation on the design will be reflected in the construction phase of this project and that every effort will be made to ensure that construction begins as soon as practical.

### **Emergency services: volunteers**

**Mr NORTHE** (Morwell) — I seek to raise a matter for the Minister for Environment and Climate Change in the other place. The action I request is that the minister immediately implement this government's 2006 election promise to provide free access to Victoria's national parks for this state's emergency service volunteers. This was announced in Labor's 2006 policy document entitled *Ready for Any Emergency*. In excess of 12 months have now expired since the 2006 election, yet there is still no action from the government on when this incentive is to be granted. Surely there are no major impediments to introducing this commitment; however, there still appears to be little urgency from this government.

I originally wrote to the former Minister for Environment and Climate Change on 8 June 2007 asking when this initiative would be introduced, and I have also previously raised the issue in this chamber. I still have not received any response from the minister's office, despite repeated attempts to seek answers on behalf of local volunteers. At one stage we made representation to Parks Victoria, which appeared unaware of the 2006 election commitment and referred us back to the minister's office.

Our emergency service volunteers are in many ways the backbone of this state's reputation for selflessness. Not only are they great community servants but they provide enormous economic relief to this government by volunteering their services on a regular basis. Victoria has seen its fair share of major disasters in the last 12 months, including the Gippsland bushfires in December 2006 and January 2007, the Kerang rail disaster in June 2007, and two flood events in Gippsland in July and November of this year. The Country Fire Authority and the State Emergency Service volunteers played vital roles in these terrible incidents and were universally acknowledged for their expertise and skills both during and after those unfortunate disasters.

Of course we also have our coast guard volunteers who save lives across Victoria's coastlines on a regular basis. Without them, there would be many more fatalities and devastated families as a result. We regularly speak about the difficulties of retaining and recruiting volunteers to our emergency services, yet this government, despite promising the incentive, appears in no hurry to introduce it. We are talking about waiving entry fees of between \$4.20 and \$9.90, which are minuscule amounts given the significant contributions emergency service volunteers provide to this state. Surely now is the time to recognise the efforts of the many Victorians who give so much to their local communities.

Our reliance on emergency service volunteers is significant, particularly given the summer period and the now imminent threat of bushfires. The Nationals have long advocated for appropriate and practical recognition for emergency service volunteers, including the provision of free vehicle registration and free compulsory third party insurance. Such a reward would also assist with the retention and recruitment of volunteers in future years.

In closing, I request that the Minister for Environment and Climate Change immediately implement this government's 2006 election promise of providing free

access to Victoria's national parks for this state's emergency service volunteers.

### **Hobsons Bay: men's sheds**

**Mr NOONAN** (Williamstown) — I wish to raise a matter for the Minister for Senior Victorians, and it is pleasing to see her in the house tonight. The action I seek from the minister is that she consider favourably an application from the Hobsons Bay men's shed network, a consortium of Hobsons Bay City Council, Williamstown community education centre, Altona men's shed, Laverton community centre and the Gellibrand residential centre, to establish a men's shed for the Hobsons Bay community.

The Minister for Senior Victorians, along with members of the state government, are to be commended for their recognition and support of men's sheds and the important contributions they make to communities across Victoria. The government has been very generous in its funding of this initiative, making available \$2 million under the men's sheds program grants as part of its wider commitment to long-term social action.

In practical terms, men's sheds provide men with the opportunity to develop new and useful skills by taking part in a wide range of activities such as wood and metal work, car restoration, repairing computers and electronics, crafts, hobbies and gardening. They also allow men the opportunity to partake in charitable works within the local community.

The proposed men's shed will play an important role throughout the Hobsons Bay region, providing a welcoming and familiar venue for men of all ages, backgrounds and abilities to come together, share experiences and develop new skills. In particular the men's shed will be of great benefit to the senior aged men in the community, who often experience health issues, social isolation, retrenchment and other life changing events.

Whilst the learning of new skills is important, it is the social and participatory aspects of men's sheds that cannot be understated. In a time when isolation, loneliness and depression loom as major men's health issues, men's sheds provide a welcoming environment where men can meet and form friendships, build self-esteem and contribute to the community. Research has shown that men's sheds strengthen communities through improving health and wellbeing and increasing access to new education and employment opportunities.

The changing demographics of Hobsons Bay means that the time is right for a men's shed in our area. At present men aged 55-plus make up about 12 per cent of the population of Hobsons Bay, but that will rise to about 40 per cent over the next 25 years.

The Hobsons Bay men's shed network is an ardent supporter of this project and has already secured a suitable site and building for a new shed. The men's shed will enhance the quality of life of the many men in the Hobsons Bay area, and together with the member for Altona in the neighbouring electorate, I would encourage the Minister for Senior Victorians to look favourably on the application by the Hobsons Bay men's shed network. I commend this initiative to the minister, as it will provide hope to those in our community who are looking to get this program and initiative off the ground. It will be a very great resource for our area.

### Responses

**Mr CAMERON** (Minister for Police and Emergency Services) — The honourable member for Benalla raised a matter in relation to map books. I am pleased to see that he raised this for Country Fire Authority volunteers, particularly given that he orchestrated the voting down and killing off of the emergency services bill in the Legislative Council's last sitting week, when that would have brought about benefits and protections to the tremendous CFA volunteers we have across our great state. I have been made aware of the accuracy of map books as I have travelled around the state. It has also been raised with me during my regular meetings with the emergency services commissioner. It is also something that I have raised with the CFA.

The spatial information infrastructure branch of the Department of Sustainability and Environment engaged Spatial Vision to develop map books. The CFA was a partner in that, and the books were also to be used by the CFA. There are some inaccuracies in a number of areas. As a consequence of that, further information for further editions is sought from users of the map books, including CFA volunteers. The map books themselves have already been published. That has occurred over time. Publishing finished some four months ago. But the honourable member can be assured that this is a matter that I am aware of and the CFA is aware of it and feedback is sought.

The honourable member for Bayswater raised a matter in relation to police in her area. She raised a matter of some examples of terrible crimes that occur. As a community we condemn those people that are involved.

As a new member to this house, the honourable member may not be aware that the allocation of police is a matter determined by the chief commissioner and police command. While we as a government have put on an additional 1400 police to — —

*Honourable members interjecting.*

**The DEPUTY SPEAKER** — Order! Excuse me! The minister, without that sort of interjection.

**Mr CAMERON** — While we have put on an additional 1400 police, the chief commissioner has allocated them and there are more police in every police service area. There are more — —

**Mr Wells** interjected.

**The DEPUTY SPEAKER** — Order! I have asked the member for Scoresby to cease that level of interjection, and I again ask the member to cease interjecting.

**Mr CAMERON** — There are more police in every police service area in the state. These are matters determined by the chief commissioner, and while we have seen a reduction in crime during the term of the government, we always want to get behind the chief commissioner and support her in her work. She certainly allocates people according to an allocation model to make sure that it is done very fairly. While some members of the opposition say police should be taken from one area and given to another area, as a government we say that this is not a matter that should be determined by politicians; it should be determined by experts in policing, and that is by police and police command.

**Mr BATCHELOR** (Minister for Energy and Resources) — The member for Burwood raised with me the need to promote energy savings in the home and the need for the government to offer Victorians guidance and help on how to make their homes more energy efficient this summer. As the member for Burwood said, this summer is predicted to be another long, dry, unrelenting, drought-affected summer, and the prospects of the drought breaking do not appear to be good.

The issue of energy efficiency is a really important issue, particularly at this time of the year when people in Victoria are increasingly becoming dependent on the air conditioners in their homes to keep cool. The member for Burwood is correct when he says that over a third of Victoria's energy is used in the home. The member is also correct in saying that becoming more efficient in our use of energy is the quickest and

cheapest way of reducing Victoria's greenhouse gas emissions in the short term. Not only that, but reducing energy actually saves households money, and this is particularly important in light of the increase in energy prices. Energy efficiency can help mitigate the effect of these recent price increases. That is why we have launched the new black balloons summer campaign, our new energy-saving campaign for this summer.

In the past the black balloons campaign has proven to be very effective in promoting the importance of energy efficiency, and this new campaign that has been launched for the summer is expected to be another success. It is a campaign that promotes behavioural change. It shows that there are simple things that each of us can do to reduce the emissions we are responsible for, so that in everyday life households and individuals can take steps that actually make a contribution to not only reducing greenhouse gas emissions but also saving money. The research shows that the black balloons advertisements that will be an important part of the new campaign have in the past played a very significant and positive role in helping people to reduce their energy use and therefore increase energy savings.

The new black balloons summer campaign really emphasises the importance of installing external window blinds, limiting the use of air conditioning, washing clothes in cold water and switching to energy-efficient light bulbs. What we are doing as a responsible government is urging Victorians to take these sorts of steps — for example, they could be using ceiling or pedestal fans instead of their air conditioners, and that is important, because fans use a lot less energy and therefore they save lots of money.

For people who must use their air conditioners, we suggest they set their thermostat at 26 degrees. This will enable them to move about their house in a cooler environment, and we do that because every degree less than this actually increases their energy bill by another 15 per cent. External window blinds are a really effective way of keeping a house cool because they prevent up to 80 per cent of the summer heat entering the home.

In reality these are simple but very effective energy-saving tips. Not only does it cost very little to install these initiatives, but following these tips can actually save money and reduce your energy bills. What we say to members of the Victorian community is that they should undertake these sorts of energy-saving initiatives. They should seek further household energy savings and they should visit Sustainability Victoria's energy-saving website, which is at [www.saveenergy.vic.gov.au](http://www.saveenergy.vic.gov.au).

As the world assembles in Bali to discuss climate change, the Brumby government has already recognised the need to tackle climate change here in Victorian households, and this is increasingly urgent. We also recognise that there is no single solution to climate change. That is why our climate change policy contains this suite of initiatives, ranging from energy efficiency target schemes right through to emissions trading and investments in renewable energy and clean coal technology.

The promotion of household energy savings is an important part of the government's climate change policy, and I strongly urge people to follow the advice of the black balloons ads which are part of our new campaign to reduce both emissions and energy bills. The member for Burwood knows that people in his electorate want to play a part in beating the destructive impact of climate change. By taking these simple, low-cost, everyday actions each individual and each household can do their bit to save the world's environment.

The member for Box Hill raised with me an issue in relation to Simply Energy. In its capacity as a gas retailer, Simply Energy has begun passing on what it calls a market congestion charge to Victorian consumers. This new charge, averaging about \$37 for domestic customers, relates to bills for natural gas consumed over the winter months in June and July of 2007. During these months Simply Energy incurred a multimillion dollar uplift charge from VENCORP, the Victorian gas market operator. Depending on their contract with gas producers, all retailers — not just Simply Energy — are potentially exposed to the uplift charge, but so far, as I understand and am advised, Simply Energy appears to be the only one to pass these onto consumers.

Primarily, uplift charges are the cost to the market of injecting stored liquid natural gas (LNG) into the reticulated natural gas system to ensure that the retailers contracted gas supply is adequate to meet demand. Understandably, when it was cold here in Melbourne during winter this year, consumers wanted security of supply. They wanted to be able to use their gas to keep their households warm. The reality is that the ongoing drought conditions have resulted in an increased reliance on gas-fired electricity generation, and this has had an impact on the supply of the gas to the gas market.

This factor, combined with the record number of high gas demand days, meant an unusually high volume of LNG was required over the past winter to help keep the

residents of Victoria warm when it was particularly cold.

Simply Energy's gas market congestion charge was reviewed by the Essential Services Commission, which was looking at a number of things. Firstly, whether this charge is fair and reasonable; secondly, whether the customers would be aware that under their contracts they were liable for charges of this type; and thirdly, whether the contractual arrangements of the regulatory framework allow for the charge on the basis outlined by Simply Energy. We await the final determination of the Essential Services Commission.

It is interesting to note that VENCORP believes Simply Energy could avoid a similar situation arising next winter by purchasing additional LNG and associated pipeline capacity. That is available to it next winter, presumably as it was available last winter, but subject to the advice of the Essential Services Commission.

VENCORP is also reviewing the operation of the market in light of the abnormally high demand for gas in the winter of 2007, and we look forward to the evaluation and continuing examination not only by VENCORP but also by the Essential Services Commission.

**Ms NEVILLE** (Minister for Senior Victorians) — The member for Williamstown raised with me a matter in relation to a men's shed for Hobsons Bay. It is really great that the new member for Williamstown has had the opportunity to witness some of the fantastic services and opportunities that are being provided through men's sheds in his electorate and also in neighbouring communities. I am also pleased that he is obviously such a strong advocate for his local community and has raised strongly with me this issue of the need for a men's shed in Hobsons Bay.

The house may recall that during the last election the government gave a commitment to provide \$2 million over the next four years to fund 25 additional men's shed programs across the state. We delivered on this commitment in this year's budget. Recently I was very pleased to join the Premier at the Manningham men's shed to announce that applications for the men's shed funding were now open.

This is the first time ever that Victoria has had a specific men's shed program. Yes, we have funded over 70 men's sheds right across Victoria, but they have been cobbled together through a whole range of different funding programs. This is the first time we have had a specific program. We have done this because we know how valuable men's sheds are. They are designed to bring men together. They provide a

network where men can talk, make new friends, learn new skills, create social support networks and become much more engaged in healthy activity.

Men's sheds provide far more to their communities than just that provided to those who are attending those men's sheds and using those facilities. As the member for Williamstown would be aware, men's sheds also provide a wonderful service to the broader community. I was reminded of this when I visited Manningham council. The council was in the process of building an all-abilities playground. The play equipment is designed for all ages and abilities and is going to be installed at the nearby reserve on the banks of the Yarra River. The community will gain a wonderful asset at a minimum cost, while those who are involved in the development of this program have the opportunity to learn new skills and engage with people of similar interests.

Earlier this year I also opened the Keysborough men's shed; in fact I opened it by using a chainsaw! People will be pleased to know that there were no fingers or limbs lost in that process — not from me, anyway! It is another great example of local men coming together. In this case they worked with the local neighbourhood house to develop a great model of support for men, with skills development, education and other support programs. It is a great model that is being developed out there at Keysborough as well.

Men's sheds service their local communities in many ways. They assist local schools, preschools, aged-care facilities and many other community organisations. They do this through providing maintenance work to those organisations at minimal cost. It is maintenance work such as fixing tables and chairs and so on, very small projects that often make a really big difference to the quality of facilities and programs that can be offered by community organisations.

Applications for this round of men's sheds close next week on 14 December. I encourage local communities right across the state to look at whether a men's shed is something that might fit their needs. As I indicated, there has been a huge interest in this program — a huge interest, in fact, in men's sheds — right across the state. It is a topic that everyone is talking about. I am really looking forward to reading the wide range and large number of applications that will come forward as part of this funding program. I am really keen to hear more about the Hobsons Bay men's shed and to look closely at the proposal when it comes before me after the closing of the applications.

**Mr ROBINSON** (Minister for Gaming) — The member for Morwell raised an item for the attention of the Minister for Environment and Climate Change in the other place pertaining to the government's promise to provide free access to national parks for emergency services personnel. I will pass that on.

The member for Seymour raised for the attention of the Minister for Public Transport a matter in relation to pedestrian overpass works at Wandong and Heathcote Junction and the need for community consultation. I will pass that matter on.

The member for Pascoe Vale raised an issue for the Minister for Roads and Ports in relation to Tullamarine Freeway improvements, notably public art and signage. I will pass that on to the Minister for Roads and Ports.

The member for Geelong raised for the attention of the Minister for Children and Early Childhood Development an issue relating to kindergartens. He has kindly extended an invitation to the minister to visit his electorate and region — and why would the minister not? It is a great place to visit, and I am sure the minister will respond. I will pass that matter on.

The member for Scoresby raised for the attention of the Minister for Environment and Climate Change an issue relating to the need for a management plan for wildlife in suburban areas, and in particular the removal of wildlife. I will pass that matter on to the minister.

**The DEPUTY SPEAKER** — Order! The house is now adjourned.

**House adjourned 10.49 p.m.**

