PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Tuesday, 9 October 2007

(Extract from book 14)

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By authority of the Victorian Government Printer

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FIFTY-SIXTH PARLIAMENT — FIRST SESSION

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Lim, Mr Muy Hong	Clayton	ALP	Wynne, Mr Richard William	Richmond	ALP

[1] Resigned 6 August 2007
[2] Elected 15 September 2007
[3] Resigned 6 August 2007
[4] Elected 15 September 2007

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Tuesday, 9 October 2007

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

CONDOLENCES

Julian John Doyle

The SPEAKER — I advise the house of the death of Julian John Doyle, member of the Legislative Assembly for the electoral district of Gisborne from 1967 to 1971.

I ask members to rise in their places as a mark of respect to the memory of the deceased.

Honourable members stood in their places.

The SPEAKER — I shall convey a message of sympathy to the relatives of the late Julian John Doyle.

NEW MEMBERS

The SPEAKER announced the election of Mr Martin Foley as member for the electoral district of Albert Park in place of the Honourable John Thwaites, resigned, pursuant to writ issued on 20 August 2007.

Mr Foley introduced and affirmed.

The SPEAKER announced the election of Mr Wade Noonan as member for the electoral district of Williamstown in place of the Honourable Steve Bracks, resigned, pursuant to writ issued on 20 August 2007.

Mr Noonan introduced and sworn.

QUESTIONS WITHOUT NOTICE

Anticorruption commission: establishment

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. Given that the Office of Police Integrity remains restricted to investigating police corruption only, why does the Premier still refuse to establish an independent, broad-based anticorruption commission to investigate all public sector corruption and to be accountable directly to the Parliament?

Mr BRUMBY (Premier) — As I have made very clear in this house before, the government believes there are appropriate measures now in place in relation to the matters which have been raised by the Leader of the Opposition. This question is a bit rich coming from the Leader of the Opposition. This is the Liberal Party which scuttled the Auditor-General in this state, removing the powers and taking away all of the independent checks and balances to keep government accountable. We have in place appropriate measures. We have in place the strictest measures in relation to contractual matters and probity arrangements, and we do not intend to make further changes to them.

Office of Police Integrity and Ombudsman: roles

Ms GREEN (Yan Yean) — My question is to the Premier. Can the Premier update the house on any recent initiatives the government has taken to further support police integrity?

Mr BRUMBY (Premier) — If you look around the states of Australia, the state which has the greatest confidence in its police force is the state of Victoria. It has the highest levels of confidence and the highest levels of satisfaction. If you look at the period that the Labor government has been in office in our state, you will see that crime is down by 23.5 per cent. The government has provided more than 1400 additional police, and as I have said, there has been a reduction in crime of 23.5 per cent.

Honourable members interjecting.

Mr BRUMBY — The opposition interjects in relation to additional police numbers, but it was the Liberal government in this state that slashed police numbers. It took more than 1000 police out, and it has been the Labor government that has been rebuilding police numbers.

Honourable members interjecting.

The SPEAKER — Order! I ask the Premier not to respond to interjections from the opposition, and I ask the opposition not to afford him the opportunity to respond to interjections. The Premier should have the respect of the house and be heard in silence.

Mr BRUMBY — Today I have announced that we will separate the offices of the Ombudsman and the director, police integrity. We will legislate before the end of the year to enable two separate people to lead two distinct and separate organisations. If you go back to December 2004, the decision that was taken then to create this new office was exactly the right one. It was the right decision because it enabled the government to tackle these issues expeditiously and effectively.

I want to make this point: the powers that the OPI (Office of Police Integrity) was given include unprecedented covert investigation powers, powers to conduct own-motion investigations, powers to demand answers to questions or to face imprisonment, powers to use surveillance devices in its investigations, powers to assume identities and powers to conduct controlled operations. All of those powers are greater than or at least equal to the powers of a royal commission.

When the OPI was established the positions of the OPI and Ombudsman were vested in a single person. Since then it has used its coercive questioning powers to interrogate 68 people. Its joint investigations with the Victoria Police ethical standards department have meant that we have seen more than 100 charges being laid against current and former police offenders. It has also made recommendations for changes to Victoria Police practices to reduce opportunities for corruption. Victoria Police command has adopted those recommendations which have been made by the OPI. Nevertheless, we always said we would review those arrangements.

When I was appointed Premier just over two months ago I asked the police minister to review those arrangements. He has reported back to me, and he has recommended that going forward we split the Office of Police Integrity and the Ombudsman. I understand the Ombudsman is fully supportive of those arrangements, and they will enable the record of the government to date in tackling police corruption to continue with greater independence and greater strength in the future.

Thomson and Yarra rivers: environmental flows

Mr RYAN (Leader of The Nationals) — My question is to the Minister for Water. I refer to the *Our Water Our Future* document released in June this year and a comment from page 16:

> If Melbourne is required to move to stage 4 water restrictions, environmental flows will be reduced by 10 gigalitres in the Thomson River and 10 gigalitres in the Yarra River. It may be necessary to further reduce environmental flows if extreme drought conditions continue.

And I ask: is it not a fact that even though the government has ruled out placing Melbourne on stage 4 water restrictions, it has nevertheless taken action to withhold 20 gigalitres of environmental flows from the Thomson and Yarra rivers in favour of watering Melbourne's lawns?

Mr HOLDING (Minister for Water) — I thank the Leader of The Nationals for his question. Despite some of the odd assumptions that underlie his question in terms of the way in which water restrictions operate in the Melbourne area, I would make the following points.

Firstly, when I responded to some unfounded claims made by the Leader of the Opposition earlier this year about Melbourne's storages and the state they were in, I indicated that as part of Melbourne's drought contingency measures we had up our sleeve the option of being able to utilise the environmental flows from the Yarra and from the Thomson to which he referred. When two Fridays ago I made the announcement indicating that Melbourne would remain on stage 3a water restrictions at least until 30 June next year, I also made it very clear that, as part of the drought contingency measures we could put in place, we could draw on those environmental flows should it become necessary. What we have made very clear is that rather than use the previous policy of rigidly applying water restrictions when certain triggers were reached, it is far more sensible to operate in a more predictable and sustainable way in relation to Melbourne's storages.

Just to make it clear, what would have occurred if we had adopted the position suggested or implied by the Leader of The Nationals is that Melbourne would be on stage 2 water restrictions at the moment, and we would have been on stage 2 water restrictions since July. We would have gone from stage 4 water restrictions to stage 3 water restrictions to stage 2 water restrictions in July. Then over the summer period we would potentially go to stage 3 and possibly to stage 4 water restrictions, and then over the spring period next year back to stages 2 and 3. We do not believe this is a sensible way of managing the state's water resources. Instead we have made it clear, in the interests of providing clarity and certainty for consumers in Melbourne and also in the interests of providing clarity and certainty for the municipal councils charged with the responsibility of managing our sports fields in so many different ways, that we believe this is a far more effective way of managing our water resources.

In relation to the environmental flows to which the Leader of The Nationals referred, we make it clear that, based on the underlying outlook for Melbourne's storages going forward, we will make a judgement about what to do with those environmental flows should that become necessary.

Migrants: Global Skills for Victoria program

Dr HARKNESS (Frankston) — My question is to the Minister for Skills and Workforce Participation. Can the minister inform the house what action the Brumby government is taking to increase Victoria's

future supply of labour through attracting skilled and business migrants from overseas?

Ms ALLAN (Minister for Skills and Workforce Participation) — I thank the member for Frankston for his question, because of course, as he and all members of the house know, the Brumby government is absolutely committed to growing the whole of the state. Since coming to office the Victorian Labor government has delivered the services and delivered the infrastructure to facilitate and support this growth. It is pleasing that this commitment is delivering real results, including the lowest unemployment rate on record, which provincial Victoria is currently experiencing, and strong growth in building approvals and population growth.

Importantly a key driver for this population growth has been this government's focus on increasing the number of skilled migrants to Victoria, with a particular focus on encouraging more migrants to our provincial areas. Together with the government's massive $7.3 billion investment in education and training, this policy addresses the twin challenges of an ageing population and an emerging skills shortages. Under the Victorian Labor government Victoria's share of skilled migrants has jumped from 17.6 per cent to 26.8 per cent today. That represents a massive 425 per cent increase in migrants who are choosing Victoria as their home. Over the past four years under our $6 million skilled migration strategy, we have seen 1500 migrants choose provincial Victoria as the place where they want to live and work.

We are seeing that in this policy area Victoria is indeed leading the nation, with a number of other states now copying a number of very successful strategies that Victoria has put in place. But this is a competitive area, both locally and internationally, and Victoria wants and indeed needs to keep ahead of the pack. That is why today the Premier and I launched the next phase of Victoria's skilled migration strategy — our $15 million Global Skills for Victoria package. Under this package Victoria is raising its target of the share of skilled migrants to Victoria to 28.5 per cent by 2011. A very important new initiative under this package is that for the very first time we are establishing two overseas postings — in the United Kingdom and in India, which are two key source countries for migrants to this country — to encourage more migrants to live and work in Victoria.

We are also building on the success of the Australian-first Regional Migration Incentive Fund, with the introduction of a $3.3 million Global Skills for Provincial Victoria program. This is a partnership program in which we work with local governments in regional areas and with regional employers, industry groups and local communities to develop those locally based strategies that will work in supporting migrants getting jobs in those communities.

Of course we would love our friends in Canberra to join us in this partnership, particularly when you consider they have the primary responsibility for immigration matters. It is not just the Victorian government that is pleading with the commonwealth to step up and support regional communities. In a recent press release the mayor of Horsham Rural City Council said he put a greater commitment to regional migration at the top of his wish list when he was meeting with the federal government recently. It is a real shame for Horsham and for the rest of provincial Victoria that there are not more marginal seats in this part of the world to attract the federal government's attention.

The Victorian government's $15 million strategy released today by the Brumby government will continue to support regional and rural Victoria in attracting more skilled migrants and their families, making provincial Victoria an even greater place to live, work and invest.

Gaming: Intralot contract

Mr O'BRIEN (Malvern) — My question is to the Minister for Gaming. I refer to the lottery licensing probity auditor's letter to the minister dated 18 September 2007, which states, 'Following your approval, negotiation with the applicants has proceeded', and I ask: on what date did the minister personally approve negotiations with lotteries licence applicant Intralot, and was that approval before or after Intralot's Tony Sheehan gave evidence to the upper house gaming inquiry?

Mr ROBINSON (Minister for Gaming) — I thank the member for Malvern for his question pertaining to the lotteries licence renewal process. This is a process which has no precedent in Victoria in terms of the extent of probity controls on it and the extent of input from government agencies. This is the most thorough lotteries licence renewal process ever undertaken. I can assure the member that every approval I have signed off in my capacity as minister has been on the advice of the steering committee and the probity auditors.

Everything I have done has been totally in line with the procedures we have outlined. At the time at which the government makes its announcement on the lotteries licence it will make available more information than the opposition has ever had access to on matters like this. I

am very confident that even the member for Malvern will be satisfied with the probity controls on this process at that point in time.

Drought: government assistance

Ms DUNCAN (Macedon) — My question is to the Minister for Water. Can the minister outline to the house what steps are being taken to support drought-affected communities along the Murray River, particularly the recent decision to modify stage 4 water restrictions.

Mr HOLDING (Minister for Water) — I thank the member for Macedon for her question and for the opportunity to inform the house of some recent initiatives taken by Victorian water authorities and the Victorian government to support those communities along the Murray River that have been adversely affected by the prolonged drought and are at the moment suffering a significant amount of stress as a consequence of the drought.

I am very pleased, firstly, to be able to inform the house that water authorities along the Murray River area have recently announced the easing of stage 4 water restrictions for a large number of townships between Wodonga and Mildura. The four water authorities that have made this decision have been able to do so based on the prevailing level of water available in their storages and the anticipated water use by those urban communities as a consequence of the existing water restrictions. I know that urban users, particularly in the Lower Murray Water area, the Coliban Water area, the Goulburn Valley Water area and the North East Water area, are very pleased to have received the news that their water authorities have been able to ease the stage 4 water restrictions.

Ms Asher interjected.

Mr HOLDING — The member for Brighton interjects that some irrigators are not impressed. I have to say that when I was recently in the Mildura area it was actually irrigators who raised with me the question of the easing of stage 4 water restrictions on urban communities. They said that they supported those measures and supported the water authorities being put in the position to make that decision.

If the member for Brighton got out more and met with some of those irrigators, she might realise that there is a high level of cooperation between irrigator communities and the urban communities around them. They support the easing of the stage 4 restrictions. For those communities this means, firstly, that local councils will be able to water, on a restricted basis, a greater number of municipal-owned sporting fields. This is important in terms of promoting social equity in those regions. I know that the Minister for Sport, Recreation and Youth Affairs strongly supports those measures and has been working with those communities.

I am also pleased to inform the house that the government has recently announced $1.1 million in support to VicRelief + Foodbank through the Department of Human Services. Those resources will be used to support the provision of food parcels and toys over the Christmas period to drought-affected communities — again, another welcome initiative for those areas.

Recently during the community cabinet visit to Kerang, the Premier was able to announce the provision of more than $18 million in funding for the support of municipal councils that have been affected by the unbundling of water from council property rates. This is a reflection that, as important as this unbundling reform is, it is also important in a constrained drought period that we provide support for councils that have been affected by this set of arrangements. Whilst we recognise and support the work that has been done to provide greater flexibility and development of the water trade and water market, it is also important to provide transitional support in this stressful time for the municipal councils that have been affected. I know the Minister for Local Government is a strong supporter of those initiatives.

These initiatives together build on the more than $175 million of drought assistance that the Brumby and the Bracks governments have already provided to drought-affected communities across the state. We will continue to work closely with those communities to provide greater security and certainty going forward. We will continue to work with those communities, as we respond to this very stressful period, to make sure they have in place the best possible set of government programs to support them.

KPMG: former Premier

Mr BAILLIEU (Leader of the Opposition) — My question is the Premier. I refer to the Auditor-General's policy on conflicts of interest, which states:

> … audit service providers are required to avoid all situations that establish or have the potential to establish a conflict of interest, or the appearance of a conflict of interest.

And I ask: what steps has the government taken to ensure all service providers comply with this policy,

including the audit firm KPMG, which has recently engaged the former Premier, Mr Bracks?

Mr BRUMBY (Premier) — Obviously that recommendation was not in place in the 1990s, was it? The 1990s was of course a period in which the former Kennett government closed hundreds of schools.

Honourable members interjecting.

The SPEAKER — Order! I bring the Premier back to answering the question.

Mr BRUMBY — Speaker, the question, as I heard it, was about conflict of interest, and I am relaying to the house what I believe to be the most significant conflict that we have seen in the years in which I have been in this Parliament, which was of course the former Kennett government closing schools and awarding the contract for the sale of those schools to the then Victorian president of the Liberal Party.

Honourable members interjecting.

The SPEAKER — Order! I bring the Premier back to answering the question as it affects state government business today.

Mr BRUMBY — So, Speaker, we — —

Honourable members interjecting.

The SPEAKER — Order! I ask the opposition for some cooperation. To interject before the Premier recommences his contribution is most inappropriate.

Mr Wells interjected.

The SPEAKER — Order! I warn the member for Scoresby. I will not have that level of disrespect for the Chair.

Mr BRUMBY — The Leader of the Opposition's question was about potential conflicts and about a recent appointment. The reality is that the same company to which the Leader of the Opposition refers employed the former Premier of Western Australia, Richard Court. There is a succession of politicians of all political persuasions who have gone on to work in the private sector. I did not see the Leader of the Opposition complaining too much about the appointment of the former Treasurer, Alan Stockdale, the Premier of Western Australia, Richard Court, and a long list of others. I have — —

Mr Baillieu — On a point of order, Speaker, the Premier is debating not answering the question. The question is a simple one about what steps the government has taken to ensure that audit providers comply with the Auditor-General's policy.

The SPEAKER — Order! I do not uphold the point of order. The Premier was talking about conflict of interest as it related to KPMG, which is quite clearly part of the question.

Mr BRUMBY — In relation to the specific appointment to which the Leader of the Opposition refers, the company concerned has made it quite clear that the former Premier will be dealing with senior level management in that company, particularly the international board of that company, and providing high-level, strategic advice. I would not expect — —

Mr Baillieu — On a point of order, Speaker, the Premier is debating the question. This is a question about what steps the government and the Premier are taking to ensure that audit providers comply.

The SPEAKER — Order! I do not uphold the point of order. The Premier was clearly answering and referring to that part of the question about KPMG and a recent appointment that was made there.

Mr BRUMBY — As I have said, there are appropriate arrangements in place in relation to the specific matters that the member has raised. He is working on high-level engagements, and to make the self-evident point again, this is pretty rich coming from the Leader of the Opposition, who had —

Honourable members interjecting.

Mr BRUMBY — the closure and sale of government schools in the 1990s.

The SPEAKER — Order! The Premier has completed his answer.

Gaming: community benefit obligations

Mr NARDELLA (Melton) — My question is to the Minister for Gaming. I refer the minister to media reports indicating a failure by licensed venues to comply with the community benefit obligations and ask the minister to advise the house of any recent government policies to deal with this issue.

Mr ROBINSON (Minister for Gaming) — I thank the member for Melton for his question and his interest in this issue. My attention was drawn to an article in this morning's *Australian* that referred to the Millers Inn Hotel, an establishment in Altona with some 70 electronic gaming machines (EGMs) and an establishment that is actually owned by federal MPs

Peter and Julian McGauran. They used to be members of The Nationals; now they have got a foot in both camps.

The newspaper report referred to the community benefit statement obligation of that establishment and in part quoted some statistics which allude to the inability of that hotel and others to demonstrate a genuine community contribution. It refers to a report for the 2005–06 year where:

> … the declared community benefit grew to $1 075 065, but gifts and sponsorships shrank to

only —

> $5948 — just 0.5 per cent.

Mr K. Smith interjected.

Mr ROBINSON — I think that is a report that would concern many of us, including the member for Bass. I am sure the member is very concerned about this.

The government has responded to ongoing concerns about the inability of clubs and pubs to meet their community benefit statement obligations, by announcing earlier this year a fundamental reshaping of the benefit statement obligations, particularly in relation to clubs.

With the hotels the government did take the pragmatic step of relieving them of their community benefit statement obligation in light of their existing and continuing $8^1/_3$ per cent contribution of net gaming revenue. But it remains the case that the government very much encourages these pubs — pubs with EGMs, including that pub owned by the McGauran brothers — to go well beyond their strict duty and to do much more.

In relation to clubs which continue to house half of Victoria's EGMs, the community benefit statement obligation remains but is being strengthened by a renewed ministerial order. I can advise the member for Melton that I will be making a new order which will establish classes of expenditure for clubs, an order that will take effect in the next financial year.

Honourable members interjecting.

Mr ROBINSON — It is the case that I have been out consulting, and I will come to that in a minute.

The new order will provide for a class A group of claimable expenses for the purpose of the statement. These will include items such as donations, contributions to education and health services and contributions to housing assistance, poverty relief, aged care services and veterans services. This is very much about the heart and soul of community service in Victoria. The second class of items will be only partially claimable by clubs in proportion to non-gaming revenue. This will include items such as capital and operating costs. The new ministerial order represents a very fair deal for clubs and for all Victorians. Those clubs that ultimately cannot achieve their obligations under this will face a taxation rate and ultimately will face the risk of losing those machines.

The ministerial order that I am signalling follows a number of visits I have made, including to the Horsham Sports and Community Club, which the member for Lowan recommended that I visit. The president, Tim Coller, and his crew do a tremendous job at that club, and they have an outstanding reputation in that field. I also visited clubs in Seymour and Swan Hill and various RSL sub-branches across the state.

I regret to advise the member for Melton that I did not have the opportunity of visiting the Millers Inn in Altona, so I was not able to inspect, and I cannot comment on, the new hotel glass washer, the new cupboards, the new tabletops and the new stools. But I am sure they are of a style and a quality that befit the tastes of their owners; I am very sure they are up to scratch in that regard.

As for those owners and the owners of other licensed hotels, the government encourages them to go well beyond their formal tax obligations. We want the McGauran brothers and others to put playgrounds before plasmas; that is what we want. We want them to make a genuine community commitment. That is all the more so for the McGauran brothers, because they are in the unique position of being federal members of Parliament and members of a government that has had a lot to say about poker machines and their impact. They can lead by example. They can make a much stronger commitment to their local community, and we would encourage them to do that.

Western Health: investments

Mr WELLS (Scoresby) — My question without notice is to the Minister for Health. Can the minister advise the house if the board of Western Health, chaired by Labor mate and former federal Treasurer Ralph Willis, has experienced substantial investment losses over the past 12 months, and can he provide details of these losses to this house?

Mr ANDREWS (Minister for Health) — I thank the member for Scoresby for his question. What I can inform the member is that Western Health receives record levels of funding from this government to treat record numbers of patients right throughout the western suburbs of Melbourne. Ralph Wills and the board do a fine job, providing first-class health services to a community that suffers some socioeconomic challenges. It is a fine health service that operates across a number of different sites. This government has provided record support to Western Health, and we will continue to provide it with the budgets it needs to treat more patients and provide better care.

Water: food bowl modernisation project

Mr HARDMAN (Seymour) — My question is to the Premier. Can the Premier update the house on the food bowl modernisation project?

Mr BRUMBY (Premier) — I want to thank the member for Seymour for his question asking me to bring the house up to date on the food bowl project and, of course, related water issues. It is worth pointing out right at the outset that the Victorian government has always been opposed to ceding constitutional powers over water to the commonwealth. Had we done that, the 200 gigalitres of water recently sought by the commonwealth government to put down the river to Adelaide would already have been taken from Victorian farmers. So if the policies applying in Victoria were the policies of The Nationals and the Liberal Party, Victorian farmers in northern Victoria would have already lost 200 gigalitres of water, which would have been taken from them with no compensation, to be held in reserve for potential use by South Australia next year. You could only describe it as a smash-and-grab aided and abetted by the Liberal and National parties.

I have been asked about the food bowl modernisation project. The food bowl project is about generating savings from water which is lost through the nation's largest irrigation system. We know that up to 800 gigalitres of water each year — about twice what Melbourne uses in a year — is lost from that system through seepage, leakage and evaporation. In a world which is growing shorter and shorter of water, that sort of leakage and that sort of loss are unacceptable.

I note that at the last state election a number of political parties endorsed the broad direction of investing in water savings. They endorsed broadly the direction that our government is taking in this state. For example, I have managed to obtain a copy of the Liberal Party's water policy at the last election. This is called 'A Liberal — —

Honourable members interjecting.

The SPEAKER — Order! The Premier is straying from the question, and I bring him back to answering the question.

Mr BRUMBY — It is about water savings, Speaker.

Honourable members interjecting.

The SPEAKER — Order! The question was around the food bowl modernisation, and I ask the Premier to confine his answer to the question.

Mr BRUMBY — I am. This policy says:

> A Liberal government will — —

Honourable members interjecting.

Mr BRUMBY — This goes to the essence of the food bowl project. It says:

> A Liberal government will:
>
> > ensure any permanent water transferred for urban use — —

Honourable members interjecting.

Mr BRUMBY — It says:

> A Liberal government will:
>
> > ensure any permanent water transferred for urban use comes from investment into water savings infrastructure such as piping small channel systems, lining larger channels to stop leaking and improving on-farm irrigation efficiency.

That is exactly what the food bowl modernisation project is about. It is exactly as described here in Liberal Party policy.

I have also previously relayed to the house another policy, which I will quote. It says:

> Urban water authorities in regional areas will only be permitted to divert water from rural systems — —

Mr Baillieu — On a point of order, Speaker, the Premier is debating the question. He has addressed the issue of policy at the last election. It was the Premier's policy at the last election that he would specifically not do what they are doing. He lied at the election.

Honourable members interjecting.

The SPEAKER — Order! The Premier, to continue his answer regarding the food bowl modernisation project.

Mr BRUMBY — The food bowl project is about water savings, so I am relaying to the house the appropriate endorsements of that in relation to water savings. I have just read to the house the endorsement by the Liberal Party at the last state election. The Nationals policy says:

> Urban water authorities in regional areas will only be permitted to divert water from rural systems to augment existing supplies if they first invest in rural infrastructure to generate equivalent water savings.

The food bowl project is about savings, and that is what we are implementing.

I was asked to update the house. On 3 October the Victorian Farmers Federation (VFF) responded to the food bowl committee's report. Firstly, it endorsed savings of at least 225 gigalitres. Secondly, it said that any savings in excess of 225 gigalitres — you can only get in excess of 225 if you first get to 225! — should be shared equally between farmers and the environment. Then the VFF went on to say:

> In recent talks with the government, the VFF identified three projects that could provide up to 250 gigalitres of water savings in the Goulburn Murray irrigation district for future investments.

What we have is a project which is about investing $1 billion in modernising irrigation infrastructure in a region which got nothing — absolutely nothing! — under previous Liberal and National Party governments. It is about investing $1 billion — paid for by $600 million from the state government through the budget, plus $300 million from Melbourne Water plus $100 million locally — and it is about securing those savings and splitting them three ways.

As I have indicated today in the house, the previous policies of the major political parties have all endorsed investment in water savings. In the last week we have had the VFF coming out saying not only that there are 225 gigalitres of water savings but that there are more than that, and it has identified three projects which in total would generate 250 gigalitres of water. They are the facts. Of course it is a concern that the Leader of the Liberal Party is so embarrassed by the policy he took to the last election.

The SPEAKER — Order! The time set aside for questions has expired.

AGENT-GENERAL AND COMMISSIONERS FOR VICTORIA BILL

Introduction and first reading

Mr BRUMBY (Premier) introduced a bill for an act to continue to provide for the appointment of an Agent-General for Victoria, to provide for the appointment of other commissioners for Victoria, to repeal the Agent-General's Act 1994 and for other purposes.

Read first time.

EQUAL OPPORTUNITY AMENDMENT (FAMILY RESPONSIBILITIES) BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill for an act to amend the Equal Opportunity Act 1995 to expand the range of what constitutes discrimination against parents or carers in employment or employment-related areas and for other purposes.

Read first time.

VICTORIAN WORKERS' WAGES PROTECTION BILL

Introduction and first reading

Mr HULLS (Attorney-General) — I move:

> That I have leave to bring in a bill for an act to regulate the payment of wages and the ability of an employer to make deductions from an employee's wages, to provide enforcement mechanisms and remedies, to amend the Public Sector (Union Fees) Act 1992 and the Outworkers (Improved Protection) Act 2003 and for other purposes.

Mr BAILLIEU (Leader of the Opposition) — I seek from the minister a brief explanation of the bill.

Mr HULLS (Attorney-General) — This is a very important bill, and it will actually provide much stronger protections to vulnerable employees in Victoria who are at risk of having unauthorised deductions made from their wages, and that includes young workers, workers on employer-sponsored visas — for instance, section 457 visas — workers from non-English-speaking backgrounds and workers in rural areas.

Motion agreed to.

Read first time.

ELECTRICITY SAFETY AMENDMENT BILL

Introduction and first reading

Mr BATCHELOR (Minister for Energy and Resources) introduced a bill for an act to amend the Electricity Safety Act 1998 and for other purposes.

Read first time.

PORT SERVICES AMENDMENT BILL

Introduction and first reading

Mr PALLAS (Minister for Roads and Ports) — I move:

That I have leave to bring in a bill for an act to amend the Port Services Act 1995 and for other purposes.

Dr NAPTHINE (South-West Coast) — I seek a brief explanation of this bill, and I am wondering whether this is pre-empting the environment effects statement on the channel deepening project.

Mr PALLAS (Minister for Roads and Ports) — By way of a brief explanation, the bill seeks to affirm the powers of the Port of Melbourne Corporation and the Victorian Regional Channels Authority in respect of the placement and the disposal of dredged material. It also seeks to enable the creation by the minister of restricted access areas where the Port of Melbourne Corporation and the Victorian Regional Channels Authority can manage access to meet their statutory obligations, primarily in order to address safety and other risks. Finally, it seeks to make other minor and unrelated changes.

Motion agreed to.

Read first time.

MELBOURNE AND OLYMPIC PARKS 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 Melbourne and Olympic Parks Act 1985 to provide for the revocation of reservations of certain lands and the reservation of certain lands, to provide for the permanent reservation of certain lands as a public park, to provide for the management of certain lands and for other purposes.

Mr BAILLIEU (Leader of the Opposition) — May we have a brief explanation from the minister?

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — This bill seeks to modernise the land management arrangements in the Melbourne and Olympic parks precinct, bringing a number of land management authorities under a single management authority, that being the Melbourne and Olympic Parks Trust. It will also give certainty to tenant clubs in the precinct and provide for the permanent reservation of what we know as Gosch's Paddock as a public park.

Motion agreed to.

Read first time.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I advise the house that under standing order 144 notices of motion 30 to 39 will be removed from the notice paper on the next sitting day. A member who requires the notice standing in his or her name to be continued must advise the Clerk in writing before 6.00 p.m. today.

NOTICES OF MOTION

Notices of motion given.

Mr JASPER giving notice of motion:

The SPEAKER — Order! The clerks have not received prior notice of that notice of motion.

Further notices of motion given.

The SPEAKER — Order! I will call the member for Swan Hill, but a member should not get called twice in a row unless there are no other notices of motion. I have already called the member for Benalla twice in a row. I will call the member for Swan Hill, but things should be organised a little better in the future.

Further notices of motion given.

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) (546 signatures)

Nuclear energy: federal policy

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the commonwealth government's promotion of a nuclear industry in Australia and the strong likelihood that Victoria will be selected as a site for the construction of a nuclear power facility.

The petitioners therefore request that the Legislative Assembly of Victoria reaffirm the opposition of the Victorian government to the creation of a nuclear industry in Victoria, including the construction of a nuclear power plant.

By Dr HARKNESS (Frankston) (15 signatures)

Gaming: poker machines

To the Legislative Assembly of Victoria:

The petition of Councillor 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) (304 signatures)

Abortion: legislation

To the Legislative Assembly of Victoria:

The petition of the undersigned residents of Victoria draws the attention of the house to proposed amendments to the Crimes Act which will ensure that no abortion can be criminal when performed by a legally qualified medical practitioner at the request of the woman concerned.

The implementation of this legislation will allow abortions to be legal in Victoria right up to birth. This will only increase the thousands of children who die needlessly each year through abortion and will add to the existing social problems in Victoria resulting from such a high abortion rate.

The petitioners therefore request that the Legislative Assembly of Victoria vote against amendments to the Crimes Act that will decriminalise abortion in the state of Victoria.

By Mr SEITZ (Keilor) (477 signatures)

Tabled.

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

Ordered that petition presented by honourable member for Gembrook be considered next day on motion of Ms LOBATO (Gembrook).

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 13

Mr CARLI (Brunswick) presented *Alert Digest* No. 13 of 2007 on:

Building Amendment Bill
Education and Training Reform Miscellaneous Amendments Bill
Emergency Services Legislation Amendment Bill
Energy Legislation Further Amendment Bill
Graffiti Prevention Bill
Legislation Reform (Repeals No. 1) Bill
Royal Children's Hospital (Land) Bill
Transport Accident and Accident Compensations Acts Amendment Bill
Transport Legislation Amendment Bill

together with appendices.

Tabled.

Ordered to be printed.

DOCUMENTS

Tabled by Clerk:

Agriculture Victoria Services Pty Ltd — Report 2006–07

Crown Land (Reserves) Act 1987 — Order under s 17D granting a lease over Dunkeld Memorial Park Reserve

Duties Act 2000 — Reports of exemptions and refunds 2006–07 (two documents)

Financial Management Act 1994 — Reports from the Minister for Agriculture that he had received the 2006–07 reports of:

Phytogene Pty Ltd

PrimeSafe

Victorian Broiler Industry Negotiation Committee

Victorian Strawberry Industry Development Committee

Fisheries Co-Management Council — Report 2006–07

Freedom of Information Act 1982 — Statement of reasons for seeking leave to appeal under s 65AB

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

Melbourne 2006 Commonwealth Games Corporation — Report 1 July 2006 to 30 November 2006

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

Ballarat — C81

Bass Coast — C25, C71

Boroondara — C59

Golden Plains — C31

Greater Geelong — C124, C131

Knox — C72

Manningham — C53, C64

Melbourne — C109

Moreland — C80

Nillumbik — C13 Part 1, C52

Shepparton — C50

Victoria Planning Provisions — VC45

Warrnambool City Council — C47

Statutory Rules under the following Acts:

Borrowing and Investment Powers Act 1987 — SR 101

Child Wellbeing and Safety Act 2005 — SR 102

Confiscation Act 1997 — SR 99

Corporations (Ancillary Provisions) Act 2001 — SR 104

Gambling Regulation Act 2003 — SR 100

Infringements Act 2006 — SR 105

Magistrates' Court Act 1989 — SR 103

Metropolitan Fire Brigades Act 1958 — SR 111

Motor Car Traders Act 1986 — SR 106

Planning and Environment Act 1987 — SR 110

Second-Hand Dealers and Pawnbrokers Act 1989 — SR 107

Supreme Court Act 1986 — SR 104

Tobacco Act 1987 — SR 109

Transfer of Land Act 1958 — SR 108

Subordinate Legislation Act 1994:

Ministers' exception certificates in relation to Statutory Rules 96, 103, 104

Ministers' exemption certificates in relation to Statutory Rules 83, 99, 102, 105

Radiation Act 2005 — Declaration under s 5 (*Gazette S207*, 31 August 2007).

The following proclamation fixing an operative date was tabled by the Clerk in accordance with an order of the house dated 19 December 2006:

Gambling and Racing Legislation Amendment (Sports Betting) Act 2007 — Whole Act — 1 October 2007 (*Gazette G38*, 20 September 2007).

ROYAL ASSENT

Message read advising royal assent on 25 September to:

Confiscation Amendment Bill
Gene Technology Amendment Bill
Grain Handling and Storage Amendment Bill
Land (Revocation of Reservations) Bill
Legal Profession Amendment (Education) Bill
Planning and Environment Amendment Bill
Royal Children's Hospital (Land) Bill
Summary Offences Amendment (Upskirting) Bill.

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Emergency Services Legislation Amendment Bill
Graffiti Prevention Bill
Transport Legislation Amendment Bill.

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, 11 October 2007:
>
> Building Amendment Bill
>
> Education and Training Reform Miscellaneous Amendments Bill
>
> Emergency Services Legislation Amendment Bill
>
> Energy Legislation Further Amendment Bill
>
> Graffiti Prevention Bill
>
> Transport Accident and Accident Compensation Acts Amendment Bill
>
> Transport Legislation Amendment Bill.

This motion before the house identifies the government's objectives for this parliamentary week and the legislative program that it expects to deal with during the week. As you can see, Speaker, the list that has been read out contains seven pieces of legislation which cover a wide area of government administration. But given the issues contained in these bills, we believe we will be able to satisfactorily deal with them before 4.00 p.m. on Thursday.

You will notice that the list does not include the Senate Elections Amendment Bill. That bill is not part of the government business program this week. This issue has been previously raised by The Nationals and the Liberals in previous debates on this matter. In fact I recall that it was raised during the last parliamentary sitting week. It was confidently predicted then by the member for Kew that we were likely to be in the midst of a federal election campaign in this sitting week and that, as a consequence, it was important that that legislation be passed before then. But as everybody in Australia knows, the Prime Minister, John Howard, is running scared. He does not want to call an election. He has not seen fit to do that to date, and he will put it off for as long as he can. He knows, like everybody else, that — —

Mr McIntosh — Everybody knows it is Sunday.

Mr BATCHELOR — You have been saying that for months. It is Sunday too far away, because John Howard wants to cling on for as long as he can for another payday.

Mr McIntosh interjected.

Mr BATCHELOR — He is just extending it for as long as he can to get another payday. You would have thought that, after 11 years in government, he would have the courage to call an election. John Howard is running scared: he wants to put off calling the election for as long as he possibly can. The member for Kew got caught out; he knows that that is the political reality.

Mr Walsh — On a point of order, Speaker, I query what the federal election and John Howard's pay packet has to do with the government business program for this week.

The SPEAKER — Order! I uphold the point of order. The minister has strayed fairly widely from the motion on the government business program, and I bring him back to the program.

Mr BATCHELOR — Members will see the list of bills on the government business program which is before the house. Notwithstanding that it does not include the Senate Elections Amendment Bill, we believe this is a satisfactory workload for the house this parliamentary sitting week

Mr McINTOSH (Kew) — I am certainly very grateful that the process that the government has implemented now has some degree of consistency, in that the opposition is notified late on Thursday evening of the prospective government business program for the following week. This is a matter of some gratitude, because as a shadow minister in the previous Parliament I might not have been advised until the Monday of a sitting week as to the government business program for that week, even though I had to go to shadow cabinet, report on those bills and prepare briefings on them for the party room. I am at least grateful that there is now some rigidity in the system of notification.

What I cannot get over is the higgledy-piggledy way in which this government operates. We now have seven bills. Apart from the minister's own legislation, which only one opposition member will speak on, all the other bills are considered to be reasonably significant — just as I would imagine the government would consider those bills to be reasonably significant — and there are a number of opposition members who wish to speak on those bills.

For the last four sitting weeks the business program prepared by the government has been rather sparse. We have been accustomed to having debates elongated by a number of government members speaking at random and just padding out time. I doubt very much whether

the government business program will be completed to the satisfaction of the opposition, other parties and the Independent, because there are a number of significant matters to be raised on those respective bills. I disagree with the Leader of the House saying that there will be ample time. But it begs the question as to why over the last four sitting weeks we have had a paucity of legislation whereby government members have had to speak to fill the time.

There are a number of matters which the Leader of the House identified that concern the opposition. One is the Senate Elections Amendment Bill. As was so eloquently pointed out by the member for Box Hill the last time this matter came up, everyone knows we are very close — whether the Prime Minister calls it at 5 minutes to midnight or on Sunday — to the calling of a federal election.

The Attorney-General, in his second-reading speech on this bill, said the obligation was on the state to pass this legislation so as to provide some degree of clarity in relation to election to the Senate for the forthcoming federal election. Yet we are now some nine months closer to the event, with the election due to be called some time in the very foreseeable future, but we are not prepared.

All I can say is it appears to me that the government has no intention of bringing on that legislation that would provide the degree of clarity the Attorney-General, in his second-reading speech, said was the intention of the bill. It is the opportunity to have ambiguities and anomalies about being elected to the Senate sorted out, notwithstanding the fact that the Attorney-General knows the election is forthcoming. If he intends to have the bill debated, why has he left it sitting on the notice paper for some six or seven months?

Another bill on the notice paper is the Water Amendment (Critical Water Infrastructure Projects) Bill. This legislation was brought back to this house just before Christmas last year by the former Premier, who said its passage was absolutely critical for the government's implementation of its water infrastructure plan. Notwithstanding the fact that it was so critical for the bill to be brought back and passed at the end of last year, apparently it is not yet ready to be again debated in this chamber because of the amendments to it that were passed in the upper house. It was regarded as critical then, but apparently something has changed so that it will continue to sit there and languish on the notice paper. That is outrageous.

The fact is that the government business program has been hastily put together. For the first time in five sitting weeks we have a list of bills that will probably tax this house to complete their passage within the time allowed under the motion. Also, as I said, the bill regarding election to the Senate has been sitting on the notice paper for six months, and the amendments of the other house to the Water Amendment (Critical Water Infrastructure Projects) Bill have been sitting around since the end of last year; it is about time we debated them. The opposition will be opposing this government business program motion.

Mr DELAHUNTY (Lowan) — On behalf of The Nationals, I would like to make a few comments on the government business program motion for this week. Like the member for Kew, we received notification of the seven bills at the appropriate time on Thursday. Fortuitously there have been no changes. Between Thursday night and today the number of bills has remained at seven. That is pleasing; it is something that has not happened for a long time.

Mr Hulls interjected.

Mr DELAHUNTY — I will pass that on to my wife! Some important bills are to be debated this week. I particularly highlight the importance of the Emergency Services Legislation Amendment Bill. We all know there has been a lack of rain. We need to make sure not only that land-holders are prepared for bushfires but also that the government is prepared. I am sure this legislation will create a lot of debate, which will be led by our shadow Minister for Police and Emergency Services, the member for Benalla.

An honourable member interjected.

Mr DELAHUNTY — I wanted to see where he was sitting. Also we know education and training is vital for the continuing development of our communities in the state of Victoria, and I believe there is more to be done in that regard. No doubt members of The Nationals will be making some very valuable comments, which we hope the government will take notice of.

The Transport Accident and Accident Compensation Acts Amendment Bill is the third one on the government business program motion. There is a lot in this legislation. I am pleased that the Leader of the House has granted an extra 10 minutes to the Leader of The Nationals, who will be our lead speaker on this important bill which is also very controversial. The discussion on it in our party room last night took a lot of time. No doubt it will take some time to debate and fully understand the ramifications of that legislation.

Also on the list is the Graffiti Prevention Bill. It is about time we brought some of that type of legislation into this Parliament. It will be interesting to see the number of members who want to speak on it. Like others — and I will not repeat what I said a couple of weeks ago — the Senate elections — —

An honourable member interjected.

Mr DELAHUNTY — No, I will not be! I must say that since the last sitting week we have still not had any more rain. Therefore it is still vital that we debate the amendments to the Water Amendment (Critical Water Infrastructure Projects) Bill. We cannot understand why the government will not bring on for debate in the Parliament bills concerning water.

An honourable member interjected.

Mr DELAHUNTY — It has been debated, but there is a lot more information. If the government is not game to bring on the water bill for debate, why does it not make and debate a ministerial statement on water? Government members will not do that, and we know why — because they would be embarrassed by what they would hear across the chamber, whether it be in relation to the north–south pipeline, in relation to the desalination plant and the environment effects statement or in relation to this government's method of using water taxes to take money out of the pockets of Victorians. This government and other Labor governments have been notorious in their use of petrol as a taxing mechanism. But as I have asked here — and I can go back to the speeches I made seven or eight years ago — how long would it take before the state government put its hands in the water pockets of Victorians and took their money?

An honourable member interjected.

Mr DELAHUNTY — The pockets. There is not much water in them, but the money in these pockets is put there by water consumers. We know why government members do not want to debate the critical infrastructure — they are still trying to find the red helicopter that was flying around the state before they had even made the announcement about the north–south pipeline. The former Premier was in it, wasting money that could have been used for critical water infrastructure for Victorians.

The Nationals have concerns about this government business program. But, unlike our colleagues, we think we could probably get through it in time. We appreciate the opportunity to debate these very important issues on behalf of the country Victorians whom we represent.

Mr HULLS (Attorney-General) — This is a very good government business program. There are seven very important bills that need to be debated, and I think we should actually get on with it, to be frank. We all know there is a federal election in the air. In the past the calling of an election has acted as a trigger to remind people to get on the roll to vote. I know the Senate elections bill has been discussed by members in this house. Historically new voters have had one week to enrol following the issuing of writs, which immediately followed the announcement of a federal election, but the Howard government introduced amendments to federal election laws late last year so that the electoral rolls will now close on the day a federal election is called. The closing of the rolls on election day will disenfranchise about 80 000 new voters, particularly young people.

In the second-reading speech on this bill I made known our opposition to this policy, because it disenfranchises young voters. In fact we said, and we stand by our assertion, that the Howard government has deliberately tried to limit the political power of young people by shutting them out of the election process. By making it more difficult for young people to get on the roll the Howard government has deliberately disenfranchised those people.

The SPEAKER — Order! This debate on the government business program motion has been very wide ranging. The three speakers prior to the Deputy Premier have been given some latitude with their comments, but I ask the Deputy Premier to bring himself back to the motion before the house.

Mr HULLS — In debating the motion before the house, members have spoken about the bills that are to be debated and have asked why the Senate Elections Amendment Bill is not to be debated. The fact is that it will not be brought on and debated prior to the federal election; that is the simple reason. The fact is that we are not prepared to disenfranchise some 80 000 young Australians. The fact is — and this is on the point because it has been raised — that in the seven days after the writs were issued for the 2004 election, 78 000 people enrolled for the first time and 345 000 people updated their details.

Mr Walsh — On a point of order, Speaker, I ask you to bring the Deputy Premier back to the government business program motion now before the house. He is wavering again from it. If he wants to change the government business program, he should bring the Senate elections bill on and be the lead speaker — let him do that!

Mr Batchelor — On a point of order, Speaker, the Deputy Premier is merely responding to issues that have been raised during the debate. On four occasions I recall questions being asked specifically about this issue. He is simply responding to those questions and should be allowed to continue.

The SPEAKER — Order! I uphold the point of order and ask the Deputy Premier to bring his comments back to the motion before the house, which is on the government business program.

Mr HULLS — This week we will be debating the first seven orders of the day on the notice paper. We believe they are very important pieces of legislation that include transport legislation, graffiti legislation and the like. But in response to the issues that have been raised in this debate, we will not be debating the Senate Elections Amendment Bill. The Premier will be advising the Governor, when the writs are issued, in relation to the federal government's laws, and they will be adhered to. But we do not believe it is appropriate, particularly in light of the comments made by the federal opposition that it will repeal such legislation, that we should be acquiescing in the disenfranchisement of 80 000 voters in this state. That is the answer to that question. We believe this is a very good business program.

Ms ASHER (Brighton) — The Liberal Party opposes the government business program, and I would like to provide the house with the reasons why we do so. As has already been indicated, the government business program has seven bills that the government will guillotine if members have not finished debating them. I make the observation, as I always do when I speak on the government business program, that at the beginning of a sitting the government has very few bills and there is a substantial amount of filibustering but that towards the end of a sitting of Parliament — we no longer have the winter break — there are more and more bills. The end result of that, of course, is that those who need to use this forum of Parliament the most — that is, members of the opposition — do not get sufficient time to debate bills.

I would also make the comment that there are some very significant bills on the government business program. The Emergency Services Legislation Amendment Bill is a particularly large one, and there are some grave concerns about that in country Victoria which need to be raised in that debate. Likewise the Education and Training Reform Miscellaneous Amendments Bill is a substantial bill that contains a lot of little amendments which require analysis. The Graffiti Prevention Bill, which is an ambitious project by this government, will also have a substantial number of members wanting to speak on it.

I too want to raise the issue of what is not on the government business program. A lot of attention has been paid to the Senate Elections Amendment Bill, which has remained on the notice paper for some substantial period of time. I want to know why the Water Amendment (Critical Water Infrastructure Projects) Bill, which is also on the notice paper, is not being debated this week. By way of explanation for my raising this issue I mention the following matters.

The first is that when the government was re-elected in 2006 it issued a number of media statements stating that this bill was an urgent bill — —

Mr Batchelor — On a point of order, Speaker, consistent with your earlier rulings, in which you have asked all members to deal with the government business motion and the bills contained therein and not to deal with other matters, I ask you to ask the member for Brighton to come back to the motion before the Chair and not deal with the Water Amendment (Critical Water Infrastructure Projects) Bill, which I remind her has already been debated in this chamber.

Ms ASHER — On the point of order, Speaker, I was seeking to make a point not about a policy matter in the bill but about the government saying in December that it was urgent, yet it has still not been debated.

The SPEAKER — Order! I do not uphold the point of order at this time. A lot of latitude has been allowed in the preceding contributions, so I will continue to hear the Deputy Leader of the Opposition. I have been listening very carefully and believe that her comments are entirely appropriate, given the scope of the preceding contributions.

Ms ASHER — I have referred to a number of other bills that there will be substantial comment on in debate — for example, the Transport Accident and Accident Compensation Acts Amendment Bill and the Transport Legislation Amendment Bill. They are bills on which I am aware a number of people wish to speak. To have seven bills to ram through under the guillotine is ambitious to say the least.

I go back to the Water Amendment (Critical Water Infrastructure Projects) Bill, which is on the notice paper but which will yet again not be debated. I also recall that the minister in the second-reading speech stressed the urgency of this bill and said it was needed to build the Bendigo pipeline. Of course the Bendigo pipeline is now completed and open, so it raises some

questions as to why those matters were raised in the second-reading speech.

However, I also make the point that we on this side of the house would like some guidance from the government as to what is going to happen with this bill, now that it has been amended in the Council. The government has not got its way; its much-trumpeted reforms to the upper house have led to substantial sections of this bill being removed. The government claimed the bill initially was urgent, yet in its amended form it has been sitting on the notice paper week after week with the government not indicating what it wishes to do with it. We would ask the government to indicate, perhaps in the same way as it did with the Senate Elections Amendment Bill, why that bill is not being debated this week.

Mr LUPTON (Prahran) — I am very pleased to support this government business program. It is in fact a substantial and well-structured business program for the sitting week that includes seven bills of particular significance. No doubt some bills are more important to some members than they are to others, but overall this is a comprehensive and well-structured government business program.

The number of bills that are debated every sitting week is always something of a cause for consternation for members of the opposition and The Nationals. I recall that in recent sitting weeks we have sometimes debated five bills. That is often regarded by the opposition as too few. This week we are set to debate seven bills, and that is regarded by the opposition as too many. Opposition members are starting to sound a little bit like Goldilocks and the three bears. Sometimes it is just a little too hot, sometimes it is a little too cold, but very seldom do you find the opposition saying it is just right.

We think this is a very sensible and well-structured government business program. I note that the member for Kew complimented the government on the fact that the opposition has had consistent early notice of the government business program in recent times, and I think that is something that we are pleased about. We are happy to hear that compliment coming from the opposition via the member for Kew because it is obviously important that members of the house have proper notice about what is intended to be part of the government business program.

Of course that does mean that the opposition and The Nationals are in a better position to understand what is going to be debated this week. They are in a better position to understand what is coming before the house, who ought to be speaking in relation to individual bills and how many speakers there will be. We find from sitting week to sitting week that often there are not many speakers from the opposition listed on quite a large number of bills. Sometimes earlier in the week there are some people lining up to speak on bills but then as we go forward less and less members of the opposition seem to be interested in that opportunity.

We will find through the course of this sitting week that we will have an opportunity to sensibly and properly debate these seven important pieces of legislation. I want to just mention a couple of them particularly. One that I take some interest in — and I am glad it is on the government business notice paper this week — is the Graffiti Prevention Bill. I commend that bill for the amendments it will introduce in Victoria. I am glad that it is on the government business program for this week and I am sure that the house will be very supportive of it.

The matters that have been raised in relation to what is and what is not on the government business program are of some interest. As we are debating the government business program I suppose there is some relevance to what is and what is not on it, and what is coming up in future weeks. We will of course get to the Legislation Reform (Repeals No. 1) Bill in a subsequent sitting week and I certainly look forward to that bill coming on.

It has been mentioned that the Senate Elections Amendment Bill will not be debated this week and, as the Deputy Premier has indicated, this bill will not in fact be debated by this house prior to the calling of a federal election. I know in previous weeks the members for Kew and Box Hill have pontificated about when that election might be. The member for Kew indicated that the member for Box Hill had been eloquent in his contribution last time. I am not sure that that is correct. I would not have used that expression. I know the member for Box Hill may have been laborious, he may have been monotonous and he may have made a prolix contribution, but I do not think he was eloquent about that matter. He certainly did not have any foresight in relation to when the federal election will be held. We are starting to think it will in fact be on 19 January next year. Will the Prime Minister try and put it off that long? We do not know and we will just have to wait and see.

I commend this government business program to the house this week and I look forward to debating the bills.

House divided on motion:

Ayes, 47

Andrews, Mr	Kosky, Ms
Barker, Ms	Langdon, Mr
Batchelor, Mr	Languiller, Mr
Beattie, Ms	Lim, Mr
Brooks, Mr	Lobato, Ms
Brumby, Mr	Lupton, Mr
Cameron, Mr	Maddigan, Mrs
Campbell, Ms	Marshall, Ms
Carli, Mr	Merlino, Mr
Crutchfield, Mr	Morand, Ms
D'Ambrosio, Ms	Munt, Ms
Donnellan, Mr	Nardella, Mr
Duncan, Ms	Neville, Ms
Eren, Mr	Noonan, Mr
Foley, Mr	Pallas, Mr
Graley, Ms	Pandazopoulos, Mr
Green, Ms	Perera, Mr
Haermeyer, Mr	Richardson, Ms
Hardman, Mr	Robinson, Mr
Harkness, Dr	Scott, Mr
Helper, Mr	Seitz, Mr
Holding, Mr	Stensholt, Mr
Hudson, Mr	Wynne, Mr
Hulls, Mr	

Noes, 32

Asher, Ms	Napthine, Dr
Baillieu, Mr	Northe, Mr
Blackwood, Mr	O'Brien, Mr
Burgess, Mr	Powell, Mrs
Clark, Mr	Ryan, Mr
Crisp, Mr	Shardey, Mrs
Delahunty, Mr	Smith, Mr K.
Dixon, Mr	Smith, Mr R.
Fyffe, Mrs	Sykes, Dr
Hodgett, Mr	Thompson, Mr
Ingram, Mr	Tilley, Mr
Jasper, Mr	Victoria, Mrs
Kotsiras, Mr	Wakeling, Mr
McIntosh, Mr	Walsh, Mr
Morris, Mr	Weller, Mr
Mulder, Mr	Wells, Mr

Motion agreed to.

MEMBERS STATEMENTS

Sunraysia Institute of TAFE: photography exhibition

Mr BATCHELOR (Minister for Community Development) — I rise to acknowledge the fine work of a group of indigenous photography students at the Sunraysia Institute of TAFE in Swan Hill. These students have contributed to a wonderful project called 'Come and have a look at yourself'. The end product of this project is an amazing photo exhibition which will be formally launched at the end of next month. I was fortunate enough to get a sneak preview while in Swan Hill for a community cabinet. It was just fantastic.

The stereotyping of indigenous people has long been identified as a significant issue by indigenous students in the Swan Hill region, and this project really works to break down these stereotypes and offer people a different perspective. The project was designed to positively affirm the strength and presence of the local Koori community in Swan Hill by visually demonstrating the size and make up of the community, along with the interrelationships between and ties within families, tribes, clans and language groups. The project has provided an opportunity for local indigenous students to develop a range of skills that will benefit themselves, their families and the whole community.

The photographs are testimony to the immense talent and skill level of the students involved. I strongly urge anyone who has the opportunity to go and see the 'Come and have a look at yourself' exhibition when it opens shortly. I congratulate all those who have been involved in this project for their efforts to strengthen the Koori community in the Swan Hill region.

Supreme Court: redevelopment

Mr CLARK (Box Hill) — Last month, along with other members of Parliament, I took part in a visit to and tour of the Supreme Court, kindly organised by the Chief Justice of Victoria. While the recently refurbished first Banco Court looked most impressive, it became clear that much of the court is still operating in cramped and outdated conditions that hamper the work of judges and practitioners and provide inadequate facilities for litigants, witnesses and others.

As with so many other aspects of our current Attorney-General's portfolio, action to improve Victoria's principal court precinct has been dragging on for years. In the 2005–06 budget the Attorney-General boasted of $2.5 million in funding to plan what he claimed would be the largest redevelopment of courts in Victoria's history. In the 2006–07 budget the Attorney-General boasted of $32 million in funding for the first stage of the Supreme Court redevelopment. However, in the most recent 2007–08 budget all the Attorney-General could manage was $750 000 in funding to continue work on a master plan.

At the reopening of the first Banco Court in May this year, the Attorney-General was completely silent about the future of the Melbourne legal precinct. The Attorney-General cannot continue to use the future of the old High Court building as an excuse for inaction.

There are many other sites in the legal precinct that could be investigated for possible court use, such as the substantial office building at the corner of William Street and Little Bourke Street that has been empty for years.

This is not just an issue about bricks and mortar, it is about providing a working place for our courts to do their work. Victoria's court waiting lists are blowing out almost as badly as our hospital waiting lists. The Attorney-General should know that justice delayed is justice denied, and he needs to act to end these delays.

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

Bob Smith

Mr ROBINSON (Minister for Gaming) — I want to express my condolences on the recent passing of a former employee of the Parliament of Victoria, Mr Bob Smith. Bob was a long-time employee in the Parliament House library, working there some 19 years and 1 day. I knew him as an enthusiastic supporter of the Box Hill Hawks Football Club, although, as Bob often said, he knew them as the Mustangs well before the Hawks came along.

Bob was a resident of Blackburn North. He was a very proud former national serviceman. He was the devoted husband of Di and the devoted father of his children, Susan and David. He was a great raconteur. He was a collector of many things, including political ephemera — with a special bias towards Labor ephemera, let it be said. He was a motor car racing fan. He was a practical joker. He was an aficionado of Australian military history.

Sadly Bob passed away very suddenly in September, but not before he had the chance to take a very well-deserved overseas trip with his family last year. I was pleased to be able to join with many others, including many parliamentary staff, who filled St John's Church in Blackburn to overflowing a few weeks back as we farewelled Bob. On behalf of all members and staff, I extend my condolences to his family, including his brother, Warren. Bob will be greatly missed.

Donald Dosser

Mr RYAN (Leader of The Nationals) — I rise to pay tribute to my constituent the late Donald Dosser, who died on Thursday, 14 December 2006. At the time Don was assisting his two mates, Mark Tyquin and Craig Williamson, to fight a bushfire which was occurring in the Heyfield–Seaton area. The fire had been deliberately lit earlier that day at Coopers Creek.

Shortly prior to the accident which led to Don's tragic death, he was riding on the back of a trailer which was being towed by a vehicle driven by Mark. Unfortunately the trailer tipped and both Don and Craig, who was also on the trailer, were thrown clear. Don tragically, as I say, suffered fatal injuries in the subsequent fall. Not knowing of Don's demise, both Mark and Craig did everything they possibly could to try to save his life. They put out his clothes, which were then burning in the flames. They did everything they could to try to find a pulse. They practised CPR on him to try to resuscitate him, and they flagged down a passing Country Fire Authority vehicle to enlist assistance. As it happened, unfortunately and tragically, all of this came to naught, as Don passed away.

I extend my commiserations to Don's parents, Les and Nell, and on behalf of all the members of the community, the family and members of this house, I mourn Don Dosser.

Guides and scouts: Mount Waverley electorate

Ms MORAND (Minister for Children and Early Childhood Development) — On Sunday I was very pleased to celebrate two important milestones in my electorate. I attended the Mount Waverley Guides Association's 50th anniversary celebration, and also the Monash District Scouts celebration of the centenary of scouting. I was joined at both of these events by the very hardworking federal member for Chisholm, Anna Burke. Both these celebrations showed the value and importance of scouts and guides in contributing to the development of young people. The centenary of scouting celebrates Lord Robert Baden-Powell staging the first scout camp at Brownsea Island in the United Kingdom in 1907. Scouting, of course, is now very popular around the world.

The Girl Guides were formed in 1910 and began in Victoria in 1911. There are now over 10 million guides in 145 countries. Scout groups were first formed in Waverley in the early 1950s, and guide groups began in the suburbs of Mount Waverley and Glen Waverley in 1957. Waverley District Guides is now one of the biggest districts in Victoria, with six units and over 100 girls. There was a fantastic turnout of current and former guides and leaders at the Fairway Reserve in Mount Waverley on Sunday to celebrate their 50th anniversary. Monash District Scouts has 10 groups, with over 400 members, and they celebrated the centenary at Central Reserve in Glen Waverley.

Both the guides and scouts programs enable young people to challenge themselves and develop self-confidence and leadership skills, to gain an appreciation for the outdoors, to have fun and make friends and to be involved in community service projects.

I would like to acknowledge Gwen Woodward from Mount Waverley Guides and Annette Cook from Monash District Scouts for their work in organising the celebrations, and for their work in highlighting the history of guides and scouts in Waverley.

Hospitals: government performance

Mrs SHARDEY (Caulfield) — I raise the issue of the Victorian hospital system, plunging further into crisis under the Brumby Labor government, as shown by the latest *Your Hospitals* report.

The picture is one of growing waiting lists, increasing pressure on hospital emergency departments through bed blockage and bed shortages throughout Victoria. The report shows that more than 38 000 people are on the surgery waiting list, which is up by nearly 1700 on the same time last year; that more than 34 000 people waited on trolleys for more than 8 hours for admission; that more than 68 000 people in six months waited more than 4 hours for treatment before discharge; and that the urgent surgery list increased by 87 per cent in just six months — more than ever before. Nearly 8500 emergency cases waited longer than 10 minutes in our emergency departments, which is 116 per cent up on June 2000. Nearly 43 000 urgent cases waited more than 30 minutes for treatment in our emergency departments, which is a 68 per cent increase since June 2000.

Clearly the system is not coping, yet the Brumby government refuses to listen to the doctors, nurses and paramedics who are speaking out in absolute frustration over the issues they face on a daily basis. It has been a disgraceful performance.

Roads: Keilor electorate

Mr SEITZ (Keilor) — I welcome the support I am receiving from two ward councillors in my electorate — namely, Natalie Suleyman and Marilyn Zukalski. In response to my recent letterbox drop in my electorate, asking people to approach the federal minister about the Calder Highway, they were so eager to support me that they jumped on an aeroplane to see the minister in Canberra. But unfortunately the federal minister did not have the time to see them. So I will have to continue to lobby on behalf of my electorate to get some improvements made to the Calder Highway from Diggers Rest to the Western Ring Road.

The councillors have discovered Taylors Road. Natalie Suleyman had been the mayor for three years and in that time she gave me nothing but negative answers to my requests and letters about the need to install traffic lights. They have now discovered that problem, and now I see it mentioned on the front page of the local paper. Again I welcome the support of these two ward councillors, who have suddenly discovered the area and realised that roads are of major interest.

Taylors Road is a council road, and the traffic lights and other safety measures should have been installed during the time Cr Suleyman was mayor. Having been the mayor three times, I am sure she must have had the numbers on Brimbank council at the time to secure the votes to enable the installation of these traffic lights for the safety of our community, including the children and the other people who have to cross the road to get to the school. She had plenty of time to do that. Nevertheless I will continue to lobby the minister to see if we can get some funding from the government for that project in order to bring safety to the forefront for the benefit of the people of my electorate.

Rail: security staff

Mr MULDER (Polwarth) — I wish to draw to the attention of the house a serious breach and breakdown in security surrounding our metropolitan train network. In the April 2004 contract between the Victorian government and Connex there is a requirement for security staff to travel the journey's length on 80 per cent of all train trips from 9.00 p.m. until the last train in the evening, seven days a week. I have had discussions with authorised officers who claimed these provisions were not being adhered to, with greater emphasis being placed on enforcement. It was as a result of these discussions that I placed a question on notice to the Minister for Public Transport.

In an answer to that question, on 19 September the Minister for Public Transport advised me that she did not know if the 80 per cent security coverage was being provided, and the minister was unable to obtain the details from Connex, as they were not readily available. Victorians are paying for these security services, and the fact that the minister responsible for their delivery cannot verify whether or not they are being delivered in accordance with the contract is an utter disgrace.

After discussions with commuters who claim they have never seen security staff late at night, and with authorised officers, I am convinced that the safety and

security of passengers is being compromised by the Minister for Public Transport's inaction. The status of these security services must be verified immediately, and the minister must accept responsibility for assaults that occur on trains during the periods that these phantom security staff are supposed to be roaming our train network.

It is no wonder that potential train travellers turn their backs on late-night train travel around Melbourne. This is a serious issue and deserves more than a tell-someone-who-cares response from a disinterested minister.

A Taste of Portugal Festival

Mr LANGUILLER (Derrimut) — I wish to commend the Portuguese communities in Victoria for organising the A Taste of Portugal Festival, at which I was pleased to represent the then Premier. The event was most successful. The festival's purpose was to promote, strengthen and develop the Portuguese-speaking community. Equally important was their aim to promote the Portuguese-speaking communities' social-cultural integration within the wider Australian community. The cultural festival is one of the ways in which they achieve these objectives. Indeed they have the great capacity of engaging many more communities outside the Portuguese community, so I commend them for that.

Australian-Polish Community Services

Mr LANGUILLER — I also wish to commend the president of Australian-Polish Community Services, Dr Silwia Greda-Bogusz and the chief executive officer Elizabeth Drozd, and indeed the committee of management, for the good work they do in Victoria. I commend their growth since 1983 and their capacity to deliver services to the Polish community, their support for the Polish community, not only in Melbourne but in rural and regional Victoria, their initiative in developing the health promotion plan, on top of the 10-year Polish aged care plan for 2001–11, their willingness to assume a leadership role among ethnic-specific home and community care service providers, and their willingness to share their resources and expertise with other ethnic communities.

Water: northern Victoria

Mr WALSH (Swan Hill) — I challenge the Minister for Agriculture to come out of hiding and champion the sector he represents in cabinet. The challenge for today is getting a fair share of the limited amount of water that is available into the agriculture sector to help our communities survive the drought. We have seen 10 000 megalitres of the Goulburn water quality reserve in Eildon transferred to water lawns in Bendigo, and some of this water will be used in the future to water lawns in Melbourne.

The Department of Sustainability and Environment has just announced that it will release water into the Cardross and Woorinen North lakes and Round Lake at Lake Boga for environmental flows. With this year's northern Victorian wetland entitlement plus the carryover from last year, I believe something like 10 000 megalitres will still be left from this environmental allocation once these lakes have had their water. In addition to the 20 000 megalitres of water left in the Eildon water quality reserve, there is another 3000 megalitres of environmental allocation in the Goulburn River — a total of 33 000 megalitres.

I challenge the Minister for Agriculture to walk down the corridor to the office of the Minister for Environment and Climate Change and request that DSE release this water onto the market. It could be a win-win for northern Victorian communities. Increased water availability would lower water prices and let growers access urgently needed water. The environment could see the money received invested in works projects in northern Victoria, which would create employment within that region. Desperate times need innovation and leadership. Minister, show you care.

Essendon Lions Club: community projects

Mrs MADDIGAN (Essendon) — I would like to pay tribute to the great community work undertaken by the Essendon Lions Club. Some members may be aware that some years ago the club established a fairly unique project for a Lions club in that it established Lionsville, a complex of over 100 independent living units, a hostel and a day-care centre for aged people in the area. That has provided great support to many older residents in my electorate and the surrounding suburbs.

More recently members of the Essendon Lions Club have turned their attention to specific projects in the community by means of a gala dinner, the first of which was held last year and the second just last Friday night. At last Friday's dinner they raised $7000 for an electronic whiteboard for the Ascot Vale Special School. That is a significant amount of money to raise in one evening. I would particularly like to congratulate the president of the Essendon Lions Club, Stan Falloon, and his wife, Robyn, for all the effort they put into this project. Ascot Vale Special School is a terrific school, and it is great to see the community getting behind the staff and the parents in improving the resources for the children who attend that school.

Last year's gala dinner was equally successful, and a significant amount of money was raised to assist with training dogs to help the hearing impaired. I congratulate all the members of the Essendon Lions Club who were involved with this project.

Rail: Rowville link study

Mr WELLS (Scoresby) — This statement condemns the Brumby government and the Minister for Public Transport for their continuing failure to honour Labor's 1999 state election promise to undertake a feasibility study of the Rowville rail line link. When in opposition the Labor Party promised a feasibility study, yet just eight years later it has arrogantly refused to fund it. The people of Rowville and Knox were appalled to hear recent confirmation that Labor had lied to them when, following a meeting with the Eastern Transport Coalition, the Minister for Public Transport stated that the Brumby Labor government would not fund the Rowville rail feasibility study. Once again the people of the outer east feel cheated and lied to by a Labor government that has continually kicked them in the guts.

No-one in the outer east will ever forget the backflip on the tolls for the Scoresby freeway, let alone the failure to prevent AFL Park from closing, the scrapping of the Knox hospital project and the failure to extend the tram line to Knox City. Things were made even worse just last week, when the government boasted of spending $115 million in northern Melbourne on the Craigieburn rail electrification project, yet it will not come up with $2 million to honour its 1999 election promise of a Rowville rail line feasibility study. Instead of playing the blame game the Minister for Public Transport should accept her responsibility and use some of the $77 million the state government receives every single day to continue funding the Rowville rail feasibility study.

Country Fire Authority: Kalkallo brigade

Ms BEATTIE (Yuroke) — On 16 September, approximately a week before the new Craigieburn rail project opened, I was honoured to attend the opening of the Kalkallo Country Fire Authority (CFA) station. The Kalkallo brigade has served the community since 1965, and the new station will boost the emergency services capacity of the brigade long into the future. Not only was it terrific to see the new fire station officially opened, but it was also a great honour to attend the presentation of long service awards to firefighters and brigade members who have volunteered their time to the Kalkallo brigade.

I would like to congratulate all those volunteers who received medallions for long service. In particular I would like to congratulate the three brigade members who were recognised with awards and who are constituents of my electorate of Yuroke. Alan Clarke of Mickleham and Margaret Lloyd of Kalkallo were each presented with 12-year service medallions, and Richard Lloyd of Kalkallo was presented with a medallion in recognition of his 20 years of service to the Kalkallo fire brigade. What a terrific achievement for these individuals, who have served their communities for such a great length of time! Brigade members play a vital role in the functioning of CFA brigades across Victoria, and the efforts of these members are to be highly commended. Not only do they service the electorate of Yuroke, but they also service part of the electorate of Seymour, going deep into the Beveridge area. I thank these long-serving volunteers for their many years of service.

Mental health: support services

Mrs VICTORIA (Bayswater) — No-one would dispute that mental disorders are on the rise. At one time or another we are all affected in some form by these debilitating illnesses. This may be directly through loved ones or even indirectly by not being able to get local police to attend a local incident because they are too busy attending yet another incident of domestic violence or a psychotic episode case elsewhere. The past eight years of Labor has not seen significant advances in the support available to the one in five Victorians who is living with a mental illness. Mental health services should be easily accessible, affordable, readily available and high in quality. Under Labor's current system they are none of the above.

Welfare hotlines cannot cope with the increasing demand for services, because they simply do not have enough resources. Even Lifeline now has a recorded message for those queuing to speak with a counsellor: 'We know your call is important. We want to listen to you. Please do not hang up'. People in the community are being forced to come up with their own support mechanisms. The Orana neighbourhood house is offering a wonderful support program, called Bounce Back, for those with mental health issues, and Eastern Access Community Health has started Stage Club for support and skill enrichment so that locals can return to the workforce.

But what about prevention? How about offering immediate and ongoing treatment instead of the revolving door policy that so many hospitals, like Maroondah Hospital, are forced to implement.

Victorians deserve so much better from this government?

Bonnie Babes Foundation: National Babies Day

Dr HARKNESS (Frankston) — Friday, 19 October, is National Babies Day, and I am calling on residents throughout Frankston and the wider Victorian community to go ga-ga! Go Ga-Ga is an eight-week celebration of babies, which culminates in National Babies Day. This is an initiative from the Bonnie Babes Foundation. It is the foundation's biggest and most important fundraising event of the year, with proceeds going to vital, state-of-the-art medical equipment for premmie hospital wards around Australia.

Contributing to this worthy cause is very simple. The public can choose from a range of low-priced items — some useful, some novel and some just plain cuddly — all of which can be found in specially marked merchandising units at every Target store until the end of October. As the father of an 11-month-old, I recognise the importance of the services provided both by hospitals and by organisations such as Bonnie Babes. However, I am very grateful that Kirsten is a healthy and active little girl and that I have not had to call on any of these services. Not everybody is so lucky, and there are many newborns who need specialised medical equipment and parents who need grief counselling services.

The Bonnie Babes Foundation is a non-government-funded, non-profit, volunteer-based charity which provides 24-hour-a-day, seven-day-a-week counselling for families that have experienced the loss of a baby through miscarriage, stillbirth or prematurity and related issues such as infertility. It also provides medical equipment to hospitals for premature babies as well as vital medical research projects into pregnancy loss and complications with birth. In Australia 1 in 20 babies is born prematurely, with almost half of those babies requiring life support. The Bonnie Babes Foundation has helped thousands of families since its inception, and I would like to take this opportunity to thank its volunteers.

Drought: suicide prevention

Dr SYKES (Benalla) — Acting Speaker, have you ever smelt death? Last Friday night I spoke to someone who has smelt death and who is haunted by it. A local policeman came up to me and started talking about the drought. He was clearly fearful of what the future might hold. He feared more suicides and spoke in particular of one suicide with which he had been involved last year. It was summer, and he found the body of a local farmer after searching on foot for several hours. He had to sit with the farmer's body for over 6 hours awaiting backup. The policeman said, 'I'm not crazy, but I found myself talking to him, asking him questions he couldn't answer' — because he was dead. He had blown his head off with a shotgun three days earlier because he could no longer afford to feed his cattle. Put yourself in the policeman's shoes, inhaling the stench of death from the bloated body of a man who had reached the depths of despair and chose to end it. There have been over 100 drought-related suicides in rural Victoria in the past seven years. Things are tough, and they are going to get tougher. We need help.

To the Premier I say, 'You can't make it rain, but you can ease the pressure. Stop the north–south pipeline which will take our water — our lifeblood — to flush Melbourne's faeces into the sea. Stop the decommissioning of Lake Mokoan and accept the local alternative, which will provide irrigators with water security whilst delivering water savings. Reject the ludicrous recommendations of the draft Victorian Environmental Assessment Council report on river red gum forests. And substantially increase funding and support services to country people. Premier, many proud people are desperate and need your help urgently'.

Burma: pro-democracy protests

Ms CAMPBELL (Pascoe Vale) — I pay tribute to those involved in the latest struggle for democracy in Burma. Since 1962 Burma's population — of now 50 million — has been subjected to military dictatorship which has continually used the most brutal force to subdue moves towards democracy. Over the past week tens of thousands of Burmese people have joined Buddhist monks and nuns on the streets of Rangoon in their protest against this repressive military junta. These courageous people have braved violence in the form of mass arrests, beatings and even death as they voice their disapproval of Burma's unelected and undemocratic military government. The violence reached new heights last week when the military fired directly into crowds of demonstrators. Government reports stated that nine people were killed; however, diplomats and activists say the number of dead was many times higher.

The military have used teargas and made baton charges against groups of protesters, with particular savagery directed towards the Buddhist monks. In Rangoon monasteries have been raided and ransacked, and large numbers of monks have been arrested and detained. Continuing reports state that other monks and

demonstrators have been severely beaten and killed. Despite the military's threat of the use of further force, the demonstrations continue to take place, highlighting the courage of these wonderful Burmese people in their long struggle for democracy. Politics is about justice and life. Each house of every Parliament in this country should inform the Burmese democracy movement that we support it in its pursuit of justice and life.

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

Peter Boyle

Mrs FYFFE (Evelyn) — On Wednesday, 24 September, I attended a memorial service for Peter John Boyle. Peter died after a long illness during which he was nursed with love and devotion by his wife, Renee. Peter was a great man — a man of tremendous energy, enthusiasm and vision. Peter was a founder of the Australian Small Business Association. He was a man who gave so much, fearlessly fighting for small business while running his own successful companies. He was a great supporter of the Liberal Party and a good friend to me. Peter's life was well lived. I will remember him with respect and affection. My deepest sympathy goes to his family.

Housing: Yarra Ranges

Mrs FYFFE — A single mother of five children, ranging in age from 17 years to 1 year, is homeless, through no fault of her own. The lack of available emergency housing and public housing in the Yarra Ranges is deplorable. Leeanne and her children have been forced to move in with her aged parents in Coldstream. If Leeanne had been a drug user, a person affected by alcohol or a refugee, she would have scored more points on the emergency rating system and been successful in obtaining local emergency housing. I recognise that all the other applicants have needs, but should this decent woman, who is struggling to provide for and look after her children, be penalised just because she is not an alcoholic, does not suffer from a mental illness or is not a drug user?

This government boasts about putting an extra $510 million into housing. Where is it going? It is certainly not going into the Yarra Ranges. Leeanne was a good tenant of a private property that has been sold. The agent followed correct procedures and gave the required notice, but there were no private rental houses available, and neither was there any emergency housing available.

Jack Jamieson

Ms DUNCAN (Macedon) — I rise to acknowledge the passing of Jack Jamieson, a Sunbury resident and a proud Labor Party member for approximately 70 years. Jack was the youngest of eight siblings and felt privileged to get a job as a trades assistant while he was still an adolescent. He went on to become a builder. He went from being a tradie to teaching carpentry as a technical teacher in the western suburbs. As a teacher Jack was promoted to the head of his department when in his 50s. He later resigned from teaching to resume life back on the tools. He was still working as a builder into his late 70s and early 80s. Jack was married to Nancy, the love of his life. They had three children — Gary, who is currently an assistant commissioner with Victoria Police; Jacqueline; and a son who was killed in a car accident many years ago.

Jack joined the ALP in 1935 at the age of 17 and maintained a continuous commitment to the Labor Party. He stood as the ALP candidate for Gisborne at a time when Gisborne was a rock-solid Liberal seat — yet another indication of his great commitment to the Labor Party. Jack was still a regular attendee at branch meetings, and he still brought in drafts of motions he wanted debated.

At almost 90 years of age, Jack's primary concern was for the future. He was worried about climate change and other environmental issues. He could be quite uncompromising on these subjects, and he would argue his case very passionately. Jack was a unique individual. He was a great party supporter and a great supporter of mine. Right up until the last state election he was offering to hand out how-to-vote cards on election day. He loved elections. Jack was a true believer, well loved and an inspiration to those of us who knew him.

The ACTING SPEAKER (Mr Seitz) — Order! The honourable member's time has expired. The honourable member for Gembrook has less than 90 seconds.

Agriculture: genetically modified canola

Ms LOBATO (Gembrook) — I wish to congratulate the Western Australian government and, in particular, the Minister for Agriculture and Food, Kim Chance, for introducing legislation to protect West Australia from contamination by genetically modified (GM) seeds. On 30 August the Western Australian agriculture minister introduced the Seeds Amendment Bill 2007, which will prohibit the cultivation, sale and import of genetically modified seed, thereby protecting

the state's GM-free cropping systems from intentional or inadvertent GM contamination. Minister Chance in his announcement spoke of traces of GM contamination that had previously been detected in the state's canola crop, despite the fact that all canola-growing states in Australia had a moratorium in place.

Western Australia is proud of its GM-free status, with the minister celebrating the fact that WA farmers benefit from this policy decision in terms of price premiums for food-grade non-GM canola and continued market access to discerning markets in Europe, Japan, India and China. While this position is advantageous for WA, it will present a huge problem for Victoria if the moratorium is lifted here, as it will give WA a better price premium.

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

ENERGY LEGISLATION FURTHER AMENDMENT BILL

Second reading

Debate resumed from 19 September; motion of Mr BATCHELOR (Minister for Energy and Resources).

Mr CLARK (Box Hill) — The Energy Legislation Further Amendment Bill 2007 is a bill that makes a range of amendments to energy legislation. It will enable the transfer of customer information from a failed energy retailer; it will extend the sunsetting of the energy consumer safety net provisions from 31 December 2007 to 31 December 2008; it will reduce the publication requirement for retail safety net tariffs from 60 days to 30 days; it will make amendments consequent upon a recent review of the Victorian Energy Networks Corporation, VENCorp; it will repeal redundant provisions in relation to the Port Campbell underground gas storage facility; and it will clarify the effect of an order made under the Gas and Fuel Corporation (Heatane Gas) Act 1993 relating to the transfer of ownership of the Heatane gas pipeline extending from Dandenong to Hastings, Long Island Point and Crib Point to make clear that the entity to which it is transferred is Elgas Reticulation Pty Ltd.

The opposition supports this bill. We thank the many interested parties who have provided feedback to us on it. A number of the provisions of the bill, however, do deserve some comment. The provision that enables the transfer of customer information from a failed energy retailer is a provision that is intended to operate in conjunction with the retailer-of-last-resort provisions that operate so that if an energy retailer withdraws from the market, collapses, becomes insolvent or otherwise ceases to carry on business and fulfil their obligations, then there is a retailer of last resort to whom that failed energy retailer's customers can be transferred.

There was a withdrawal from the market of an energy retailer some months ago. That retailer's customers were primarily in New South Wales. I understand there was only one customer of that retailer in Victoria. However, that retailer's withdrawal made it apparent that there needed to be some additional mechanical provisions inserted into the legislation to provide for the transfer of relevant information about that customer to the retailer of last resort, and that is what the provisions in this part of the bill will do. The bill includes a range of provisions as to the information that needs to be handed over, and it is perfectly sensible and reasonable that there be in place adequate specifications to ensure that there is a smooth and efficient transfer of the necessary customer information in order to allow the retailer of last resort provisions to operate effectively.

The provisions that extend the sunset of the energy consumer safety net from 31 December 2007 to 31 December 2008 are linked to a review, currently being undertaken by the Australian Energy Market Commission (AEMC), of competition in the Victorian gas and electricity markets with a view to determining whether or not that competition is effective. This review process was agreed upon by all of the jurisdictions, and Victoria is the first of the jurisdictions undergoing this review process. The Australian Energy Market Commission recently issued a draft or interim report which indicated it was the commission's view that competition in Victorian energy markets was effective. That draft report is now open for public comment before the preparation and issuing of the final report by the commission.

There is a general expectation in the industry that if the final report confirms that competition in the Victorian gas and electricity markets is effective, that would provide a basis for the government to allow the energy consumer safety net provisions to expire — to sunset — as has long been intended, and to allow competition to operate in the Victorian market to provide competitive pricing and a high standard of service to Victorian energy consumers. Certainly the preliminary findings of the Australian Energy Market Commission are that competition is flourishing and that consumers are benefiting from reforms that have taken place in the gas and electricity industries in Victoria. The house need hardly be reminded that these reforms

were introduced under the Kennett government; they were vigorously opposed by the then Labor opposition.

Mr Hudson interjected.

Mr CLARK — The Labor opposition predicted all sorts of doom and gloom and dire consequences from those reforms, but they have been remarkably successful. Upon the change of government the Labor Party has been tiptoeing down a line of, on the one hand, pillorying the Kennett government's reforms and, on the other hand, begrudgingly acknowledging that they have been working. It has also been claiming to be making the reforms work better and seeking to take the credit for the hard work that was done by Jeff Kennett, Alan Stockdale and many others. They say that success has many parents and failure is an orphan; there are certainly many claiming to have had a role in parenting these reforms to the energy markets in Victoria. The reforms are delivering real choice and opportunity and competitive pricing to Victorians, albeit that there are a number of ways in which the performance of the electricity and gas markets can be further improved.

Certainly on our side of the house we look forward to the final report of the Australian Energy Market Commission, and if it confirms the commission's preliminary view that the competitive market is working well, we would look forward to the sunsetting of the safety net provisions. These provisions were originally due to sunset some time ago, but the Labor government has felt unable to let go and to fully trust the market. Once the AEMC review is complete — if it does confirm effective competition in Victoria — we hope the Labor government will at last feel capable of letting go, confident that the market, in conjunction with the wide range of other protective mechanisms in place around that market, will operate to the benefit of Victorian consumers.

It is perhaps worth making the point that the volume and the complexity of regulation are not necessarily a positive indicator of the benefit that it is delivering to the public. It may well be argued that the contrary is the case and that the more voluminous and complex the regulation, the less the benefit to the public. There is a very compelling argument to the effect that excessive continuation of what was intended to be transitional regulation is inhibiting even further development of a competitive market and the entry of additional parties into the energy supply market in Victoria, meaning that the lapsing of the safety net provisions upon establishment of effective competition would in fact lead to more parties entering the industry and would make the energy sector in Victoria even more competitive and make it deliver even greater benefits to Victorian consumers.

In conjunction with this change to extend the sunset provision for a further year, there is an additional provision to shorten the time requirement for retailers publishing their proposed safety net tariffs from at least 60 days prior to their taking effect to at least 30 days. There seems to be a sensible, practical reason for doing that — namely, that it will enable retailers to find out in November each year what the relevant distribution charges are going to be. Therefore the retailers will be able to make their retail pricing proposals based not on assumptions or estimates or modelling of what the distribution charges will be but on having had the benefit of knowing what those tariffs actually are. That will lead to greater certainty in pricing. Uncertainty is a big enemy to competitive pricing, so the shortening of the period from 60 days to 30 days should enable retailers to set their retail tariffs with greater confidence.

The other aspect of the bill that is worthy of some comment concerns the provisions that are consequent on the recent review of the Victorian Energy Networks Corporation, which is commonly known as VENCorp. That review was carried out by the Allen Consulting Group and gave rise to a number of a recommendations to which the government has already made public a response.

The recommendations related to repealing the designation of VENCorp as a service provider for the purposes of the national gas pipeline access regime, vesting with the Australian Energy Regulator (AER) oversight of the fees levied on users by VENCorp, repealing requirements that the market and system operation rules (MSORs) be authorised under the Trade Practices Act, repealing VENCorp's electricity demand management function, transferring responsibility for amending the MSORs from VENCorp to the AEMC following the commencement of the national gas law, and transferring enforcement of the MSORs to the AER.

A number of those matters that were foreshadowed by the government are included in the bill, in particular, removing from the access regime pipelines that are operated by VENCorp and vesting, first of all in the ACCC (Australian Competition and Consumer Commission) and, if the commonwealth makes an appropriate regulation, then in the AER, the oversight of the fees that will be imposed by VENCorp.

The opposition was informed at the very helpful briefing with which we were provided by officers of the department that the removal of VENCorp from the

coverage of the gas pipeline access regime is something that all jurisdictions have agreed is a sensible measure. The independent oversight of fees charged by VENCorp for use of the pipelines that they operate will provide protection for industry participants. That regulation will be carried out at first instance by the ACCC and then, if the commonwealth makes the appropriate regulation, will be taken over by the AER.

The other aspect of the matters dealt with by the Allen Consulting Group and covered in the government response that is included in the bill is the repealing of VENCorp's electricity demand management function. This raises a number of significant issues in the way in which the electricity industry operates. I referred earlier to potential for further improvements in the way the industry and the market operate. The issue of demand management is one of them. It has been an issue on which the current government has been dragging the chain over a number of years and, in the case of the provisions that are being repealed by this bill, an instance where the government is now reversing changes that it put in place back in 2001.

It was back in 2001 under the Electricity Industry Acts (Further Amendment) Bill that the current government, when Candy Broad in the other place was the Minister for Energy and Resources, inserted into the Electricity Industry Act 2000 a section 79A which conferred powers on VENCorp to manage electricity demand. It provided that in addition to any other powers under the relevant part of the act, VENCorp may, with the approval of the minister, facilitate the development of arrangements relating to the management of electricity demand and enter into agreements and arrangements relating to the development and implementation of proposals for the management of electricity demand.

The minister claimed in her second-reading speech then that the provisions contained in the 2001 bill would enable VENCorp to play a more active role in facilitating demand management. She referred to the fact that the Electricity Industry Act 2000 already provided for VENCorp to play a role in load shedding in response to electricity supply shortages and the fact that VENCorp worked with the national electricity marketing management company, otherwise known as NEMMCO. The minister claimed that when there was a threat or likely threat to supply in Victoria, the amendments made in the bill would complement those provisions providing that VENCorp may facilitate arrangements relating to electricity demand management and enter into agreements and arrangements relating to energy demand management. The minister said that:

> Pursuant to these provisions, VENCorp might undertake assessments of and encourage market participants to enter into contracts to provide demand side responses. It would play a facilitation, or 'market maker' role in order to reduce the transaction costs that would otherwise be incurred …

But she said that:

> Pursuant to these amendments, it is not envisaged that VENCorp would itself participate in the market for demand-side responses by contracting with retailers or customers.

Despite all the worthy aspirations of the minister at the time, the Allen Consulting Group review has found that this function of VENCorp has, in its words, been largely inactive. The Allen group also suggested that the function:

> … also appears somewhat contradictory to VENCorp's other electricity functions, particularly those with respect to transmission planning where it is obliged to objectively consider all options for maintaining systems security.

The Allen group then went on to say that:

> Other initiatives in the electricity market, most notably the proposed advanced interval meter rollout, will directly target the problem, improve price signals, and therefore the ability of electricity consumers to identify and act upon opportunities for responding to high pool prices in a manner that is consistent with their individual demand profile.

The Allen review here puts its finger on the nub of a very serious issue, which is that the lack of an advanced interval meter rollout and perhaps the absence of other market structure reforms have badly inhibited demand side response in the electricity industry.

By way of background, 'demand-side response' refers to coping, in particular, with peaks in demand for electricity by encouraging changes in demand patterns, so that rather than necessarily building an ever-increasing amount of supply capacity to meet peak demand levels, if you can reduce the level of the peak you can reduce the total amount of capacity needed in the electricity industry overall, and that can provide win-win outcomes for all concerned. So the objective is admirable.

The pity and the regret is that under the current government this objective has not been achieved. There has been year after year of delay in deciding what is going to happen with an interval meter rollout. An interval meter is a meter that measures demand for electricity at specified intervals throughout the day, and the consequence of having an interval meter attached to a particular customer supply is that a retailer can offer that customer electricity supply terms under which the price can vary depending on the time of day at which the supply is drawn or indeed depending on the level of

electricity price prevailing in the wholesale market at that time. In other words, and as referred to in the Allen Consulting Group report, if you have interval meters it is a lot easier to send signals through to consumers about the price of the electricity that they are drawing at that time, and therefore consumers can respond more effectively.

The other thing that may well be needed with an interval meter rollout is the capacity for remote triggering of the use of particular electrical installations within a customer's establishment so they can be turned off under predefined circumstances. It may take some time for this to be fully available to domestic customers, although once you open up an opportunity human ingenuity can often respond far more quickly than regulators anticipate. There is a great deal of potential for better demand response for small to medium-sized businesses. Even at the moment there are niche service providers within the electricity sector that will manage the electricity usage of particular customers and can reduce their electricity consumption at times when prices are peaking.

This in effect is arbitraging the market by selling back into the market a supply of electricity which the customer has the right to take at a fixed price. They can sell it back into the market at the prevailing very high spot price and make a profit which is shared between the niche demand response provider and the customer. This provides win-win outcomes, not only for them but for the system overall, because the total level of demand on the system is reduced as the customer has reduced their draw at a time of peak demand. There is a lot of potential for demand response, but it is clear that the government has not acted to give effect to the objectives it identified in 2001 and VENCorp has not acted in accordance with the mandate that it has been given.

The Allen Consulting Group canvassed a range of views from respondents. Some of them believed there was no need for any form of centralised demand management response promotion or that perhaps the promotion should be limited to the provision of information. The Energy Users Association of Australia thought there should be some form of facilitation regarding demand management. It said:

> … it is probably fair to say that VENCorp has not undertaken much activity in this area in the past and arguably should have a statutory function more related to its other roles rather than a broad facilitation role as at present.

In other words, it is one thing to take this function away from VENCorp — that is fine and we accept that — but the government needs to have an explanation as to how it intends to promote better demand response and demand management within the electricity market as a whole. As we are now increasingly moving towards a national scheme, there will be some aspects about that which are probably better handled through a collective agreement between all the jurisdictions. There are other aspects that Victoria may be able to initiate on its own. But either way the state government needs to push this issue, because at the moment the market is not operating as effectively as it could be to deal with demand response issues.

It may well be that the sort of reform that is needed is to allow for a greater scope of specialist demand response operators who can do the sort of arbitrage role that I described earlier. That role may dissipate over time as the market more broadly picks up on demand response opportunities and when, in particular, interval meters are able to be deployed, especially to those customers who want interval meters and want the opportunity to manage their demand to take advantage of the variation in electricity pricing throughout the day.

There is another aspect of what can broadly be described as 'demand management' that also needs to be commented on — it is demand management in an emergency situation. The circumstance in which the current demand management regimes were found to be wanting was the cutting off of an interstate transmission line by bushfire some months ago. The state government ducked for cover on this issue and said it had nothing to do with it. But the Allen Consulting Group report makes clear that VENCorp and the state government, through VENCorp, have two important roles in regard to emergency coordination. Those are described on page 50 of the report by the Allen Consulting Group. The first is a liaison role between NEMMCO (National Electricity Market Management Company), the suppliers and the industry. The Allen Consulting Group said:

> … VENCorp communicates with the Victorian industry and community, calls for voluntary reductions in load or issues directions in line with load shedding arrangements.
>
> Secondly, the EIA provides for VENCorp to enter into arrangements with distributors and retailers for load shedding when there is a threat or likely threat to the balance of electricity supply and demand. VENCorp is then able to issue directions to industry participants in line with those arrangements.

The Allen Consulting Group recommended that this function of VENCorp's emergency coordination needed to be continued. It was a recommendation that the government accepted. So the government cannot stand back and say, 'Hey, these crises are nothing to do with us'. The Allen Consulting Group and the

government, in response to the group, have clearly identified crucial roles for VENCorp in this process. The experience of the transmission line outage some months ago revealed, amongst many other things, that in addition to the need for VENCorp to be far more on its toes in dealing with an emergency situation as it evolves during the course of a day, we ought to have the capacity to make agreements for near instantaneous load shedding in these sorts of emergency situations.

The Energy Users Association of Australia has made the point that there were a number of large users of electricity that were in a position to shed load but were never asked to do so during the course of that crisis. There would seem be the potential for agreed load sharing to be lined up well in advance so that if there is another incident — which hopefully there will not be — involving cuts in transmission or a generating unit going offline, hospitals, traffic lights and family homes would not be switched off without notice. Instead we would have an agreed process whereby those commercial customers that have the capacity to do so could shed load, and commercial arrangements could be made to compensate them for taking on that emergency load-shedding risk. In effect it would be in the form of an option that could be purchased from or negotiated with them so they would not be supplied with electricity in defined situations. That would be a far less traumatic, less disruptive and more efficient way of dealing with emergency load shedding from the point of view of the whole community.

While the opposition supports this bill as far as it goes, there are a range of further steps that need to be taken by the government to improve the operation of the Victorian energy sector in the areas that I have identified as having suffered because of the government's failure to handle the issues effectively. Indeed within a few months of coming to office it mishandled the blackouts that occurred over that summer, in contrast to the South Australian government, which was far more on the ball. Ever since that very poor start the government has failed to adapt and respond effectively to these problems and has failed to put further measures in place to improve the operation of the Victorian energy sector. The opposition urges the government to take these points on board and respond to them accordingly.

Mr WALSH (Swan Hill) — I move:

That all the words after 'That' be omitted with the view of inserting in their place the words 'this house refuses to read this bill a second time until the government commits to a further three-year extension of the network tariff rebate that ensures country customers pay no more in distribution costs than their city counterparts'.

The Energy Legislation Further Amendment Bill amends several acts of Parliament: the Electricity Industry Act 2000, the Gas Industry Act 2001, the Gas Pipelines Access (Victoria) Act 1998 and the Gas and Fuel Corporation (Heatane Gas) Act 1993. The two principal pieces of legislation that are being amended are the Electricity Industry Act 2000 and the Gas Industry Act 2001. The principal amendments to the Electricity Industry Act 2000 require a failed power retailer to provide customer information to the retailer of last resort so that in the event of the power retailer going into insolvency or ending its business there will be a retail supplier of last resort to make sure that the customers still get a supply of electricity. The Essential Services Commission has recommended these changes to make sure people are not disadvantaged when someone leaves the market in supplying electricity.

The legislation also extends the customer safety network provision from 31 December 2007 to 31 December 2008 pending the outcome of the Australian Energy Market Commission's review of competition in Victoria's gas and electricity market. The draft report on that is out, pending the final report. The bill also reduces from two months to one month the time by which the retail safety net tariff will take effect after it is published, and it repeals the VENCorp (Victorian Energy Networks Corporation) electricity demand management function. The bill does all of the above in relation to the Gas Industry Act. It also removes a reference in the act to the Port Campbell underground gas storage facility.

I commend the member for Box Hill. I always find his contributions very well thought through and very well researched, and they always cut to the nub of the issue. I commend him for an excellent contribution on what is quite a complex issue, the supply of power into Victoria.

In looking at the history of power supply in Victoria I do not want to show my age too much, but I can remember when the electricity supply actually went through the area where my parents lived in country Victoria. At that time country Victorians took out bonds in the State Electricity Commission of Victoria (SECV) to make sure the power went through the district they lived in. When I was young we had a 32-volt generator that supplied power to the house. Country people in general have always been self-help people. In those days they put their hands in their pockets to make sure they contributed, through SECV bonds, to having the power go through their area. That money was paid back over time as reductions in their electricity bills. When that was done there was a flat charge for the distribution of power right across Victoria.

As was said by the member for Box Hill, all of the power arrangements in Victoria changed under the Kennett government. That government made changes to the ownership and management of power supply here in Victoria by introducing what was then called a special power payment to make sure country people and those who lived a long way away from the generators were not disadvantaged by way of the infrastructure access fees they paid to have the power delivered to them, no matter where they lived in Victoria. It was a subsidy to make sure they were all charged the same network access fee.

When the Bracks government was elected it changed that to what it calls 'the network tariff rebate'. Over the life of the Bracks government and now under the Brumby government the amount of money allocated to the network tariff rebate has been gradually reducing so that those who live further away from a generator, particularly those who live outside the capital city or outside Bendigo, Ballarat and Geelong, will actually end up paying more for access to electricity. I have moved the reasoned amendment because we Nationals want some certainty for country Victorians in relation to access to power and because we do not want them to be disadvantaged compared to those who live in the city. As I said, the network tariff rebate has been gradually reduced over time.

There is a level of cynicism in the country, including the belief that the Brumby government does not care about people if they do not live in Melbourne, Bendigo, Ballarat or Geelong. If the network tariff rebate is not maintained at its current level, people will be disadvantaged, and that will reinforce the view that the Brumby government does not care for you if you do not live in Melbourne, Bendigo, Ballarat or Geelong.

If you go to the amendments to the Gas Industry Act, you see a similar thing. One of the things the Bracks government did well was introduce subsidies through the Regional Infrastructure Development Fund so that we could get natural gas out into country Victoria. The disappointing thing about that was that, having introduced what was an excellent program, the government changed the rules after it was re-elected in 2002 so that not only country councils but also the interface councils around Melbourne could access those funds. You then found that those outer suburban or interface councils took the lion's share of the money.

As part of the natural gas program the Regional Infrastructure Development Fund was not being used as it was intended — to get natural gas out into country Victoria. Instead it was being used to get natural gas out into those interface or outer suburban councils. That was bad enough by itself, but concurrent with all that was the issue of a lot of people in country Victoria relying on firewood for their heating. During the time when natural gas was supposed to be rolled out through this fund we also had that infamous body, the Victorian Environmental Assessment Council, looking at the box-ironbark forests, and as a result legislation was introduced to turn them into natural parks. We had a whole range of small towns across country Victoria that could no longer access firewood from the box-ironbark forests. They could not access firewood, and they could not access gas because the subsidies put in place to get gas out into country Victoria had been used up by the councils around the edge of Melbourne.

And, as they always say, it gets worse. We now have the same infamous Victorian Environmental Assessment Council doing a study of the red gum forests along the Murray River. It would appear that, if the recommendations are adopted by the government — and VEAC recommendations usually are — another area where people access firewood will be closed up. There is no talk of any compensation or any incentives that might assist in getting natural gas out to those towns so people can have heating. We are going to lose access to the firewood in those red gum forests if the draft report is adopted, but there is no talk from the government of introducing a program to assist in getting natural gas out to those councils.

We would like to see our reasoned amendment agreed to so that this bill is withdrawn until the government gives a commitment to a three-year extension of the network tariff rebate to ensure that country customers pay no more in distribution costs than their city counterparts.

Mr Hudson interjected.

Mr WALSH — It is. The interjection from the member for Bentleigh — —

Mr Hudson interjected.

The ACTING SPEAKER (Ms Munt) — Order! Members should debate through the Chair.

Mr WALSH — Through the Chair, if you go to clause 12 of the bill, you find it talks about equity and about the terms and conditions of supply being made public in the *Government Gazette*, which goes to the issue of the network tariff rebate. What we are trying to do, for the member for Bentleigh's — —

Dr Sykes interjected.

Mr WALSH — 'Education' — as the member for Benalla says. What we are trying to do is to make sure, through the opportunity that exists while this bill is being debated in the house, that we get the issues that affect country Victorians on the table. I know the member for Bentleigh does not really care about country Victoria, except for the fact that it might be somewhere where roofs can be used to catch water to pipe to the city to water the lawns of Melbourne, to country Victoria's disadvantage. He might think he has wound me up, but this just gives me another opportunity to prove to those in country Victoria who access *Hansard* to read the contributions made in this house that the member for Bentleigh just does not care about country Victoria.

As I said, this is an opportunity for the government to come clean, accept The Nationals reasoned amendment and give a commitment that it will keep the network tariff rebate in place into the future so that country electricity customers do not pay more for their infrastructure access than their city counterparts.

Mr HARDMAN (Seymour) — It is a pleasure to speak on the Energy Legislation Further Amendment Bill 2007, which will amend the Electricity Industry Act 2000 and the Gas Industry Act 2001. The bill provides for supplier-of-last-resort arrangements and extends the operation of the customer safety net provisions. The bill makes other amendments to the Electricity Industry Act 2000 to repeal the electricity demand management function of the Victorian Energy Networks Corporation (VENCorp).

The bill amends the Gas Industry Act 2001 to provide for the approval of VENCorp's charges for the services it provides to participants in the market regulated by the market and system operation rules, and it repeals provisions and references relating to the Port Campbell underground storage facility. The bill also amends the Gas Pipelines Access (Victoria) Act 1998 to clarify that VENCorp is not a service provider under the national gas pipelines access regime as the operator of the Victorian gas transmission system.

The Brumby government is committed to having an efficient and secure energy system in Victoria, and it is committed to the reliable and safe delivery of energy services. It is also committed to giving Victorians access to energy at affordable prices. The retailer-of-last-resort scheme is designed to ensure a continued supply of energy to the customers of a retailer that has had its licence revoked or its right to trade in the wholesale market suspended. The retailer of last resort is obliged under the legislation to comply with the confidentiality obligations for handling customer information. That is an important part of this bill, because it is also important to all Victorians that their personal details are kept private and confidential. Currently the retailer-of-last-resort scheme does not provide for customer information to be supplied to a retailer of last resort, so this bill addresses that particular issue.

The new provisions in the bill will facilitate a smooth transition of customers from a defaulting licensee to a retailer of last resort. In the bill 'relevant customer information' is defined as including the customer's name, contact details, billing address, supply address, metering identification information, network tariff code, average monthly energy consumption, concession eligibility and continuous supply arrangements. The energy consumer safety net provisions are designed in part to facilitate the regulation of tariffs for the sale of electricity and gas to prescribed customers, particularly domestic and small business customers.

Obviously the minister will look at the reasoned amendment moved by The Nationals, but I have to say that the network tariff rebate that ensures customers in country Victoria get energy at a fair price was implemented by the Labor government in response to the lack in the legislation that was brought forward by the Liberal and National parties when they were in government and privatised the electricity system. It was implemented because we recognise that no matter where you live in country Victoria you deserve to get electricity at a fair price.

It is important that this bill, which protects consumers, not be held to ransom by the political grandstanding of The Nationals. It is typical of The Nationals to take any opportunity they can to grandstand. Why did The Nationals not do these things when they were in power? Why did they not keep the train lines open and improve services? Now that The Nationals are in opposition they sit over there, twiddling their thumbs, trying to think of something to do. They come up with a few pieces of information that actually support what the government has been doing. Why did they not represent country Victoria — whether it was about natural resources or about energy — when they were in government, rather than caring about their drivers and their white cars? The fact of the matter is that the federal Nationals want to send 200 gigalitres of our water to Adelaide. They do not care about the irrigators; they just want to grandstand and play the politics wherever they can.

I support the network tariff rebate. I had to fight very hard for that, because it has been reviewed in the past. I made sure that my constituents and other constituents in country Victoria got the network tariff rebate when it

was needed. The government obviously has to make a decision by March 2008 about whether the network tariff rebate is still required. If the market has picked that up, and country Victorians will not be paying more for their energy because the market has not failed, then Victorian taxpayers money has to be spent in a way that is fair to all Victorians. We should not be propping up private companies if there is no market failure. VENCorp administers that scheme. The government decides this through a budgetary process. I ask The Nationals to be reasonable and reconsider their reasoned amendment. I ask them to be like the opposition and support this bill on its merits alone.

The amendments to the Electricity Act 2000 and the Gas Industry Act 2001 to extend the operation of existing gas and electricity safety net provisions until the end of 2008 are important. It is again about the Brumby government realising that we still need to ensure that we are providing protection for Victorian consumers. In 2006 the government's election commitment was to protect domestic and small business customers by protecting small and vulnerable gas and electricity consumers with the strongest consumer protection framework in Australia and maintaining existing energy concessions for consumers on low incomes, easing the burden on family budgets. We did this because Labor actually cares about people and understands the pressures on family budgets.

The bill implements some of the government's responses to the review of VENCorp's functions in particular. It removes the requirement on VENCorp to submit an access arrangement on the national gas pipelines access regime and creates a stand-alone function for the Australian Energy Regulator to approve the fees payable to VENCorp by principal transmission users. The Brumby government is committed to ensuring that Victorians have access to energy at affordable prices. We are committed to an efficient and secure energy system as well as the reliable and safe delivery of energy services. The bill helps the government to implement its commitment. I note the opposition's support for the bill and wish the bill a speedy passage.

Mr WELLER (Rodney) — I rise to speak on the Energy Legislation Further Amendment Bill 2007. The bill amends the Electricity Industry Act to require a failed retailer to provide customer information to the retailer of last resort. It extends the customer safety net provisions from 31 December 2007 to 31 December 2008, pending the outcome of the Australian Energy Market Commission's review of competition in the Victorian gas and electricity markets. The bill reduces the time that retail safety net tariffs take effect after they are published from two months to one month, and it repeals the electricity demand management function of VENCorp (Victorian Energy Networks Corporation). It makes similar amendments to the Gas Industry Act, except for a few different things.

The bill makes technical amendments regarding the ability of VENCorp to provide market services and set market service fees, and removes the reference to the Port Campbell underground gas storage facility. The bill also clarifies that ownership of the Dandenong to Hastings Heatane gas pipeline was transferred to Elgas Reticulation Pty Ltd in 1994. All those are sensible provisions. What the bill does not do is recognise the problems in country Victoria regarding the supply of gas. Many promises have been made to small towns throughout country Victoria, but they have never been kept. In my electorate many country towns like Nathalia, Heathcote, Elmore, Cohuna, Gunbower and Leitchville have been promised gas, but it has never been delivered.

We also have the Victorian Environmental Assessment Council (VEAC) reports. The box-ironbark report limited the amount of firewood available to the people of Heathcote. They have no gas. How do they keep warm? They have to pay for expensive bottled gas. If natural gas were connected by a pipeline, it would be saving for the people of Heathcote, and it would be an energy saving as well. A current VEAC inquiry is looking into taking away the right of people to collect firewood from the Barmah and Gunbower forests. This will directly affect heating options for the people in the towns of Nathalia, Picola, Cohuna, Gunbower and Leitchville. People in all the areas that have traditionally used red gum for heating will have to go to expensive bottled gas rather than reticulated natural gas, something which they should be entitled to like other Victorians.

The member for Swan Hill has moved a very reasoned amendment — —

Mr Robinson — A very reasonable reasoned amendment!

Mr WELLER — It is a very reasonable reasoned amendment, asking that the bill not be read a second time until the government commits to a further three-year extension of the network tariff rebate and ensures country customers pay no more in distribution costs than their city counterparts.

What we must remember is that on 25 November last year the then Premier, Steve Bracks, said his government was going to govern for all Victorians. I

suggest that if we govern for all Victorians, we make sure that country people have to pay no more for electricity than the people of Melbourne. What we should also remember, particularly in my area, is that we are in the worst drought and are experiencing the lowest water allocations in living memory — in fact, in all recorded history. To push another $33 million of cost onto those communities that are struggling with drought is unthinkable. The federal government last week announced $20 000 cash grants for irrigators, but now the state government is saying, 'That is fine, but we are going to whack your power bill up'.

We are saying that we all have to get smarter with water in the future. I read a document this week which is supported by the government; it says we have to double our output but use half the water. A lot of those initiatives use pumps, and you either use power or gas to drive the motors. That means, the government says, 'You have to pump your water but we are going to increase the power costs as well'. I think it is very unreasonable to force that onto the farming community in a time of drought. It would be the fair and reasonable thing in these times to continue the program for another three years.

Mr Hudson interjected.

Mr WELLER — I am just making sure you do. Through you, Acting Speaker, I would just like to make sure that the members of the house understand how tough things are in the regional areas of Victoria in this lingering drought. It would be a very inappropriate time next March to push the prices up by another $33 million a year onto the rural and regional people of Victoria.

Mr HUDSON (Bentleigh) — It is a great pleasure to speak in support of the Energy Legislation Further Amendment Bill 2007, because this legislation in effect provides the framework in which the energy retail code operates in Victoria. I have to say that the energy retail code is one of the great initiatives of this Labor government because what it does is mandate for households the minimum period, usually 30 days, in which they have to pay their bills before the ultimate penalty of withdrawing service is applied to them through a disconnection.

It is a framework which makes sure that there have to be alternative payment methods in place for people who are having difficulty paying their bills, whether it is by ensuring that there is an arrears payment scheme available to them on a regular basis or whether it is by allowing consumers to enter into fortnightly payment plans, for example, from their pension cheques. It also ensures that retailers have to go through certain steps before they can disconnect.

For example, prior to disconnection the retailers have to inform customers that they have the option of going to the Ombudsman who has the capacity to facilitate, to negotiate and to arbitrate a settlement on the difficulties that are being experienced by that customer with the payment of their bills. It was quite interesting to hear the member for Box Hill say to the house, 'We want to get rid of this retail code'.

Mr Clark interjected.

Mr HUDSON — You did. You said — —

Mr Clark — Rubbish!

Mr HUDSON — The AEMC (Australian Energy Market Commission) report says that there is sufficient market competition, and therefore we can get rid of all of the protections, including the energy retail code.

That energy retail code provides a platform for notifying consumers of their entitlement, not only to state concessions, but also to energy hardship programs. It also specifies that every retailer must provide certain information on a bill. It must provide information about the consumption patterns of that consumer; it must provide information about how the bill was constructed; it must provide information about the amount of time they have to pay the bill; and it must provide information about their past consumption patterns.

The energy retail code ensures that retailers cannot use the threat of disconnection to stampede people into paying their bills at the expense of other essential items, like food, rent, telephone, or feeding their kids, and that is incredibly important. The energy bill is only one of the things that confronts low-income people, along with all their other bills. The threat of disconnection cannot be used to force them to alter their priorities.

It is salutary to note that the energy retail code that we have introduced has been endorsed by the independent committee of inquiry into financial hardship chaired by John Nieuwenhuysen — I happen to be chair of the reference panel for that committee — but also by the utility debt spiral project facilitated by the Committee of Melbourne in the same year, 2005. These are protections that we want to see continue. It is quite interesting to listen to members of The Nationals saying that they want to see this legislation defeated, which would result in the sunsetting of that retail code at the end of this year, unless we agree to extend the energy network rebate. The energy network rebate does not run out until March 2008. The energy network rebate is a

budgetary measure introduced by this government to assist country people and it is something that the government will consider at the time that it expires.

I will be very interested to see whether The Nationals will vote to remove these protections for country consumers on the back of the amendment that has been moved by the member for Swan Hill. I point out that the AEMC in its report found two things. It found that Victoria has one of the most competitive energy markets in the world. It also found that in country areas there is inadequate market competition. I say to the member for Swan Hill and to other members of The Nationals that if the energy retail code goes at the end of the year, people in the country will be the ones who will be the most affected by that removal. They will be the ones who will suffer, so members should think about that very carefully before deciding whether to vote for or against this bill.

The other thing that needs to be said about the energy retail code is that it is not just about disconnection; it is also about connection. The code ensures that everyone can get connected. Retailers are required to connect even those customers who have had a poor payment record. Retailers cannot refuse to allow them to be connected. They might say, 'Okay, we are going to have to put you on an Easyway plan and you are going to have to pay as you go', but they cannot refuse to connect them to an essential service like gas or electricity.

In addition retailers have to provide to those customers information about energy conservation programs — programs, I might add, that this Labor government negotiated for and supported financially with the energy retailers.

Mr Clark — On a point of order, Acting Speaker, I have been happy for the member to have some latitude in the remarks that he has been making, but the energy retail code is not part of this bill, nor part of the reasoned amendment. The member has been devoting almost all of his remarks to that code and therefore he has been off the topic of the bill. I ask you to bring him back to the bill.

Mr HUDSON — On the point of order, Acting Speaker, an amendment to section 36 of the Electricity Industry Act relates to the extension of the consumer safety net provisions and provides for the detailing of a code, and that is precisely what I am talking about. If these safety net provisions were not extended, the retail code would not be in existence.

The ACTING SPEAKER (Ms Munt) — Order! Is the member speaking on the point of order?

Mr HUDSON — Yes, on the point of order.

The ACTING SPEAKER (Ms Munt) — Order! Can I ask the member for Bentleigh, in the 2 minutes he has remaining, to relate his remarks closely to the bill?

Mr HUDSON — I am very happy to relate my comments closely to the bill and point out that the member for Box Hill does not know what he is talking about. The backbone of the relationship between the retailer and the customer is the energy retail code. Whilst the Australian Energy Market Commission has suggested that there is adequate market competition to progressively remove these and other protections, I would suggest that it, along with the member for Box Hill, has little or no understanding of the critical role they play in delivering certainty and security to Victorian households.

What they do is ensure that every customer who enters into an energy contract knows they have those protections, that they will not be dudded by the fine print and that they will not be taken advantage of by unscrupulous retailers because there is a basic protection, and that is incredibly important. It is that certainty in the market that has allowed people to change retailers with confidence. It is important to recognise that in Victoria we have very effective market competition. The reason we have it is not that there is no regulation but that Victoria has a very effective regulatory scheme, introduced by this government and supported by the energy retail code.

In conclusion I want to make this point: if we do away with these protections, we will cost-shift the energy supplies of low-income households. They will be going to St Vincent de Paul and the Salvation Army seeking emergency relief grants for their energy bills. Here in Victoria we have one of the lowest disconnection rates in the world for low-income households at the same time as we have one of the most effective and competitive markets. That is not an accident; that is a product of the reforms this government has introduced. I commend the bill to the house.

Mr CRISP (Mildura) — I rise to speak on the Energy Legislation Further Amendment Bill 2007. The purpose of the bill has been well outlined by my colleagues, so in the interests of saving time I will focus on the demand management function of the legislation and the moving of that function from VENCorp (Victorian Energy Networks Corporation).

Peak demand comes in Victoria from hydro, gas, wind, solar and other sources. Energy demand is growing in this state at around 2 per cent, both base and peak — although peak demand is growing faster than average demand, leading to investment in fast-response gas turbines where a high fuel cost is not an impediment in meeting the system's peaks. But under the current retail arrangements, electricity prices for most consumers are averaged. Within our system we are looking at quite a difficulty with meeting future peak demands for energy. Also the Australian energy grid is expected to cope with demand increases until around 2010, when all our spare capacity will have been utilised. It appears that nobody wants to think about future demand management, and duck-shoving responsibility for this function out of one of the responsible bodies, being VENCorp, to goodness knows where is very concerning.

Because we are facing an energy crisis into the future, the expansion of the gas network, particularly in country Victoria, will become ever more important. We will have to change our demand from electricity to gas. Without something like VENCorp or some other body that can foresee and manage the demand in this area, someone will have to step up to the plate. What if we do not meet the peak power demands? Country customers who are at the end of long lines and have very few customers are the first to be switched off. Finally you end up with people standing on train and tram platforms. Peak power and having somebody responsible for it are extremely important.

There is a project planned for northern Victoria which will address some of that peak power demand — that is, a solar power station. It is something that needs some support. Particularly without anyone monitoring where our peak demand will go, this is of concern. The station is costed at $420 million, and with your indulgence, Acting Speaker, I will just run through some of the figures on its capacity. The time frame is over the period to full commissioning in 2013; it will have 154 megawatts, and it will use photovoltaic technology. By the way, it will save us 400 000 tonnes of greenhouse gases a year and will provide power for around about 45 000 average homes.

The staging of this plant is what I want to discuss. The pilot plant is not meant to start until 2010 and be completed until 2013. The technology is proven. The Victorian government is a substantial contributor to the project investment. Of that $420 million, $75 million has come from the Australian government and $50 million from the Victorian government. If the technology is proven, I call on the Victorian government to consult with the partners and accelerate the project beyond the current Bendigo pilot plant. We cannot wait until 2013 for this peak power project.

Northern Victoria could be declining as a horticultural resource, but it can be rising as an energy resource.

Mr BATCHELOR (Minister for Energy and Resources) — I thought there was going to be another speaker, but — —

Mr Delahunty — He's run out of energy!

Mr BATCHELOR — It is not me who has run out of energy, but nevertheless, these are sneaky tricks, I suppose, by The Nationals to prevent the member for Gippsland East from speaking, but he will be able to speak on other bills.

Mr Ingram — You're fine, you go on. You're doing a good job. Just mention Pat and his flyblown sheep and you'll be right on.

Mr BATCHELOR — I would like to thank the members who have contributed to this debate today, in particular the members for Box Hill, Swan Hill, Seymour, Rodney, Bentleigh and Mildura.

I have previously described this Energy Legislation Further Amendment Bill as an omnibus bill. It deals with a number of separate and different issues, including the issues to improve the operation of the retailer of last resort, where the bill seeks to transfer customer information from the failed energy retailer and to improve arrangements for the security of supply where there has been disorderly trading following the exit of an energy retailer.

We have seen in other jurisdictions the failure of an energy retailer of recent times, and it has been speculated that was largely as a result of hedging difficulties and where they have been impacted by the increases in the wholesale price of electricity due to the impact of the drought. But we have looked at our current legislative arrangements for retailer of last resort and have seen that this amendment that we are putting forward would be a suitable way of trying to improve those provisions. We will continue to look at the rules, regulations and laws covering retailer of last resort, because in those unhappy circumstances where a retailer leaves the market we want to make sure on the one hand that the customers continue to receive their electricity, and on the other hand that the new, nominated retailer will have some certainty about being paid for the electricity they have then supplied.

In this bill before the house we are also providing for the extension of the consumer safety net provisions for

another 12 months to enable the Australian Energy Market Commission to complete its report and to enable all the stakeholders to consider it. As the member for Box Hill identified, the AEMC has released a draft report which indicates that the energy market here in Victoria at the retail end is a very competitive one, and that is the case. Individual energy consumers are voting with their feet; if they are unhappy with the retailer they have been using, they have little or no hesitation in changing to another one. That is how we would hope a competitive market would be working from a consumer's point of view, and all the evidence suggests that that is the case here in Victoria.

In the context of what are the implications of that and how we go forward, there has been a bit of a mismatch in timing between what the government would like to do and when the report from the AEMC will be finalised both in terms of the level of market competition and what any of those transitional arrangements might be. What we are proposing is a continuation of the current arrangements as an interim measure for 12 months to enable the AEMC to conclude its report and to allow all the stakeholders who have an interest in the way forward to consider how that might be put in place.

There are a number of other minor elements to this bill, but these are the two most important areas for policy matters within the energy industry here in Victoria. The Nationals here today have introduced an element in the debate that is actually not contained in the Energy Legislation Further Amendment Bill now before the house.

The Nationals have intruded into this debate via their reasoned amendment discussion of the network tariff rebate. This is a rebate that the government has had in place for a number of years, but the technical reality is that this legislation does not deal with that. It is outside the scope of it and outside the scope of what is being considered by the house. It is not any part of the legislation that is being considered here, and it is not appropriate that this reasoned amendment be put forward at this time. It is not appropriate that we enter into the debate about the network tariff rebate at this stage, and accordingly we are not in a position to accept that reasoned amendment because of the misguided approach by The Nationals to have this debate about network tariff rebates in a piece of legislation which is not covering network tariff rebates.

I do not know why The Nationals would seek to do that. We offered The Nationals a briefing, and I presume they took up the opportunity to be briefed on the bill. The briefing would have fully explained the implications of the legislation before the house. Nowhere does it deal with network tariff rebates, so we can only assume that The Nationals have misunderstood the intent of this legislation, which is to improve the protections for customers and the protections for energy suppliers in the circumstances where a retailer leaves the market or goes out of business. The other major element is to provide some interim breathing space for the whole of the stakeholders of the energy industry to consider the competitive examination that is being undertaken by AEMC.

I am at a loss to understand why The Nationals would seek to do that when the bill does not deal with any of this.

Mr Weller — You said it was an omnibus bill.

Mr BATCHELOR — The member for Rodney interjects and says it is an omnibus bill, and it is. It covers many things, but one of the things it does not cover is the network tariff rebate. The Nationals are a bit befuddled and confused as to what the issues are. They understand that this government is a great supporter of country Victoria. We have provided great benefits right across the length and breadth of country Victoria. In fact people in country Victoria know that it is the Labor Party that is the political party of country Victoria.

The Labor Party has more seats and more members in the country than the whole of The Nationals put together. In fact people in country Victoria have rejected The Nationals because they are out of touch and are the lapdogs of the Liberals — and we see that time and again. We are not in a position to accept the reasoned amendment, and we expect that this bill will get support not only in this chamber but also in the other chamber.

House divided on omission (members in favour vote no):

Ayes, 68

Allan, Ms	Langdon, Mr
Andrews, Mr	Languiller, Mr
Asher, Ms	Lim, Mr
Baillieu, Mr	Lobato, Ms
Barker, Ms	Lupton, Mr
Batchelor, Mr	McIntosh, Mr
Beattie, Ms	Maddigan, Mrs
Blackwood, Mr	Marshall, Ms
Brooks, Mr	Merlino, Mr
Brumby, Mr	Morand, Ms
Burgess, Mr	Morris, Mr
Cameron, Mr	Mulder, Mr

Campbell, Ms	Munt, Ms
Carli, Mr	Napthine, Dr
Clark, Mr	Nardella, Mr
D'Ambrosio, Ms	Neville, Ms
Dixon, Mr	Noonan, Mr
Donnellan, Mr	O'Brien, Mr
Duncan, Ms	Pallas, Mr
Eren, Mr	Pandazopoulos, Mr
Foley, Mr	Perera, Mr
Fyffe, Mrs	Richardson, Ms
Graley, Ms	Scott, Mr
Green, Ms	Seitz, Mr
Haermeyer, Mr	Shardey, Mrs
Hardman, Mr	Smith, Mr K.
Harkness, Dr	Smith, Mr R.
Helper, Mr	Stensholt, Mr
Herbert, Mr	Thompson, Mr
Hodgett, Mr	Tilley, Mr
Hudson, Mr	Victoria, Mrs
Hulls, Mr	Wakeling, Mr
Kosky, Ms	Wells, Mr
Kotsiras, Mr	Wynne, Mr

Noes, 10

Crisp, Mr	Powell, Mrs
Delahunty, Mr	Ryan, Mr
Ingram, Mr	Sykes, Dr
Jasper, Mr	Walsh, Mr
Northe, Mr	Weller, Mr

Amendment defeated.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

BUILDING AMENDMENT BILL

Second reading

Debate resumed from 19 September; motion of Mr BATCHELOR (Minister for Community Development).

Mr CLARK (Box Hill) — The Building Amendment Bill 2007 is a relatively limited bill that makes several changes to the Building Act. In particular it clarifies the purposes and objectives of the act; it clarifies the functions and powers of the Building Commission and the Plumbing Industry Commission; it makes some other minor changes to the act, many of which are in line with recommendations by the Victorian Competition and Efficiency Commission (VCEC); and it facilitates a restructuring of roles as between the Building Commission and the Department of Planning and Community Development in relation to policy advice to government.

Most of the bill, as I have alluded to, arises out of a report by the Victorian Competition and Efficiency Commission on housing industry regulation dated October 2005. The report made a range of recommendations which were intended to be directed at reducing red tape and regulatory burden in order to lower the cost of housing and improve the efficiency and effectiveness with which the legislation operates.

The Victorian Competition and Efficiency Commission is a body which could well be described as a poor man's Productivity Commission. It was established by our current Premier when he was Treasurer; however, he did not do the job properly in terms of introducing an act of Parliament to establish the body and to provide statutorily specified responsibilities in relation to its functions and the tabling of reports in Parliament. Instead, he purported to establish the VCEC via a statutory instrument, and indeed I think there is some doubt as to the capacity of the relevant legislation — which from memory was the State Owned Enterprises Act — to support the establishment of the VCEC.

In particular the then Treasurer did not guarantee any particular obligations in terms of making public the reports of the VCEC. The relevant instrument simply contained words to the effect that the Treasurer should make the reports public within six months, without requiring that to occur, which is in stark contrast to the position with the Productivity Commission, where there are specified time lines — and much shorter time lines — for the tabling of reports. Another crucial difference is that the VCEC's staffing is largely derived from within the Department of Treasury and Finance. It does not have an independent staff and an independent status in the way that the Productivity Commission does. Nonetheless the VCEC has attracted a number of able persons onto its staff and into the roles of commissioners, and it has produced a number of reports which have made some effort to tackle issues of regulation and to come up with other ways of improving the effectiveness of the Victorian economy.

I would have to say that the report on housing regulation is probably not the strongest of the reports that the Victorian Competition and Efficiency Commission has brought down, although it contains a number of useful recommendations. A large number of recommendations relate to the government's looking into, monitoring and considering various things rather than going directly towards cutting the regulatory burden on homeowners and reducing the cost of housing while still ensuring adequate protection of the

public, which is the ultimate objective of a review such as the one conducted by the VCEC.

Indeed the point should be made more broadly that while the former Treasurer, now the Premier, has said a great deal about reducing the regulatory burden in Victoria, he has been singularly unwilling to actually commit to any effective way of measuring or accounting to the public for any reductions in regulatory burden that may be achieved. There have been claims made about the offsetting of any new regulatory burdens by the removal of existing burdens and about overall target reductions in the regulatory burden, but there is no accountability for these claimed reductions.

The report that the current Treasurer put out a few weeks ago was extremely limited in the number of pieces of legislation that it addressed. Indeed I think a large number of additional regulatory burdens that have been imposed on Victorians by legislation brought before this Parliament were not even addressed in the Treasurer's recent report. The whole regime of reducing the regulatory burden in Victoria is flawed, and the attempts to reduce the regulatory burden on the housing sector have similarly not got off to a great start with either the Victorian Competition and Efficiency Commission review or the legislation that has now come before the house.

The bill primarily consists of a rearrangement of various matters that are denoted as being objectives, functions or purposes. While that may be an aid to clarity and it may therefore have some benefits, it does not in fact achieve a great deal. There is a well-known saying in administrative quarters, 'When in doubt, reorganise'. This bill smacks of that, in that the government is not able to get on with really significant reductions in the regulatory burden on the housing and construction sector. Instead it goes for the easy option of rearranging the wording of the legislation and coming to the house with clauses that restate the purposes and objectives of the Building Act and the functions and powers of the Building Commission and the Plumbing Industry Commission.

There is one aspect of this bill, though, that does deserve some particular comment — that is, the transfer to the department of the policy role that has to date been carried out by the Building Commission. That is something that was recommended by the VCEC review. It may well be a reasonable proposal that the Building Commission concentrate on being the industry regulator and that policy advice come directly to the minister. That of course would make the minister and, through the minister, the department more directly accountable.

That is fine as far as it goes, but you have to ask what this will mean in terms of staffing levels and overall levels of bureaucracy. The opposition understands from the briefing the department gave it that it is intended to create what might be characterised as a small policy unit within the department, perhaps with around seven staff members. But it was far harder for the opposition to obtain a clear indication as to what, if any, offsetting reduction in staff is intended in the Building Commission. We very much fear that as a result of this legislation a new unit will be created within the department to provide policy advice to the minister but that we will not see an offsetting reduction in staffing in the Building Commission.

We understand some staff will be transferring to the department from the commission, so there may be some reduction in total staffing levels within the commission. But the bottom line may well be that that there is a greater number of bureaucrats in this area after the legislation comes into operation than there was beforehand. That would certainly not seem to be a step towards real deregulation and a real reduction in the administrative burden.

Another aspect of the bill and of the minister's second-reading speech does not seem to respond to the recommendations made by the VCEC, and that concerns the recommendations relating to the Building Advisory Council, the Building Regulations Advisory Committee and the Plumbing Industry Advisory Council. The full terms of the VCEC recommendation are that:

> … a government department be responsible for providing policy advice about the regulation of housing construction, but in consultation with the Building Commission and the Building Advisory Council
>
> the Building Advisory Council, the Building Regulations Advisory Committee and the Plumbing Industry Advisory Council be separated from the Building Commission
>
> a new entity be established within the Building Commission to undertake the accreditation role currently provided by the Building Regulations Advisory Committee.

The government response on that was to support it in principle. The government said:

> The first part of this recommendation is consistent with the objective of separating policy advice from the functions of the Building Commission …

However, the government went on to say, concerning the last two parts of the recommendation, that it would:

> … ask the Department of Sustainability and Environment to investigate the benefits of separating the Building Advisory Council, the Building Regulations Advisory Committee and the Plumbing Industry Advisory Council from the Building Commission, whilst also examining whether the separation would undermine the effectiveness of the Building Commission in administering the building regulations.

The government went on to say that that investigation:

> … will be informed by the outcome of the government's review of the objectives of the Building Act (to be undertaken in response to recommendation 8.2) and the functions of the commissions (as per the response to recommendation 9.1) …

It said it would:

> … also consider the need to establish a new entity in the Building Commission to undertake the accreditation role currently provided by the Building Regulations Advisory Committee.

It said further:

> The commissions and key stakeholders will be consulted in undertaking this investigation, which will be completed by 30 April 2007.

This is a typical Bracks-Brumby government response. You have a review and it provides a report, and instead of making decisions you decide to have a further investigation and a further examination based on some other work you are also going to get these bodies to do. You then set a deadline for all that to happen, and when the deadline comes and passes no-one is much the wiser. Certainly neither the shadow Minister for Planning nor I have been able to ascertain what the upshot of all these further investigations, reviews and examinations has been, and we very much look forward to some further light being shed on the issue, hopefully by government members or the minister during the course of this debate. The VCEC made it clear that there was very strong industry support for a continuation of the roles of those advisory bodies, and the industry will be very keen, I am sure, to know exactly what the government has in mind.

Overall the opposition does not oppose this bill. As will be pretty clear from what I have said, it is relatively limited in its scope. Our concern is as much about what the bill does not do as about what it does. I have made it clear that it does very little about cutting red tape and about the growing cost of housing in Victoria, which is being driven up by excessive regulation and by supply-side restrictions on the availability of housing land as well as other delays and costs caused by the planning system. The cost of housing is a crucial issue to Victorians and to the Minister for Housing, who is at the table.

The commonwealth government has played its part in terms of creating the prosperity, the jobs and the strong economy that have given people the financial resources to direct towards housing. But we are finding that the cost of housing is rising rapidly, and a large part of the responsibility for that needs to be accepted by the state governments, which have overregulated, imposing burden after burden on the housing sector through additional regulations and additional red tape. This process is certainly not reversing that. The state government has also imposed its own burdens by the way in which it has handled the planning processes, in particular its implementation of Melbourne 2030.

Mr Nardella interjected.

Mr CLARK — The honourable member for Melton interjects. I well remember when the Parliament sat down at Geelong and the government did a huge backflip on its policy on Melbourne 2030, having, on the one hand, committed itself to green wedges, then departing from that regime while purporting to adhere to it, creating enormous regulatory uncertainty within the industry and within the community generally as to what its planning policy would be, and at the same time continuing to seek to impose high-rise, high-density housing in established suburbs.

There is a lot that needs to be addressed within planning and building regulation in this state. The VCEC report highlighted some of those shortcomings. There are a lot more on top of that, and this bill, which purports to be about reducing the regulatory burden and reducing the cost of housing in Victoria, does very little indeed. Indeed Victorian homebuyers are likely to see very little positive pay-off in reduced cost of housing or increased housing affordability as a result of this legislation. The government needs to do a — —

Mr Nardella interjected.

The ACTING SPEAKER (Mr Ingram) — Order! The minister and honourable member should stop interjecting.

Mr CLARK — The state government needs to do a darn sight more than it has in terms of improving the supply of housing land and housing stock in response to the strong aggregate economic climate that the commonwealth government has created, which has provided the incomes, the jobs and the wherewithal for people to buy housing so long as the housing supply is available to meet the demand that the rising prosperity created by the commonwealth government has provided. As I say, the opposition does not oppose this bill, but there is a darn sight more that the government

needs to do to improve the situation with housing in Victoria.

Mrs POWELL (Shepparton) — I am pleased to speak on the Building Amendment Bill 2007 as The Nationals spokesperson for planning and indicate that The Nationals will not be opposing this legislation.

The purpose of this legislation is to amend the Building Act 1993 to make changes to the role and functions of the Building Commission and the Plumbing Industry Commission. It is also to reflect and clarify those changes in the Building Act. The bill also makes some changes to the roles, the purposes and the objectives of the Building Act, and those are also reflected in the bill. We are told that the revised functions of both commissions are generally similar to the existing functions that they have now, while other functions will not be retained because they no longer carry out those functions.

When I was dealing with the bill I sent copies of the second-reading speech and the bill to the Master Builders Association of Victoria and to Hansen Yuncken, a very large building company in Shepparton which has other building companies around Victoria. While I received a response from the MBAV, I have not to date received a response from Hansen Yuncken.

I am told there are two exceptions from the current act — that is, the Building Act. One is that the oversight of Building Advice and Conciliation Victoria (BACV) will be shifted from Consumer Affairs Victoria to the Building Commission. I have been told that Victoria is the only state where regulation and dispute management have been spread across two agencies, which are the Building Commission and the CAV. It is important that we have one organisation that regulates and has those roles.

The BACV role is very important. It provides free advice to consumers and builders, and it also resolves domestic building disputes. That is a really important service, because building and plumbing disputes can be complex. Often there is nowhere for a consumer or a small builder to go to get advice that is free or affordable, other than going to the courts. For the first stage they get advice from the BACV, and my understanding is that it provides all sorts of advice on legislation, the rights of the consumer, the rights of the builder and also the regulations and the Australian and Victorian standards.

The MBAV supports shifting control of the BACV from CAV to the Building Commission, because it believes the Building Commission is better equipped to oversee the building industry. It is a logical choice, as it already administers the key elements of consumer protection, such as registration, insurance, the Building Code of Australia and dispute resolution. There is a real need for it to remain impartial when it gives advice to the consumer and the builder. It is important that it does not take sides and that it gives advice as impartially as possible and does not make judgements on who is in the wrong or the right, because that goes to a further organisation. But it is important that somebody can ask for advice and receive that advice without prejudice.

The second change is the shifting of the policy arm of the Building Commission to the Department of Planning and Community Development. This is also a new issue. The MBAV has told me it does not oppose this shift in policy management responsibility but believes it is really important that the skills base of the new staff retains a strong building industry background. It is important that staff are employed from an ex-building sector rather than from ex-planners, because it says the two roles are particularly different and the expertise needed is particularly different. So it was a request or recommendation that when choosing new staff the government look at people with the appropriate expertise and that that be building industry expertise rather than planning industry expertise.

This bill comes about as a result of recommendations made by the Victorian Competition and Efficiency Commission (VCEC) in the report entitled *Housing Regulation in Victoria — Building Better Outcomes*. I have read through the report, and while not all the recommendations are dealt with in this bill, some of them are. I will read recommendation 9.1, which is:

> That the Building Commission and the Plumbing Industry Commission not have primary responsibility for providing policy advice to the minister on the regulation of housing construction, although they should be consulted on the practicality of policy options and the implementation of regulation.

I do hope that that happens and that it is done in consultation with the commissions. I continue the quote:

> They should continue to be able to draw regulatory problems to the government's attention. The commissions' functions should be redrafted to make it clear that they are not responsible for policy advice —

and that is what this bill does.

> The Victorian government should seek to maintain information flows among those responsible for providing policy advice, regulators, consumers and the housing construction industry.

I think it is important that the government also take heed of that part of the recommendation which says that while the recommendation is to remove the responsibility, there will still be some flow of information to all of those organisations that still have the building industry at heart. The government supported that recommendation, and I will read from the response:

> The Victorian government supports that the Building Commission and the Plumbing Industry Commission should not have primary responsibility for providing policy advice on the regulation of housing construction. The Department of Sustainability and Environment should have primary responsibility for setting the strategic direction of policy advice. Such advice should be developed in consultation with the Building Commission and the Plumbing Industry Commission.
>
> The Victorian government will ask the Department of Sustainability and Environment, in consultation with the State Services Authority, to redraft the commission's functions to remove the commission's primary policy-making role.

That has been done, and that forms the basis of this piece of legislation. I know that other recommendations were dealt with in other pieces of legislation.

Under this bill the commission's core functions will no longer include giving advice about policy to the government. The bill will separate the powers of the Building Commission in line with the Plumbing Industry Commission's powers, but the Plumbing Industry Commission does not give advice to government. I noted the roles of the Building Commission and the Plumbing Industry Commission on the commissions' websites:

> The Building Commission is a statutory authority that oversees the building control system in Victoria. We ensure the safety, livability and sustainability of our built environment.
>
> The commission does this by bringing vision, innovation and leadership to the Victorian building industry. We oversee building legislation, regulate building practices, advise government, and provide services to industry and consumers.

Obviously this bill will remove the commission's ability to advise the government; that will be taken up by another government department. The website also says:

> The commission and four bodies:
>
> > regulate the Victorian building industry
> >
> > administer the registration of Victorian building practitioners and monitor their conduct

The commission obviously has other roles that will be kept if the legislation is passed. Part of those roles is the regulation and registration of Victorian building standards both nationally and internationally; and it provides comprehensive information on building activities.

The Plumbing Industry Commission has a different role. It was established under part 12A of the Building Act to ensure the safety, health and sustainability of all Victorians. Some of the components of its regulatory system include the self-certification of plumbing work and the monitoring of compliance through random audits and inspections. The Plumbing Industry Commission is also responsible for maintaining the effectiveness and efficiency of Victoria's plumbing regulatory system. Both commissions are part of the Building Act. The roles, responsibilities and purposes of the commissions are changed by this bill.

The Plumbing Industry Commission deals with complaints that come before it. It is important to note that there are probably some areas where the roles of the plumbing commission coincide with Consumer Affairs Victoria, which deals with complaints about building, plumbing and all sorts of other issues — that will not change.

The bill clarifies and changes the purposes of the Building Act, because over the years there have been a number of changes to the Building Act. The purposes under the act at the moment are quite narrow. This bill increases those purposes. Clause 3 details the purposes and aims of the bill. This amending bill increases the purposes of the original act, because there have been a lot of legislative changes.

One of the new purposes is in new section 1(g), which is about the regulation of cooling tower systems. That is in the bill because there was specific legislation introduced after legionnaire's disease was found in cooling towers in Melbourne. Some of those pieces of legislation monitor the cleaning of cooling towers and their level of infection. Other pieces deal with the auditing of the location of the cooling towers and the registering of those responsible for cooling towers so that the government, and others who need the information, can know about the cooling towers and where they are. They can have information about who cleans the towers, how often they are cleaned and whether they are cleaned to appropriate standards. The regulation of cooling towers in Victoria needs to be included in the Building Act.

New section 1(h) says one of the main purposes of the act will be:

> to limit the periods within which building actions and plumbing actions may be brought.

This was put into the bill because pieces of legislation have come into this house over a number of years that have introduced time frames for stop-work notices in regard to complaints about shoddy building and shoddy builders. There have to be some limitations on how long the work will stop so that consumers and builders are protected.

For that reason a provision will be included in the Building Act to state that one of the purposes of the act is to limit those time frames for certain work. Complaints in relation to plumbing work will also have time frames. The bill imposes time frames for people to bring complaints. The time taken to resolve complaints will not be lengthened, firstly, so that small builders cannot go broke; secondly, so that consumers, when they have a builder and are building their own home, are not spending many months out of their new home; and thirdly, so that other people — maybe plumbers or electricians — who are waiting to come in to work on their part of the building are not having to go elsewhere and the owner loses the person who is going to do the work.

In the government's response to the report of the Victorian Competition and Efficiency Commission, the then Treasurer, now the Premier, said:

> The housing construction sector is a significant section of the Victorian economy, contributing almost 7 per cent to the state's GSP —

gross state product. He also said that Victoria's building approvals had been in excess of $1 billion for 49 consecutive months. The building sector is a huge sector, not just in the way it adds to Victoria's wealth but actually as an employment sector. When we bring in legislation we have to make sure that it does not impose too much red tape on the building industry and also that there is protection for people building their houses. It is important that houses are affordable and of an appropriate standard — that they meet building and construction standards — and that builders and consumers are protected.

Recommendation 5.4 of the VCEC's report — if I can just talk about that briefly — is not part of this bill, but it discusses the government's 5-star scheme and states that 'rainwater tanks should not be included in any mandated choice', which is between energy efficiency and water efficiency. It states that individual consumers should have a choice about investing in a rainwater tank. The government has agreed to that and said that the issues surrounding mandated choices will be considered in the further development of performance-based measures. The Nationals believe what we should be looking at as well is the issue of rainwater tanks being subsidised so that it encourages people to put in rainwater tanks — —

Ms Beattie — They are!

Mrs POWELL — They are in Melbourne, but they are not in country Victoria. A number of farmers are saying to me that they would like to have rainwater tanks put in and get a portion of the outlay reimbursed. I know that those on reticulated water systems are reimbursed, but those on unreticulated or non-town water are not. It is very important that people in country Victoria are subsidised to put in rainwater tanks. They have no other option; they have to have their potable water in rainwater tanks. It is only fair during this review that we encourage the government to look at making sure that people in country areas are reimbursed as well.

In the few minutes I have left I would like to raise the issue of, and make some comment about, the lack of building surveyors and planners in country Victoria. It really is important. I urge the government to look at training programs and maybe consider incentives to get building surveyors or planners into country Victoria. Perhaps when they go to university to do their planning course students could be given an incentive to go out into country areas to learn about some of the issues there. One issue in country Victoria is that building permits are taking so long to get through because there are just not enough planners and building surveyors. Developers are saying that it is taking too long for developments to go ahead. I urge the government to look at how we can provide some incentives to make sure that people in rural and regional Victoria have access to good planners, strategic planners and social planners, but also that they have access to building practitioners.

The member for Box Hill talked about Melbourne 2030. From time to time in Parliament we make changes to the urban growth boundaries, and I think that is often to make sure there is enough access to affordable land, not just to affordable housing. We need to make sure that in the Melbourne area people have access to affordable land so that they can have affordable housing; but just as importantly we need to make sure that those on the outskirts of those areas are able to have affordable housing, particularly in country Victoria.

In some of those areas the land has become quite expensive, and it is important that we have access to affordable housing as well. As I said earlier, The Nationals do not oppose this legislation, and we look forward to it increasing housing affordability.

Ms BEATTIE (Yuroke) — It gives me great pleasure to rise to speak on the Building Amendment Bill 2007. As has been stated earlier, this comes out of the Victorian Competition and Efficiency Commission inquiry into the regulation of the housing and construction sector and related issues. The Treasurer released that the VCEC report, entitled *Housing Regulation in Victoria*, in April 2006. The report contains a number of recommendations relevant to policy development and governance matters. The government supports many of these recommendations, some of which I would like to go into, but I would also like to talk about the new sections of the act.

The main purpose of the bill is to regulate building work and building standards. Representing and living in a growth area and having built a home a couple of years ago, I can tell members that this bill has very important provisions. If something goes wrong on a building site, word spreads about the site like wildfire. We need to regulate building work. We can all remember the bad old days of the Dodgy Brothers knocking up frames hand over fist and poor old consumers being left to bear the brunt of that years later.

The bill also provides for the accreditation of building products, constructions methods, building components and building systems, and they are important provisions too. Tragically we all know what happens when building products are not up to scratch. We well remember the tragedy involving James Hardie, which is still going on. The children of the householders who did renovations 40 or so years ago are now reporting with asbestosis. This provision is also significant. The member for Shepparton also mentioned cooling towers. The regulation of cooling towers is most important. We all know there have been tragedies involving legionnaires disease originating from cooling towers, so regulating the cleaning and maintenance of those cooling towers is most important.

I want in the short time I have to touch on a couple of issues that have come up in this broad-ranging debate, particularly those touched on by the member for Box Hill in relation to housing availability and the impact of Melbourne 2030 on the supply of land. Melbourne 2030 is undergoing an audit at the moment, so I would welcome the member for Box Hill having an input into that audit. The member for Box Hill seemed to blame the lack of housing solely on the state. I would like to point the member for Box Hill to the commonwealth-state housing agreement. The commonwealth's contribution to the commonwealth-state housing agreement is down by $1 billion, but over the life of the Howard federal government the state has increased its contribution by half a billion dollars.

I congratulate the Bracks government and now the Brumby government, and in particular the Minister for Housing, on that great contribution. The state is pulling its weight under the commonwealth-state housing agreement. I call on the commonwealth government to put its share on the table — —

The ACTING SPEAKER (Mr Ingram) — Order! I point out to the member for Yuroke that public housing does not appear to be part of this bill. The member should stay focused on the bill.

Ms BEATTIE — Thank you, Acting Speaker, for bearing with me. I just could not resist refuting the propositions put forward by the member for Box Hill, so I just had to delve into those responses.

We also want to regulate the building practitioners and plumbers. This is a factor in not only regulating the practitioners but the plumbing work and standards, providing for accreditation, certification and authorisation of the plumbing works.

In the short time available to me I also want to touch on something that the member for Shepparton delved into — that is, the lack of planners. I want to assure her that there is a lack of town planners not only in country areas at the moment but right across metropolitan Melbourne and the outer fringes. I take on board those comments. I know the Minister for Housing, who is at the table, is aware of that shortage of planners and is doing everything he can to encourage people to take up careers in planning.

I also want to touch on Melbourne 2030 again, because if you look at, for example, the area that I represent you can see Melbourne 2030 at its absolute best. Last week we saw the opening of the Craigieburn rail electrification project. We have also seen the opening of the Craigieburn health service. That is because the growth in outer Melbourne has been contained, and by containing that growth we can place the services where they are actually needed. It is about a whole suite of things. With this bill we are amending the act. We are regulating building and plumbing work, regulating the practitioners and the plumbers, leaving the policy development to government — which is exactly where it should be — and getting on with the job of supplying affordable housing to the whole of Victoria.

In closing I would like to commend all those stakeholders who have had input into this bill. We have mentioned the Master Builders Association of Victoria, the Housing Industry Association, and also the Building Commission and the Plumbing Industry Commission, both of which are headed very ably and well by Tony

Arnell and his great team. With those few words, I commend the bill to the house.

Sitting suspended 6.28 p.m. until 8.02 p.m.

Mr CRISP (Mildura) — I rise to talk on the Building Amendment Bill 2007. The Nationals are not opposing this bill, the purpose of which is to amend the Building Act 1993 to clarify the purpose and objectives of the act and to clarify the functions of the Building Commission and the Plumbing Industry Commission. While the commissions' revised functions generally correspond with their existing functions, certain existing functions will not be retained, as the commissions will no longer carry out all of these functions.

While I welcome the amendments that clarify and simplify, as was stated in the second-reading speech, they should also reduce costs and red tape. The building industry is a cost-sensitive area of the economy in my electorate. As an example, there are 764 building businesses out of a total of 7133 businesses in my electorate, according to the Sunraysia Mallee Economic Development Board. Building businesses in my electorate comprise 10.7 per cent of the total business sector, which is well above the state average of 7.7 per cent; the value to the Mildura economy is around $150 million a year. With horticulture in trouble in the Murray Valley, in particular due to the water crisis in my electorate, which has around 40 per cent of those local businesses dependent on water, hopefully the Victorian Competition and Efficiency Commission has got this right.

Under the act there is costly red tape that can frustrate the building industry. Costs act as an impediment to strong employers and frustratingly, in terms of employment, they can reduce trade opportunities, particularly for our young people. In difficult times in the Murray Valley trade opportunities are extremely important. We want young people to be able to take up trade opportunities.

With the continuation of apprenticeships, any legislative change that clarifies and simplifies should assist in continuing to strengthen country building businesses in difficult times. I look forward to a flow-on benefit from this legislation of less red tape in the building industry. It should make homes in the country become more affordable. With those brief comments I wish the bill well on its way, and hope it has a positive effect in my electorate.

Mrs MADDIGAN (Essendon) — It is a pleasure to be able to contribute to the Building Amendment Bill 2007. We have actually had quite an interesting debate this afternoon. We have covered topics such as Melbourne 2030, the availability of land in the country, the availability of builders, surveyors and town planners, and housing affordability. Just occasionally we have actually discussed the Building Commission, which of course is what this bill is all about, so I congratulate those members who have addressed their comments to the bill.

We are pleased, of course, that the opposition and The Nationals support this bill, although I was a bit surprised by some of the comments of the member for Box Hill, who spent most of his time saying what was wrong with it but in the end finally supported it. I would like to remind the member for Box Hill that the Building Commission is not responsible for planning under Melbourne 2030. It does not have a planning role at all. He also expressed some concern about the number of staff employed by the Building Commission, particularly with the changes that are being brought about by this bill, whereby responsibility for policy advice is being removed from the commission and transferred to the department. He is obviously not keen on public servants, so he is concerned that there will be a considerable number of public servants left at the commission. I will remind the member for Box Hill of some of the changes that have occurred to the commission in the last few years.

The last five years have seen significant increases in the amount of work done by the Building Commission. It is interesting that between 2002–03 and 2006–07 staffing levels increased by 17 per cent and income increased by 26 per cent, and that shows a significant increase in the work of the commission over that period. During that period the value of building permits issued increased by 20 per cent and the volume of work associated with the annual registration applications received from building practitioners increased by 97 per cent. The total number of building practitioner registrations as at 30 June 2007 was 20 998, which is an increase of 8.2 per cent since 2004–05. Building Practitioners Board inquiries were up by 27 per cent, and Building Appeals Board appeals, disputes and modifications were up by 22 per cent. The number of complaints against building practitioners and the number of regulatory inquiries received were up by 34 per cent. The number of compliance audits conducted in 2006–07 was up by 296 per cent on 2002–03 and by 53 per cent based on the average over the last five years.

Mr Jasper interjected.

Mrs MADDIGAN — The member for Murray Valley is interrupting, of course, which we know is against the standing orders.

The number of Building Advice and Conciliation Victoria inspection requests for 2006–07 was up by 31 per cent compared with 2004–05 and 279 per cent compared with 2003–04. You can see by these figures that the Building Commission should have more staff. Obviously the demand for its services has increased very substantially over a limited period of time. People involved in the building industry and people who may have had complaints about builders would all be glad about the substantial number of staff increases over that period of time. They would also be concerned if we took a lead from the member for Box Hill and the Liberal Party adopted its policy — if it were ever in government — to cut the number of staff at the Building Commission. I do not think that move would be supported by the community of Victoria.

The changes in the bill are logical and have been put forward to make the process easier. The sort of advice and support given by the Building Commission is quite significant, especially for people in the community who do not have wide experience of the laws that relate to building applications. Any changes that enable people to see their way through these processes should be applauded. The recommendations are extremely good. They are beneficial because they will improve the way the legislation operates. They do not substantially change the impact of the bill, but they make it more sensible and much easier to understand. One of the reasons for the changes is that the review considered the objectives of the Building Commission were not clear enough for people to easily understand. Some of the changes to the definition of the Building Commission will make it much easier for people to understand its role and for people to be able to work with it.

I was a bit surprised by the member for Shepparton when she spoke earlier. She seemed to say that cooling towers have now been included under the Building Commission's role for the first time. In fact that provision was included in the previous act. There is actually no change in this legislation in relation to cooling towers, nor to the capacity for the Building Commission to be able to investigate cooling towers. We all know that even Parliament House was under investigation at one stage despite the fact that it does not have cooling towers — —

An honourable member interjected.

Mrs MADDIGAN — Thank you very much. Cooling towers are of concern to people, particularly those who live and work in large buildings with cooling towers. When Parliament House was under investigation the parliamentary staff, who always are very good in their work, were able to explain to the media and other interested people that we do not have cooling towers, so it was not really a significant problem for the Parliament of Victoria.

I encourage members to look at the changes to the Building Commission brought about by the Building Amendment Bill. They are significant and sensible and they should make the process much easier for people involved in the building industry. I commend the bill to the house.

Mr BROOKS (Bundoora) — I am happy to rise in support of the Building Amendment Bill 2007 which, as previous speakers have mentioned, is largely a result of a number of recommendations in the Victorian Competition and Efficiency Commission's report *Housing Regulation in Victoria — Building Better Outcomes*, which was released in April 2006. The main thrust of this legislation is to separate the policy and the regulatory roles of the Building Commission and the Plumbing Industry Commission, and I understand the policy roles will now rest within the government department. It also clarifies the wording of the objectives of the Building Commission within the principal act.

While some members have mentioned that this is largely a machinery bill, it is a very important part, nonetheless, of a wider range of initiatives that this government has in place to ensure we have an efficient building industry and one that is continuing to grow very strongly and perform very well despite that not necessarily being the case in other states in Australia. I recall reading an article recently in the *Australian* dated 28 September — I found it on the web — about a company called Brickworks, which is the largest manufacturer of bricks in Australia. Its managing director, Lindsay Partridge, voiced his concerns in the article about the building industry falling off in New South Wales. He said that only 29 315 new homes had been built in New South Wales during the last financial year. That is down 8.5 per cent on the previous year's already low levels and he said it was the lowest level of housing starts on record. He is reported as saying that:

> … NSW was building fewer houses than Queensland's 40 908 dwellings and Victoria's 38 495.
>
> The housing downturn in NSW has lasted 48 months — the longest in the history of Australia since World War II.

It is obvious there is pressure on the building industry right across Australia and it is really only the resource-rich states — Queensland and Western Australia — that are performing well, and of course

Victoria, which is punching above its weight when it comes to the building industry.

My attention was drawn to some figures that were welcomed recently by the Treasurer in the other place. He has mentioned that in August the value of total building approvals was $1.46 billion, which is a 4.6 per cent rise in the total value of building approvals. It is the second highest value in building approvals in any state, second only — as I said before — to the resource-rich state of Queensland. He noted that the building approvals value in Victoria has been higher than $1 billion for the past 74 months, which is in stark contrast to the figures I mentioned before for New South Wales. It shows that the set of conditions that the Victorian government has put in place supports the building industry, which is very important for young families looking for homes and for people who are employed in the building industry.

Just before closing, I note that earlier in the debate members of the opposition made comments about housing affordability. When it comes to housing affordability, there are some very simple points to remember. Since 1994–95 the federal government has cut $1 billion out of the commonwealth-state housing agreement; that is the equivalent of around 5000 homes in Victoria. Members can imagine what effect sucking 5000 homes out of the Victorian economy has on housing affordability, particularly for the people who are most vulnerable in the housing market.

We have had five interest rate rises since the Prime Minister's infamous election promise that there would be no further interest rate rises. In stark contrast to that, in its last budget the Brumby government announced $510 million in the social housing initiative. As I said, that is in stark contrast to the $1 billion pulled out of social housing by the federal government. Then there is, of course, the very successful Melbourne 2030 plan, which identifies a 25-year supply of land to be released for housing.

This government's record on housing affordability stands in contrast to the federal government's record. I was interested to hear the feeble attempts by members of the opposition to raise this as an issue. There are some very simple facts about the federal government pulling money out of social and public housing and this government putting money in and about the interest rate rises that we have seen under the Howard federal government. As I said, this bill is an important part of a larger package to ensure we have an efficient building industry in Victoria. I fully support it and commend it to the house.

Mr INGRAM (Gippsland East) — I rise to speak briefly on the Building Amendment Bill. I support the bill but raise a number of issues that need to be raised. I listened carefully to the contributions to the debate of a number of speakers, particularly when I was in the chair earlier. One issue in particular is that there seems to be an ignorance of the fact that the building warranty insurance scheme, which is predominantly managed by the Building Commission, is still a major problem. A number of people who have contacted me — and, I am sure, other members of this place — have had major problems with building warranty insurance when a builder has done the wrong thing and failed to complete a building but the commission has not been able to address those issues.

The legislation may go some way towards dealing with this problem, but this is still a major problem that this Parliament needs to deal with. A number of other states, New South Wales and Tasmania in particular, have initiated inquiries to address this issue. It is something that this Parliament needs to address to protect consumers, because the current building warranty insurance scheme, which, as I said, is predominantly managed by the Building Commission, is not adequate to protect consumers.

I listened to a number of other comments — with concern, I suppose. It is slightly outside the scope of the bill, but a number of members have commented on Melbourne 2030, addressing the desire to have further growth of building in some of the areas set aside in Melbourne 2030.

One of the disastrous things that we as a society are doing is building on high-rainfall agricultural land, particularly in West Gippsland. Our country is very short of that high-rainfall, high-value agricultural land and yet the urban development of Melbourne can be seen spreading into those areas. In the future we will rue the decisions by which we have allowed local government in those areas to build large numbers of residential developments on land which has the capacity to be our market gardens or productive dairy areas, particularly if rainfall continues to decline because of climate change. Government policy is the only way for us to address this.

I listened to the criticism of Melbourne 2030 and I understand why it is made, but somehow we have to protect this high-rainfall area. There is not a lot of land in Victoria which has that capacity, and I think someone needs to put that on the record in this place. I have listened to a number of people condemning governments for not opening up more land in these areas. I know this is one of the issues raised quite

regularly in my electorate — that is, the issue of developing housing in these areas and removing that land from agricultural production.

Looking at the purposes of the act, I note a number of issues are raised here. Clearly this legislation is supported by all members of this place, but we do need to address some of the challenges faced by consumers when builders go bankrupt or walk away from developments, because there is really no ability for consumers to come back and often they end up bankrupt. I have spoken to a large number of people in that situation and have heard about the destruction of their lives, and unfortunately this Parliament has been immune to their calls to address their concerns. That is a failure in this bill; we needed to deal with that in a more detailed manner to address those concerns and make sure that real consumer protection is undertaken as part of any changes to the laws in relation to building protection.

Mr BATCHELOR (Minister for Community Development) — I would like to thank those members from the Assembly who have contributed to this debate on the Building Amendment Bill, and in particular the members for Box Hill, Shepparton, Yuroke, Mildura, Essendon, Bundoora and Gippsland East.

As has been pointed out in the debate, this bill has a number of objectives. Fundamentally the bill seeks to clarify and simplify the purposes and objectives of the Building Act. The amendments that we are making are intended to clearly distinguish between the aims of the act and the objectives. This will provide the means through which the act achieves those objectives. The bill also seeks to give practical relevance to the act's objectives by clearly stating that in the administration of the act regard should be given to those clarified objectives.

The bill also seeks to simplify the functions of both the Building Commission and the Plumbing Industry Commission so that they provide a greater and clearer reference point for regulatory performance, and also to remove functions that relate to providing policy advice to the government. They are the main thrusts of those amendments, and they have clearly come out.

A number of people have used the debate to raise matters which are outside the nature of the changes that we are putting through here, but which are still relevant to the Building Act and the building industry. The member for Box Hill raised an issue about staffing. It is important to note that the building policy branch of the new department, the Department of Planning and Community Development, has officially been in operation since 1 July this year and its staffing numbers are still being finalised. The intention, however, is that wherever possible existing departmental resources will be used to provide for the resourcing of that branch within the new department. With those concluding remarks I wish this bill a speedy passage to the other chamber.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

TRANSPORT ACCIDENT AND ACCIDENT COMPENSATION ACTS AMENDMENT BILL

Second reading

Debate resumed from 19 September; motion of Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission).

Mr WELLS (Scoresby) — I rise to speak on behalf of the Liberal Party on the Transport Accident and Accident Compensation Acts Amendment Bill. This bill makes changes to the Transport Accident Act 1986 and the Accident Compensation Act 1985 and sequentially amends the Accident Compensation (WorkCover) Insurance Act 1993.

The bill clarifies that employer superannuation contributions are not included in payments and pre-accident weekly earnings. It increases certain benefits and introduces a new safety income benefit for persons with severe injuries. It makes statute law revisions following the recent Court of Appeal decision in the case of *Mountain Pine Furniture Pty Ltd v. Taylor & Ors*, which deals with the way spinal injuries are assessed for the purposes of lump-sum compensation. It clarifies that the assessment of impairment as a result of injury is to be based on assessment following any surgical or medical treatment. It also provides for the availability of certain benefits and for the annual indexation of minor benefits.

Before I get into some of the detail, the key aspect of the bill is that it enacts statute law that overrides the application of the Taylor case in the Victorian Court of Appeal and the Hastings case in the Northern Territory. The Taylor case relates to the assessment of long-term

impairment arising from spinal injuries. The bill maintains the status quo of assessing injuries post surgery, whereas the Taylor decision found that they should be assessed prior to surgery, consistent with the American Medical Association (AMA) guides. The Hastings case relates to a Northern Territory court decision that employer-paid superannuation be included in the calculation of pre-injury earnings when weekly payments are assessed by statutory insurers. That has not been the practice in Victoria, and the amendment ensures that the status quo of excluding such superannuation payments is continued. Both provisions apply retrospectively, as if they had always applied prior to the court ruling.

The Liberal Party generally does not oppose the bill, although as a matter of principle we have some concerns about some of the provisions being retrospective. This largely stems from the government's delay in bringing in the amendments before Parliament, thereby creating unnecessary confusion and speculation.

As I mentioned, the bill makes changes to a number of acts. In doing so, the key provisions of the bill enact statute law to override the application of recent legal precedents. As I mentioned, these are the Taylor case in the Victorian Court of Appeal and the Hastings case in the Northern Territory. I refer firstly to the decision handed down on 6 July 2007 by the Court of Appeal in the case of *Mountain Pine Furniture Pty Ltd v. Taylor & Ors*. At the heart of this problem was the assessment of the first respondent's permanent impairment in accordance with sections 91 and 98C of the Accident Compensation Act 1985 and the American Medical Association's *Guides to the Evaluation of Permanent Impairments*, fourth edition, which was referred to in this judgement as the guide.

The decision handed down by the Supreme Court related to an accident that took place on 27 November 1997. The first respondent was injured while driving a truck in the course of his employment with the appellant, Mountain Pine Furniture. He suffered a dislocation of one of the joints in the left big toe, which was treated. There was also an issue with regard to a neck injury. On 16 July 1999 the first respondent submitted a claim for compensation pursuant to section 98C of the act. It was accepted by WorkCover agent QBE Mercantile Mutual in a letter dated 20 March 2001. However, there was a dispute over the actual degree of impairment, and thus, due to there being a medical question, it was referred to the medical panel pursuant to section 104B(9) of the act.

On 5 January 2004 the medical panel gave as its opinion, pursuant to section 67 of the act, that the first respondent had a 16 per cent whole person impairment resulting from the accepted injuries to his toe and neck and that, when assessed in accordance with section 91 of the act, that degree of impairment was permanent. The ruling was handed down on 6 July 2007, and the heart of the issue is this:

> The Accident Compensation Act 1985 requires the medical panel to assess impairment using the *AMA Guides*.

The ruling handed down by one of the appeal judges goes on to say:

> This attempt by the legislature to introduce some degree of objectivity into the assessment of impairment for compensation purposes represents a significant application of the rule of law in an area where one of the fundamental principles of justice — that like cases should be treated alike — has particular importance.

He goes on to say:

> Nothing would discredit a compensation system more quickly than the idiosyncratic application of criteria to the determination of an injured person's impairment and hence their entitlement to compensation at a particular level. Although the efficacy of the application of the *AMA Guides* to achieve a just result for injured people may be debated, as the law stands they must be applied regardless of any personal view of the assessor called upon to make the assessment.

The crux of the problem is:

> That the guides require the effects of surgical intervention on the spine to be ignored in assessing permanent impairment does not mean that the fact that surgery has been undertaken must be ignored by the assessor. On the contrary, the assessor must ensure that the effects of any surgery are carefully noted so they can be consciously disregarded in reaching a conclusion as to a permanent impairment. If surgery has been successful (as in this case) the assessor looks only at the effect or effects of the trauma on the pre-operation patient, applies table 70 to those effects (or, where necessary, considers other criteria provided by the guides …
>
> …
>
> Where surgery has been unsuccessful the task of the assessor may, in some cases, be somewhat more difficult.

We understand that. The ruling goes on to support the original ruling by Justice Bongiorno, which was supported and upheld by Justices Vincent, Nettle and Ashley.

I note that the AMA put out an explanation of this judgement for doctors in its *AMA 4 Guides Impairment Assessment Training E-Newsletter*. It mentions a document that was issued on 7 September 2007, which refers to the court decision and the Court of Appeal headed 'Clarification regards post-spinal surgery spinal

impairment assessment (September 2007)' and which states:

> The Court of Appeal judgement in the case of *Mountain Pine Furniture Pty Ltd v. Taylor* delivered on 6 July 2007 upheld the judgement of Mr Justice Bongiorno (Supreme Court decision) that when an impairment assessment for the spine is conducted in accordance with AMA4, chapter 3, DRE method, the effects of surgery must be disregarded.

I repeat: 'must be disregarded'! On 15 August 2007 the Minister for Finance put out a press release, and I will refer to that in a minute. The press release indicated that the relevant statutes would be amended on the basis of equity, and these teaching materials will have to be altered again once the amendment becomes law.

The e-letter goes on to say:

> This decision and the following instruction impacts your practice —

this is the AMA talking to doctors —

> as an independent impairment assessor conducting assessments in accordance with the Accident Compensation Act 1985 …
>
> …
>
> The guides state —

that is, the American Medical Association guides —

> > With the injury model, surgery to treat an impairment does not modify the original impairment estimate, which remains the same in spite of any change in signs or symptoms that may follow the surgery and irrespective of whether the patient has a favourable or unfavourable response to the treatment.
>
> The judgement ruled that the degree of impairment of the worker must be based on the pre-surgery state —

'pre-surgery state' —

> and the effects of the surgery, whether successful or unsuccessful, should be ignored.
>
> …
>
> Example: If a worker had documented radiculopathy before surgery and the surgery 'caused' a resolution of the radiculopathy, the impairment would be DRE III (pre-surgical state).

I was interested to also note the explanation in the minister's press release of 15 August 2007. About three-quarters of the way down it states:

> Mr Holding said that while the Court of Appeal upheld the Supreme Court's original decision, it nevertheless indicated concern that the American Medical Association's Guides at the centre of the matter were confusing, even for doctors, in their application.
>
> 'The decision by the Court of Appeal overturned the longstanding and accepted practice of providing compensation on the basis of an injured worker's permanent impairment, which is arrived at after they have undergone any surgery (or other remedial treatment) and the injury has stabilised, no matter what the injury', he said.

So the issue has been very clear. Justice Bongiorno found that the assessment of spinal injury should be based on the AMA's guide, which is that the assessment of the injury should be pre-surgery, where the practice in Victoria has been that it should be post-surgery. That is where the problem has been. The problem has also been that the practice of the assessment having been post-surgery has not been in legislation. It is fair to say that this is where the confusion and complications have occurred.

I will briefly refer to the explanation on the case put out by Anderson Rice lawyers to try to make it as clear as possible. The Anderson Rice lawyers documentation states:

> During the course of his employment with Mountain Pine Furniture Pty Ltd, the plaintiff injured his neck and left big toe when the truck he was driving was involved in an accident. The plaintiff underwent surgery for his neck fracture, making a good recovery with only expected stiffness remaining.
>
> After having submitted a claim for compensation to his employer … in respect of sustained injuries, a dispute over the assessment of the plaintiff's degree of impairment was referred to a medical panel pursuant to … 104B(9) … The medical panel's opinion was returned, deeming the plaintiff to have 16 per cent whole person impairment resulting from the accepted injuries, which amounted to permanent impairment.
>
> The plaintiff was, however, dissatisfied with this finding, seeking judicial review of its decision. This newly constituted medical panel apportioned 1 per cent impairment towards the … toe injury and 15 per cent towards his neck injury. This was in accordance and reference to the *AMA Guides to the Evaluation of Permanent Impairment* … which is the permanent impairment … imposed by the ACA.

The second case is Hastings. The second part of this bill financially protects Victoria's TAC and WorkCover's statutory compensation schemes from the decision in the Hastings case, which was at odds with the long-held convention that income support payments do not include, in the definition of remuneration, an amount equal to an employer's contributory superannuation payment in the assessment of pre-injury weekly earnings.

I refer to a case in the High Court of Australia and to a brief that was put out on 2 August 2007. The case was *Attorney-General for the Northern Territory of Australia v. Cameron Owen Chaffey and Santos Limited*. The brief states:

> Northern Territory legislation providing that employers superannuation contributions were not to be treated as part of earnings for compensation paid to an injured worker was constitutionally valid and did not amount to an acquisition of property, the High Court of Australia held today.

In that particular case, a Mr Chaffey was injured in September 2003 while working for Santos as a maintenance operator at a gas field 200 kilometres west of Alice Springs. Santos accepted liability to pay compensation. During Mr Chaffey's employment Santos made superannuation contributions of 10 per cent of salary on his behalf but did not continue to make these a part of his compensation payments. In 2004 the Full Court of the Northern Territory Supreme Court held in *Hastings Deering (Australia) v. Smith (No. 2)* that remuneration included employers superannuation contributions. The act was then amended to exclude these contributions from the definition of 'normal weekly earnings', backdated to 1 January 1987; so that was made clear. Once again it was a court decision that said that remuneration should include employers superannuation contributions, and this bill is making sure that the situation is very clear in the Victorian legislation.

The third part of this bill refers to improvements to Transport Accident Commission (TAC) benefits. The bill provides for some logical and common-sense extensions to benefits for injured persons and their families under the Transport Accident Act 1986. There is no doubt that the universal no-fault transport accident compensation scheme that we have in Victoria does provide an appropriate and effective level of income and compensatory support for injured persons. I note from the TAC annual report for 2005–06 that 41 225 clients received some sort of support benefit, totalling $675 million. The annual report goes on to make a number of other claims regarding investments and the rate of return.

The bill will also allow the Transport Accident Commission to fund the cost of replacement or repair of mobility aids damaged in transport accidents. It will increase the cost cap on counselling for family members following the death or serious injury of a person involved in a transport accident, and it will introduce indexation for certain minor benefits. The bill will extend the definition of a member of an immediate family to allow access to certain benefits, including preventing the imposition of more than one medical excess where multiple members of a single family are injured. The bill will provide a cap on the amount injured Victorians are required to contribute towards the cost of supported accommodation, thereby ensuring that their day-to-day living expenses remain affordable.

The bill will also cover the cost of school travel expenses in particular circumstances, and it will fund substitute care for up to 12 weeks for elderly or disabled family members where the primary care giver has been injured. The bill will allow the TAC to provide income support and vocational assistance for injured persons where they need to find an alternative job, and it will allow the TAC to reimburse private health insurers for expenses incurred as a result of an accident. These provisions are welcome; the Liberal Party has no problems with these at all.

There has been some comment surrounding the people who were injured in the Kerang rail disaster, and these amendments address some of the problems faced by those individuals and their families. The Liberal Party believes that the provisions in relation to improved benefits are reasonable and that they appear to be affordable, without threatening the financial viability of the transport accident compensation scheme. It is important that the TAC maintain the financial viability of the scheme, and that requires further examination, particularly in light of the state Labor government's propensity for raiding the coffers of state-owned corporations to fund extravagant spending sprees over the last eight years.

As legislators it is our duty to ensure that we have a good transport accident compensation scheme and that its financial viability is sustainable for the long term. I note that the then Auditor-General, Wayne Cameron, when he did a performance audit in 2001, said in his report:

> Victoria has a generous (relative to other states) scheme of transport accident compensation, funded by owners of registered motor vehicles. The objectives of the scheme provide for appropriate compensation and effective rehabilitation for injured claimants through the provision of reasonable levels of service, while maintaining the financial viability of the scheme … Nevertheless, claims expenditure is rising in all areas and especially in long-term care. This is expected to continue until the scheme matures in around 15 to 20 years when claims growth will be offset to some extent by retired claims … The commission's ongoing challenge —

this is the TAC —

> is to understand its cost drivers and to manage them in effectively meeting the objectives of the scheme. Without careful management, the scheme would eventually require additional community funding or provide reduced benefits.

We all expect the Transport Accident Commission to be fully funded and to ensure that it invests wisely. An analysis of TAC annual reports from 1999 to 2005 shows that since its election in 1999 Labor has ripped almost $1.3 billion in dividends and special dividends out of the TAC. Of the total $1.293 billion,

$829 million has been taken out in the past three financial years. It is of concern to us that wherever there is a corporation, Labor has got to get its hands on that money. When you look at it, you see that $829 million has been taken out. If it was not for that money being taken out of the TAC the budget would be in deficit.

Mr Nardella — Have you just worked that out?

Mr WELLS — It is good that the member for Melton acknowledges that. It has been $829 million over the last three financial years. If it was not for that money the state would be running in deficit. The state Labor government cannot help itself. You only have to look at a recent report to see that it comes on top of $2.3 billion being ripped out of water authorities. They cannot help themselves. They need to keep taking the money out of these corporations to make sure their budget balances.

With respect to the issue of assessing spinal injury impairment, the bill makes a statute law revision following the Victorian Supreme Court of Appeal's recent decision in the Taylor case, which, as I mentioned, relates to the assessment of long-term impairment arising from spinal injuries for the purpose of a lump sum compensation. I also made the point that this bill is going to make it very clear that the assessment will be done post-surgery, not pre-surgery. The bill maintains the status quo.

I also note in a *Herald Sun* article of 20 August 2007 the claim that the retrospective amendments in this bill could deny some Kerang rail disaster victims compensation. By maintaining the status quo, no-one, apart from the cases that are still to be determined, will lose out under this bill when compared to the assessment practice and legislation that existed at the time of the rail tragedy.

To reiterate, the Liberal Party does not oppose this bill. Our only concern is the retrospectivity of the proposed amendments, caused by the government's failure to bring them forward earlier. As a result there has been some confusion. The improved benefits for TAC clients are welcome. The amendments introduced to deal with recent court decisions maintain the status quo, and we wish the bill a speedy passage.

Mr RYAN (Leader of The Nationals) — I understand that leave will be granted to enable me to speak an additional 10 minutes.

Leave granted.

Mr RYAN — Victoria has two statutory compensation schemes: the TAC (Transport Accident Commission), which is funded essentially by motorists who pay third-party insurance premiums; and WorkCover, which is funded essentially by employers who pay premiums. This bill amends both schemes.

The improved TAC benefits are various, and they are welcomed by The Nationals. Just to go through them quickly, the relevant provisions provide an expanded definition of 'family member', which will broaden the definition of persons entitled to benefits; a new definition of 'mobility aids', which again will broaden the scope of benefits available; a new benefit to support those who provide care for an elderly or disabled family member; a payment of travel expenses for clients otherwise unable to get to and from school because of their transport accident injuries; and a new section to provide an important safety net for clients returning to work after severe injury who subsequently lose their jobs through no fault of their own — and it is of course very important to maintain the incentive for people to recover from injury and get back to work, which after all is everybody's aspiration.

There is also a daily living cost contribution cap designed to ease pressure on those in supported accommodation, and there are a number of improvements to assist the efficiency of the operations of the TAC. We welcome all of those initiatives. We think they are further positive developments of the contribution which the transport accident legislation makes to Victorians, particularly those who have been injured in motor vehicle accidents.

Amendments to both the schemes confirm that weekly benefits exclude employer-paid superannuation. That is to reflect a concern that the judgement recently made in the Northern Territory might somehow be reflected here in Victoria, and there are some pretty impressive figures in the second-reading speech about the extent of the exposure of the respective Victorian schemes in the event that a situation similar to the Northern Territory situation were to occur here.

The estimated figures are that for the VWA (Victorian WorkCover Authority) there would be an immediate liability of about $610 million and about another $40 million per annum, and for the TAC a liability of about $126 million forthwith and an additional approximately $8 million per annum, ongoing. They are significant figures, and I think the government is justified in moving these amendments in the way it has. I emphasise that in doing so the government is not overturning the position here in Victoria; it is reinforcing from a legislative perspective how things have operated in this state. To that extent, The Nationals support this legislation.

Regrettably however, this bill has a fatal flaw. I therefore have a reasoned amendment, which I believe is being circulated. I move:

> That all the words after 'That' be omitted with the view of inserting in their place the words 'this house refuses to read this bill a second time until the full ramifications of the government's proposal to change the legislation following the Court of Appeal decision in the matter of *Mountain Pine Furniture Pty Ltd v. Taylor* are considered and appropriate arrangements are put into place to fully compensate those who are adversely affected by the bill'.

The government has used its capacity to legislate to override a recent Court of Appeal judgement in the matter of *Mountain Pine Furniture Pty Ltd v. Taylor*, which dealt with the interpretation of the American Medical Association (AMA) guides to the evaluation of permanent injury.

It must be said that in this area of compensation and the complexities that go with it — and there are many — these guides are of biblical proportions. People who practise in the field live and die by these guides. The whole legislative process is structured around a reliance on these guides, so the interpretation of them is a matter of critical importance to the people who are subject to the judgements that are made based on the content of the guides.

Having represented plaintiffs over the years, we always reckoned we got a crook deal under these guides. It is like umpiring decisions in footy — we would finish the season reckoning that most decisions went against us. Nevertheless, we would get on and live with it, because that was just the way it was. The guides had been constructed for the purpose at hand. That was not good enough for this government.

What has happened here is that, as a result of the judgement the Court of Appeal delivered on 6 July 2007, the government got a decision from the umpire which it did not like. I will talk about the decision itself in a moment, but from the perspective of The Nationals this whole debate is about the fact that, instead of doing what other people do and exhausting its rights, acting in accordance with the decision of the court and the court's interpretation of the guides and getting on with life, the government has come into the Parliament and produced legislation which is going to impact upon the way in which those guides are interpreted — and in a manner in complete contradiction to the position which was taken by Justice Bongiorno in the first instance and then by the three justices who made up the Court of Appeal.

I believe the actions taken by the government are absolutely reprehensible. Nobody should think that this is simply a clarification of existing rights. This is a huge change in the law as defined by the Court of Appeal on 6 July this year. Come what may, and despite that judgement, the government intends to have its way. We object strenuously to what the government has done and the manner in which it is doing it.

The case of *Mountain Pine Furniture Pty Ltd v. Taylor & Ors* is pivotal. The essence of what happened is that on 27 November 1997 Paul Taylor was driving his vehicle when it ran off the road. He suffered two injuries. The first of those was damage to one of the joints of his left big toe. Although it was a serious injury for Mr Taylor, in the context of this discussion it was not so serious. Much more significantly, the second injury was a fractured dislocation of the C6-7 discs with mild spinal canal displacement, as well as what is called in the guides a 'loss of motion segment integrity'. The latter entry was treated by surgery, which involved internal fixation and a C6-7 disc fusion. Mr Taylor made a pretty good recovery from the surgery, but inevitably he has been left with stiffness and an aching most of the time in the side of his neck and some associated irregularities.

On July 1999 Mr Taylor submitted a claim for compensation under section 98C of the act. This was accepted. There was a dispute, though, as to the degree of impairment. That was referred to a medical panel as a medical question. The question submitted was: what is the degree of impairment resulting from the accepted injury or injuries assessed in accordance with section 91, and is the impairment permanent? On 5 January 2004 the medical panel gave an opinion pursuant to section 67 of the act. It determined on a 1 per cent impairment of the toe, and 15 per cent for the neck. Mr Taylor sought a judicial review of the decision of the medical panel. On 1 September 2004 he obtained a judgement quashing that initial determination, and there was a direction that the medical question be referred to a differently constituted medical panel to be dealt with according to law.

On 19 November 2004 the second panel delivered its judgement on the medical question. It reiterated the initial findings — that is, 1 per cent for the toe and 15 per cent for the injury to the upper spine. Very importantly, though, what the medical panel did in the second instance was add its own commentary regarding the guides. The raw essence of that commentary was that there was conflict within the guides as to the way in which they should be used to assess injuries to persons who have had surgery for a spinal injury. Indeed the panel went on to say that, had it been able to make a determination of the extent of the injury on a pre-surgery basis, it would have determined a figure of

25 per cent impairment, whereas dealing with the assessment on the basis for the post-surgery perspective its determination was again 15 per cent.

I pause to say that the significance of this is substantial. I spoke to Mr Taylor's solicitor today, and he told me that the figures were $17 000 as a payment for the 15 per cent impairment as opposed to $37 000 for the 25 per cent impairment. Obviously the figures are very substantial.

Mr Taylor challenged the second opinion of the medical panel, and that went before Mr Justice Bongiorno. Specifically what Mr Taylor contended was that the panel had failed to comply with the directions that are set out in section 3.3 of the guides, that in assessing the degree of his impairment using the injury model stipulated in those provisions, surgery to treat an impairment does not modify the original impairment estimate, which remains the same in spite of any changes in signs or symptoms that may follow the surgery and irrespective of whether the patient has a favourable or unfavourable response to the treatment. That issue is of pivotal significance in this whole debate. Justice Bongiorno heard that application and upheld that basic argument. He ruled that the impairment should be based on 25 per cent, being the pre-operative assessment, and not 15 per cent, being the post-operative assessment.

WorkCover appealed that decision, and on 6 July the Victorian Court of Appeal, which is the highest court in our state, affirmed the decision of Justice Bongiorno and confirmed that the appropriate way to assess these injuries is pre-operatively — namely, 25 per cent in the case of Mr Taylor — as opposed to post-operatively, which led to the finding of 15 per cent. The judges in that instance were Justice Nettle, who wrote the primary judgement, supported by Justices Vincent and Ashley. In essence, when you get down to it, it distils to the fact that four of the justices of the Supreme Court between them have decided that the appropriate way in which to read the guides — these biblical guides — for the purpose of assessing claims is to do it on the basis of assessing injuries of this sort in a pre-operative way. That is an issue of critical importance.

I might also say, having regard to the content of the second-reading speech — I will come back to that in a minute — the judgement by Justice Nettle dealt with the issue of the judgement in the matter of *Bayliss v. TAC*. Mr Justice Nettle determined, and he was supported by the other two justices on the Court of Appeal, that the decision in Bayliss was wrong and that the determination made in Bayliss — that there had been an oversight, as it was termed, with regard to the use of 3.3d within the guides — was not the appropriate way in which this whole issue ought be approached, so with one fell swoop the case of Bayliss fell by the wayside.

What has happened since then is that the government has seen fit to try and cure what it sees as a very significant problem. It is a problem for the government because it faces the prospect of the two schemes ultimately having to pay a significant amount of money if it is that the assessments are made in relation to spinal injuries that have already occurred and been paid out as lump sum benefits in instances where people have been subjected to surgery. I had the benefit of a very competent briefing, and I am advised that the potential exposure with regard to the WorkCover scheme is of the order of $15 million. As far as the TAC scheme is concerned, I do not know. I have asked, but in the effluxion of time it has not been possible to get those figures, and I understand that those things happen. But let us for the subject of discussion say we have a like sort of exposure prospectively for the TAC. We need to put this in context.

Last year WorkCover made a profit of $1 billion, and that is a good thing. It enabled a reduction in premiums in Victoria, and we welcome that. It was a furtherance of the great work done by the Honourable Roger Hallam when he was the responsible minister in the former coalition government. To get that result is a great thing. There was strong performance from insurance operations of $476 million. That in turn is a terrific thing, with the balance being made up of performance in the markets, with a net profit just in excess of $1 billion and a funding ratio of 119 per cent, which is a very healthy result.

For its part the TAC in 2005–06 paid a dividend to the government of $232 million arising from 2004–05. So let us put aside completely the notion that the schemes are in any way under financial threat because of this. It is a complete fiction.

Mr Holding — No, we did not say that.

Mr RYAN — The minister is saying they have never said that. I am pleased to hear him say that, and I accept what he says, because the material that has come to me from solicitors is to the contrary, that it has been said by the government that an element of this is to do with protection of the schemes. We can all put that aside, I am pleased to say. We are not talking about the scheme.

I am happy to adopt the equity argument, but what ought to happen is that the equity argument ought be on

the basis of the judgement being accepted in *re Taylor*, because if that happened and if you had the position that applied across both the schemes that is reflective of the judgement in *re Taylor*, you would have equity. There would not be a problem about equity. Like all these things, it depends on how you choose to define it.

What the government has done in the bill, in clause 8 and in clause 25, is sought to overturn and in fact has overturned the Court of Appeal judgement, and it is asserting by the terms of those clauses that for the purposes of impairment assessments, they are to be done following surgery. That flies completely in the face of what Justice Bongiorno and the three justices of the Court of Appeal have said. Just to make certain of it, both the clauses direct that in an interpretation of the guides, the instruction within section 3.3 of that part of the guides dealing with spinal injuries, which is at the core of all of this, is that that very important provision is to be ignored.

The government cannot amend the guides. It does not have the capacity to do that, because the government does not write them, but what the government can do is the next best thing. It can tell people legislatively, 'When you are interpreting these guides do not worry about what the Supreme Court of Victoria says in the first instance through Justice Bongiorno, do not worry about what three of the finest minds on our Court of Appeal say about the interpretation of these guides, do not worry about all that. We, the government, say anyone who is going to interpret these guides now is going to ignore the provisions upon which the court has placed so much reliance for the purpose of reaching the judgements that it has'.

The government should be ashamed. Labor should be ashamed. The umpire has spoken, the court in the first instance made a determination, the Victorian WorkCover Authority then exercised what are perfectly legal rights to appeal but it got done; it was rolled. What the government should do is comply with the umpire's decision.

The second thing is that the merits of the judgements by Justices Bongiorno, Nettle, Ashley and Vincent are absolutely irresistible. When you read the judgement of Justice Nettle, and time precludes me from going into all the aspects of it, you find it is absolutely apparent that such is the case. In the course of his judgement His Honour makes a number of specific references to issues which are very pertinent to this and summarises very well, if I may say with the greatest respect to him, why the guides ought to be interpreted in the manner in which the courts have said. I will refer quickly to paragraph 28 on page 14, where His Honour said:

> But the nature of spinal injury is such, and the terms of the direction are so clear, as in my view to show that in the case of spinal injury the direction was intended to override the assessment approach observed elsewhere in the guides and to substitute for it an assessment based upon the nature of the injury before surgical intervention. As yet there is no known technique of restoring a damaged spine to a state of perfect integrity.

This is the critical point. This is why spinal injuries have their own place in the guides. This is why spinal injuries are not lumped in with the other injuries. You can patch up bones; you can return them to the way they were. With a spinal injury you can never do that. You cannot return a spine to what it was. His Honour went on to say:

> The spinal injury once done will forever remain, no matter what may be done by way of surgery to alleviate the suffering which it causes. For that reason, a spinal injury is properly to be regarded as an impairment despite any improvement in signs or symptoms the consequence of surgery. Hence the need for the approach in the case of spinal injury for which the section 3.3 direction provides.

That is a neat summary as to why the court came to the conclusions it did about the manner in which the interpretation of the guides should be applied with regard to this important issue.

The second-reading speech, with due respect to all concerned, is disingenuous at the least. It is misleading in other respects. Let us just quickly go through it. On page 5 the speech turns to the issue of Taylor and superannuation under one heading. It talks about dealing with both those matters and again uses the expression 'clarification'. This is no clarification; this is a major change in the law as determined by the Court of Appeal in Victoria. I am only dealing with the VWA and the TAC issues — the spinal injuries issues if you like. It states:

> The VWA and TAC's longstanding approach to the assessment of spinal injuries arises from their interpretation of the American Medical Association's guides …

That is fine. They are entitled to interpret them, but like everybody else they are subject to the law. Believe it or not, and it may come as a surprise to the government, the government is subject to the law. The determination of the courts in the interpretation of these issues is what the government has to have regard to. I do not quibble with their saying that this interpretation is theirs, but now they have a determination by the courts which flies in the face of what they have been doing, incorrectly as it transpires.

The second-reading speech goes on to say the assessments ought to be done after maximum medical improvement, and:

> It is also consistent with the approach taken under the Wrongs Act 1958, and with most comparable schemes in other Australian and overseas jurisdictions.

They will now all have the benefit of the judgement we have from the Court of Appeal and from Justice Bongiorno in the first instance. The second-reading speech states:

> Using the *AMA Guides* in this way has allowed the two schemes to take into account the positive and the negative effects of any corrective surgery …

This is where it is disingenuous, because — —

Mr Holding interjected.

Mr RYAN — I will get to misleading in a minute. It is because the vast proportion of the surgical procedures undertaken, thankfully, are successful. That is why we have them; that is why doctors operate. That is why, when I make the query of those associated with WorkCover as to what would be the position if a pre-operative assessment were made as opposed to a post-operative assessment, the figure of $15 million pops out — because, thankfully, the operations themselves are regarded as 'successful'. But they do not repair; they do not change the impairment.

Exhibit A is in the chamber. About six weeks ago the member for Benalla had a spinal fusion in the upper part of his neck to relieve symptoms that came from an injury caused by playing football over the years. The people I have spoken to say that his history in football was such that when he had the ball in one hand, he was punching someone with the other; but those sorts of things catch up with you, and it has caught up with the member for Benalla. He has had a spinal fusion, but he has the same impairment. The impairment in his neck has not changed from what it was before, but thankfully his symptoms have been relieved. But this test of 3.3 in the *AMA Guides* is all about an impairment. I suspect the government continues to miss the point.

The second-reading speech then says:

> The court's decision —

this is the full court —

> is not only inconsistent with the longstanding principle of providing compensation on the basis of an injured person's permanent impairment, it stands in stark contrast to the leading TAC case in this area (the Bayliss case) …

As I have already said, Justice Nettle dealt with that in the course of his judgement. I wonder whether anybody on the Labor benches actually read it. The second-reading speech then says:

> Fundamentally, the Taylor decision threatens to create significant inequities among those Victorians supported by the TAC and VWA schemes.

Mr Holding interjected.

Mr RYAN — It does! The Taylor decision, if it were followed across both schemes, would see that there was a consistency of approach. That is why this is misleading. You cannot simply say a thing like that. The fact is that it is misleading.

Mr Holding — It is not misleading.

Mr RYAN — Minister, it is misleading. The second-reading speech goes on:

> It is not fair that a person whose spinal injury improves as a result of surgery be entitled to the same compensation as a person whose injury worsens as a result of the same treatment.

It said that knowing that the high proportion — —

Mr Holding — On a point of order, Acting Speaker, I am willing to listen to the Leader of The Nationals describe his opposition to the bill, but his suggestion that I have misled the Parliament in my second-reading speech is unparliamentary and I ask him to withdraw it.

Mr RYAN — I withdraw. The second-reading speech says:

> The bill restores a sensible position to this issue.

An honourable member interjected.

Mr RYAN — My 3 minutes will be chewed up, which is the whole idea.

The second-reading speech then mentions the issue of clarity. This is not clarity; this is changing the law. This is making a major change. The second-reading speech goes on to talk about the reintroduction of common-law rights. I tried to get the figures, but unfortunately time was against all concerned. But it is fiction to say that common law has been returned in the sense that it is usually used in conversations around Victoria. We have a fractional capacity now for people who are injured in accidents to be able to claim common-law benefits out of the VWA. Again, it is a disingenuous sort of statement.

What is the outcome of all this? Here we have the Labor Party, this bastion of workers rights — these people who are here to look after the downtrodden and the woebegone and the injured — absolutely stitching them up, even WorkCover says, prospectively to the tune of about $15 million. If you took people like poor Mr Taylor, at $20 000 a head you are talking about

750 people. This is what the Law Institute of Victoria said in its letter to the minister:

> The LIV is concerned that the amendment arising from the decision in *Mountain Pine Pty Ltd v. Taylor & Ors* (2007) VSCA 146 was completely unnecessary. The number of injured persons to whom this category of injury applied is small. They have very significant spinal injuries. This amendment gives the appearance that the government is seeking to 'select' the aspects of the *AMA Guides* it 'likes' but wishes to exclude those aspects it doesn't like.

There it is in a nutshell. The government ought to cop it on the chin and deal honourably with these people who have often suffered terrible injuries, particularly spinal injuries, which have a very serious impact on those who have to suffer them. But instead we have the government in this chamber skulking about and bringing in this legislation to override these court decisions to enable it to have a position which does a gross injustice to those whom the Labor Party professes to be representing in this place. It is an absolute disgrace. To think that so many of those sitting over there come from the union movement yet they are letting something like this happen! Where have the unions been on this issue? Where is their voice on this issue? Labor members laugh — let the record show that they laugh — but the people who have been subjected to spinal surgery as a result of accidents in the workplace and indeed motor car accidents will not laugh.

The bill is repugnant so far as this issue is concerned. We strongly seek the support of those in the chamber for the reasoned amendment I have moved. In the event that we do not receive that support, we Nationals will certainly vote against this legislation.

Ms RICHARDSON (Northcote) — I am pleased to rise to support the Transport Accident and Accident Compensation Acts Amendment Bill. I will get to the reasoned amendment that the Leader of The Nationals has moved later. The main purpose of the bill is to improve the benefits available to victims of transport accidents under the Transport Accident Act.

Specifically the bill will enhance Transport Accident Commission (TAC) benefits via the seven proposals that are contained in the bill. The first of these will increase the cap to $5000 for counselling for the family of a person who dies or who is severely injured in a transport accident. Currently there is a cap of $2070, which allows 16 sessions with a registered psychologist, so this will significantly increase the amount of counselling time that a family can have.

The bill provides for funds to be paid from the TAC to repair or replace wheelchairs or motorised scooters. Currently you are compensated if your glasses or your hearing aid or the like is damaged, but there is an anomaly, because your wheelchair would not be replaced. The bill clears that up. It also clarifies the provisions relating to the payment of medical excess to ensure that where there are multiple family members just one excess is payable.

The bill provides funding for a substitute carer for up to 12 weeks where the person injured is the primary carer of a disabled person or an elderly family member. This 12-week period also coincides with the usual time that is spent recovering from injuries resulting from a transport accident. There will be a cap on the amount contributed by the injured person towards the cost of their support accommodation, such as in a nursing home, a group home or other shared support accommodation.

The bill also provides access to income benefits where a person has returned to work but has subsequently been unable to continue with their employment. This safety net will encourage people to return to work and to seek suitable employment while not losing their benefits. Finally, it provides funds for expenses that arise from travelling to and from school in circumstances where the injury sustained requires transport support. These measures will significantly improve the TAC scheme while remaining financially prudent.

We know the TAC scheme is a world-leading scheme in its provision of benefits for transport accident victims. Since 1987 the TAC scheme, which is fully funded and is a no-fault benefit scheme, has provided more than $11 billion in compensation on more than 320 000 unique claims. In fact, in 2005–06 the TAC provided benefits to more than 40 000 injured Victorians. It is a scheme that clearly works for the benefit of all Victorians and one which will be further enhanced by the improvements being made.

I am pleased to note that the minister has undertaken to give further consideration to the inclusion of superannuation in the calculation of weekly loss-of-earning payments as part of the review of the Accident Compensation Act. Of course, all further benefits that are affordable will always be given due consideration. I understand that the total cost of the increased benefits is $2.4 million per annum. There is also a one-off $18 million liability, which is an effect of the changes that are being made.

The bill also improves the efficiency of the TAC scheme by enabling the commission to reimburse private health insurers directly. At present private

health insurers seek a recovery of costs from the claimant not from the TAC directly in circumstances where the procedure is ultimately found to have arisen from a transport accident. It also reduces the number of formal agreements that will need to be made by increasing the threshold for home and vehicle modifications to $10 000. Previously an agreement had to be struck for minor modifications to a house and to a vehicle. Finally, the changes will allow the TAC to make bulk payments to ambulance and hospital providers, avoiding the need for claims to be made by accident victims.

The bill also addresses anomalies that have arisen from amendments made to the act in 2004, specifically that all benefits are indexed in line with consumer price index increases. Since 2004 the TAC has done this in accordance with past practice; however, this amendment will ensure its ongoing validity. It also provides clear direction by providing that when an impairment determination is required for access to common-law damages, a three-month wait after the transport accident, when the determination is usually made, will not be required. Finally there is also clarification in the bill on the additional child-care benefits arising from the 2004 amendments.

The bill also addresses two other issues concerning spinal injuries and superannuation contributions. Currently under the TAC and WorkCover schemes a person's impairment assessment is done after all medical treatment. This is consistent with comparable schemes around Australia and the rest of the world. A court decision, *Mountain Pine Furniture Pty Ltd v. Taylor*, has overturned this approach and will present the scheme with a range of challenges if we leave the matter unaddressed. For instance, it would mean that two accident victims with the same spinal injury would receive the same payment even if one walks away from the hospital and the other is left with a permanent paralysis of some kind.

It would also mean that permanent spinal injuries would be treated differently to, say, permanent limb injuries. It would also mean that a spinal injury arising from a car accident would be dealt with differently to one arising in the workplace. And it would mean that if your injury arises post-operatively, you would be worse off — that is, you would be compensated less than you would by having an assessment made under the current scheme.

This brings me to the reasoned amendment moved by the Leader of The Nationals. Clearly it cannot be supported, because it does nothing to address the challenges arising from the court decision, which I have just outlined. In fact the entire premise of the amendment proposed by the Leader of The Nationals is false. He said repeatedly that we must obey the court decision and delay this bill because the court has found that we need to do something different to what has been done consistently by the TAC and WorkCover and in other jurisdictions.

He said we must now analyse this court decision before we proceed. What the Leader of The Nationals does not say is that the finding in the Bayliss case is in direct contrast to the finding in *Mountain Pine Furniture Pty Ltd v. Taylor*. If we were to go down the path suggested by the Leader of The Nationals, we would have the courts saying one thing about the TAC but another thing about WorkCover. We have to be clear that the Bayliss case reaffirmed that the time to make an assessment of impairment is post operatively. The Leader of The Nationals would like to see the two circumstances arising from a WorkCover claim and a TAC claim being treated differently, but that is not something the Labor government can live with, and this is why the amendments are being made to the legislation.

In respect of superannuation contributions, the amendments seek to clarify that weekly benefits will not include employer-paid superannuation. This amendment has arisen from the Northern Territory Court of Appeal case in *Hastings-Deering (Australia) Ltd v. Smith*, which casts doubt over whether these contributions should be included. The costs that could arise from this decision would be substantial.

It is estimated that a WorkCover liability of $610 million would arise, with an ongoing liability of $40 million per year. It is likely that the one-off TAC liability would be $126 million, and there would be an ongoing yearly cost of $8 million.

An honourable member interjected.

Ms RICHARDSON — To take up the point in respect of the costs, it is not the costs that matter with respect to spinal injuries. It is about the equity: it is about ensuring that everybody is treated fairly.

Nonetheless it is appropriate that we review what the decisions would mean and what impact they would have fiscally. It is important to put that on the record. Nonetheless I am pleased to reiterate that the government has agreed to review this position as part of the upcoming review of the Accident Compensation Act. In other words, we know that superannuation is increasingly becoming a cornerstone of retirement income, so a reassessment needs to be made.

The amendments made by the bill will improve the TAC scheme and increase the confidence Victorians have in it. I must say that, as a former motorcyclist who has unfortunately had some run-ins with the road and as a consequence has had an interface with the TAC on a few occasions, I cannot speak more highly of the TAC and this scheme.

Dr NAPTHINE (South-West Coast) — I rise to speak on the Transport Accident and Accident Compensation Acts Amendment Bill. I wish to confine my remarks to one particular clause of this bill, clause 3(3), which inserts a new definition of a 'member of the immediate family' and also widens the current definitions of family members used in the act for the purpose of providing access to TAC (Transport Accident Commission) benefits. The new definition in clause 3(3) says:

> member of the immediate family of a person means a partner, parent, child or sibling of the person …

Under the current definition of the Transport Accident Act 1986 there are definitions of 'dependent child', 'dependent partner' and 'domestic partner', but there is no definition of 'member of the immediate family'. This has caused some issues. I wish to highlight a particular case in my electorate which shows why this change in definition is beneficial and that there ought to be increased flexibility in individual cases. I refer in backgrounding this to the second-reading speech, where the minister says under the heading 'Family member':

> The bill contains an expanded definition of the term 'family member', which is included for two … purposes —

the second of which is —

> … to provide for the payment of travel and accommodation expenses to the parents and siblings of those injured in a transport accident. Previously, only partners and dependent children were eligible for this support.

I have written to the minister about this case in my electorate because it is a high-profile case in the local area and requires a degree of compassion and consideration. I would hope the minister and the TAC would be able to provide that. It reflects particularly on this definition of 'family member'.

On Tuesday, 14 August, at 6.45 a.m. Mrs Carolyn Meerbach was struck down by a car whilst on her regular walk in Portland with her husband, Joseph. Tragically she was seriously injured and, unfortunately, because of the lack of a locally based emergency helicopter in south-west Victoria, it took until mid to late afternoon for Carolyn to be admitted to the Alfred hospital trauma centre. While I do not want to canvass the issue of the need for a locally based emergency helicopter in south-west Victoria, this case once again, like many other cases virtually on a twice-weekly basis, highlights the need for that service in south-west Victoria.

Mrs Meerbach was admitted to the Alfred trauma centre on 14 August. It was clearly as a result of a motor vehicle accident. She remained in intensive care for a considerable time; indeed she was virtually unconscious for over 40 days. I am pleased to advise the house that in recent days she has come out of that unconscious coma state. She is now in the Epworth Hospital and is making some slow progress.

The particular circumstances of this case are that Mrs Meerbach is deaf and has some degree of intellectual disability. Her husband, Joseph, is on a permanent disability pension related to bilateral deafness as a result of meningitis as a baby, which also left him with a slight cerebral palsy and a degree of intellectual disability. Joseph is certainly a loving and very supportive husband for Carolyn. However, these difficult circumstances highlight the problem that we face in this legislation before us.

Joseph and Carolyn live nearly 400 kilometres from the Alfred hospital. Joseph had a situation where his wife was in a coma as a result of a motor vehicle accident and he was required to be at her bedside for those many, many days and nights. But Joseph was having difficulty dealing with the medical specialists, the social workers and the TAC, as well as daily living in Melbourne — public transport and accommodation and meals — given his own disabilities. Therefore he required the assistance of Carolyn's mother, at times her sisters and at times her brothers-in-law.

All of the extended family at different stages were required to be with Joseph to assist him in dealing with all the terrible issues he faced as a result of Carolyn's severe injuries and her time in hospital. However, when Joseph and the family approached the TAC to meet the costs of the accommodation, the meals and the travel associated with this bedside vigil, they were told that they were not eligible — which was absolutely callous, heartless and uncaring.

The TAC failed to take into account the disabilities and the difficulties Joseph had, and despite my intervention and the intervention of my office, the TAC continued to be difficult to deal with and continued to respond reluctantly. The family is still having difficulty getting what I believe is reasonable assistance from it. All these issues and all these costs to this family were purely and

simply the result of a motor vehicle accident that tragically injured Carolyn and disturbed her family. The brothers-in-law and the sisters did not want to stay in Melbourne, but they did it because they had to, to support Joseph and to support Carolyn.

I was surprised that the TAC responded in this inappropriate manner, and therefore I welcome any legislation that expands the definition of a member of the immediate family to include a partner, parent, child or sibling of that person. But I think we should go further; I think there ought to be a degree of flexibility and compassion within the management of the TAC to deal with these issues on a case-by-case basis, and if in some situations there are special circumstances around an individual and their families, then the TAC ought to be able to respond and use some of its funds to provide moderate and reasonable expenses for family members who are there supporting their loved ones in these tragic circumstances.

While I welcome this step forward, I still think further work needs to be done, and I would urge the minister, as I wrote to him on 21 September, to examine the case of Carolyn Meerbach and her family. I would urge that a degree of reasonable compassion be exercised in understanding that in this family's circumstances Joseph was not able on his own to deal with the issues he confronted, that he needed the assistance of his extended family and that it is fair and reasonable that the costs associated with that assistance — which was necessary and appropriate — be met and that the family should not be out of pocket because Carolyn Meerbach happened to have the misfortune of being knocked over by a vehicle when she was going on her regular morning walk.

In conclusion, I raised that particular example to say to the minister and to the Parliament that I welcome the extension by this change in definition, but I would urge that there be even greater flexibility and individual consideration of each family's circumstances when a tragedy like a traffic accident occurs.

Mr CARLI (Brunswick) — I rise in support of the Transport Accident and Accident Compensation Acts Amendment Bill. I want to particularly focus on the improved benefits to the transport accident scheme as a result of this legislation.

As we all know, and previous speakers have spoken about it, road accidents cause enormous tragedy and trauma for many families. No doubt everyone in this house has been touched one way or another by road accidents. We are very proud in Victoria to have seen the road toll decline, and there has been a steady improvement in road safety, but the number of road accidents is still very high and the trauma affects individuals and families.

What we have in this legislation are seven areas of improved benefits. We are proud in Victoria to have a Transport Accident Commission (TAC) — a transport accident scheme — which is world-class and provides a fair, equitable but also financially competent no-fault scheme for Victorians. It is an enormous protection for all Victorians.

The bill provides a series of improvements that will mean more benefits for Victorians, including tripling the amount of money for family counselling and a new employment safety net for people seriously injured in road accidents. Road trauma touches thousands of Victorian families every year. In 2006 alone the TAC funded support for more than 40 000 injured Victorians. When you multiply that by the number of families, loved ones and friends affected, we are talking about a huge part of the population being supported by the TAC as a result of road accidents.

With a road accident we have not only the financial costs and the pain of the accident, but also the emotional impact and the trauma that affects the people around it. With this legislation we are extending the benefits and support available to families and recognising the financial and emotional strain that affects families, ensuring that the TAC scheme provides extra protection and support.

On the issue of family counselling, in the case of a family member who dies or is seriously injured, we currently have a limit of $1670; that will be increased to $5000. That ensures a suitable amount of money will be available to assist families or loved ones who are affected by death or serious injury following a road accident.

The employment safety net will be introduced for seriously injured people who return to work and for various reasons lose their jobs, whether due to a change in workplace arrangements, a site closure, a restructure or a redundancy. There will be a level of income protection and provision of vocational assistance to ensure that the injured person is not just put on the scrap heap but is assisted to return to work. It is a safety net for some of the most vulnerable people in our society.

The bill provides a number of other improvements. There is funding of substitute care for up to 12 weeks where the injured person is the primary care giver — that is, they provide care for a disabled or elderly

member of their family. If a primary care giver is injured in a road accident, 12 weeks of substitute care is available. There is a payment of travel expenses for children who are unable to travel to and from school because of their transport-related injuries. It provides a level of support in the case of children who are injured and it ensures that there is money available for them to be able to get to school.

It provides a cap on the amount injured Victorians are required to contribute towards the cost of supported accommodation and ensures that the living expenses of those Victorians where they are in supported accommodation are affordable. Again it is a level of protection and another benefit for some of the most vulnerable people.

It allows the TAC to fund the cost of repairing or replacing mobility aids in an accident. If, for example, someone who has been in a wheelchair is injured, the TAC will have the ability to replace that mobility aid. It also clarifies provisions relating to the payment of the TAC's medical expenses to ensure that, where multiple family members are involved in the same transport accident, only one excess is payable.

We have here a series of improvements to the TAC scheme. It is a scheme which I think all Victorians should be proud of. It is not only fair and equitable, but it also provides financial stability. It is a scheme which with these seven areas of improvement is a better scheme, and I think it needs to be always understood that it is part of a much broader government strategy to fight the road toll and to reduce accidents. Victoria has been at the forefront in the world in terms of road safety. We are also in the forefront in terms of protecting people injured in road accidents. With those few words, I conclude.

Mr WAKELING (Ferntree Gully) — It gives me pleasure to rise to speak on the Transport Accident and Accident Compensation Acts Amendment Bill 2007. This bill makes changes to the Transport Accident Act 1986 and the Accident Compensation Act 1985 and consequently amends the Accident Compensation Act (WorkCover Insurance) Act 1993.

To provide a brief overview of the provisions of this bill, firstly, it will clarify that employer superannuation contributions are not included in payments and pre-accident weekly earnings. Secondly, it will increase certain benefits available and introduce a new safety net income benefit for persons with severe injuries. Thirdly, it will make statute law revision following the Court of Appeal's recent decision in the case of *Mountain Pine Furniture Pty Ltd v. Taylor*, which deals with the way spinal injuries are assessed for the purpose of lump sum compensation — namely, in regard to the clarification that impairment from injury is to be based as at the date of assessment following any surgical or medical treatment. Fourthly, it will also improve certain benefits available and provide for the annual indexation of minor benefits.

I would like to deal with two components of the bill. Firstly, I would like to deal with the assessment of impairment with respect to its being pre or post surgery. As I have mentioned before, the provisions within this bill that relate to this area deal with the *Mountain Pine Furniture Pty Ltd v. Taylor* matter which was the subject of a Court of Appeal decision. In that case the presiding judge determined that any decision with respect to the assessment of someone's capacity is to be determined pre-surgery. Whilst that decision was made in line with the provisions of the relevant legislation — I understand the employee in this matter injured himself while driving a truck in November 1997, and as a consequence of that had sustained an injury to his foot — dispute arose as to the level of impairment sustained as a consequence of the accident.

If the current provisions of the legislation were to be taken literally, an employee who sustained an injury at work, consequently undertook surgery which remedied the problem and was deemed to have 100 per cent capacity, could still be deemed to be totally or partially incapacitated based on their injury before the operation took place. The bill provides logic and confirms the status quo, so as has been said by speakers on this side of the house before me, the Liberal Party will be supporting this legislation.

Another matter I wish to address involves a Northern Territory court proceeding which dealt with the definition of 'ordinary time earnings' with respect to the calculation of pre-injury earnings and superannuation contributions. Common practice in this state is that the definition of pre-injury earnings does not include superannuation contributions. In the Northern Territory matter it was determined that superannuation contributions be included as part of the calculation of pre-injury earnings. Members can appreciate that if that were to flow over to other jurisdictions, specifically to Victoria, that could obviously result in a great impost on businesses in this state. Certainly the Liberal Party will be supporting the provisions put forward by the government in regard to this matter.

To see how this matter has been dealt with in the industrial arena I would like to examine the definition of 'pre-injury earnings' with respect to accident

make-up pay in the Metal, Engineering and Associated Industries (Accident Pay, Victoria) Award. The definition of accident pay in that award has become the staple across many industries. It specifies that an employee's ordinary time earnings will be what is earned in performing:

> … the employee's normal duties, in the employee's normal classification, for the week in question, provided that this rate includes the ship repair allowance set out in —

the relevant paragraph of the relevant federal award. It excludes a number of other bonuses: attendance payments, shift premiums, overtime payments, foundry allowance et cetera, which is standard practice. More importantly, what it does not include are relevant superannuation contributions. Whilst an employee may be in receipt of accident make-up pay as a consequence of sustaining a work-related injury, an employer may be required to provide a superannuation contribution as part of their employment. The calculation of their ordinary earnings does not include the relevant calculation inclusive of superannuation.

The Victorian decision is clearly in line with relevant practice in the industrial arena. I have referred to the metal award. The Storage Services — General — Award, which covers the warehousing and logistics industry in Victoria, has a similar provision. The definition of accident pay includes that the amount:

> … payable under this award for the classification of work if the employee had been performing their normal duties, and any weekly over-award payment, provided that such rate shall exclude additional remuneration by way of attendance bonus payments, shift premiums, overtime payments, special rates, fares and travelling allowance or other similar payments.

Again, this demonstrates that the consistent practice is that superannuation is not included. Certainly if the provisions as outlined in the Northern Territory case were to be duplicated in this state, they would result in a severe impost on Victorian businesses. That is something which employers in this state have not had to deal with. As has been indicated, the Liberal Party will not be opposing the legislation.

Mr NARDELLA (Melton) — I rise to support the Transport Accident and Accident Compensation Acts Amendment Bill 2007. I heard the contribution by the Leader of The Nationals, who cried crocodile tears. It is hypocrisy for members of The Nationals to come in here and criticise members of the government for the amendments in this bill and the reasons for making these amendments.

The Leader of The Nationals talked about former minister Roger Hallam. I was in the other house with the Honourable Roger Hallam when every single year, and sometimes twice a year, The Nationals would support the Liberal Party in amendments to take away rights from injured workers and people injured in motor vehicles. In every one of those situations the Leader of The Nationals supported the diminution of the conditions and benefits of both injured workers and people injured in motor vehicle accidents.

Worse than that, in his contribution the Leader of The Nationals went on to say that we have not restored common-law rights to the extent that he wants. And yet there he was, a member of the house that in 1997 took away common-law rights and the rights of injured workers. The crocodile tears that he cried in the house tonight were absolutely damning of him, because the bill before the house is a Labor bill. This bill is about not only restoring and giving additional rights and benefits to injured workers and people injured in motor vehicle accidents — and there are over 40 000 of them every year — but also about providing extra services and benefits to families in those tragic situations.

It is also about providing fairness for people with spinal injuries. Members can read, in some of the 740 speeches that I have made in this Parliament, about some of the accident cases that I know of and have been personally involved with. With back injuries you can get situations where they are actually made worse after an operation, so the bill before the house takes that into consideration. We have had a look at and investigated the judgements of the courts, and we have made a decision that when you balance all those things out it is best to have a look at and assess an injury after everything possible has been done to try to deal with that injury.

That is fair in the sense of both the injured worker and the person who is injured in a motor vehicle accident, because in the final analysis what you end up with is that the assessment of the person is the basis for what should be compensated. If it is made better, understanding the difficulties that surround back injuries, that is fine — and if it is better, then obviously the compensation is lower. But if it is made worse, and sometimes it is, then the compensation should be at a higher rate because it is affecting the person in that situation.

The hypocrisy, the cant and the crocodile tears that the Leader of The Nationals demonstrated to this house were absolutely false. At every opportunity he supported the Honourable Roger Hallam — just like members of The Nationals supported the former minister when I was in opposition in the other place — in taking away injured workers rights and the rights of

people injured in motor vehicle accidents. They stand condemned for that, and The Leader of The Nationals stands condemned for his position of supporting the Kennett government back then. I support the bill before the house.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house do now adjourn.

High Street Road, Wantirna South: duplication

Mr WELLS (Scoresby) — I raise a matter of concern with the Minister for Roads and Ports. I ask him to take immediate action to duplicate High Street Road from Stud Road to Burwood Highway in Wantirna South. I know that a number of people living on the Knox Gardens estate use this road on a regular basis. It is a dangerous road, as it is single laned each way, and it is the only section of the east–west corridor that has not been duplicated.

In May 1997 VicRoads put out a document discussing the High Street Road duplication and setting out stages 1, 2 and 3. Stages 1 and 2 took place under the previous coalition government, because it cared about what was happening in the outer east. The document says at the end of the section headed 'Stage 3' that the total project was expected to be completed within five years. This was in 1997, so we would have expected the duplication to have occurred by 2002. However, we could not rely on the Bracks government, and we cannot rely on the Brumby government to do anything in the outer east.

I note with great interest that in 1999 the coalition government made it one of its priorities to duplicate that road and fix it properly. In 2005–06 the fourth highest priority for the Knox City Council — and the highest priority in the Scoresby electorate — was the duplication of High Street Road from Stud Road to Burwood Highway. Yet I raised the issue in 1999, looking for some sort of commitment from the Bracks government, now the Brumby government, to do something in the Scoresby electorate, and we still have not seen this part of the road duplicated.

This is the only section of the east–west corridor that the Brumby government has had a chance to look at duplicating, and it has not done it. This is on top of all the other broken promises — the tramline to Knox, the feasibility study on the Rowville train line extension and saving Waverley Park. When it comes to delivering for the outer east and the electorate of Scoresby, the Brumby government has not achieved a thing. I call on the Minister for Roads and Ports to take up this issue as a matter of priority and to ensure that this section of road is duplicated.

Halogen downlights: safety

Mr LANGUILLER (Derrimut) — I raise a matter for the Minister for Energy and Resources. I call on the minister to take action to alert the public to the fire hazard posed by halogen downlights. As you would know, Deputy Speaker, halogen lamps are high-pressure incandescent lamps which contain halogen gases such as iodine and bromine that allow the filaments to be operated at higher temperatures and higher efficacies.

A home in my electorate of Derrimut was burnt to the ground as a result of incorrectly installed halogen downlights. This is only one of 57 homes in Melbourne that have been burnt down in the last 18 months as a result of these downlights. It is my understanding that these fires start in the roof cavities, which are physically separated from the ceiling areas below and are therefore undetectable by ordinary ceiling-mounted smoke alarms. Most residents only become aware of a fire when the roof collapses in on them. So far no-one has been killed, but there have been some very near misses. Something needs to be done.

As members of the house would know, downlights are an extremely popular form of lighting in modern homes. Many of us would have them in our own homes. The concerning thing is that many people are probably unaware of the fire hazard they can pose. That is why it is important that consumers are made aware of the dangers and that high safety standards are met by the electricians installing these lights. I therefore call on the minister to take action to alert the public to the dangers associated with halogen downlights and ensure that electricians take the appropriate amount of care when installing these devices.

Regional and rural Victoria: mental health services

Mr DELAHUNTY (Lowan) — I raise a matter for the attention of the Minister for Mental Health. The action I request of the minister is that she increase mental health services in rural and regional Victoria to address the ongoing concerns in such areas as outreach services, weekend services and crisis services. They could all be included in the overall management of

mental health services in country Victoria, particularly in those areas which are experiencing drought.

We know it is Mental Health Week, but we also know that currently mental illness affects one in five Victorians and accounts for over 70 per cent of the disability burden of our young people, so it is a major concern for all of us and I recognise that. However, this week also gives us the opportunity to discuss problems associated with mental illness problems, particularly in areas of country Victoria. I want to do that on behalf of rural and regional Victorians and highlight to this state government the need for services to be made available for those who live outside Melbourne.

I have spoken many times this year of concerns about mental health services in country Victoria. We have limited access to mental health services. We have to travel long distances, and we have very limited or no beds available for those who need them. I wrote to the Minister for Mental Health on 14 September regarding mental health services, particularly those in the Wimmera region which are administered by Ballarat Health Services. General practitioners, people at Wimmera Base Hospital and community members have raised many concerns with me about the availability of mental health services, particularly after hours and at weekends. I am led to believe that there are a number of vacancies, and advertising for replacement staff has not been as vigorous as that for similar vacancies in Ballarat.

Of particular concern are reductions in after-hours services from 5.00 p.m. till 8.30 a.m. on weekdays and weekend services, which will be delivered from Ararat and will mean that residents of remote areas of the Lowan electorate will have to travel for several hours to access services. There have been no discussions with police, general practitioners or hospital services about the reduction in services. I know the Minister for Health put out a press release this week, and I know the federal government has also put out press releases on this matter. I really do say thank you for the increase in services, but I do believe that not enough is being done for those areas outside Melbourne.

Over the last three years more than 60 registered psychiatric nurses have resigned from the Grampians region. Last year an Australian Senate report highlighted the problems of mental health services in country Victoria. The Nationals believe that those who live in country Victoria are entitled to top-quality mental health services in their region. The government must do more to implement strategies to assist those in country Victoria, particularly those in drought-affected areas. As we all know, chronic underfunding of mental health services, particularly for young people, is a false economy leading to larger social problems.

Consumer affairs: letter scams

Ms MUNT (Mordialloc) — The issue that I raise this evening is for the attention and action of the Minister for Consumer Affairs. On 17 August I received a handwritten letter that was purportedly written by Lunkuse Catherine, care of St Peter's Church, Kampala, in Uganda. It is a beautifully handwritten letter, and I will read it out shortly. I am pretty used to scams; I have had a lot come through to me via email and through the mail, but this beautifully handwritten letter caused me to pause and to look at it for a second and a third time, and eventually I did pass it on because I believe it may be a new form of scam.

This particular handwritten letter also came with course details from the Mengo Nursing School, detailing the marks that Lunkuse Catherine had achieved for her nursing course. I will read part of the letter. It says:

> I greet you in the name of our Lord. I have been given your address to kindly contact you for some assistance.
>
> I am an orphan girl aged 20 with a brother and sister. It is so sad both our parents died … two years ago. Ever since their death we have been under the care of our uncle who has been paying our school fees. Unfortunately he passed away recently in a fatal road accident.

It goes on to say:

> Unfortunately, I do not have anyone to help me with school fees. I am required to pay a sum of US$896 for the final year —

of her nursing and midwifery course.

> Please, Janice, I am kindly requesting you to sponsor me with school fees to enable me complete my course so that on completion I will be able to get a good job and look after my young ones in future.
>
> I pray that God puts you in a position of assisting me. Hope to hear from you.
>
> God bless you.

Here are the details of her — —

The DEPUTY SPEAKER — Order! Would the member ask for the action she requires.

Ms MUNT — The action I require from the minister is that he investigate whether this is in fact a new form of scam. If this beautifully handwritten letter with a very detailed and professional attachment is a new form of scam which is going out to constituents in my electorate, it could be very dangerous, as they may be

fooled and pay almost US$1000. I ask the Minister for Consumer Affairs to look at this most carefully to find out if this is a sincere letter or a new form of scam that may be very dangerous. It is one that I have not seen before.

Disability services: funding

Mr THOMPSON (Sandringham) — I raise a matter for the attention of the Minister for Community Services. I raise it on behalf of a constituent grandparent who is seriously concerned about the welfare of her daughter. Earlier correspondence by my constituent states:

> I write on behalf of my daughter … who will shortly be a constituent in Elwood in the southern region in which my husband —

and the constituent —

> both currently reside.
>
> The circumstances of my daughter are desperate.
>
> My daughter adopted as a single mother —

a young man —

> who is now 21 years old. He is autistic, has Downs syndrome and has learning difficulties.
>
> My daughter has reached a point where she is no longer in a position to care for him under current arrangements. She has endeavoured to initiate a more appropriate level of support. The position is critical at the moment both for the welfare of my daughter and also for —

the grandson —

> and I seek your intervention … to achieve an outcome that is in the interests of all parties.

On behalf of my constituent I seek a meeting with the minister or her senior representatives to work out a solution that will assist this lady, who in other circumstances might be adjudged mother of the year or Australian of the Year. She has adopted four children, one of whom has a disability. In this particular case she has a child who is endeavouring to further their education this year. The circumstances of her other child, who has Downs syndrome, learning difficulties and is also autistic, makes it very difficult.

In the circumstances where this lady cares for the children on her own I believe it would be an appropriate allocation of government resources to achieve a more effective outcome for her. She has done an outstanding job. On behalf of both my constituent, the grandparent of this young person, and also the adoptive parent, I seek an opportunity for a solution to be arrived at by the department that will achieve not only the best interests of the child but also the best interests of other family members.

Veterans: Geelong

Mr EREN (Lara) — I raise a matter for the attention of the Minister Assisting the Premier on Veterans' Affairs. The minister would be aware that in Geelong we have a very vibrant and active veteran community, with a number of organisations that genuinely go out of their way to assist veterans within the wider Geelong region. Respectively they are the Geelong RSL sub-branch, the Vietnam Veterans Association of Australia Geelong and district sub-branch, Geelong TPI Social and Welfare Club, Surf Coast Regional Veterans Centre and the Extremely Disabled War Veterans Association of Australia at Geelong. Of course the region is also served by the Department of Veterans Affairs regional office.

The organisations also include the Geelong Veterans Welfare Centre, which is a non-profit volunteer organisation sponsored by the Victorian state branch of the Vietnam Veterans Association of Australia and the Returned and Services League, which provides great advice and assistance to Australian veterans. It is a member of the Victorian Regional Veterans Centres Network, which is supported by the Department of Veterans Affairs.

These organisations deserve the utmost respect because, let us not forget, the Australia we all enjoy today is largely because of the sacrifices that were and are being made by our serving and ex-serving men and women and their families. They ought to be supported by all tiers of government of all political persuasions.

Of course Geelong has a history in terms of its military and its veterans. I know that this government has supported the veteran community in the past and will continue to support it in the future. Therefore the action I seek from the minister is that he visit RSL clubs in the Geelong region to learn about and gain a further understanding of the vital welfare work they do and in return explain to them the work the government is doing in relation to veterans. I know these organisations would be very pleased to be visited by the newly appointed minister, and I am sure the minister would be pleasantly surprised by the wonderful job these organisations do for the veteran community.

Crime: antisocial behaviour

Mr HODGETT (Kilsyth) — I raise with the Minister for Police and Emergency Services the issue

of antisocial behaviour and its impact on the health and security of our local communities, and I ask the minister to implement a mechanism to enable police to issue on-the-spot fines to persons who are committing offences involving antisocial behaviour.

All members of this house will be aware of the ominous trend, reported locally by police, the public and the media, of verbal abuse, spitting, vandalism, theft and harassment that seems to go unaccounted for and unnoticed by the minister and members opposite. This issue is not ignored because police choose to ignore it — unlike the minister. The reason it does not have prevalence over other crime statistics in the state of Victoria is that our police simply do not have the time to jump through the hoops that the current statutes require them to. What police officer has time to prepare the paperwork for a paltry penalty decided in front of a magistrate? I think we would all agree that if time must be spent on paperwork, it should be spent on matters of greater consequence to the rule of law.

We need to find a medium that works to protect the victims of antisocial behaviour and to protect our community from perpetrators who are not concerned about their actions. Surely this house would agree that a better process would be to enable a police officer to serve a penalty notice on such an offender rather than proceed with a summons and take the matter to court? Under the Transport Act many varied offences are dealt with in such a manner, yet police on the street must prepare briefs of evidence for court. Again I ask: what police officer has the time to take action on these matters? Police officers are stretched by a government that does not help them, and they are ignored by a minister who does not listen to them.

This government is more interested in the spin of low crime statistics than in giving police sensible powers to fight crime and improve local community safety. I beg the minister to listen. His statistics on offences involving antisocial behaviour are not entirely accurate, because the offences are going unreported. Why? It simply boils down to a matter of priority policing. The minister needs to help our police. He needs to join them in fighting for the protection of our society.

I ask the minister to develop a mechanism that enables police to issue on-the-spot fines to persons who are committing offences involving antisocial behaviour. We cannot allow our police to be bogged down in a quagmire of paperwork, and we cannot allow members of our communities to be in fear of walking down the street or hopping off a train. The importance of working together on this issue must be recognised by all members and by the minister in particular. It is imperative that we support our hardworking local police force, which I believe would welcome this initiative.

High Street–Cooper Street, Epping: traffic lights

Ms GREEN (Yan Yean) — I wish to raise a matter for the attention of the Minister for Roads and Ports. The action I seek is the installation of traffic lights at the Epping–Kilmore road intersection, otherwise known as the intersection of High Street and Cooper Street in Epping. My local residents would have read with great concern an article in last weekend's *Sunday Herald Sun* which listed this intersection as the fourth worst accident black spot in Melbourne. The article quotes VicRoads figures indicating that 50 crashes occur at this intersection per year. On 4 August last year I was pleased to join my neighbouring colleagues the member for Mill Park and the then Minister for Transport, now the Minister for Community Development, to announce the allocation of $3 million to convert the existing roundabout at this intersection into a set of traffic lights, which would also incorporate road widening and the installation of on-road bicycle lanes.

I am a bit concerned that the *Sunday Herald Sun* article, in raising the concerns and fears of the community, failed to mention that this funding has been allocated. Nonetheless, I call on the minister to have VicRoads move this project forward, as it has already been announced.

I am pleased to be part of a government that has spent in excess of $4.8 billion on our roads since 1999. My electorate has been the beneficiary of $32 million, which was spent on the duplication of Plenty Road; $29 million on the duplication of Cooper Street; and $12 million on the extension of Edgars Road. However, this intersection is still causing a lot of problems. We have announced a solution, and that needs to be delivered.

The state government's approach to improving our roads is in stark contrast to that of the federal government when you consider that although road users in Victoria contribute 26 per cent of road taxes, we are only getting about 15 per cent or 16 per cent in road funding. If the federal government were to give Victoria a fair deal, we would be able to move these projects forward more quickly, we would be able to do a lot more, and there would be fewer people injured because our roads would be safer. Notwithstanding that, I remind the house that our road toll for the past four years has been the lowest on record, but if the federal

government kept up its end of the bargain this would improve.

In conclusion, I urge the Minister for Roads and Ports to speak to VicRoads and ensure that the installation of traffic lights at the intersection of Cooper Street and the Epping–Kilmore road proceeds as per the announcement on 4 August last year. We need these traffic lights, and we need them now.

Planning: Mornington and Mount Eliza land

Mr MORRIS (Mornington) — The issue I raise this evening is for the Minister for Planning in the other place. The action I seek is that the minister approve amendment C87 to the Mornington Peninsula planning scheme in the form submitted to him by the Mornington Peninsula Shire Council.

I raise this issue because, unlike with most planning scheme amendments, the position of the council and the position of the independent panel appointed to consider the amendment are diametrically opposed. The independent panel, in fact, recommended that the council substantially modify the amendment to change it entirely to performance-based controls rather than the tighter controls that are proposed. The council has elected not to accept the panel's advice and to proceed with the amendment in the format in which it was originally submitted.

The amendment relates to the Mount Eliza woodlands area bounded by Nepean Highway, Humphries Road, Canadian Bay Road and Moorooduc Road. It is an area that has a very distinct neighbourhood character. All are large blocks, and there is a substantial amount of remnant vegetation left. The site coverage is relatively low at 8 per cent, but the current controls have been found wanting. The council has confirmed that 93 per cent of the lots in the area — that is, 1582 lots out of a total of 1600-odd — are able to be subdivided further. Clearly, if the current controls are left in place there will be a substantial adverse impact on the character of the area.

Some may argue that performance-based controls could achieve the intended result, perhaps by controls on site coverage or a more complex approval process, or perhaps by landscape plans or that sort of thing, but the reality is that unless the specific subdivision controls are introduced the economic pressure remains. If subdivision controls are introduced then the economic pressure is removed entirely.

Over the last three years there have been quite a few cases that have gone to the Victorian Civil and Administrative Tribunal. The response from VCAT has covered both ends of the spectrum and all points in between. In terms of the structure of the planning scheme, it has ranged from 'You should have subdivision controls in place' to 'We should keep considering them on a case-by-case basis'. The amendment is also consistent with the Southern Regional Housing Statement in that sufficient subdivision opportunity is identified to allow the reaching of population targets with these subdivision controls in place. The proposed amendment is consistent with the municipal strategic statement, and I urge the minister to approve it.

Foster care: support

Ms RICHARDSON (Northcote) — The issue I raise is for the attention of the Minister for Community Services. It concerns foster carers and the level of oversight and red tape that they must deal with. I call on the minister to take appropriate action to ensure that foster carers are given greater flexibility to make decisions affecting the wellbeing of children in their care.

Foster carers throughout Victoria do a fantastic job looking after some of our most vulnerable children. These are children who cannot live at home for reasons to do with abuse or neglect; they are children who have been denied a good start in life. Foster carers take these kids under their care and start to turn their lives around by providing normal, home-like environments — environments these children have never experienced before. They do this under trying circumstances. To become foster carers they must undergo an assessment, they have various checks and they receive training. They also have to work within strict guidelines and practices, as is appropriate for people working with children.

Foster carers in the electorate of Northcote have raised issues around excessive levels of red tape and bureaucracy. They have raised instances where inflexible departmental guidelines have denied children in their care the opportunities to experience things like slumber parties and school excursions — experiences other children enjoy all the time. Currently, for example, in order for a foster child to stay overnight at a friend's place, a police check must be completed on the friend's family. This must be very embarrassing and confronting for the foster child.

Moreover, the Department of Human Services must give prior approval for all school excursions before a foster child can take part in them. The message this sends to foster parents is, 'We trust you for the

day-to-day care of the child, but we do not trust you with making decisions that every parent makes every day and every week with their own children'.

Northcote and the northern suburbs, along with the rest of Melbourne and Victoria, suffer from a lack of foster carers. I must stress that foster parents so often report the rewards they experience arising from their foster care arrangements; nonetheless, we have a shortage of foster parents in Victoria. I am concerned that overly inflexible rules and practices, as well as sometimes preventing kids in care from enjoying everyday experiences, also impact on the recruitment and retainment of foster carers. That is why I call on the minister to take appropriate action on this issue.

Responses

Mr BATCHELOR (Minister for Energy and Resources) — The member for Derrimut raised with me the issue of halogen downlights and the fire hazard they can pose if they are not installed or maintained properly. He reminded Parliament of statistics from July of this year recording the loss of 57 Melbourne homes to fire in the previous 18 months, losses which were likely to have been as a result of incorrectly installed downlights. This is clearly a very important issue, and it is one Energy Safe Victoria will be tackling in its new safety advertising campaign, which is due to begin on 14 October.

It is important to understand that downlights in themselves are not unsafe. It is only when improperly installed that they are transformed into safety risks. For example, if they are placed too close to structural timber or become covered by insulation or ceiling debris they can pose a substantial fire risk and consequently a risk to the lives of people living in or visiting those homes.

This is why the new national wiring rules are currently in the process of being implemented. Although they will not be officially in place until next year, I am urging all electricians — electrical contractors and licensed electricians — to take up the new standards straight away. It is important that they are known, and there is no reason why they should not be implemented early.

While the current rules contain only relatively brief references to the standards which should apply when these downlights are positioned near insulating material, the new rules, which come into effect from next year, will cover the issue more explicitly. They will include a diagram and table showing the minimum clearances required for downlights. The new rules set a minimum distance of 200 millimetres between halogen lamps and flammable materials.

Halogen lamps can operate at up to 500 degrees Celsius, so it is not hard to see how they can ignite roof insulation or even timber roof trusses if they get too close to the lamp — a source of heat — or to the transformer that forms part of the lighting unit.

This is especially worrying where there is loose-fill, paper-based insulation. This type of insulation is particularly prone to being blown around by the wind or disturbed in the roof cavity by birds or animals. But there are products available on the market now to combat the dangers posed by the uncontrolled movement of insulation. Products like shields and other protective devices fit neatly and safely around the halogen lamps and the transformers to prevent debris from blowing or being pushed onto the lamps.

There are many other things that homeowners can do to ensure that their downlights are installed properly and safely. Firstly, they can check the downlights to see that they are not installed too close to insulation material or structural beams. Additionally the homeowners could check that there is a space of at least the spread of a hand width around downlights and transformers. Also they can insist on using the best quality when downlights are being installed. Do not go for something inferior, and make sure that the best quality materials, including fittings and guards, are used.

If people are unsure as to whether their downlights are installed safely, they can contact their local registered electrical contractor or contact Energy Safe Victoria to arrange a value-for-money inspection of the home safety of these installations. Finally, homeowners should always ensure that a registered electrical contractor is engaged for any electrical work around the home and insist on a certificate of electrical safety when the work is complete. If the tradesman is not prepared to provide a certificate of electrical safety, the owner should refuse to engage them for the job.

The other thing that is worth considering when looking at downlights, whether you are renovating or building a home, is that power consumption is also an important matter. Power consumption is determined by wattage rather than voltage. While halogen lights are low in voltage, they are not necessarily low in wattage. This is especially the case when halogens are typically installed in banks or rows of lights, often in excess of the traditional type of lighting they are replacing. This leads to greater energy consumption and higher bills, and of course, if they are not installed properly, there is also the fire risk that I mentioned earlier. If people want

to get the low-down on these types of appliances, they can visit the website of Sustainability Victoria, which provides a lot of useful information for consumers about alternative lighting options.

What is important at the end of the day for both consumers and electricians is that they remain vigilant to ensure that lights are installed and maintained properly and that the appropriate consideration is given to the types of lighting that are going to be used both from a safety perspective and from an energy efficiency perspective.

For those who already have halogen lights installed in their homes — and I guess there are a lot of people in that category — I urge them to check they are installed properly or, if they cannot do that, to engage a suitably qualified electrician to check for them. The other message that needs to go to the electrical industry is that there is no need for electricians and contractors to wait until these new regulations become enforceable in law: they should start using these revised wiring rules right now.

Ms NEVILLE (Minister for Mental Health) — The member for Lowan has raised with me the important issue of mental health support for regional communities, especially those affected by drought at the moment. The continuing drought has certainly put pressure on the social fabric of our rural and regional communities. I think we would all be disturbed about the recent reported statistic of 106 suicides of farmers over the last seven years.

It is a tragedy for the individual families and also for the broader communities in which they live. I am sure every member of this house would express their sympathy to the families who have been touched by suicide. As the member noted, we know that about one in five Victorians will suffer from mental illness during their life, and that, at its most tragic, depression can result in suicide.

As a member of the government's drought task force, as the Minister for Community Services and in my role as the Minister for Mental Health I can assure the member that I am particularly keen to drive the delivery of assistance to members of those rural communities who are struggling to cope at the moment.

Mental health has undoubtedly emerged as a key issue for many people, and we are continuing to increase assistance to those communities. To provide details to the house, this government has provided and funded 23 counsellors in rural and regional communities that have been affected by the drought. We have also been investing in the rural workforce to build the capacity of both professionals and non-professionals to understand the needs of farming communities affected by drought at the moment, and we have done this through the rollout of mental health first-aid courses. We have also established the drought personal support line, and this has now gone to a 24-hour-a-day, seven-day-a-week service. This is in addition to the services provided through suicide helpline and lifeline.

These services are on top of and in addition to the range of mental health services that we provide right across the state, including in regional and rural Victoria, from acute and community-based services, and we are continuing to invest in new services and in most cases rolling out those services first in rural and regional Victoria — services like the youth early psychosis program, which is playing a very important role in intervening very early with young people at risk of developing psychosis.

I have also recently announced additional funding for regional communities to employ workers who can assist families where a parent has a mental illness, particularly supporting children in those families, which is a very important early intervention program. We are also putting in place mental health clinicians in emergency departments in our major regional hospitals. These are just some of the recent initiatives we are putting in place to better support regional and rural communities in dealing not just with the drought but with ongoing mental health issues. As I have said in this house before, mental health and wellbeing is everybody's business, and I can assure the member that I will continue to work with regional and rural communities to provide the support that they need, particularly at this very difficult time.

The member for Sandringham raised a matter in relation to the issues faced by a local constituent of his in the care for their child who has particularly high needs. I certainly understand that any parent who cares for a child with complex needs, such as autism and Down syndrome, will experience a variety of challenges.

In the case of Ms Jane Hickey and her son Colby, I have recently received correspondence from the member for Sandringham outlining these difficulties, and I have certainly asked for further information from my department about this matter. Whilst I cannot provide detailed personal information in the house in relation to this particular case, I can inform the house that my department has been providing a range of support and assistance to Ms Hickey and her son for a number of years. The Department of Human Services

has also recently been working closely with Ms Hickey and her son in determining what the appropriate supported accommodation needs might be for her son and other support packages. I will certainly be encouraging my department, and I would encourage Ms Hickey, to work closely with the regional office to ensure that we are able to provide the appropriate accommodation and support needs to meet her and her son's challenges at the moment.

The member for Northcote raised an issue in regard to the need to provide greater flexibility for foster carers in the decisions that they make about the children in their care, particularly as it relates to their capacity to make decisions about overnight stays and school trips. This is an issue that foster carers have been raising with government for a number of years. As the member rightly points out, there are high levels of red tape and bureaucracy that foster carers have to deal with, and this can impact on the recruitment and retention of carers and also impacts enormously on the ability of children in care to participate in the everyday experiences of other children. I am very pleased to inform the honourable member and the house that the government is taking steps in that direction and has now changed one piece of policy around children in care. That relates to their ability to stay overnight at a friend's house without the need for additional police checks.

I have also asked the Department of Human Services to move to enable foster carers to sign permission slips for school excursions and other outings without departmental approval. This might not sound much to a lot of people, but for kids in care and for their foster carers it does mean a lot. These changes are all about normalising experiences for kids in care. By this I mean removing barriers and obstacles that currently prevent children in care from enjoying the everyday experiences that so many other children take for granted.

Historically a friend's parent had to undergo a police check before the foster child was allowed to stay overnight. Although it was not a legal requirement, it was something that had become normal practice over time. Although it was designed with the best intentions, in reality it had become cumbersome and impractical. Firstly, it acted as a disincentive, as it proved very embarrassing to children in care. Perversely, something designed to protect them denied them the opportunity to enjoy a simple thing like staying at a friend's house. Secondly, it basically said to foster carers, 'While we trust you to care every day for these children, we do not trust you to make the right decisions about where it is appropriate for them to stay overnight'.

The new common-sense policy makes it very clear that we want to make sure children in care get the chance to do the sorts of normal, everyday things that children enjoy. We want them to stay with friends. We want to make sure that our policies do not get in the way of this, and ultimately the decision about the appropriateness or otherwise of an overnight stay is a decision of the child's carer.

Furthermore, I can announce that we are moving on the issue of carers being able to give permission for children in their care to go on school excursions or other outings without the need for the department to approve this. Often the amount of time it takes for these permissions to be signed off means that children miss out on excursions. This is unacceptable to me, and I am keen to make sure that we explore every opportunity and get over every legal impediment to make sure this does not occur in future.

School excursions are an everyday experience that all kids should be able to enjoy, and it is incumbent on us to ensure that there are no unnecessary barriers to kids in care enjoying themselves. These changes will go a long way towards ensuring that we remove any unnecessary red tape for carers entrusted to look after our most vulnerable asset — our children.

Mr ROBINSON (Minister for Gaming) — I will start with the member for Lara, who raised with me the rich network of veterans associations in the Geelong region and extended an invitation for me to visit and meet with those organisations and their representatives. I will be very happy to take up that invitation at an appropriate time. He talked about the rich heritage of the Barwon region and its rich connections with veterans and military service.

It is opportune that he would do so, because on Sunday morning I was at Queenscliff, a great place to be on Sunday morning, to have a look at Fort Queenscliff. It is one of our great heritage sites, and there are a number of naval monuments at the rear of Fort Queenscliff to commemorate some naval activities. Whilst I was there overlooking the Rip on a beautiful Sunday morning I noticed a small flotilla of recreational fishing vessels. I have just discovered that one of them was admirably captained by none other than the Minister for Housing. He was out there dangling a line. Sadly I am told he did not catch anything, but, like Douglas MacArthur, he will return.

Fort Queenscliff played an interesting role in military history. From the colonial era through to World War II, Fort Queenscliff played a pivotal role in defending

Melbourne and Victoria. It utilised some very innovative gun — —

An honourable member interjected.

Mr ROBINSON — Some things did happen. The site is still owned by the commonwealth as a defence property. Fort Queenscliff commanded a number of military fortifications around Port Phillip Heads, including the ones at Point Nepean on the other side of the Rip. It is worth noting, and I was not aware of this until I visited on Sunday, that the orders for the first shots fired by allied forces in World War I and World War II were issued from Fort Queenscliff. Given that the conflicts were in Europe, it is quite remarkable that the first allied shots were fired in Melbourne. In World War I a German merchant vessel was trying to escape Port Phillip Bay and in World War II a coastal trader coming in through the Heads failed to identify itself, and on both occasions shots were fired. That is fascinating.

I picked up on a couple of other interesting connections while inspecting the naval memorials at the rear of the fort. There is a memorial, for example, from the Royal Australian Navy Corvettes Association which commemorates the 56 Bathurst class corvettes which served during the World War II. A number of those ships were named after Victorian cities and towns — the *Ararat*, the *Ballarat*, the *Bendigo*, the *Castlemaine*, the *Colac*, the *Echuca*, the *Geelong*, the *Horsham*, the *Maryborough*, the *Mildura*, the *Shepparton*, the *Stawell* and the *Warrnambool*.

Next to that is a memorial for HMAS *Goorangai*, an auxiliary minesweeper which tragically suffered a collision and sank in 1940 off the Heads, and some 24 sailors died. That memorial was also erected by the Naval Commemoration Committee of Victoria. Next to that there is a memorial to Royal Australian Navy ships lost in World War II, one of which was the corvette *Geelong*. It was lost off New Guinea. The connection continues, because there is also a merchant navy memorial in that vicinity. It commemorates the fact that the merchant vessel *Barwon* was torpedoed off the Victorian coast in June 1942. The area is replete with very rich connections to Victorian military history. I look forward to going down there with the member for Lara and talking further about these and other matters at a time of mutual convenience.

The member for Mordialloc has raised an issue regarding a nursing student scam. I appreciate her raising this issue for me. Indeed I thank the member for agreeing to lead the government's consultations on the lemon laws — an initiative that was announced with regard to motor vehicle purchases and having them repaired. She will do an excellent job. I am sorry to have to advise the member that the scam that she outlined to the house is not a new scam. It is a variation on a long-established theme, and one that arises like Paterson's curse, unfortunately. I recall receiving a very similar letter some time ago, and I think I might have raised it on the adjournment debate.

Honourable members interjecting.

Mr ROBINSON — I did not even get a receipt. I think the only thing that has changed is the name of the church and possibly the purported letter writer; everything else is very similar. Unfortunately these scams do arise from time to time, and while we might find it hard to believe, people do fall for them. That is the pity of it. They fall for them because these scam letters are produced in huge numbers. Consumer Affairs Victoria can advise the member of a number of websites, and she might like to circulate them to her constituents as a service. That is probably the best thing we can do. I am always wary when people writing letters invoke the name of the Lord; I always think that is a pretty good guide to its being a scam, as the member has outlined.

There are far better ways for people to assist needy Africans. I say that in all sincerity. If people have a genuine interest in helping those in African countries who are far worse off, there are a number of respected charities they can work through, although I have to say that the rhetoric that has emanated from the Australian government in recent days with reference to Africans and African refugees has been most unhelpful to those of us who would like to assist those victims of war and famine. I think those victims deserve a better go than they are getting from the federal government, and I think there are a lot of federal Liberal members of Parliament who are hanging their heads in shame about what their immigration minister has done.

I thank the member for raising that issue with me. We will ensure that Consumer Affairs Victoria continues to monitor this issue. I would appreciate the member advising her constituents that in all probability this matter is yet another scam.

The member for Mornington raised an issue for the attention of the minister representing the Minister for Planning in regard to the C87 planning amendment on behalf of the Mornington Peninsula Shire Council. I will refer that matter.

The member for Yan Yean raised an issue for the attention of the Minister for Roads and Ports pertaining

to an upgrade of the High Street and Cooper Street intersection in Epping. I will refer that matter to the minister.

The member for Kilsyth raised an issue for the attention of the Minister for Police and Emergency Services in relation to antisocial behaviour and on-the-spot fine mechanisms. I will refer that matter to the minister.

The member for Scoresby also raised a matter for the attention of the Minister for Roads and Ports relating to High Street Road and the need for it to be duplicated. It is a road I am familiar with, Deputy Speaker — —

The DEPUTY SPEAKER — Order! The minister, to refer the matter.

Mr ROBINSON — I will refer the matter to the minister. I went out with a girl who lived on High Street Road, and I remember that road with great affection, but that was a long time ago. I will refer that matter to the minister.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 10.52 p.m.