PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Tuesday, 11 November 2008

(Extract from book 16)

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By authority of the Victorian Government Printer

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Kosky, Ms Lynne Janice	Altona	ALP	Weller, Mr Paul	Rodney	Nats
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Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Languiller, Mr Telmo Ramon	Derrimut	ALP	Wynne, Mr Richard William	Richmond	ALP
Lim, Mr Muy Hong	Clayton	ALP			

[1] Resigned 6 August 2007
[2] Elected 15 September 2007
[3] Resigned 2 June 2008
[4] Elected 28 June 2008
[5] Elected 15 September 2007
[6] Resigned 6 August 2007

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TUESDAY, 11 NOVEMBER 2008

Tuesday, 11 November 2008

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

DISTINGUISHED VISITOR

The SPEAKER — Order! I acknowledge the presence of former minister Mary Delahunty, who is in the gallery today.

QUESTIONS WITHOUT NOTICE

Economy: growth

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. Given that the Reserve Bank of Australia has revised Australia's growth rate down to 1.5 per cent and both the federal and New South Wales governments have also announced revised growth rates, why is the Premier refusing to release the revised growth rate for Victoria?

Mr BRUMBY (Premier) — As I have explained to the Leader of the Opposition before, we have a midyear budget update, which is released by mid-December, and it is appropriate that we release the updates — —

Mr Baillieu interjected.

Mr BRUMBY — That is because they have theirs earlier.

Mr Baillieu interjected.

Mr BRUMBY — They have got a few problems.

Honourable members interjecting.

The SPEAKER — Order! I warn the member for Scoresby and the Leader of The Nationals. The Premier is to continue answering the question without responding to interjections, which are disorderly. I ask for some cooperation from the member for South-West Coast, the member for Scoresby, the member for Kew and the Leader of the Opposition.

Mr BRUMBY — As I have explained to the Leader of the Opposition previously and will explain again, the midyear budget update is due by mid-December. As a matter of factual information for the leader and other members of the house, previously this was due in mid-January, but when I was Treasurer I brought forward the reporting date to mid-December. That is the period in which we produce the midyear budget update, and it is appropriate during the midyear budget update to say what the new growth estimates will be in terms of growth, inflation and unemployment.

What I can say to the Leader of the Opposition and other members is that the fundamentals in the Victorian economy remain sound, as do the fundamentals in the Australian economy. As the Organisation for Economic Cooperation and Development and others have remarked recently, the fundamentals in Australia are amongst the best in the world.

If you look at our position, you will see we have a strong budget surplus. We have a strong growth position. We continue to enjoy strong population growth. We are AAA credit rated and, as many commentators have said, we have an economy that is the envy of many around the world. Our fundamentals are sound, and all of this is part of a continuing campaign by the Leader of the Opposition and the shadow Treasurer to talk down the Victorian economy.

Veterans: government assistance

Mr LANGDON (Ivanhoe) — My question is to the Premier, who is also the Minister for Veterans' Affairs. On the day that Australia stops to remember the sacrifice of those who served and fought for this nation, can the Premier outline to the house how the government is recognising and assisting veterans?

Mr BRUMBY (Minister for Veterans' Affairs) — I thank the member for Ivanhoe for his question and for his very strong support for the Heidelberg Repatriation Hospital project, which I will refer to in a moment. I should begin by acknowledging the 4000 Australian Defence Force personnel who are currently serving overseas in Iraq, Afghanistan, East Timor and other locations. Obviously I hope on this day, when we remember the 90th anniversary of the armistice, that those who are serving their country now return home safely.

This morning I attended the ceremony at the Shrine of Remembrance along with many members of Parliament, and I know that many other members attended services in their own electorates. There are many in the house who lost loved ones in the First World War. For me it was my great uncle, Ernest Brumby, for the Deputy Premier it was his great uncle, Alfred Hulls, and I know that the Leader of the Opposition lost his grandfather.

I mention these things because earlier today at a ceremony at the shrine before the Armistice Day service I launched, with the Deputy Premier, a DVD entitled *Australia's Army War Dead*. I am pleased to

say that a team from the Victorian Registry of Births, Deaths and Marriages has spent the best part of the last seven years — a huge amount of volunteer labour has gone into this — creating a database from a mountain of handwritten records, many of which date back to 1885 and covering nine war theatres across the world: the Sudan War, the Boer War, the First World War, the Second World War, the occupational force in Japan, the Korean War, the Malayan emergency, the Indonesian confrontation and the Vietnam War. The registry has turned up more than 88 000 paper records and put those into a searchable database of all Australian army servicemen and women who lost their lives in operations between 1885 and 1972. It is a great resource.

As honourable members would know, much of this information is available on other databases, but if members have used those they will also know the information is often difficult and slow to access. The DVD access is instantaneous, with something like 20 different databases on the disk. It is a great resource for school students and for the families of loved ones lost in those wars. Members of those families can check the data and in a sense uncover the stories of those who served this nation. This morning the Deputy Premier was able to ascertain with great clarity that his great uncle, Alfred Henry Hulls, served on the Western Front as part of the 1st Division, Australian Imperial Force, and lost his life at Pozieres, where, just a few weeks before, my great uncle also lost his life serving in the 5th Division.

The member for Ivanhoe asked about the measures that we are putting in place in relation to those who have served their country. I can say in relation to the Heidelberg Repatriation Hospital that in the most recent budget we provided $15.5 million for works at the hospital, including a redevelopment of the veterans psychiatry unit with a 20-bed unit for inpatients and outpatients and the treating of veterans and non-veterans who are suffering from post-traumatic stress disorder, anxiety disorders and major mood disorders.

I can also say that this morning during a radio interview on 3AW my attention was drawn to the senseless vandalism that occurred overnight at the Mildura Cenotaph. As I said this morning, it was a disgraceful attack. It defies belief that anybody could desecrate a war memorial in that way. We have provided today, through Regional Development Victoria, a grant of up to $2500 to assist the Mildura RSL to remove the black paint which was used on the cenotaph there.

I also announce today that the government is opening the next round of funding for the $1.95 million restoring community war memorials grants program and, through the minister who assists me with the veterans affairs portfolio, the member for Mitcham, I invite ex-service organisations, local councils and community groups to apply for grants to help preserve their local war memorials. Applications close on 16 February 2009 for grants of up to $10 000.

Public transport: government performance

Mr MULDER (Polwarth) — My question is to the Premier. Given that the Premier has previously blamed the problems in public transport infrastructure on Jeff Kennett, John Howard, population growth, petrol prices, Connex and now the Rudd government, at what stage does the Premier actually take responsibility for the public transport chaos in Victoria?

Mr BRUMBY (Premier) — I thank the honourable member for his question, and I am proud to say that our public transport system in Victoria is carrying more passengers than it ever has in its history — by a long way. Our rail system alone is handling 201 million passenger movements this year. That is the highest number of movements in the history of our state. It is more than in the post-war migration years and considerably more than in any recent decade. We are carrying that number of passengers because we have made investments in the system. Before the end of the year we will be announcing further investments so that we cater for the strong growth that is occurring in our public transport system.

The honourable member who asked the question referred to a former Premier from the 1990s. Our system today is carrying well over twice the number of passengers that it was carrying in the 1990s, and we are doing it because we have made investments in the system and because we have strong population growth and a strong economy.

Just in the last year — since 30 July 2007, when I became Premier — we have purchased 50 new V/Locity carriages and committed to the $501 million north-east revitalisation project with the Rudd government, which is the biggest rail project in country Victoria in decades. Also, we have launched the new timetable with over 633 extra train services a week. We have rolled out the early bird scheme. We have purchased eight extra new metro trains, which brings the total order to 18.

We have opened the new electrified line to Craigieburn; with new stations at Roxburgh Park and Craigieburn,

and we have added new services at Craigieburn. We have rolled out new bus routes between North Melbourne station and Grattan Street and the Royal Melbourne Hospital. We have upgraded the St Kilda Road tramway.

In the 2008–09 budget we announced a $794 million infrastructure boost to improve public transport. There was $275 million for improvements at Laverton, Westall and Craigieburn; $3 million to upgrade Prahran and Windsor stations; $10.4 million for design works for the extension of the Epping line to South Morang; $32 million for around 1700 new car parking spaces at 10 stations and the upgrading of Noble Park station to premium status; plus $14.7 million to expand bus and coach services to South Gippsland and the Bass Coast; $254 million for the maintenance of country rail lines; and $64 million to boost the NightRider service.

All these things represent the most significant investment we have had in public transport in this state. What we are endeavouring to do is turn what has been a low-volume suburban system into a modern metro system. We will — —

Honourable members interjecting.

The SPEAKER — Order! The opposition will cooperate!

Mr BRUMBY — As I have indicated on numerous occasions, before the end of the year we will respond to the Eddington report with the Victorian transport plan, and that will put in place the framework for the further long-term growth of our system. It will provide short-term, medium-term and long-term measures and create in Melbourne and across the state a transport system which is the best in Australia.

Racing: government initiatives

Mr HERBERT (Eltham) — My question is to the Minister for Racing. I refer the minister to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister advise the house about what the government is doing to ensure that Victoria's racing industry remains the best in the nation?

Dr Napthine interjected.

The SPEAKER — Order! Before calling the Deputy Premier, I warn the member for South-West Coast and I will not warn him again.

Mr HULLS (Minister for Racing) — I thank the honourable member for Eltham for his question and for his keen interest in racing in this state. Last week the government announced that it had completed the first two legs of a historic trifecta for the Victorian racing industry in this state. The government announced that we will — —

Mr Thompson interjected.

The SPEAKER — Order! The member for Sandringham is warned and will not be warned again.

Mr HULLS — The government announced last week that it will lower the parimutuel tax rate from 19.11 per cent to 7.6 per cent and will also lower the fixed odds tax rate from 10.91 per cent to 4.38 per cent. The government also announced that the tax rate will be reviewed in 2012 and adjusted if necessary. This review will be in legislation and has been agreed with the racing industry and is welcomed by it.

Our announcement of a cut in the parimutuel tax rate of more than 60 per cent — and I know you, Speaker, will be interested to know — is worth more than $1 billion over the licence and indeed is the first leg of this very important trifecta.

For the second leg the government was very pleased to announce that it will embark upon the largest capital infrastructure program for Victoria's regional racecourses in living memory. A total of $86 million will be spent on Victoria's regional and rural racing communities by 2012. Some $45 million will come directly from the government and $41 million will come from the racing industry. This is estimated to create more than 400 jobs in rural and regional communities.

Projects will of course have to align with a number of criteria, including occupational health and safety (OHS), water projects, racing infrastructure and also regional development. Key positive impacts include significant improvement of regional and rural infrastructure, leading of course to improved racing and increased participation, which in turn creates increased employment opportunities, better and safer facilities for racing participants and local communities, better quality racing for Victoria and drought-proofing projects to reduce reliance on town water supplies.

The initial program of projects will be selected in close consultation with the racing industry, and they will meet policy objectives in regional and rural areas such as OHS issues and drought proofing. We will also maximise the quality of what is already great racing right throughout Victoria.

I might say that the racing industry has warmly welcomed the government's announcement about further funding for that industry. The third leg of the trifecta will be the creation of the partnership agreement between the racing industry and the new wagering provider. That partnership agreement, I believe, will complete our trifecta and ensure that the racing industry in this state continues to be the best racing industry in Australia.

Drought: government assistance

Mr RYAN (Leader of The Nationals) — My question is to the Minister for Regional and Rural Development. I refer the minister to the 2008–09 Public Accounts and Estimates Committee budget estimates report, which reveals that of the $5 million promised to drought-affected communities in October 2006 through the Small Towns Development Fund only $245 000 had been spent by 31 March 2008. Given that country communities are being battered by the worst drought on record, why did it take 18 months to spend less than 5 per cent of the promised $5 million? When will the balance actually be spent?

Ms ALLAN (Minister for Regional and Rural Development) — I thank the Leader of The Nationals for his question. This is a question that can be anticipated, because every year when it comes to the release of either the Public Accounts and Estimates Committee annual report or the RDV (Regional Development Victoria) annual budget, the Leader of The Nationals trots out the same incorrect information to regional communities about the allocation of funds.

The SPEAKER — Order! I think the minister would appreciate that she is debating the question, not addressing it. I bring her back to the question.

Ms ALLAN — The facts are that when we allocate grants — and this is a process that this government has taken — whether it be through the Regional Infrastructure Development Fund (RIDF), which, as members of this house know, the Leader of The Nationals was active about in his opposition to that legislation; whether it be through the allocation of the Small Towns Development Fund grant, which in the most recent allocation of drought funding was increased by a further $10 million for support of local communities; or whether it be by way of other grants that are provided through Regional Development Victoria, we take the right and prudent approach, the correct approach, which is to acquit the funds only once the projects have been completed or have reached approved milestones.

In criticising this fund and this approach the Leader of The Nationals is criticising those very communities that we are working with through this difficult time.

Mr Ryan — On a point of order, Speaker, the minister is debating the question. The issue here is about spending the money, and that is what we want to know about.

The SPEAKER — Order! While I uphold the point of order, the Leader of The Nationals also knows not to continue in that vein. The minister will not debate the question or I will sit her down.

Ms ALLAN — The point I am making here is there is always a time lag between when the funds are announced and when they are acquitted in terms of the projects that are being developed in consultation with local communities. Once they are completed by those local communities, then the funds are acquitted. Not only is this the appropriate way that we should be using taxpayers funds but it is also the appropriate way that we are supporting local communities.

Honourable members interjecting.

The SPEAKER — Order! I warn the members for Hastings and Kilsyth.

Ms ALLAN — As I said, this is an appropriate approach and exactly the reason we have set aside these funds for drought-affected communities, which are going through a difficult period. They need a bit of help to develop projects. They need some assistance, whether it be in identifying people with the right skills in their local communities or making sure the communities have local support.

We can give this commitment: we are allocating all these funds to support local communities, and we are doing this in consultation with local communities, whether it be through Regional Cities Victoria or the Small Towns Development Fund. This is the approach they like when to working with us in government, where they work up these projects in consultation with this government. Whether it be the Walwa community wastewater project — which has received funding — the Beaufort Lake and recreation water reserve project or other projects around Victoria that have received support, this is the right way to go in supporting local communities. This is in stark contrast with what happened when the Leader of The Nationals sat silent in the party
room — —

The SPEAKER — Order! The minister will not take that course.

Ms ALLAN — That is why when we came to office we established these funds. The Leader of The Nationals referred to the Public Accounts and Estimates Committee. In this instance the committee was talking about a similar reference to the one the Leader of The Nationals was making in relation to RIDF, and it concluded that 'expenditure from the fund reflects applicants' achievement of key payment milestones set out in specific legal agreements'. This is the appropriate way to deal with taxpayers funds and the right way to support local communities. We will continue to deliver these funds to local communities through these very difficult periods.

Street violence: government response

Mr LUPTON (Prahran) — My question is to the Minister for Police and Emergency Services. I refer the minister to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister update the house on what measures the government and Victoria Police are taking to tackle the problem of alcohol-related violence on our busy inner city streets?

Mr CAMERON (Minister for Police and Emergency Services) — The Brumby government is proud of the fact that in Victoria there are record numbers of police. When it comes to those record police numbers, a year ago we saw the Safe Streets task force commence operating in the inner city, something — —

Honourable members interjecting.

The SPEAKER — Order! I ask the member for Warrandyte in particular for some cooperation. I will not warn another member of the opposition or of the government.

Mr CAMERON — That was something the member for Prahran greatly encouraged, and we thank him very much for that. That Safe Streets task force concentrates on venues in the city and the metropolitan area on Friday and Saturday nights, and it has visited over 8000 venues since its work commenced a year ago. In April of this year police established a statewide liquor licensing task force that involved 20 people, Operation Razon, to tackle liquor licensing issues. Operation Razon has conducted plain-clothes operations as well as uniformed operations. Members of that task force have visited 974 licensed venues across Victoria and have issued 178 infringement notices and 416 official warnings.

That measure builds on other measures such as the banning notices that were put in place for entertainment precincts — something that was opposed by the Liberal Party — tougher penalties for liquor licensing breaches and a freeze on the issuing of late-night liquor licences. We have had announced new requirements for security cameras in licensed venues, and as part of even more public transport, we have seen the extension of late-night train and tram services, improved safety for taxidrivers and a doubling of the frequency of existing NightRider bus services.

However, there is more. Yesterday the Premier and the Chief Commissioner of Police announced that there would be up to 150 extra police in the city on Friday and Saturday nights during the summer months, which is to boost the Safer Streets task force.

Ms Asher interjected.

Mr CAMERON — The inner city is a priority area for police, as the chief commissioner has made very clear. As the honourable member for Brighton pointed out, those police can also be deployed elsewhere.

The government has also announced the early recruitment of 50 extra permanent police as part of its commitment to adding 350 police this term, which will mean there will be an even greater number of Victorian police, a new record number of police.

Victoria Police has also announced it will trial a new time-out zone at the corner of Flinders and Swanston streets to provide a safe place for people to wait for transport home.

Honourable members interjecting.

Mr CAMERON — I understand the opposition opposes all these measures.

The SPEAKER — Order! The minister will not debate the question.

Mr CAMERON — It is in stark contrast to the opposition's policy to introduce entertainment area lockdowns and venue lockouts across Victoria.

The SPEAKER — Order! The minister!

Mr CAMERON — I take the point, Speaker. As the house is aware, police will also have high-visibility Hummers and a new closed-circuit television van to increase the visible police presence.

Honourable members interjecting.

Mr CAMERON — We accept that this is another case where the opposition is opposed to police making these decisions.

Other measures include a $2 million public awareness campaign on alcohol-fuelled violence that will start in December, and as the Minister for Consumer Affairs has announced, there will be a move to a risk-based fee arrangement for licensed premises. We are proud of the work of police in the inner city, as is the member for Prahran. The government wishes them well.

Minister for Industry and Trade: conduct

Mr McINTOSH (Kew) — My question is to the Premier, and I ask: when did the Premier's staff first become aware, either formally or informally, that Victoria Police was investigating a government minister?

Mr BRUMBY (Premier) — The honourable member has asked that question previously.

Honourable members interjecting.

Mr BRUMBY — Yes, he has. I am not sure how you know something about what somebody thinks informally. As I have made it very clear in the house on numerous occasions, the first I was aware that Minister Theophanous — —

An honourable member interjected.

Mr BRUMBY — No. The first I was aware that Minister Theophanous was under investigation and to be interviewed was when he phoned me on Monday, 13 October.

Sport and recreation: government initiatives

Ms MUNT (Mordialloc) — My question is to the Minister for Sport, Recreation and Youth Affairs. I refer the minister to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister inform the house how the Brumby government's investment in local sport and recreation is helping to keep Victorian communities fit and healthy?

The SPEAKER — Order! Before the minister commences his answer, I point out to him that the question is quite broad. I ask him to address either a narrow field or recent initiatives. I will not be tolerant about the time taken.

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — I thank the member for Mordialloc for her question and for her support of local clubs in her community and of local schools in providing more recreational opportunities, and I am thinking in particular of the synthetic turf for the kids at Mentone Primary School.

Today close to 350 000 more Victorians are participating in sport and recreation than were doing so in 2001. Even more significantly, the participation rate in sport and recreation in Victoria is consistently above the national average. This growth is no surprise, given the record funding the Brumby government has delivered to sporting facilities, sporting programs and sporting events.

One of the key drivers of this change is the Brumby government's $150 million Go for Your Life campaign. Go for Your Life is about promoting healthy and active lifestyles in order to combat preventable diseases such as obesity and type 2 diabetes, which come at an economic cost to Victoria of around $14.4 billion. Through Go for Your Life, millions of dollars are being invested right across Victoria in programs which get our communities off the couch, including $2 million to get people in our CALD (culturally and linguistically diverse) and disadvantaged communities more active, $3 million to get our kids riding to school, three quarters of a million dollars to get our workforce more active and close to half a million dollars to kick-start local walking groups.

Our families are also becoming more active. Earlier this year we held the $1.5 million Premier's active families challenge, which asked families to exercise for 30 minutes a day for 30 days. Over 28 000 individuals took part, with many more throwing their support behind it. I quote from one such supporter:

> Get out the bikes, put on the walking shoes, take the dog for a walk. … we can all find 30 minutes a day. Let's get active …

I trust that when the challenge resumes next year the member for Lowan will be just as vocal as he was this year.

We are also investing strongly in community sporting events. The highly successful Go for Your Life South-West Games have just concluded in Warrnambool. For 25 years those games have been regional Victoria's premier multisports event. As the event was facing financial trouble — —

Mr Baillieu interjected.

Mr MERLINO — I don't want to talk about golf. As the event was facing financial trouble several months ago, the Brumby government stepped in with a

$30 000 Go for Your Life sponsorship. I quote from an article on the back page of the Warrnambool *Standard* headed 'Games deal', which reports executive officer Michael Neoh as saying:

> The state level support is fantastic recognition for the hundreds of volunteers that contribute to the running of over 60-plus events each year for more than 6000 participants …

But you cannot promote the benefits of recreation if you do not have sufficient sporting infrastructure, which is why Labor has invested over $170 million for over 1860 sporting facilities across Victoria. Just last month I joined the Premier at the Dimboola swimming pool, where he announced funding to fix the cracks and leaks which were seriously threatening the pool's future. The front page of the *Dimboola Banner*, under 'Pool to be saved', states:

> A $53 000 Brumby government grant will save the Dimboola pool, ensuring local residents have a place to swim in summer well into the future.

The Brumby government clearly understands that to make Victoria a healthier place you need to invest in and promote active recreation. We have invested more into sport and recreation in this state than any previous government, which is a strong reason why Victoria is the healthiest place to live, work and raise a family.

Minister for Industry and Trade: conduct

Mr McINTOSH (Kew) — My question is to the Premier. Did the Chief Commissioner of Police discuss the investigation of a government minister with the Premier or his staff prior to 4.30 p.m. on Monday, 13 October; and if so, when?

Mr BRUMBY (Premier) — Again we are just getting a run through of the same questions that have already been asked by the opposition. As I have made very clear in the house on numerous occasions and publicly, the first that I was aware that Minister Theophanous was being investigated by police, was the subject of a complaint and was to be interviewed was when he phoned me on 13 October.

Honourable members interjecting.

Mr BRUMBY — So that was the first I was aware.

Health: chronic disease management

Mr SCOTT (Preston) — My question is to the Minister for Health. I refer the minister to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask the minister to outline to the house how the government is helping to build a healthier Victorian community through investment in the early treatment and management of chronic disease.

Mr ANDREWS (Minister for Health) — I thank the honourable member for Preston for his question and for his interest in providing proper and effective support to those in our community who suffer from chronic disease. As we have just heard from my friend the Minister for Sport, Recreation and Youth Affairs, chronic disease and lifestyle-based diseases are a key challenge for us right across the Victorian economy and in our community. When it comes to those who already have chronic disease, effective management of and support for those Victorians are key priorities of our health system.

Indeed it throws down a real challenge in terms of the ongoing sustainability of our health system if we do not do more in new and innovative ways to support those in our community who have a chronic disease to empower them to self-manage and to give them the help they need to lead healthier lifestyles and not need often very costly in-patient acute health care. It is not just about the sustainability of our health system, it is also about better outcomes for those Victorians who suffer one and often many complex and chronic illnesses.

That is why as a government we have invested substantial amounts of money in new and different ways of treating Victorians, new and different ways of empowering Victorians and new and different ways of giving those in our community who have chronic disease the tools, support and ongoing backup they need to control their conditions rather than their being in situations where their conditions control them. That is better for them, better for the health system and better for those who are close to them. It is better in so many ways.

Perhaps the best example of our investment in this area is the 36 early intervention in chronic disease teams. These multidisciplinary teams provide care planning and ongoing integrated care and management for chronic disease sufferers right across metropolitan Melbourne and in rural and regional areas. This program began in 2005 with nine teams. That was the first time we had ever provided community health and primary care partnerships with dedicated funding to build these teams to provide these critical supports and services. We backed that up with a further nine teams in 2006. I am very pleased to say that in 2008, in the budget delivered this year, we doubled that and provided for another 18 teams, so as to build 36 early intervention in chronic disease teams throughout our state. Nineteen of those teams are in rural and regional

areas. This tells a story about our investment in health providing a fair share for rural and regional areas.

To give the house a sense of what that means in terms of hours of extra care and numbers of clients supported through this new and innovative approach to managing demand and helping clients to manage their chronic conditions, the first round — the first 18 teams in 2005 and 2006 — saw the provision of some 89 640 extra hours of care benefiting some 5000 clients across our state. That gives members a real sense of what this additional funding and leadership and innovation from the Brumby Labor government means for those families, those individuals and the communities they live in.

I am very pleased to inform the house that the second round — that is, the further 18 teams funded in this year's state budget — will support the delivery of 144 302 hours of care to 8400 additional clients over the next four years. Whether it be in extra hours of care, in the number of clients provided with that care or in broad terms, this is a great example of a government that is always searching for new and innovative ways to support our health system and manage demand, and most importantly for new, innovative and effective ways to support those in our community who suffer chronic illness. It is about dignity, and it is about better outcomes for them, better outcomes for the health system and better outcomes for us all.

MAJOR CRIME LEGISLATION AMENDMENT BILL

Introduction and first reading

Mr HULLS (Attorney-General) — I move:

That I have leave to bring in a bill for an act to amend the Major Crime (Investigative Powers) Act 2004, the Casino Control Act 1991, the Racing Act 1958 and the Surveillance Devices Act 1999 and for other purposes.

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

Mr HULLS (Attorney-General) — This bill addresses operational and technical issues that have been raised by the special investigations monitor in his recent report on a review of the operation of the Major Crime (Investigative Powers) Act which was tabled in Parliament in June. He made a whole range of recommendations, and this bill implements most of those recommendations. It also extends the definition of organised crime — from memory, to include paedophilia rings — and makes some other technical amendments to the Surveillance Devices Act.

Motion agreed to.

Read first time.

RELATIONSHIPS AMENDMENT (CARING RELATIONSHIPS) BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill for an act to amend the Relationships Act 2008 to provide for the registration of caring relationships in Victoria, to provide for the adjustment of property interests between caring partners who are in, or have been in, a registered caring relationship, to provide for the rights to maintenance of caring partners who are in, or have been in, a registered caring relationship, to make consequential amendments to certain other acts and for other purposes.

Read first time.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I wish to advise the house that under standing order 144 notices of motion 7 to 16, 120 to 123 and 207 to 211 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.

The SPEAKER — Order! I advise the member for South-West Coast that the clerks might look at combining two of his notices of motion, but I will leave it to the clerks.

PETITIONS

Following petitions presented to house:

Bass electorate: health services

To the Legislative Assembly of Victoria:

With the withdrawal of local doctors to operate the accident and emergency service for the Bass Coast, the demise of the Warley Hospital on Phillip Island, the rapid increase in growth and ageing population, the increasing tourist population and the proposed desalination project has put and will increase further pressure on the local hospital and ancillary services of this community to provide specialist services within this community instead of travelling to Melbourne or Traralgon. This has also put extreme pressure on the Rural Ambulance Service to cover the lack of hospital services in this area.

We, the undersigned concerned citizens of Victoria, ask the Victorian Parliament and the Minister for Health to support our petition for funding the upgrade of the health services in the Bass Coast region.

By Mr K. SMITH (Bass) (196 signatures)

Essendon Airport: future

To the Legislative Assembly of Victoria:

The petition of the citizens of Victoria draws to the attention of the house the intention of the Victorian Labor government to close Essendon Airport.

The petitioners therefore request that the Legislative Assembly of Victoria call upon the Victorian Labor government to abandon its misconceived policy, which is a threat to the location and operations of the Victorian air ambulance, the police air wing, firefighting aircraft and other essential public and private enterprises as well as causing the closure of an important facility for rural and regional Victorians commuting to Melbourne.

By Mr RYAN (Gippsland South) (268 signatures)

Water: desalination plant

To the Legislative Assembly of Victoria:

The petition of the people of Victoria and particularly those landowners, occupiers and residents within the corridor of the proposed high-voltage line from Tynong to Wonthaggi and who collectively draw to the attention of the house the gross imposition upon them of the implementation of the subject proposal and its appalling consequences in many forms if it were to proceed.

The petitioners therefore request that the Legislative Assembly of Victoria calls upon the government to abandon the proposal.

By Mr RYAN (Gippsland South) (329 signatures)

Walpeup research station: future

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house the impending closure of the Walpeup research station and offices at Rainbow and Stawell as a result of a restructure of the Victorian Department of Primary Industries (DPI).

The petitioners register their opposition to the closure of DPI centres at Walpeup, Rainbow and Stawell on the basis that it will result in direct and indirect job losses, and have serious ramifications for the schools, businesses, services and the environment.

The petitioners therefore request that the Legislative Assembly of Victoria rejects the DPI restructure and calls on the state government to keep these offices at Walpeup, Rainbow and Stawell as fully funded and functional DPI facilities.

By Mr DELAHUNTY (Lowan) (9 signatures)

Paterson's curse: control

To the Legislative Assembly of Victoria:

This petition of the citizens of Victoria draws to the attention of the house the critical need for continuing state government support for the eradication of Paterson's curse as a noxious weed, recognising that it has been relegated in importance by the Minister for Agriculture, Joe Helper, MP, and the Department of Primary Industries, with other exotic weeds now being given precedence.

The petitioners therefore request that the Legislative Assembly of Victoria calls upon the Victorian Labor government to clarify responsibility for the control of noxious weeds and increase funding levels to all government authorities, including local government, to implement appropriate eradication programs, and to include Paterson's curse.

By Mr JASPER (Murray Valley) (379 signatures)

Nepean Highway–Bay Road, Cheltenham: red-light camera

To the Legislative Assembly of Victoria:

The petition of the residents of the state of Victoria draws to the attention of the house the outrage of Victorian motorists at the high incidence of over 12 000 fines over the last 15 months resulting in fines of over $3 million being collected from motorists, many with exemplary driving records, at the intersection of the Nepean Highway and Bay Road, Cheltenham.

The petitioners therefore request that the Legislative Assembly of the Parliament of Victoria calls upon the government to:

(1) Conduct an investigation into the disparity between the minister's stated time for the amber light operation time of 3 seconds, expert evidence to the contrary and, taking into account the complexity of the intersection, extend

the operation of the amber light time sequence so that it complies with the recommended government minimum; and/or

(2) Turn off the camera;

(3) Refund fines unjustly collected from Victorian motorists;

(4) Revoke demerit points unjustly registered.

By Mr THOMPSON (Sandringham) (634 signatures)

Primary Industries: Charlton depot

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house the impending closure of the Charlton depot as a result of a restructure of the Victorian Department of Primary Industries (DPI).

The petitioners register their opposition to the closure of the Charlton depot on the basis that it will result in direct and indirect job losses and have serious ramifications for the schools and businesses, services and the environment.

The petitioners therefore request that the Legislative Assembly of Victoria rejects the DPI restructure and calls on the state government to keep the Walpeup research station as a fully funded and functional DPI facility.

By Mr WALSH (Swan Hill) (4 signatures)

Walpeup research station: future

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house the impending closure of the Walpeup research station as a result of a restructure of the Victorian Department of Primary Industries (DPI).

The petitioners register their opposition to the closure of Walpeup research station on the basis that it will result in direct and indirect job losses and have serious ramifications for the schools and businesses, services and the environment.

The petitioners therefore request that the Legislative Assembly of Victoria rejects the DPI restructure and calls on the state government to keep the Walpeup research station as a fully funded and functional DPI facility.

By Mr WALSH (Swan Hill) (19 signatures)

Retirement villages: council rates

To the Honourable Speaker and members of the Legislative Assembly in Parliament assembled:

The petition of the residents of Mingarra Retirement Village, Croydon, draws the attention of the house to their concerns regarding their local council rates.

The petitioners request that the government works collaboratively with Residents of Retirement Villages Victoria Incorporated and the Retirement Village Association to instigate a fairer method of rate calculation for residents of retirement villages.

By Mr R. SMITH (Warrandyte) (105 signatures)

Tabled.

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

Ordered that petition presented by honourable member for Bass be considered next day on motion of Mr K. SMITH (Bass).

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

Ordered that petition presented by honourable member for Warrandyte be considered next day on motion of Mr R. SMITH (Warrandyte).

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 14

Mr CARLI (Brunswick) presented *Alert Digest* No. 14 of 2008 on:

Assisted Reproductive Treatment Bill
Prohibition of Human Cloning for Reproduction Bill
Research Involving Human Embryos Bill
Building Amendment Bill
Crimes Legislation Amendment (Food and Drink Spiking) Bill
Health Services Legislation Amendment Bill
Local Government Amendment (Councillor Conduct and Other Matters) Bill
Multicultural Victoria Amendment Bill
Police Regulation Amendment Bill
Professional Standards and Legal Profession Acts Amendment Bill
Prostitution Control and Other Matters Amendment Bill
Public Administration Amendment Bill
State Taxation Acts Further Amendment Bill

together with an extract from the proceedings, appendices and minority report.

Tabled.

Ordered to be printed.

DOCUMENTS

Tabled by Clerk:

Australian Centre for the Moving Image — Report 2007–08

Calvary Health Care Bethlehem Ltd — Report 2007–08 (two documents)

Crown Land (Reserves) Act 1978 — Order under s 17D granting a lease over Chiltern Public Park Reserve

Film Victoria — Report 2007–08

Financial Management Act 1994:

Reports from the Minister for Environment and Climate Change that he had received the 2007–08 reports of the:

Barwon Regional Waste Management Group

Calder Regional Waste Management Group

Central Murray Regional Waste Management Group

Desert Fringe Regional Waste Management Group

Gippsland Regional Waste Management Group

Goulburn Valley Regional Waste Management Group

Grampians Regional Waste Management Group

Highlands Regional Waste Management Group

Mildura Regional Waste Management Group

Mornington Peninsula Regional Waste Management Group

North East Regional Waste Management Group

South Western Regional Waste Management Group

Report from the Minister for Finance and the Transport Accident Commission that he had received the 2007–08 Report of VicFleet Pty Ltd

Reports from the Minister for Health that he had received the 2007–08 reports of the:

Anderson's Creek Cemetery Trust

Ballarat General Cemeteries Trust

Mental Health Review Board incorporating the Psychosurgery Review Board

Report from the Minister for Skills and Workforce Participation that she had received the 2007 Report of the International Fibre Centre

Food Safety Council — Report 2007–08

Geelong Performing Arts Centre Trust — Report 2007–08

Library Board of Victoria — Report 2007–08

Lilydale Cemeteries Trust — Report 2007–08

Melbourne Recital Centre Ltd — Report 2007–08

Mercy Public Hospital Inc and O'Connell Family Centre (Grey Sisters) Inc — Report 2007–08 (two documents)

Museums Board of Victoria — Report 2007–08 (two documents)

National Gallery of Victoria, Council of Trustees — Report 2007–08

Parliamentary Committees Act 2003 — Government response to the Public Accounts and Estimates Committee's Report on the 2006–07 Financial Performance Outcomes

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

Boroondara — C74

Brimbank — C103, C106 Part 1, C114

Darebin — C61

Greater Bendigo — C94, C107

Greater Geelong — C140

Greater Shepparton — C95

Hume — C101

Kingston C101

Manningham — C75

Maribyrnong — C76

Maroondah — C64

Mildura — C38

Moonee Valley — C92

Moreland — C50

Mornington Peninsula — C96

Strathbogie — C36

Whittlesea — C20

Wyndham — C99

Statutory Rules under the following Acts:

Building Act 1993 — SR 126

Crimes (Controlled Operations) Act 2004 — SR 127

Estate Agents Act 1980 — SR 128

Road Safety Act 1986 — SR 131

Subordinate Legislation Act 1994 — SR 124

Tobacco Act 1987 — SR 129

Transport Act 1983 — SR 130

Victorian Plantations Corporation Act 1993 — SR 125

Subordinate Legislation Act 1994 — Ministers' exemption certificates in relation to Statutory Rules 125, 128, 130, 131

Victorian Arts Centre Trust — Report 2007–08 (two documents)

Victorian Coastal Council — Report 2007–08

Water Act 1989 — Upper Ovens River Water Supply Protection Area Declaration Order 2008.

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the House dated 19 December 2006:

Consumer Credit (Victoria) and Other Acts Amendment Act 2008 — Parts 5 and 6 — 31 October 2008 (Gazette G44, 30 October 2008)

Crimes (Controlled Operations) Act 2004 — Whole Act except s 52 — 2 November 2008 (Gazette G44, 30 October 2008)

Crimes (Controlled Operations) Amendment Act 2008 — Part 2 — 30 October 2008 (Gazette G44, 30 October 2008)

Major Crime Legislation (Office of Police Integrity) Act 2004 — Part 8 — 30 October 2008 (Gazette G44, 30 October 2008)

National Parks and Crown Land (Reserves) Acts Amendment Act 2008 — Remaining provisions — 9 November 2008 (Gazette G45, 6 November 2008).

COURTS LEGISLATION AMENDMENT (COSTS COURT AND OTHER MATTERS) BILL

Council's amendment

Returned from Council with message relating to amendment.

Ordered to be considered later this day.

ROYAL ASSENT

Message read advising royal assent on 5 November to:

Greenhouse Gas Geological Sequestration Bill
Labour and Industry (Repeal) Bill
Medical Research Institutes Repeal Bill

APPROPRIATION MESSAGES

Messages read recommending appropriation for:

Health Services Legislation Amendment Bill
Public Administration Amendment Bill
Multicultural Victoria Amendment Bill
State Taxation Acts Further 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 pm on Thursday, 13 November 2008:

Coroners Bill

Liquor Control Reform Amendment Bill

Local Government Amendment (Councillor Conduct and Other Matters) Bill — Amendment of the Legislative Council

Multicultural Victoria Amendment Bill

Primary Industries Legislation Amendment Bill

Professional Standards and Legal Profession Acts Amendment Bill

Prostitution Control and Other Matters Amendment Bill

Public Administration Amendment Bill

State Taxation Acts Further Amendment Bill

As members can see, the government business program motion I am putting before the house this week contains nine items: eight bills and an amendment to a bill that has already been considered by the Assembly and returned to this house with an amendment from the Legislative Council. This being the penultimate sitting week of this sitting period, the program provides the opportunity for the Assembly to deal with the bills in time for the upper house to consider them before the end of this calendar year. In that context, it is important for this chamber to understand that many of these bills are required to be passed by the end of the year. In accordance with our programming timetable, bringing forward these bills in this penultimate sitting week enables us to achieve that objective.

In effect there are eight pieces of new legislation to be debated along with an amendment that has been returned from the Council. In that context I believe it is

an appropriate workload for the house this week given the nature and composition of the bills that form part of the government business program. I commend the motion to the house.

Mr McINTOSH (Kew) — It is regrettable that the government has literally lurched from the last sitting week to this sitting week. At the start of the year it filled our time with a number of matters but very few pieces of legislation, and as we come to the end of the legislative year we are getting legislation rushed through. Indeed the government's program would seem to be lurching almost out of control.

I have previously expressed my gratitude for the way the government regularly communicates its intentions in relation to the government business program. That certainly enables the opposition to prepare its legislation reports, undertake the appropriate briefings and be aware of and properly consider both at shadow cabinet meetings and as a parliamentary party all legislation that comes before the house. I would have thought that in a decent and honourable society that is no more than you would expect a government to do.

I have said on many occasions that the opposition would be far better off if it had access to the program at an earlier stage, but as testimony to just how out of control this mob is, this week I received notification that eight bills are to be dealt with during the week. It was only at about 3 o'clock on Monday, after our shadow cabinet meeting, that the Prostitution Control and Other Matters Amendment Bill was found to be so urgent that it was put onto the government's legislative program. It was put on not because the Leader of the House wants it and not because the minister responsible wants it but apparently because cabinet decided it was so urgent it had to be put onto the program.

Included in that program we have the Liquor Control Reform Amendment Bill, which is a matter of some controversy. The bill really reinforces the 2.00 a.m. lockout, notwithstanding that the government has acknowledged that program is redundant and will not be resurrected. We have to sit and debate a bill dealing with a redundant policy that has not worked and from which we have now moved on. Apparently that is so urgent it has to be passed this week.

I was originally told that the Local Government Amendment (Councillor Conduct and Other Matters) Bill was not going to be subject to the guillotine, and only now have I found it is on the government business program and will go to the guillotine. On top of that I am also informed — certainly by email from the Premier's office; I have not heard this from the Leader of the House, which is again an indication that this mob seems to be of control because I do not know who is calling the shots in this regard — that the Council's amendment to the Courts Legislation Amendment (Costs Court and Other Matters) Bill, although it is not on the government business program, will perhaps be considered by this chamber this week.

It is a matter of some concern to compare the current legislative program with those of early on in the year. After we had gone through the statement of government intentions, we started off in the second and third sitting weeks with three bills. In the fifth sitting week we had five bills and in the sixth sitting week we had five bills. Now that we have come to the end of the year we have got up this head of steam. Around the middle of the year we started coming up with about eight bills, with one going to the guillotine. There were seven bills in July. In the sitting week 19 to 21 August there were 10 bills, many of which went to the guillotine.

The situation is worse when you start looking at the timetable this government has offered. We had to sit until midnight on the Tuesday and Wednesday and until almost 6 o'clock on Thursday of that sitting week to complete the legislative program of 10 bills. Since then we have had to deal with the Abortion Law Reform Bill, for which we had to sit through until 1 o'clock in the morning on the Tuesday, about 3 o'clock in the morning on the Wednesday and almost 9 o'clock on the Thursday to complete that program. That was unfair on the staff. Again we went beyond time last sitting week, sitting until midnight on the Tuesday and almost 11 o'clock on the Wednesday night. Luckily we finished on time on the Thursday.

This legislative program has just been thrown together; it is higgledy-piggledy and oppressive. It is of concern to the opposition because we do not know whether certain bills are going to be on the government business program or not, and so the regime has come apart; I think it is disgraceful. The worst thing about it is that given the total number of bills to be dealt with and the potential length of debate on the local government and ports bills, I anticipate we will again be sitting well beyond the normal sitting hours. I think that is brutally unfair, not only on us but most importantly on the staff of this Parliament — and to truncate debate on those bills I think would be outrageous in the extreme. Accordingly, the opposition will be opposing the government business program.

Mr LUPTON (Prahran) — I rise again, following another strenuous contribution from the member for Kew in relation to the government business program.

Of course the member for Kew has made a range of assertions and statements about the way the government business program is put together, referring in frankly unparliamentary terms to members of the government, which is really not appropriate. The member for Kew well knows that the government business programs, particularly over the last five or six sitting weeks, have been put together in such a way as to accommodate a range of interests and requirements based particularly around the conscience vote on the legislation that was before the Parliament.

When agreements are made between the different sides of the chamber in relation to the way in which business will be carried out in order that we can give all members who want to the opportunity to make contributions, particularly in relation to important pieces of legislation, without the need for additional sitting days or weeks, then a number of matters about sitting hours and the like will arise. Those matters are things that the house agreed to because we wanted to make sure that everybody had an opportunity to contribute to debates in an appropriate way without the need for additional sitting weeks, which would have had an impact on members going about their work.

We have various pieces of legislation to debate from week to week, and the way in which the government business programs are put together depends to some extent on the nature of the legislation. It is simply not enough, as the opposition tends to do, to get up and do a quick assessment of the number of pieces of legislation. The matters that come before the house from time to time are based around a whole range of different considerations, including time limits and the need for legislation at particular times of the year, and accordingly we have a government business program before us today which in our assessment is one the house is quite capable of dealing with in the ordinary course of events and which, by the time we come around to it on Thursday, will be seen to have been quite appropriate. I commend to the house the government business program that has been moved by the Leader of the House this afternoon.

Mr DELAHUNTY (Lowan) — I thought we would hear a little more from the member for Prahran; rather than him being an apologist for Labor's inaction in relation to the bills, he has made some assertions about the member for Kew. The member for Prahran has already sneaked out of the chamber, so he has obviously gone to talk to his factions. However, in reality here are some of the facts I will give to members.

Mr Lupton interjected.

Mr DELAHUNTY — It is good to see the member return because he spoke about his assertions, but I will set out some of the facts. In the first four weeks of Parliament sitting this year, we passed three bills per week. In the last couple of weeks on numerous occasions we have dealt with eight or more bills. Therefore we on this side of the house, and I speak particularly on behalf of The Nationals, are concerned that many of our members who travel to Melbourne for the sittings of Parliament will not get the opportunity to put forward matters of importance to this chamber. We in The Nationals, like our colleagues in the Liberal Party, will be opposing this government business program.

We are going to have a sprint to the line. Last Thursday I was notified by the member for Kew, after he had received information from the Leader of the House, that we would need to deal with seven bills; then yesterday we thought we would be debating eight bills this week; now it is going to be nine bills, and we have heard there could be yet another bill — that is, the Costs Court bill. Again we are faced with an end-of-year rush, which does no justice to members of Parliament nor to this house in the way that we are supposed to deal with the government business programs.

We have sat very late in the last couple of weeks, although I agree there were some lengthy debates with conscience votes and the like, which made it very difficult in relation to timing, but I thought we did it very well from all sides of the house, with the leaders of the parties and the whips concerned working through those agreements. There has not been an agreement broken in this house in the last 12 months that I can remember. It is a credit to the whips, the leaders of the parties and the like that we have been able to do those things. But at the end of the day it should be noted that we are expected to deal with nine bills this week while allowing appropriate debating time for members.

The other thing I am concerned about is that country members travel long distances to Parliament. We had to bring with us the files relevant to the seven bills we had been told would be debated this week, but now we are informed there could be another two bills for the house to deal with. That raises problems. My point that I make strongly is that members want the opportunity to raise very important issues in the house, whether they be in relation to primary industries or the local government amendments, which we thought yesterday would not be subject to the guillotine next Thursday.

Local government elections are coming up at the end of this month. The shadow Minister for Local Government, the member for Shepparton,

recommended that amendments be made to that bill while it was in the upper house. We did not get an opportunity to debate those matters in this house, but some very important issues have come forward since that went through this house, so it is important that we get the opportunity to discuss that amended legislation.

I know many members on this side of the house want to contribute to debate on the Liquor Control Reform Amendment Bill, because whether it be in the local areas around Melbourne or in regional areas, there are problems with the abuse of alcohol. Whether it be our concerns about the lack of police numbers or the like, we need to be able to put those things on the record in this chamber.

The member for Prahran also spoke about the last sitting weeks and about agreements. I challenge the member to put forward those agreements which were broken, because I do not believe that has happened in the last 12 months. When the member said, 'Our assessment' was he talking about the Labor Party's assessment of this week's program?

My understanding is that there has not been much discussion with The Nationals, the member for Kew representing the Liberal Party or the Independent member about the bills to be debated this week. I am not sure whether those members were consulted about this government business program. One can see that there is a lot of frustration on this side of the house. Frustration does not go well in the running of the house and importantly — —

Mr Ingram interjected.

Mr DELAHUNTY — In a complimentary way for a change too! The member for Prahran used the words 'our assessment' when referring to the assessment of the house, but it is the Labor Party's assessment. It is what the Leader of the House has said, and they all fall into line. The reality is that this is not a good government business program, the government has misjudged the game in the first four sitting weeks, when only three bills were dealt with each week, and now we get this sprint to the line at the end of the year.

As the member for Kew said, we are going to be sitting late. It will be late not only for members of Parliament but importantly also for the staff who operate in this place. The Labor government has proved it cannot manage money; now it has proved again that it cannot manage the government business program.

Mr BROOKS (Bundoora) — We have heard this story over and over again in debate on the government business program motions in this house: if there are a number of bills on the agenda, the opposition gets up and says it is all too hard. It is too lazy to do the work and to prepare for the bills.

If there are a number of bills on the government business program, the opposition says there is too much on the agenda; in the earlier part of the parliamentary sittings, when there were three or four bills listed on the government business program, members of the opposition said there was not enough work. It is never happy. It pulls out one card if there are a few bills on the agenda and says the program is too light, it wants more; but when the government puts more on the agenda, the opposition turns around and says there is too much, that it is all too hard. If the opposition cannot handle the government business program, I suggest it should not come in here. It is as simple as that.

The government business program lists a number of important pieces of legislation that need to be dealt with. Opposition members have acknowledged that there have been a number of important conscience vote debates that have taken up a significant amount of time. The government has shown it has got a legislative program here that it wants to continue with, and I support the government business program.

Mr McIntosh — I suppose you have got your numbers up anyway; you have made a complete fool of yourself.

The SPEAKER — Order! The member for Kew!

Ms ASHER (Brighton) — Again, I wish to make the point — and I rarely speak about the government business program — that the government yet again has shown it is unable to manage its business. My particular point of concern is in fact not the number of bills that are debated or whatever, but the sitting hours. I place on record what our finishing times have been over the last five or so weeks.

On 30 July the finishing time was at 11.30 p.m., on 19 August the finishing time was 11.47 p.m., and on 20 August the finishing time was 11.42 p.m. We move on to the September sittings: on 9 September the finishing time was 2.30 a.m. the next day, on 10 September the finishing time was 12.55 a.m. the next day, and on 11 September the finishing time was 1.47 a.m. the next day.

Going on to the next sitting week: on 7 October the finishing time was 12.44 a.m. the next day; on 8 October it was 2.45 a.m. the next day and even on the Thursday we did not finish until 8.27 p.m. We then had the regional sitting. Even in the last sitting week, on

28 October the finishing time was 12.09 a.m. the next day.

I hear the derision from the other side, but it is really interesting to note that when this Parliament took a vote on the Water (Commonwealth Powers) Bill late at night, 12 ALP members were absent for the vote including the entire front table and the majority of ministers. It is quite clear that the ALP ministers go home to bed when there is a late night sitting and all of the rest of us — the hack workers on their backbench and the opposition — have to remain in the Parliament.

I think this circumstance is absurd. These are archaic working conditions. I make the point that a number of us who do not get allowances to stay in town — and nor should we, but those of us, including staff — have to drive home at night and then drive back here again in peak hour after the sorts of sitting times I have just described. It takes me an hour to drive back to Parliament in the morning — I am more than happy to say that.

I also make the observation that whilst this is most archaic for members of Parliament, it is even worse for staff. Given I have been around a long time, I also remember the comments of the now Minister for Public Transport when she was subjected to sitting hours which were not as draconian as these are now, who called for a so-called family-friendly Parliament — —

An honourable member interjected.

Ms ASHER — You would have to be kidding; I agree. I do not think the Parliament will ever be family friendly. But what did the ALP say about sitting hours when it was in opposition? I refer to a 1997 document headed 'Making Parliament work', which is authorised by 'J. Lenders', who is now of course the Leader of the Government in the upper house, and put out by now Premier John Brumby. This was the ALP's policy when it was in opposition:

> Labor will make the Parliament more family friendly by:
>
> …
>
> changing the sitting hours to ensure that the Parliament adjourns at a reasonable hour each evening, except in extraordinary circumstances.

I do not think that times well after midnight are reasonable sitting hours. Here is the then opposition policy of the Labor Party:

> Under Labor the Parliament will be scheduled (by sessional order) to sit from 9.30 a.m. until 7.30 p.m. …

Again the government flagged some provisions for extension, but it made a very clear commitment that it would have reasonable sitting hours. The hours I have outlined of sitting until 1 o'clock or 2 o'clock in the morning are entirely unreasonable.

A working party was formed in the previous Parliament under the then Speaker, the member for Essendon, and there were representatives of that working party from The Nationals, the Liberal Party and the ALP. I recall a more sensible model being put forward. There was a lot of goodwill brought to that table. Obviously I was one of the members of that working party.

I recall the Deputy Leader of The Nationals also sat in that working party to try to have a more sensible outcome regarding sittings. I thought the Labor Party came to that particular working party with goodwill. Nothing has ever come of the report of the working party, and I think given the, quite frankly, almost inhumanity of the situation for the staff — we choose to be here — and the absurdity of the sitting hours, I request that you, Speaker, look at that report again.

House divided on motion:

Ayes, 50

Allan, Ms	Kairouz, Ms
Andrews, Mr	Kosky, Ms
Barker, Ms	Langdon, Mr
Batchelor, Mr	Lim, Mr
Beattie, Ms	Lobato, Ms
Brooks, Mr	Lupton, Mr
Brumby, Mr	Maddigan, Mrs
Cameron, Mr	Marshall, Ms
Campbell, Ms	Morand, Ms
Carli, Mr	Munt, Ms
Crutchfield, Mr	Nardella, Mr
D'Ambrosio, Ms	Neville, Ms
Donnellan, Mr	Noonan, Mr
Duncan, Ms	Overington, Ms
Eren, Mr	Pallas, Mr
Foley, Mr	Perera, Mr
Graley, Ms	Pike, Ms
Green, Ms	Richardson, Ms
Harkness, Dr	Robinson, Mr
Helper, Mr	Scott, Mr
Herbert, Mr	Seitz, Mr
Holding, Mr	Stensholt, Mr
Howard, Mr	Thomson, Ms
Hudson, Mr	Trezise, Mr
Hulls, Mr	Wynne, Mr

Noes, 33

Asher, Ms	Northe, Mr
Baillieu, Mr	O'Brien, Mr
Blackwood, Mr	Powell, Mrs
Burgess, Mr	Ryan, Mr
Clark, Mr	Shardey, Mrs
Crisp, Mr	Smith, Mr K.
Delahunty, Mr	Smith, Mr R.
Dixon, Mr	Sykes, Dr

Fyffe, Mrs
Hodgett, Mr
Ingram, Mr
Jasper, Mr
Kotsiras, Mr
McIntosh, Mr
Morris, Mr
Mulder, Mr
Napthine, Dr
Thompson, Mr
Tilley, Mr
Victoria, Mrs
Wakeling, Mr
Walsh, Mr
Weller, Mr
Wells, Mr
Wooldridge, Ms

Motion agreed to.

MEMBERS STATEMENTS

Portarlington neighbourhood house: volunteers

Mr BATCHELOR (Minister for Energy and Resources) — I would like to praise the Engaging Volunteers program at Portarlington neighbourhood house. Last week I visited Whittington to announce four Victorian Volunteer Small Grants for organisations based in and around Geelong. These were just a few of the 40 volunteer grants that I recently approved for organisations across Victoria.

The Engaging Volunteers program will recruit and train volunteers to fill a variety of roles in supporting the activities of the recently formed Portarlington neighbourhood house. Volunteers will have the chance to develop a range of new skills and further extend existing skills in areas such as office reception, gathering and disseminating information, supporting others, administrative tasks, developing programs and projects and building links within their community.

The Portarlington neighbourhood house is part of the local community building initiative (CBI). As members would know, there are 19 community building initiatives across Victoria, working with more than 100 small towns to identify and implement the priorities of the local community. I visited the Portarlington CBI myself last year and was very impressed with what I saw. At that time I launched the Macpherson Smith Community Alliance, a partnership between the Victorian government and the Helen Macpherson Smith Trust. The partnership as well as this volunteer grant are great examples of how community building initiatives are successfully tapping into the skills and resources of towns across Victoria to manage and adapt to change, and create living and thriving communities. The lives of people in communities across Victoria are touched daily by the efforts of volunteers who give their time to help others.

Kyeema Centre, Portland: funding

Dr NAPTHINE (South-West Coast) — The Kyeema Centre provides day programs and respite services for 90 clients with intellectual disabilities in the Glenelg shire. Of those 90 clients, 20 have been funded under a commonwealth government targeted support program. Nine years ago both the commonwealth and state governments agreed these clients should be transferred to state-funded and managed programs. But there have been nine years of discussion, dispute and debate about the appropriate arrangements for the transfer to the state of the commonwealth funds for this program. This long-running bureaucratic dispute has now culminated in the commonwealth advising the Kyeema Centre that funding for these 20 clients will cease as of 31 October.

Unfortunately, the state government and the Department of Human Services were not advised of this commonwealth decision and are refusing to fund those 20 clients. This leaves the 20 clients with intellectual disabilities and the Kyeema Centre service in a desperate situation. The Kyeema Centre is continuing to provide day programs but without any funding to pay staff or for the equipment to support those 20 clients.

The state government must immediately fund the Kyeema Centre so that it can continue to provide programs for those 20 clients. It must also individually assess those clients and fund them into the future according to their specific needs. The state government also needs to negotiate a funding deal with the commonwealth. Neither the Kyeema Centre nor the 20 clients should be the meat in the sandwich in this bureaucratic intergovernmental dispute.

St Bedes/Mentone Tigers Amateur Football Club

Ms MUNT (Mordialloc) — I would like to congratulate the St Bedes/Mentone Tigers Amateur Football Club on its history-making achievement of winning consecutive premierships in the C, B and A grades of the Victorian Amateur Football Association competition when it recently defeated Collegians by 30 points. Over the same period the club's under-19s side has also won three consecutive premierships. This achievement is all the more impressive because it was built with players from the local community as the club progressed throughout the grades and not by recruiting ex-Australian Football League and ex-Victorian Football League players.

Formed in 1993 through the merger of the Mentone Football Club, one of the area's oldest clubs, and the St Bede's Old Collegians Football Club, representing one of the area's leading schools, St Bedes/Mentone Tigers football club has built a community spirit to a level that all sporting organisations should aspire to. This is evident through the make up of the club. Senior coach Luke Beveridge and under-19s coach Owen Lalor both attended St Bede's College. Owen, who was a teacher at St Bede's, taught the current Mentone captain, Luke Wintle, whose father, Peter, also a teacher at St Bede's, coached Owen and Luke Beveridge in schoolboy football. Special congratulations goes also to Owen and Luke, who have both recently been voted Victorian Amateur Football Association coaches of the year and will represent Victoria at the national awards. Also worthy of special mention is senior player Peter McGettigan, who is representing Australia in the under-23s International Rules tour of Ireland.

Once again I would like to congratulate St Bedes/Mentone Tigers football club not just on sporting excellence and on-field success but also on building a club which helps to make my electorate a great place to live, work and raise a family.

Remembrance Day

Mr DELAHUNTY (Lowan) — At 11.00 a.m. today, 11 November, I was at the Shrine of Remembrance with many Victorians who paused for a minute's silence to reflect on the service and sacrifice of Australians. I congratulate the Returned and Services League and all those involved.

Today is the 90th anniversary of Germany signing an armistice and fighting on the Western Front in France ceasing. Today we remember with a flower, a blood-red poppy, those who fell. I have been to the Somme and the special town of Villers-Bretonneux to visit the school and the Australian war memorial. All over the fields you can see the beautiful red poppies growing wild. These poppies seem to say that men died here, and that we must never forget.

Today we remember those special Australians who gave their lives in wars, conflicts and peace operations in such places as Beersheba, Greece, Korea, Vietnam and Kokoda. In July I walked the Kokoda Trail. I had no idea of the strength of the Kokoda story before I began the adventure, but when I finished I was aware of how important this episode in our history is, along with what happened at the Somme or Gallipoli. At Kokoda our soldiers were fighting for Australia. They were outnumbered 6 to 1 but they still won. The Kokoda trek was a confronting, rewarding and inspirational experience. I believe Australia must do more to recognise those who fought in our adjoining countries and support places like Papua New Guinea.

As we know, Australia is a great place to live. It is a country at peace. We should always be grateful for the veterans who served for us. Lest we forget.

Fred Lasslett

Mr LANGDON (Ivanhoe) — Today I wish to pay tribute to Fred Lasslett, a community activist and veteran of the Second World War. On 1 November this year, Fred celebrated his 90th birthday. Fred served on the HMAS *Perth* as an electrical wireman. After active service in Tobruk, Malta and Greece, HMAS *Perth* was transferred to the Indonesian islands in 1942 to join the war efforts against the Japanese forces. In the battle of the Sundra Strait, the HMAS *Perth* was sunk and all servicemen taken captive. After narrowly escaping execution at the POW (prisoner of war) camp in Java, Fred was transferred to the infamous Changi camp and then worked at a mine in Japan for three years. While serving as a prisoner of war, Fred kept a diary of his experiences, writing on sheets of cigarette paper which he concealed from the Japanese. His diary was published in 2006.

After the war, Fred married Gwenoth Payne and they settled in Cartmell Street, Heidelberg, in 1952 where they raised Norm, Glenda, Arthur and Graeme. Since that time, Fred has been an active community member. His work includes being president of the Heidelberg RSL from 1995–2000, being founder of the Diamond Valley Darts Association, being president of the district board from 1998–2006, being president of HMAS *Perth* POWs since 1992, conducting funeral services for ex-servicemen for 20 years, presenting the RSL radio show on Inner FM for eight years, and many other things. Fred is in good health and is very active in the community. I wish Fred well.

Stamp duty: rate

Mr WELLS (Scoresby) — The Brumby state Labor government is to be condemned for continuing to burden Victorians with the highest stamp duty payable of any state on the average non-first home buyers family home. Despite the Brumby government's pathetic attempt to take credit for the federal government's boost to the first home owners grant scheme, the reality is that the state government has done very little to assist home buyers. It remains the fact that Victorians pay the highest stamp duties

payable of any state on an average non-first home buyers residential property.

Based on the Real Estate Institute of Victoria's September 2008 quarterly median price for a Melbourne family home of $435 000, Victorians would pay $18 120 in stamp duty compared with $6475 in Queensland for an equivalent priced house, $14 678 in Western Australia or $15 065 in New South Wales.

To make matters worse, battling Victorian first home buyers of an average-priced home in Melbourne are slugged the second highest stamp duties of almost any state, with only South Australians being worse off. A first home buyer purchasing a $435 000 median-priced Melbourne family home would still pay $15 120 in stamp duty compared with zero in Queensland, New South Wales and Western Australia. Stamp duty on property transfers particularly impose an unacceptably high burden.

Road safety: Craigieburn display

Ms BEATTIE (Yuroke) — Today I rise to acknowledge the efforts of the Craigieburn police in highlighting the devastation and tragedy of road accidents. In an unmissable display on Craigieburn Road, the Craigieburn police have recently erected a gantry upon which there is the wreck of a motor vehicle which was recently involved in a fatal police collision. Sadly the P-plates of the driver are still visible on the car. In a remarkable act of community concern, the parents of the young driver agreed to the display in the hope that it may save other young lives.

The display is no doubt a shock tactic and provides a very poignant message, which highlights the trauma of road accidents and will provide an acute reminder of the damage that can be done on the roads. It is a great tragedy that young drivers continue to have more casualty crashes than any other group of drivers, with around 45 drivers being killed each year in Victoria and around 30 young passengers being killed in vehicles driven by young drivers.

A further 990 young drivers and 470 passengers in vehicles driven by young drivers are seriously injured on Victoria's roads each year. However, increasing awareness and ensuring that young people are getting the message about road safety remains imperative. I congratulate the Craigieburn police for this initiative; if the tragic display on Craigieburn Road can prevent one death or injury from a road accident, then their efforts have been most worthwhile.

Public transport: crime

Mr MULDER (Polwarth) — The Premier cannot allow transit police to be removed from the public transport system and into the central business district (CBD) for weekend patrols. If the Premier endorses such a proposal, then he can expect further headlines such as those that appeared in today's *Herald Sun* 'Train crime wave' and 'Crime on your line'. In the past the transit police have been the subject of personnel raids and have been taken off the trains, trams and stations to assist with prosecutions and CBD patrols. In fact they seem to be the first port of call to fill the gaps created by the Brumby government's failure to recruit enough police for Victoria.

The result of a lack of transit police was detailed today whereby alarming rates of sexual assault, rape, assault, robbery and theft from motor vehicles on and around our public transport system are being reported. Claims that the rise in crime is because there are more people travelling on the system are utter rubbish and a cop-out by the Brumby government.

In the last week we have had 50 000 race patrons stranded at Flemington Racecourse station and approximately 10 000 commuters having their lives turned upside down through being asked to spend between 38 and 77 hours extra per year on trains or hanging around stations because of timetable changes. Now there is more negative news surrounding more than 6700 incidents of crime on Melbourne's rail network. You would hope that no single commuter has been the victim of the Brumby trifecta: being stranded at Flemington, spending 77 hours extra a year away from home, and being assaulted on the rail network. The Brumby government has had nine years to get it right, but it has failed at every turn.

Rotary Eltham Town Festival

Mr HERBERT (Eltham) — I rise today to congratulate the Eltham Rotary Club and Nillumbik Shire Council for putting on yet another terrific Eltham festival. The Eltham town festival is one of the major events on the local entertainment calendar and this year certainly did not disappoint. On Saturday night there was a spectacular fireworks display, which was thoroughly enjoyed by everyone in attendance.

On the Sunday federal MP Jenny Macklin and I combined to have a stall, which gave us a fantastic opportunity to have a chat with lots of local residents; with the near-perfect weather on the weekend, the sunscreen we made available was an absolute hit. Importantly lots of local businesses were present,

giving out information on all sorts of services and products. There was something for everyone on the day.

Eltham High School and Eltham College put on a great musical display in the Eltham town square on Saturday. Down on the main stage we saw some truly incredible local talent singing in front of a bumper crowd. The young local performers who got up on stage over the weekend were simply amazing. No doubt some of them are destined for greatness.

The huge attendance at this year's festival is a testament to the organisation of Rotary and Nillumbik Shire Council. I particularly wish to recognise the hard work of festival coordinator Mr Rob Kilcullen, and all the volunteers from Rotary who worked solidly throughout the weekend. Major sponsors — Home Hardware, Eltham Town and Diamond Valley Leader — also made significant contributions to a weekend of fun and entertainment that was enjoyed by thousands of people. Again I congratulate Eltham Rotary and Nillumbik Shire Council for putting on another wonderful Eltham festival, and I am already looking forward to next year's event.

Orbost: *Curlip II*

Mr INGRAM (Gippsland East) — I rise to report to the house on a spectacular project in my electorate called the *Curlip II*, which is a replica paddle-steamer that will operate on the Snowy River thanks to grants from both the state and federal governments. The commissioning of the *Curlip II* will be celebrated at the *Curlip* on the Snowy Festival on 28, 29 and 30 November.

The construction of the *Curlip II*, a community project, has taken an enormous amount — thousands of hours — of volunteer labour, utilising the traditional skills of wooden boat builders. From December the *Curlip II* will operate as a tourist vessel on the lower Snowy River. The festival I referred to will be a great weekend. I encourage members of this place not only to come to Marlo and Orbost and celebrate the return of the *Curlip* but also to encourage their constituents to do so. The *Curlip II* is a replica of a paddle-steamer that was originally built in 1890 by Samuel Richardson. One of his descendants is involved in the *Curlip* re-enactment activity that is going on.

Girls Night In fundraising events

Ms GREEN (Yan Yean) — Today I rise to congratulate the Laurimar coffee club on its Laurimar Girls Night In event, which raised $3700 to fight women's cancer. The event was attended by 150 very chatty women. Special thanks go to Leanne Jutson, Joanne Odwyer and Jodie Erdmanis. Major sponsors were Doncaster Holden, Delfin, Evan's Print-Works and approximately 50 others. We also had great karaoke from Michelle. The Laurimar Girls Night In was no doubt the first of many. It was so popular that it will definitely need a larger venue next year, and I suggest the new Laurimar primary school.

I also thank everyone who supported the Diamond Creek 2008 Girls Night In — the wonderful performers A2G Music, Angie and Bridie, Candy Floss, Felicity and other participants, friends, volunteers and staff of Living and Learning Nillumbik Diamond Creek, and Maeve Clonan from the Nillumbik HomeBiz network. I thank the 450 women who celebrated life and raised $7600 to fight women's cancer. What a fantastic and supportive community we live in.

I ask members to support the supporters of the Diamond Creek Girls Night In. Sponsors include the 4Cs, Nillumbik Shire Council, Veronica's Pantry Discount Store, Eltham Leisure Centre, the market stallholders, Mitre 10, Diamond Valley masonic lodge, Nillumbik Cellars and Vines Cafe, Curves gym, Priceline, Coles, Jonar Hair and Beauty Salon, Vanillaz Hair Studio, Curnow Tennis, Watsonia Florist, Diamond Creek Pet Shop, Diamond Creek nursery, and IGA. I apologise to any sponsors I have missed mentioning.

Drivers: licence testing

Mrs VICTORIA (Bayswater) — Recently I was approached by a constituent in her early 70s who had had a minor stroke and was unable to drive for seven months. She is now as good as gold, but following the event she alerted VicRoads, as she is required to do, and as a result she now has to have a medical and driving test every two years at a cost of $240 on each occasion.

It is a shame that predominantly elderly people are forced to pay this money without getting a pensioner or aged discount. It was bad enough when this Labor government cruelly abolished the pensioner discount on car registration, but this just adds insult to injury. A sum of $240 can go a long way for a pensioner. This fee could be a disincentive for people to be honest about their conditions and may lead to some simply avoiding telling VicRoads so as to save the additional costs. The government should take a good look at this example and show some compassion and respect.

Small business: national pie competition

Mrs VICTORIA — I congratulate Meredith and Andrew of Heavenly Pies and Cakes on Mountain Highway in Bayswater for their recent awards at the national pie competition. Heavenly Pies won several awards for pie excellence, including one gold, two silver and two bronze awards. This is a fantastic reward for a fantastic local business that without doubt has the best pies in town.

Remembrance Day: Ringwood

Mrs VICTORIA — This morning I, along with many others, attended the Ringwood RSL Remembrance Day service. I pay tribute to those who paid the ultimate price while fighting for the values that we hold so dearly today. In that moment of silence at 11.00 a.m., we all paused to reflect and say thank you for their sacrifice. Lest we forget!

Grovedale community centre: volunteers

Mr CRUTCHFIELD (South Barwon) — It gives me great pleasure to inform the house that my electorate of South Barwon has a number of community organisations that provide invaluable social, leisure and training assistance to the local community. The Grovedale community centre is one such organisation. This wonderful community centre will next week hold its inaugural annual general meeting — a meeting which, unfortunately, I cannot attend.

I was happy to work with the centre to help it gain funding from both the City of Greater Geelong and the Brumby government that has seen the centre enjoy greatly expanded facilities. I understand that the centre has managed to secure a lease on the current premises on Heyers Road, Grovedale until 2012. This will ensure it can continue to grow and provide niche programs and activities for the local community.

New centre coordinator Iris Speare, who previously worked at the Anglesea community centre, comes with a wealth of knowledge and expertise in the area and has already hit the ground running, working very closely with the local community.

I also pay tribute to former South Barwon coordinator Deidre Slater. Although she announced her retirement last year, she still manages to stay involved with the Grovedale centre as president. The Grovedale community centre's inaugural annual general meeting will be a significant occasion, and I wish it well. Without Deidre's significant work — the push for the Grovedale centre — this facility would not have gotten off the ground.

I have seen this facility grow from year to year, and I believe the current management has a number of exciting plans for the coming four years. The centre is about to embark on an historical project to re-engage past users and assist in empowering the Grovedale community to assess and utilise the centre. The project includes the creation by the local craft group of a historical quilt depicting people and groups that have been involved in the centre over the past 26 years.

I congratulate all the volunteers on their work to date and look forward to continuing to work with Iris Speare and her team.

Minister for Water: correspondence

Mr K. SMITH (Bass) — One could not help but notice that the Minister for Water cannot help himself when spending taxpayers money to try to make himself look good — this time, in writing. A sum of $500 000 was spent on a unit to check the style and grammar of correspondence while he was Minister for Police and Emergency Services. What a waste of money this self-centred, socialist minister is! He cannot even relate to ordinary people in my electorate and has ignored their pleas for a proper hearing regarding the desalination plant in Wonthaggi and power lines from Tynong to Wonthaggi.

I understand that a teacher from the minister's school gave him a book called *English Grammar for Dummies*. You would have thought that the teacher was trying to give him a message, but the minister did not even read it. Perhaps the minister should go to the parliamentary library, pull out a copy of the *Oxford Dictionary* and look up the word 'arrogant'; then he might understand what people see in him. He is quite arrogant.

I advise the minister that people would be much happier to receive an answer to a question or a reply to a letter than to not get any response at all. Even if it is badly written, they would rather get some sort of an answer. The boffins from the minister's department have totally ignored requests from people who were promised answers at public meetings over the past 12 months. It is time for the minister to lift his game and the game of his department.

State Emergency Service: Pakenham and Emerald units

Ms LOBATO (Gembrook) — Last Friday I had the pleasure of visiting the Pakenham SES (State Emergency Service) to hand over the keys to a new rescue vehicle. The new $250 000 vehicle has been fully funded through the Brumby government's $4 million vehicle upgrade program for VICSES (Victoria State Emergency Service).

Responding to incidents throughout the south-east growth corridor and the Pakenham Hills areas, the Pakenham SES is called out to approximately 300 vehicle crashes and up to 500 storm events per year. This week we celebrate, congratulate and thank our nation's SES volunteers during National SES Week. The Pakenham SES has 45 members, led by controller Andrew Graham, and they are enjoying new memberships as new residents move in and look to a challenging and rewarding opportunity to volunteer to assist their local community. The Pakenham SES is now enjoying state-of-the-art facilities at its home within the Pakenham police and emergency services complex.

Last financial year VICSES responded to around 15 000 incidents statewide, and the Brumby government has acknowledged that and responded accordingly by allocating unprecedented funding. This Saturday, 15 November, the Pakenham SES is holding an open day from 10.00 a.m. until 2.00 p.m. This will be a fantastic opportunity to personally meet and thank the volunteers as well as inspect the new vehicle and find out about how to join as a volunteer.

Also recently I was pleased to attend the Emerald SES with the Minister for Police and Emergency Services to present it also with a new rescue vehicle to assist it in its work in one of the busiest VICSES units. I was encouraged to hear that new members are also joining the Emerald SES.

Planning: Latrobe Valley properties

Mr NORTHE (Morwell) — The Planning Institute of Australia last week graded Victoria's 2008 planning efforts with an embarrassing C minus. I wish to highlight the plight of two Latrobe Valley landowners whose land adjoins coal reserves, which verify this government's poor planning grade.

The document *Framework for the Future* stipulates there must be a 1 kilometre separation between the edge of an open cut mine and a defined town boundary. This is referred to as an environmental significance overlay (ESO) or buffer zone, and as such should not intrude into a town boundary.

Steve Szabo owns land in Toners Lane, Morwell, which he desires to develop further. Mr Szabo's land is located within the Morwell town boundary but also has an ESO covering a significant portion of his land. One must question how this is possible. To exacerbate this issue, the Latrobe City Council is now planning to amend the Morwell town boundary to align with the ESO, which will effectively cut the Szabo property in half.

Walter and Marie-Anna Gardin from Churchill would like to pursue a subdivision of their land and contribute part of the sale proceeds to Latrobe Regional Hospital's cancer care unit. They wish to do so as both have recently battled cancer themselves. Unfortunately their land is situated in a special use zone, and whilst there are no apparent objections to the removal of the special use zone — indeed the LV2100 report recommends its removal — the Brumby government has handballed the couple's appeals for assistance from one department to the next. C minus seems a very generous grade, given the circumstances of the Szabos and the Gardins.

United Nations Human Rights Day

Mr CARLI (Brunswick) — I rise to remind honourable members that 10 December is the United Nations Human Rights Day. It is the day that celebrates the 60th anniversary of the adoption by the United Nations of the Universal Declaration of Human Rights, the day when we remember not only the importance of that document but also the struggle of those who promote human rights throughout the world.

An alarm bell goes off, that even after 60 years there are enormous numbers of attacks on human rights throughout the world and brutal repression of individuals who seek to promote human rights. That particularly affects journalists, trade unionists, human rights lawyers and other human rights activists throughout the world who bear the savage repression of governments as they seek to promote universal and natural human rights throughout the world.

The 60th anniversary is a very significant anniversary, and we will be celebrating it in Parliament. During its open day a copy of the United Nations Declaration of Human Rights will be displayed. It is the document which has inspired the Victorian Charter of Human Rights and Responsibilities. It is a significant document. H. V. Evatt was the president of the United Nations General Assembly at the time, so there was a

very important Australian component to the adoption of that document.

Public transport: Kilsyth electorate

Mr HODGETT (Kilsyth) — It certainly has been a good week for the Brumby public transport system! Along with the usual cancelled and late services came the new system, costing commuters hours of transit time by cutting city loop trains, and the Labor government's proposition to rip 8000 seats out of Victorian trains, not to mention the Oaks Day fiasco. I am sure, however, that Minister Kosky's limo managed to steer clear of that one!

I am bewildered how the Brumby government, despite ripping the heart out of our outer suburban transport, still manages to get the inner city transport so totally wrong. While racegoers sit on the steps at Flemington, public transport users out in Croydon and Kilsyth are lucky if they see any buses and trains at all, and that is if they brave the stations amid safety concerns.

The public transport system in my electorate is a clear afterthought. As I have repeatedly said, our stations are in disarray and the bus and train services do not connect. One person, twice in the span of four days, was forced to miss connecting services at Croydon station as the 2 minutes and 4 minutes he was respectively allowed until the bus departed was not even enough time for the boom gate to reopen and let passengers cross the tracks. Of course with the 'social' bus services in the area, the constituent was then forced to wait long periods of time for another bus.

Examples of poor planning like these have become synonymous with Victoria's public transport system. While the Brumby government is evidently spending all its efforts and resources making inner city public transport inherently worse, the outer suburbs sit totally neglected. Commuters in my electorate are forced to endure infrequent services and examples of disdain as connecting bus services patronisingly leave just as trains arrive. It is time the Brumby government showed a little respect for the residents in my electorate of Kilsyth and began to address some of our public transport concerns.

Football Federation Victoria: summer competition

Ms D'AMBROSIO (Mill Park) — I was pleased to have been invited on Sunday, 2 November, to toss the coin for the under 13 girl's soccer match between the northern and eastern zones as part of Football Federation Victoria's inaugural zone summer competition. It was a great day for the northern zone at Epping stadium, with wins in all matches but one, which finished in a draw.

The summer league competition was launched this month to provide an opportunity for continuing skills development through the ongoing participation in the game outside the traditional winter period. The zone summer competition is a uniquely Victorian innovation that comes on the heels of constructive and welcome constitutional change to help grow the game in this state.

The zone summer competition seeks to encourage the best players, coaches and referees from each of the local clubs to play or participate at their zone level. This innovation is part of Football Federation Victoria's strategic direction for football in Victoria for 2008–11. The strategy sets out an agenda for change in the way the game is managed in Victoria and looks at issues such as leadership, skills development, finances and the promotion of women, girls and children in the sport.

I wish to particularly acknowledge Nick and Coleen Monteleone for their drive and commitment to growing the games, especially amongst younger players, girls and women, and for promoting the need for greater sharing of the game's resources at the local level amongst these cohorts. They continue to serve not only their local club, Epping City, but the broader football community.

Macleod: Avenue of Honour

Mr BROOKS (Bundoora) — A year ago I informed this house of an important local project to improve the Avenue of Honour in Cherry Street, Macleod. The Avenue of Honour, consisting of large sugar gums, was originally planted after World War 1 by patients at the army's no. 16 Australian General Hospital, which later became the Mont Park hospital.

The Avenue of Honour has been retained. A working group, consisting of the RSL sub-branches of Watsonia, Heidelberg, Greensborough, West Heidelberg and Ivanhoe, the Darebin City Council, the member for Ivanhoe and me, has been working for over a year to plan and construct a memorial at the avenue to highlight and commemorate the significance of this site. The working group sought and received financial support from the federal Department of Veterans' Affairs, as well as the developer of the Springthorpe Estate, Urban Pacific, and proceeded to construct the memorial.

Last Saturday, 8 November, the new memorial at the Cherry Street Avenue of Honour was formally dedicated, with a commemorative address by Brigadier Keith Rossi, AM, OBE, RFD. Mr Galeb Kilzi from Urban Pacific and the federal member for Jagajaga, Jenny Macklin, representing the federal Minister for Veterans' Affairs, also addressed the large crowd gathered at the ceremony. There were many people I wish to thank, particularly Mr Geoff Burrows of Watsonia RSL for his leadership and effort.

As a local resident remarked to me on Saturday, the new memorial will be a permanent reminder of the importance of the avenue and cause those travelling along Cherry Street to reflect on the sacrifices made by those who did not return from the First World War as well as those who returned bearing physical and mental injuries.

The ACTING SPEAKER (Ms Munt) — Order! The time for members' statements has finished.

CORONERS BILL

Second reading

Debate resumed from 9 October; motion of Mr HULLS (Attorney-General).

Mr CLARK (Box Hill) — The Coroners Bill 2008 is a bill to re-enact with amendments the law relating to the coronial system in Victoria. The bill is a great disappointment and a lost opportunity. It makes a range of changes to the way the coronial system performs its current role on a freestanding basis. A number of those changes are beneficial clarifications and improvements. However, the government has failed to look at the broader and far more important question of how the coronial system could better contribute to the overall public policy objective of preventing avoidable deaths in the community as far as can humanly be achieved. For example, there seems to have been little attention paid to questions such as what role the coroner should play in relation to the occupational health and safety regime, in relation to public health policy, in relation to standards in hospitals, in relation to consumer product standards or in relation to design standards.

There also does not seem to have been a great deal of attention paid to the ways in which the coroner's functions can better fit in with the overall objective of achieving justice and redress as far as can ever be achieved in the context of a loss of life — for example, bringing perpetrators to criminal justice, providing compensation and help to dependents of those who have lost their lives and to others, and last, but certainly not least, providing reassurance to those who have lost loved ones that something is being done about the problem that led to the death so that in future others do not have go through what they have gone through.

The government says that much of the bill is based on recommendations made by the parliamentary Law Reform Committee in its 2006 report on the Coroners Act 1985. However, many of the most far-reaching recommendations of the committee have been ignored. The Attorney-General talks a lot about being a law reformer, but when it comes to practical reform such as this that could make a real and positive difference to people's lives the government seems unable to think outside the square.

Over the centuries the role of coroner has evolved to the important role it plays today. In relation to the early history of the coroner, I refer to Peter Archer's very readable book *The Queen's Courts*, second edition, 1968. At page 125 and following it states:

> The earliest coroners were appointed during the 12th century, three knights and a clergyman being chosen for the duties in each county … Their chief duties were to guard the king's revenues, and in particular those arising from fines … They kept a record of the crimes committed in the district, so that in time the wrongdoers could be tried and suitably fined or deprived of all their goods.
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> They also kept track of incidental windfalls, like treasure trove, wrecks and the capture of 'royal fish' … But the most important of their duties arose from their concern with crime. Among these was the task of investigating unexplained deaths …

Archer goes on to make the point that anyone convicted of a felony, which included more serious offences such as murder, forfeited all his goods to the king.

Later on the role of the coroner evolved further. As the website of the Coroners Society of England and Wales sets out, many of the most important changes occurred during the 19th century. In particular, in 1836 the first Births and Deaths Registration Act was passed. It was brought about by public panic caused by inaccurate recording of the actual numbers of deaths arising from epidemics such as cholera, and the view that there were inadequate investigations into deaths and that many homicides were going undetected. The Coroners Act 1887 focused coroners particularly on determining the circumstances and actual medical causes of sudden, violent and unnatural deaths.

As the parliamentary Law Reform Committee's September 2006 report indicates, the first Victorian act was the Coroners Statute of 1865, which gave power for inquests to be undertaken based on common-law principles. The later Coroners Act 1958 was the subject

of extensive review, both in 1975 and then by the Norris review completed in 1981, which gave rise to the current act which established the office of the state coroner and the Victorian Institute of Forensic Pathology and made a range of other changes. There have been various amendments made to the 1985 act, such as extending the coroner's power to make recommendations to ministers and public authorities and creating a new category of reviewable death.

As I have indicated, the parliamentary Law Reform Committee was asked to review the Coroners Act 1985. It reported in 2006, with the government response being published in 2007, and now we have the bill before the house. The bill makes a wide range of changes to the existing law. It changes the specification for when a death, particularly an unexpected death in the medical context, is reportable. It also changes the specification for when a death is reportable in relation to the death of a person escaping custody or a person the police are seeking to apprehend. The bill establishes a general obligation on persons to report a reportable death that has not been otherwise reported. The bill alters the system of dealing with what are described as reviewable deaths, which are deaths of multiple children in the same family. It does this by excluding most such deaths when they occur in a hospital at the time of childbirth. The bill specifies that a stillbirth is not within the jurisdiction of the coroner.

The bill gives discretion to the coroner as to whether to investigate when a death is reported if it was unexpected or because there is no medical certificate stating the cause of death. The bill also specifies that the coroner may investigate any death that appears to have occurred within 100 years of the reporting to the coroner. The coroner must investigate a death if the death occurred in Victoria, if it is a reportable death, if it occurred within the last 50 years and if an interstate coroner has not investigated the death.

The bill changes the provisions relating to requests for investigation of a fire by providing that either the Country Fire Authority or the Metropolitan Fire and Emergency Services Board may request such an investigation and that the coroner must investigate upon receiving such a request unless the coroner determines that it is not in the public interest to do so. In addition, any other person may request the coroner investigate a fire.

The bill sets out a range of powers of investigation for the coroner, including the power to restrict access to a place where a death has occurred or to a fire area. It provides powers of entry, search, inspection and possession. It gives the coroner the ability to require a person either to provide an existing document or to prepare a statement relating to the subject of investigation.

The bill provides that what it defines as the 'senior next of kin' and other persons with a sufficient interest are to be provided with certain information, and that a senior next of kin may make suggestions to a coroner regarding any proposed exhumation. The bill also expands appeal and review rights to the Supreme Court. This will include appeals in relation to determinations as to whether a death is a reportable death, autopsies, exhumation, the release of the body, and errors by the coroner. The bill allows the coroner to make recommendations arising out of an investigation to any entity, not just to ministers or public authorities.

The bill specifies that there will be a Coroners Court that will operate as an inquisitorial court. It provides that a coroner holding an inquest is not bound by the rules of evidence and may be informed and conduct an inquest in any manner that the coroner reasonably thinks fit. Furthermore, the inquest is required to be conducted with as little formality and technicality as justice permits. It is expressly required that it should be comprehensible to interested parties, including family members. The bill provides that interested parties may make submissions and, with permission, may examine and cross-examine witnesses.

The bill also sets out a new regime for access to coronial records. That regime removes the current presumption of public access to records. Instead it provides that, unless otherwise ordered by a coroner, the findings and recommendations made following an inquest must be published on the internet. However, it is in the coroner's discretion whether to release other documents. If the coroner does so agree, the coroner may impose conditions on release. The bill also establishes a coronial council to provide advice to the Attorney-General regarding the coronial system.

This is a bill with very far-reaching implications. It deserves far greater examination by this house than is permitted either to me within the half-hour time limit allotted or within the 10-minute speaking time allowed to other speakers. It is a bill that really needs and deserves extensive clause-by-clause consideration, and I very much fear that the government does not intend to allow that consideration in detail in this house.

I, and other members of the opposition parties and very possibly members generally, have benefited from a very comprehensive submission provided by the Federation of Community Legal Centres, and also from some very comprehensive and powerfully argued

material provided by Andrew and Karyn Kennedy, a couple who for many years have been seeking to have the coroner given the power to investigate the death of unborn children when that occurs during or prior to childbirth.

As I alluded to at the outset, there are an extensive and worrying series of departures of the bill from the recommendations of the parliamentary Law Reform Committee. I do not necessarily agree with every recommendation the committee made in its 2006 report, but it worked hard to produce a very comprehensive report, and it picked up on many important issues; issues in particular that go to the need for a systems-based evaluation of how the role of the coroner can be enhanced and improved. Many of those far-reaching and systematic recommendations of the committee's report have not been adopted in the bill. For example, there is a lack of attention to what I might describe as systems failures such as latent design flaws or long-term exposures to unsafe chemicals or unsafe environments.

We are probably fortunate in this nation that we have benefited from many hundreds of years of evolution of product standards and of laws that prevent some of the more gross accidents and gross tragedies due to building collapse and other shoddy practices or avoidable dangerous situations that we sometimes read about as having occurred in the other countries around the world. It indicates that many of the problems we now need to be tackling are not those that are manifest on the face of a particular accident. They are problems that emerge from a detailed study of a series of accidents or a series of events. They require statistical analysis, they require very careful attention to design elements and they may require intensive scientific input. I think it is fair to say that the role of the coroner, as constituted by this bill, does not move enough to give attention to the way in which the whole process of investigation of accidental death needs to progress.

The committee's report picked up on many aspects of this need, and it made a series of recommendations. In many respects the points the committee made in its report have been reinforced by the submission from the Federation of Community Legal Centres that I referred to earlier. One clear example is that we need much fuller reporting of both the coroner's recommendations and of the responses to those recommendations by the parties to whom those recommendations are directed.

What we do not need is a situation where the coroner examines a particular tragic death, makes a series of recommendations based on that tragic death, and then there is a lack of systematic follow-up to those recommendations. The government has acknowledged in part the need to improve in this area by allowing recommendations to be made to a range of entities, but there is no requirement in the bill for a systematic follow-up of what happens with the recommendations such as requiring responses to recommendations, which the committee itself, at recommendation 82, suggests should occur at least in relation to government entities and possibly in relation to various other entities. The Federation of Community Legal Centres argues that an obligation to provide responses should be imposed on anybody in relation to whom a recommendation is directed.

At recommendation 85 the committee proposed that the annual report be required to list the various recommendations and responses, and that does not seem to be within the bill. Recommendation 78 was that there be guidelines on formulating recommendations issued by the state coroner. There is no express provision for that, nor in relation to recommendation 79 for training coroners on how they should go about formulating recommendations, which is another point that the Federation of Community Legal Centres made. Given the systematic implications of many of the investigations that are being undertaken, training is required in how to formulate the recommendations that are made, and yet that issue does not seem to have been focused on.

At recommendation 28 the committee proposed that where an inquest highlights that there are risk factors involved with the death that may affect other members of the family of the deceased person, there should be some follow-up with those family members who are still living. That may well be if there is an environmental factor that may be putting them at risk, as well as the person who died, or potentially some genetic or other inherited factor, yet that is not specifically provided for in the bill.

At recommendation 12 the committee proposed that there be systematic auditing of causes of death by the Victorian Institute of Forensic Medicine, and there are a range of other recommendations that relate to that as well. Again, that is missing from the bill, which is a very serious omission.

Beyond what the committee recommended, there is the broader issue of the fact that there is no comprehensive tracking by the coroner, or indeed by any other public body such as the Victorian Institute for Forensic Medicine, of all deaths rather than simply those deaths that are brought to the attention of the coroner. That is something that occurs in a range of overseas jurisdictions; indeed the need for some sort of

systematic recordkeeping is implicit in the committee's recommendation that there be a systematic auditing of causes of death.

Another important area that the committee highlighted was the concern about underreporting or inadequate reporting of deaths, and that is particularly the case when deaths occur in hospitals or in other health institutions. There are many studies that highlight the number of preventable deaths that occur in the hospital system. I think the committee identified that there is a potential for conflict of interest either at an individual or institutional level when death certificates are being completed after a death has occurred in a hospital. That is certainly not to denigrate the many doctors who I am sure do their utmost to ensure full and accurate reports, but it is a risk factor that has not been addressed.

Recommendation 1 of the committee went to the process of certifying death and the cause of death, and to the amount of information disclosed on death certificates. It also recommended research into underreporting. I would be interested to know what is happening on that front.

There was also a range of recommendations about how to improve the way investigations are undertaken. Time does not permit me to go into those in as much detail as I would like. Recommendation 42 was that the coroner have power to require police to undertake particular investigations. Recommendations 44 and 45 were about the roles of investigators and special investigators. Recommendation 46 was about the chief coroner's guidelines to other coroners. Recommendation 133 was about a case management process to reduce delays in the system. Recommendation 134 was about standards within the coronial system. Recommendation 125 was about the processes for handling requests for reviews of investigations. Recommendation 53 was about pre-inquest conferences.

There is also scope for further improvements in the way families are involved. I acknowledge that the bill goes a considerable way in trying to keep families better informed. However, recommendation 115, for example, was that better legal help be provided for families. Recommendation 113 called for an improved Victorian Civil and Administrative Tribunal hotline. The government said it would consider both of those recommendations in the context of developing new legislation, but there is nothing in the bill about them. Recommendation 99 was about providing to families early information about what is happening. A long list of issues that have come out of the committee's report have not been addressed. On top of that there is a number of other very serious issues that need better consideration.

An issue I want to refer to in particular is the fact that what are described as 'stillbirths' — that is, the deaths of children prior to birth — have been expressly excluded from this bill. That was something that was recommended by the committee contrary to the proposal of the Consultative Council on Obstetric and Paediatric Mortality and Morbidity, which is the government body that is specifically charged with collating data in this area. In its submission to the committee in July 2006 the council recommended that consideration be given to extending the coroner's authority to include certain categories of stillbirths and listed stillbirths at 32 weeks gestation or greater in various circumstances or where the mother requests a coronial investigation or where resuscitation was attempted immediately after birth and failed.

With the greatest respect to the committee, this is one area where its analysis is flawed. Its conclusions on this matter are based largely around a legal point about what constitutes a death at law, whereas the critical issue is whether or not the public policy objective of preserving life and preventing avoidable death would be better served if the coroner had a power to investigate deaths in these circumstances. The committee recommended that the consultative council undertake a greater role in that area, but the problem is that the council is not geared up to conduct the investigation of the circumstances of specific deaths as the coroner is. As I alluded to, it is largely a statistical and data gathering body. There is a very strong case that the coroner is the most appropriate public entity to conduct investigations as to why a death has occurred in these situations.

You can have situations like that of Andrew and Karyn Kennedy. They went to a hospital expecting that Karyn Kennedy would give birth to a healthy baby daughter but instead their daughter was never born. Since that tragedy they have been unable to find any government entity that has been able or willing to investigate the circumstances of that tragedy. At the moment we have a situation where, if an infant is born alive, as baby William Keays was, the coroner can investigate why the death occurred, but in a case like that of Saoirse Kennedy, who died prior to being born, the coroner cannot conduct an investigation.

The question ought to be not what is the legal definition but what is the best way of preventing these tragedies in future. The coroner has the skills, training, background and resources to carry out these investigations, and we need to consider specifying a range of circumstances, such as those suggested by the council in its

submission, for which the coroner does have that jurisdiction. Not only was that the view of the council but a range of eminent paediatricians have also supported that proposal.

Another issue of concern in the bill is the potential for unreasonable restrictions on public access to documents. The principle should in many instances be that the identity of the parties involved in an inquest be kept confidential. However, there is also a public interest in the public being able to ascertain the facts of a particular death. The bill in effect restricts access to most coronial documents unless the coroner exercises a positive discretion to release documents.

It is strongly arguable that it would be better to have a presumption of access subject to protection of certain aspects, such as ensuring that identification of a person was not possible, not affecting criminal investigations and restricting particularly sensitive or distressing material. I am sure the coroner will attempt to exercise his or her discretion appropriately, but it will make it harder to expose problem areas, such as a series of deaths in a particular nursing home or hospital or a series of deaths after exposure to certain chemicals or after using particular equipment or products, if someone keen to investigate a series of such deaths is not able to obtain access to the records. In each case they are going to have to persuade the coroner to exercise his or her discretion in their favour.

Finally I mention a concern raised by the Federation of Community Legal Centres that some of the provisions relating to deaths of persons in care or custody have not gone as far as they should. I will quote from the submission:

> We are particularly concerned that if a person dies after they have been discharged from a community treatment order or from being an involuntary inpatient, their death is not reportable. Our member centre, the Mental Health Legal Centre, reports that people are often most vulnerable immediately after discharge. Accordingly we recommend that deaths should be reportable for at least eight weeks after discharge.
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> The new definition also does not include deaths of children on interim accommodation orders or deaths of children in child-care facilities, educational institutions, youth or women's refuges (in contrast to final report recommendations 19 and 20).
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> Similarly, there is no provision for an integrated system to investigate post-police or prison custody release deaths … nor provision for an independent doctor's examination in cases of deaths in commonwealth aged or respite care.

Again there seems to be no explanation for these omissions. As I said at the outset, while the bill makes some useful changes to the manner in which the coroner goes about performing his or her functions as currently defined, the bill has failed the broader challenge of looking at how the overall role of the coroner can be modified and improved and better integrated with other institutions to protect public safety so that avoidable deaths can be avoided in future.

Mr HUDSON (Bentleigh) — It is a pleasure to speak in support of the Coroners Bill. I had the pleasure of chairing the parliamentary Law Reform Committee — the member for Yuroke, who is in the house, was also a member of the committee — that produced the report that led to this new bill.

It is important to recognise that the coronial system in Victoria has served us well. It is a system that is recognised in other jurisdictions, both interstate and around the world, as being a leader. However, it is more than 20 years since the coronial system was reviewed, and it is important that we continue to keep it abreast of new developments. This bill provides us with an opportunity to modernise the law for the next 20 years.

I think the work of the coroner and the Victorian Institute of Forensic Medicine is not well understood. Indeed, the public's perceptions are often clouded by numerous crime scene investigation programs on TV in which the coroner often finds the crucial piece of DNA evidence that leads to the solving of the crime. The role of the state coroner is much broader than that. At the heart of the coroner's role is prevention. The families who are left behind as the result of the death of a loved one want to know how and why that loved one died. They do not want that death to be in vain, and they hope that such deaths can be prevented in future.

We have been fortunate as a state to have had two state coroners since 1985, Hal Hallenstein and Graeme Johnstone, who have really pioneered a system which focuses on the preventive role and the community safety aspect of the coroner's jurisdiction. That work has already seen quite major improvements in community safety. We have seen the introduction of fences around swimming pools and cages and cabins on tractors, suicide prevention strategies in the design of prison cells and so on.

This bill further strengthens the role of the coroner. It enshrines for the first time the central importance of the coroner in reducing the number of preventable deaths and fires. The preventive role of the coroner is built into the preamble, purposes and objectives of the bill. The bill also allows the coroner to make recommendations to any person or agency, not just a minister or public statutory authority, that will prevent future deaths or future fires.

Members of the committee I chaired were concerned also to ensure that there is a robust system for certifying and reporting deaths to the coroner. We wanted to make sure that the coroner has sufficient power to undertake a thorough investigation into reportable deaths. We received a lot of submissions from hospitals, families, medical and legal groups and government agencies on this matter. Central to the concern of many families is their desire to ensure that the death of their loved one is properly investigated.

We in Victoria have been lucky not to have endured the medical scandals that have arisen in places like the UK with Dr Shipman or the Bundaberg hospital in Queensland with Dr Jayant Patel. Nevertheless it is critical that Victorians have confidence in the monitoring of deaths in places such as hospitals, so that where a medical error occurs a thorough investigation is undertaken, and where there are deficiencies in the training of medical staff or in the systems or procedures of hospitals they are remedied. It is good that the government and coroner have been working with hospitals to develop guidelines which will help inform doctors of which matters and which deaths must be reported. It is good also that the Victorian Registry of Births, Deaths and Marriages will have the capacity to analyse the statistics of reportable deaths for any unusual or suspicious trends.

It is pleasing to note also that the bill extends the definition of a person who dies in care or custody to include people who are injured or die in the custody of the police or while being taken into custody by police, which is consistent with the recommendations of the Royal Commission into Aboriginal Deaths in Custody.

I want to focus for a moment on the rights and needs of families. Obviously the death of a loved one is a very traumatic event. That death is often unexpected. If the person was in the care or custody of a hospital, a nursing home or the police, the family is often looking for answers. Too often, and based on the evidence that was presented to us, those families are overwhelmed not only by the death but also by the system. They are confused when they are told the coroner has become involved. A lot of them think that implies there has been some foul play. Of course it does not necessarily mean that. But they are certainly confronted by the demands of the coronial process, and often in the past they have received little information and support. They are confronted with requests for autopsies which may affront their cultural, religious or spiritual beliefs, and they can feel completely unrepresented and alienated by the adversarial nature of the Coroners Court.

This bill seeks to enshrine as a central and core element of the Coroners Act the special position of families within the system. It enshrines the importance of recognising and accommodating the different cultures, beliefs and practices of families, particularly in relation to how they want the body of their loved one to be treated.

It is also clear, however, that we have to improve significantly the way that families are informed about the nature, particulars and progress of the investigation into the death. It is pleasing that the coroner's office has already implemented the committee's recommendations in relation to an improved case management system. There has also been a stronger focus on the training of coroners and their staff in grief and bereavement issues and an improvement in record management practices, as well as the provision to families of a booklet on the coronial process. It is critical that families get the right information and the right professional support at this difficult time.

It is also critical that we move away from what has been a very alienating and adversarial system for many of the members of families who want to know how and why their loved ones died. Many of those families have felt completely overwhelmed by the barrage of lawyers who are representing insurance companies or hospitals or doctors and who in many instances are obviously keen to minimise or deny legal liability for the institution they are representing. What families want to know is the truth. Family members want answers to how their loved one died; they do not want to see the court working in a way which protects the interests of those who have the money to be represented in it and an interest in obstructing its operation.

For those reasons I think it is important that we establish the Coroners Court as an inquisitorial court. It will give the coroner the power to effectively investigate deaths without the investigation becoming too adversarial, it will give the coroner greater control over how the proceedings are conducted, it will give the coroner the power to decide which issues will be addressed in the court and it will allow the coroner to determine who is to be a witness at an inquest.

These are all improvements, together with the focus of the court on ensuring there is only as much formality and technicality as is necessary to ensure that the interests of justice are served, thereby making sure that the whole process is comprehensible to the families and other interested parties who are in the court. I also believe it is significant that the bill limits the privilege against self-incrimination. I think it is important that people give truthful answers, that they are required to

answer directly to the court and that families can find out what happened to their family members.

The last thing I want to comment on is the recommendations of the coroner. In the past it has not always been easy to identify the extent to which recommendations have been acted on. This coroner will be able to present an annual report to the Parliament, and I believe it is important that we know what happens with coroner's recommendations. I commend the bill to the house.

Dr SYKES (Benalla) — I rise to speak on the Coroners Bill 2008. The purpose of the bill, as explained by the two previous speakers, is to improve the delivery of coronial services, and as such I and my Nationals colleagues in coalition with the Liberals will not be opposing the bill. As the member for Box Hill has stated once again in an outstanding presentation, there is still more to be done — in the words of the government — in relation to the preventive approach by learning from the coroner's findings and applying his findings to preventive measures.

I will focus on two aspects of the bill. One relates to rural service delivery and the other to the investigation of stillbirths. In relation to rural service delivery, it is mentioned in the second-reading speech that one of the stated objectives of the bill is to 'improve the delivery of coronial services across the system, including rural service delivery'. I cannot actually find any reference to rural service delivery in the bill itself. I want to use a case study that has come to my attention just recently to highlight the need for an improvement in service delivery in rural Victoria. This case study relates also to clause 8 of the bill, which states:

> When exercising a function under this Act, a person should have regard, where practicable, to the following —
>
> …
>
> (b) that unnecessarily lengthy or protracted coronial investigations may exacerbate the distress of family, friends and others affected by the death.

A case study I wish to touch on briefly relates to the death of a Russell McLarty on 7 November 2006. He was killed outside a hotel at Warrnambool.
Mr McLarty's sister wrote to the State Coroner's Office on 14 December 2006 raising a series of questions about the circumstances surrounding the death, the subsequent investigation by the local police and the media reporting of that investigation. The office replied to that letter on 19 December, acknowledging receipt of the letter and indicating the letter and those questions would be made available to the coroner when appointed. The office then wrote another letter on 9 January reiterating confirmation of that letter and that the questions raised would be referred to the coroner when appointed.

The office then wrote again to the deceased's sister on 11 July 2007 advising that a coroner had been appointed and that it was the view of the coroner that the matter would attract a mandatory inquest. That was on 11 July 2007. In spite of repeated phone calls and action on the part of the deceased's mother, nothing has progressed with the coronial inquiry. That led to the deceased's mother coming to me in a distressed state on 6 November highlighting her concern about the absence of follow-up to the investigation into her son's death. I advised her to write to the State Coroner's Office asking for advice on when the matter would proceed.

The point of raising that case study is to highlight that there is a need for improvement, particularly in service delivery in country Victoria. In this case there has been a two-year delay and a breakdown in communication despite what appears to have been a genuine effort on the part of the State Coroner's Office to communicate effectively.

The second issue I would like to touch on is the investigation of stillbirths. As was mentioned by the member for Box Hill, this issue is the subject of a submission to the parliamentary Law Reform Committee. It is a submission by James King, chair of the Consultative Council on Obstetric and Paediatric Mortality and Morbidity.

On behalf of the Council on Obstetric and Paediatric Mortality and Morbidity, Professor James King makes a request for a couple of significant changes. First of all, section 22A of the Coroners Act 1985 states that a coroner 'may' notify the consultative council of particulars of death, but Professor King asked for that wording to be changed to 'shall' so that his consultative council could be better informed of matters and better perform its function. Equally Professor King recommended that consideration be given to extending the coroner's authority to include certain categories of stillbirths, and he then listed four categories which primarily relate to stillbirths of 32 weeks gestation or greater, the first category being:

> … without major congenital malformations, where the foetal death is considered to have occurred within 24 hours —

prior to birth. There are then three other examples. The purpose of raising this is that his committee, he said:

> … acknowledges that there are … sensitivities in expanding the coroner's jurisdiction into stillbirths, but finds the current barrier to the coroner's authority unsatisfactory, as it prevents

> proper investigation of those uncommon but important categories —

that are referred to above — that is, stillbirths of above 32 weeks of gestation. That is a request from someone very much involved in that area of expertise and of forensic medicine, but the government has failed to incorporate that request in the bill.

The other aspect of the bill I find interesting relates to clause 4, which is mentioned in the explanatory notes, where it attempts to explain a situation that would constitute a death that would be reportable in relation to the use of morphine for someone who is terminally ill.

I know, Acting Speaker, this will be of particular interest to you, and I raise this in the context of the debate that was held in the upper house on the private member's bill in relation to physician-assisted death. That bill was eventually defeated with the majority of that house, but particularly the majority of the Labor Party voting against it. That bill sought to alleviate continued pain and suffering in terminally ill people.

This bill makes reference to a situation that might occur if a person was given a dose of morphine considered sufficient to alleviate the pain that person was experiencing but which resulted in the death of the person; then that would be considered a legitimate use of the morphine and would not therefore be a reportable death. However, the explanatory notes state that:

> If the morphine was prescribed at levels that were more than was required to alleviate the … pain —

Then that use of the morphine and that subsequent death would be considered a reportable death and therefore require investigation by the coroner.

Acting Speaker, with your vast knowledge of this very sensitive situation, you would appreciate that that is really drawing a line in a very difficult situation because it is a continuum relationship between the use of morphine and the alleviation of pain, versus getting to the point where you have an overdose that results in the death of the person.

There may be an unintended death of the person, or if you increase the dose you may have an intended death of the person, and there is a fine line between those two situations. This fine line and the general situation makes it extremely important that this Parliament considers again the issue of physician-assisted death so that we can address these sorts of issues and so that the physicians who are involved in these situations have a clear conscience and are protected by the law.

Ms BEATTIE (Yuroke) — I rise to support the Coroners Bill. When the Law Reform Committee worked on this inquiry, my colleague the member for Bentleigh was the chair, the former member for Rodney, Mr Noel Maughan, was the deputy chair, and the committee at the time included members from the Legislative Council. They were Richard Dalla-Riva, a member for Eastern Metropolitan Region, former members Dianne Hadden and Geoff Hilton, and David Koch, a member for Western Victoria Region. The members from this house were the former member for Kilsyth, Dympna Beard, the member for Prahran, who is now the Cabinet Secretary, and me.

At times it was quite a distressing inquiry to work on because we took evidence from many witnesses who had lost loved ones under tragic circumstances, but all those people who came forward and gave evidence wanted to know why their loved one had died and wanted to prevent a tragic death such as the one they had just experienced from happening again. In that way it was a good outcome.

The Coroners Bill requires the reporting of certain deaths, to provide for coroners to investigate deaths and fires in specified circumstances, and contribute to the prevention of deaths in fires. Coroners originally gained investigatory powers with respect to fires from the time of the Great Fire of London, which coroners investigated, and they have had those powers ever since. The other aim of the bill is to establish the Coroners Court as a specialist inquisitorial court.

In recent times there has been an avalanche of television shows in which somebody is murdered and investigators at a crime scene take a scraping of this or that from a body, shake it up in a little jar and — wham-oh! — within the hour the investigator has got the murderer. It does not really happen like that. Some of those shows might even put pressure on coroners and result in them hurrying their work. Investigating deaths is long, arduous and painstaking work.

Victoria has been very fortunate in having two very dedicated coroners — Hal Hallenstein and Graeme Johnstone. Over a number of years, as far as the prevention of deaths is concerned, they have done great work in assisting the community. We now have mandatory fencing of swimming pools. For those who have lost someone through death by drowning — and those deaths are mostly children — that law has come as a great relief. Also the coroner has put forward suggestions about baby cot designs.

Also, the coroner was instrumental with WorkSafe in investigating the tragic deaths at Longford. We saw a

company try to blame people working on that plant for the deaths of people when in fact it was a series of mishaps and a lack of training by the company that caused the accident. So it is important that the bill does these things.

The bill also establishes the Coronial Council of Victoria, which will provide advice to the Attorney-General. One aspect of that has been that we are a multicultural society — very proudly a multicultural society, I might add. We have people of many faiths, religions and backgrounds. Each culture may have a separate way of dealing with death; I certainly know that people of the Muslim culture like to wash the body of the deceased and bury it within 24 hours. That is not always possible in our system, but the Coroners Court has become more sensitive to the community's needs.

The Jewish religion has a different way of dealing with death, as does the Maori culture. It is really important that in what is a tragic time the Coroners Court be culturally sensitive. There is also the issue of the court itself: it has long been known as the Coroners Court but it has not been a court. This bill formalises it as a court and makes it a true specialist inquisitorial court.

The bill amends the Coroners Act 1985 to rename that act the Victorian Institute of Forensic Medicine Act. The bill makes a number of other consequential amendments. The bill also clarifies the definition of reportable deaths, including deaths in custody, health-related deaths and deaths in care, and excludes stillbirths.

One of the issues that came to the committee was the fact that there may have been an underreporting of deaths. In England Dr Harold Shipman was imprisoned for causing the deaths of many of his elderly patients. We wanted to prevent that happening here.

We on the committee looked at the experience of Finland, where everybody undergoes an autopsy at death, but we do not have that system here. I am quite pleased we do not have that system. If somebody's death is an expected and normal death, then many people want the burial to occur straight away, and they want the body left intact. If that can be so, then I think our system serves us well.

There was another issue I want to touch on. Members of the house will know that there was a tragic death just recently of a young Victorian woman, Britt Lapthorne, in Croatia. Her body has been brought back to our coroner so that the family can get a second opinion about the cause of death. That can happen under our system. Knowing that a second opinion can be obtained here in Victoria may hopefully bring some peace to the Lapthorne family.

I also wanted to talk about the fact that the Victorian community has just gone through the abortion debate. One of the cases that came before this house was of a woman whose medical records had unfortunately been released to a federal Nationals turned Liberal Party senator, Julian McGauran, who used the terrible circumstances of the woman's case as a political pawn for his own anti-abortion crusade. He caused a lot of distress to many people, including doctors and the woman herself. The tightening in this bill of the regulations governing the release of documents is a good thing.

As I said earlier, the Coroners Court in Victoria has served us very well for many years. I would like to thank Graeme Johnstone who lent his great assistance to the Law Reform Committee's inquiry. I would also like to thank the committee's executive officer, Merrin Mason, and Michelle McDonnell, one of the research officers. It was not an easy committee inquiry to chair, and the committee did very well.

Mr NORTHE (Morwell) — It gives me pleasure to make a contribution to debate on the Coroners Bill 2008. This bill does a number of things: it requires the reporting of certain deaths; provides coroners to investigate deaths and fires in specified circumstances; and contributes to reducing the number of preventable deaths and fires through the findings of the investigation of deaths and firearms, and the making of recommendations by coroners. The legislation establishes the Coroners Court of Victoria as a specialist inquisitorial court and establishes the Coronial Council of Victoria. It also amends certain elements of the Coroners Act 1985.

As has been alluded to by other speakers, the State Coroner's Office plays an important role in Victoria. It obviously has to deal with a number of sensitive issues, particularly in the event of deaths in families, where there is a need to be respectful. The interests of families at those particular times need to be considered. It has also been mentioned in the debate that Judge Jennifer Coate is the new state coroner, taking over from Graeme Johnstone, who was quite well-known in the Latrobe Valley. During my contribution I will explain why that was so.

The coroner's responsibility when a death is reported is to find out the identity of the deceased, how the death occurred — the cause of the death particularly is needed to register the death — and to report on a

number of different elements in relation to particular deaths.

The bill draws in part upon recommendations from the Law Reform Committee's final report. The second-reading speech refers to two key themes that emanate from that committee's report. The first theme notes the need to improve services to families. Hopefully this legislation will improve the accessibility of information with regard to the coronial processes. Obviously when there has been a death in a family it is imperative that family members understand the processes of the coronial inquiry. The rights of those families must be observed in making sure they have access to appropriate counselling services. This bill also accommodates families who might have religious, spiritual or cultural needs during those traumatic times.

As did the member for Benalla, I want to give a specific example of some of the services in rural and regional areas. The second-reading speech and the bill note the need to improve coronial services in regional areas. Earlier this year I received some correspondence from a concerned person who was placed in a situation which was unfortunate, to say the least. It revolved around this person requesting that coronial services be provided in a regional area. In fact he said the state government should reinstate autopsy coronial services in the Latrobe Valley to alleviate some of the concerns that he had in this instance.

Page 1 of the second-reading speech notes that part of the bill's objective is to improve the delivery of coronial services across a system, which also includes rural service delivery. This particular situation involved the passing away of a woman. Her body was transferred to the Coroners Court for an autopsy. The family was advised on the day it occurred; however, it was three days before the family was actually contacted by the Coroners Court advised that the autopsy would not be scheduled for a week after the death had occurred. This all happened during a long weekend that included a public holiday. In summary, what happened in this particular circumstance was that this lady was not able to be buried by her family until 13 days after her death. That was just a terrible situation, as has been duly noted by other speakers on the bill, and it exacerbated the family's grief during that time.

At one stage the Latrobe Regional Hospital in the Latrobe Valley had a resident coroner, who actually carried out autopsy services and inquests. This is one of the aspects this gentleman raised with me — whether there was the prospect of again having such services in regional areas. I note the second-reading speech refers to a bench book being available. Hopefully that will improve some of the services available in rural and regional areas. It remains to be seen how it might work in a practical sense.

However, we hope the objective is right. I point to the fact that in that particular instance I wrote to the Attorney-General some time ago, but I am yet to receive a response, which is quite disappointing, given the circumstances. However, I think all members would conclude that the coroner's office does a good job overall.

Page 3 of the second-reading speech also talks about some of the objectives of the legislation — that is, the need to avoid unnecessary duplication and expedite investigations where appropriate. It also encourages practices that acknowledge the effect of unnecessarily lengthy or protracted investigations or procedures that may exacerbate the distress of those affected by a death. That is an example that has been raised both by me and the member for Benalla, where we need to ensure that appropriate services are available in regional areas.

The second key theme in the Victorian Parliament Law Reform Committee's final report refers to the need to strengthen the coroner's prevention role. The member for Yuroke and the member for Bentleigh spoke about that in part. They gave some examples of where the coroner has recommended such things as safety barriers for swimming pools, and suicide prevention in prison cell design. Both those examples are very pertinent and I am sure have prevented a number of deaths over a number of years.

The member for Box Hill raised concerns that this bill does not go far enough in terms of preventive recommendations. He used occupational health and safety and consumer protection as examples of other ways that the coroner may be involved in preventing deaths in the future. I can provide a couple of local examples where the coroner's recommendations have led to better initiatives or improvements in my region.

In my contribution to the debate during the last sitting week on the Asbestos Diseases Compensation Bill I made reference to the Gippsland Asbestos Related Disease Support group which produced the Asbestos in the Home Removal Kit. That was prepared in conjunction with the coroner at the time, Mr Graeme Johnstone, who had indicated he had done some studies into deaths from asbestos-related disease attributed to home renovations. In March of last year Mr Johnstone said that he believed 34 deaths had been attributed in some way to renovations of homes with asbestos material in them, so this particular initiative was based on the recommendation of the coroner at the time. It

was a really good initiative and hopefully in the future will prevent further deaths from the insidious diseases of asbestosis and mesothelioma.

The other example I refer to is the lobbying by the member for Narracan and me of the state government about the Morwell-Thorpdale Road. I note that the Minister for Roads and Ports is at the table now. This road is notorious in the region and unfortunately over a period of time two young people have lost their lives in separate accidents. There was quite a bit of publicity in December 2006 when Melanie Johnston lost her life. The case was referred to the coroner's office and in part his recommendation was that that particular road be improved. I commend the government on committing money to the upgrade of that particular road. That is a really good outcome for that community whose members were absolutely devastated by the loss of two young local people in their community. However, at the same time I note that those works have not yet commenced but will in 2009.

They are two examples, Acting Speaker, where the coroner has had a good influence and has made good recommendations. Hopefully they will prevent further deaths in the future. There are a few areas of concern to the coalition in regard to this piece of legislation. However, we do not oppose it.

Debate adjourned on motion of Mr PALLAS (Minister for Roads and Ports).

Debate adjourned until later this day.

MULTICULTURAL VICTORIA AMENDMENT BILL

Second reading

Debate resumed from 28 October; motion of Mr BRUMBY (Minister for Multicultural Affairs).

Mr KOTSIRAS (Bulleen) — It is a pleasure for me to stand to speak on the Multicultural Victoria Amendment Bill 2008. I would like to thank the deputy chair of the Victorian Multicultural Council for providing me with a brief, but I also want to say that I was a bit disappointed with the Ethnic Communities Council of Victoria (ECCV). I sent the ECCV an email requesting input into this bill. Unfortunately, despite sending an email and calling the chairperson of the ECCV, I did not receive an email or a phone call until I called him for the second time yesterday when he spoke to me. I would have thought that if the ECCV was there to represent its communities, then it would have had some input into this legislation. It is up to the board members of the ECCV to decide in what direction they wish to go, but it is disappointing that I received absolutely no input from the council, including from the chairperson. Again, the board and its members have to decide what they are there for, who they represent and whether they are there as the voice of all the different groups in our society.

I have said before that Victoria's cultural diversity is one of our greatest assets. In Victoria we have people from more than 150 different cultural backgrounds who speak more than 130 languages and who practice different religions. That is what makes Victoria in general and Melbourne in particular the fine example that they are to the wider Australian community. In fact Victoria and Australia are often referred to in Canada and Europe in relation to how people of different backgrounds are able to live together, work together and unite under a common cause.

When he spoke in this house about hatred and racism the Honourable Phil Honeywood, a former member of this place, used to quote a song by Rodgers and Hammerstein. It went like this:

> You have to be taught to hate and fear
> You have to be taught from year to year
> …
> You've got to be taught before it's too late
> Before you are six or seven or eight
> To hate all the people your relatives hate
> You've got to be carefully taught.

I think what Phil Honeywood was saying at the time, and I agree with him, is that racism is something that is learnt and one way to combat racism is to educate our young people about the advantages of living in a multicultural society. Sometimes education is a more powerful tool than legislation. That is why it is important that this government provides in schools some educational programs which show the students the advantages of living in a multicultural society. That is why I decided to organise a postcard campaign for my local area. I invited students from all the schools to participate, to tell me what it means to them to be an Australian and to live in Australia and how they work together with everyone else to make sure that this is the best state and the best country in the world. I received over 500 responses to that campaign and next week, with the support of the local newspaper, I will announce the winners.

I would like to quote from some of the responses that I received. One was from Sabrina, who is in grade 5. She said:

> Being Australian means accepting everyone's religions and cultures. Australia is like an oversized puzzle with lots of

> different cultures in each piece but when you put all the pieces together we are all Australia. If you live in Australia you accept and treat people equally.

Kate, who is in grade 6, said:

> Being Australian means living together no matter what religion, culture or nationality. It means working as a team and coordinating different thoughts and opinions into actions. We work as a community and treat one another the same, with equal and valid rights and opinions. Without racist comments and harmful action we discover the value of respect. Being Australian means working as one.

A grade 6 student, Anna-Maria, said:

> Being Australian means having a positive attitude on the various different cultures and religions. It means accepting one another for who they are and celebrating what each brings to our country — Australia.

Finally, a year 7 student, Sheridan, said:

> Living in Australia means that everyone is equal …

She said Australia:

> … is one of the most religious and cultural diverse nations in the world. Australia has a lot of different cultures. Everybody gets along and is friendly, no matter their background.

Given responses like that, I feel Victoria is way out in front of other states and countries. It is very important that the government does more in education to showcase our cultural diversity to young kids, because hatred and racism is learnt, and if we can do the reverse — teach children to work, live and play together — we can go a long way in combating racism as those children get older.

The Victorian Liberal Party has a strong history of supporting multiculturalism in this state. Everyone will recall Jeff Kennett and the One Nation political party. Jeff was one of the first political leaders to criticise Pauline Hanson and her One Nation party. The coalition government of the time also made a pledge to the people of Victoria to which all departments and agencies had to adhere. Amongst other things the pledge affirmed the Victorian government's commitment to providing access to government and community resources by ensuring that all services met the needs of our diverse community.

In addition, in 1996 the then coalition government moved a motion in this Parliament that was supported by the then Leader of the Opposition, the now Premier. I quote the motion:

> That this house —
>
> (a) reaffirms its commitment to the right of all Australians to enjoy equal rights and be treated with equal respect regardless of race, colour, creed or origin;
>
> (b) reaffirms its commitment to maintaining an immigration policy wholly non-discriminatory on grounds of race, colour, creed or origin;
>
> (c) reaffirms its commitment to the process of reconciliation with Aboriginal and Torres Strait Islander people, in the context of redressing their profound social and economic disadvantage;
>
> (d) reaffirms its commitment to maintaining Australia as a culturally diverse, tolerant and open society, united by an overriding commitment to our nation and its democratic institutions and values; and
>
> (e) denounces racial intolerance in any form as incompatible with the kind of society we are and want to be.

At that time both sides supported the motion.

These are just three examples of how the Liberal Party, when in government, was very supportive of cultural diversity. I will not go into the excellent work of Phil Honeywood as Minister Assisting the Premier on Multicultural Affairs; he and the Liberal Party have a long history of supporting multiculturalism in this state.

When the Kennett coalition government came into power in 1992 it wanted to place a greater emphasis on multicultural affairs. We felt multicultural affairs was neglected and politicised under the Cain and Kirner governments. We believed, and I still believe, that grants were politicised and that the commission — which, with the office, had 94 staff — was simply a rubber stamp at that stage, so we did a number of things.

The first thing we did was split the office — the bureaucratic arm — from the commission. We put the commission into the Department of Premier and Cabinet, and the Premier became the Minister for Multicultural Affairs.

Unfortunately every time members opposite stand up they talk about the $750 000 we gave through the small grants program, compared to the $5.7 million the government allocates through it today. I remind members opposite that before the coalition government came into office in 1992, the then Labor government also gave $750 000. According to the Victorian Ethnic Affairs Commission's annual report of 1990, the commission allocated a total of $750 000 in grants to ethnic and other community-based organisations. I have the list.

The Kennett government inherited a basket case. There was no money — there was absolutely nothing.

Schools were run down and our communities were used for political point scoring over 10 years. The Brumby government is worried because the budget has increased from $15 billion to $37 billion. It says it has put more money into the community, and I will get to that later.

We have to remember that in 1992 Victoria was a laughing stock. There was no money, and the Kennett government had to make tough decisions. If this government had been in place back then, and if it had the integrity, it might have done the same thing that we did.

The other thing the government forgets to tell us is that, according to the commission itself, it only had a total of $20 000 to spend. According to the *Hansard* of 6 May 1993, then chair of the commission, the late Dr Franco Schiavoni, said in a memorandum to the then minister Phil Honeywood:

> Under the changes, the commission was in control of its initiatives and of a budget of about $20 000.

The question is: who had control of the rest of the money? Who approved the grants? Was it the responsibility of the minister or the bureaucrats? Who decided which organisations would receive the grants?

This brings me to my second point. Many of the organisations that received these grants were trade unions or were affiliated with the Labor Party. In the 10 years that Labor was in government the trade union movement received $244 000 through the ethnic affairs small grants program. At the same time the commission was a toothless tiger, unable to carry out its work independently of government, as I said earlier.

Dr Schiavoni went on to say:

> Indeed, there were always doubts as to whether the Ethnic Affairs Commission had such powers.

Back then when the Labor Party was in government it was politicising the small grants program, and we also had a commission which had no power to investigate and to provide independent information to the government.

Going back prior to 1993 the Victorian Ethnic Affairs Commission had one chairperson, one deputy chairperson and a general manager of the Office of Ethnic Affairs. Despite the legislation of, I think, 1982 that established only the Ethnic Affairs Commission, over the years two bodies were formed: one was the commission and one was the office.

Another reason why, when it came to office in 1992, the opposition introduced legislation to split the two was to ensure that the commission knew what its role was and the office knew what it was there to do. It seems that now we are going back to the past, back to the old days, of politicising ethnic affairs grants. Time will tell, but I am pretty sure that this is what will happen.

The current Victorian Multicultural Commission (VMC) has 12 commissioners. From the outset I say that I respect some of the commissioners I know and have spoken to. However, sometimes their hands are tied, because at least 8 of the 12 have been or are members of the Labor Party. There is nothing wrong with being a member of the Labor Party. But how can they carry out their job of looking after — and these people are there because of their special expertise in particular areas — the interests, concerns and needs of the community when they have to please the masters?

That is a real problem, because some of them have got political ambition — you just have to look at the former mayor of Darebin. You cannot tell me that they will come out and criticise the government when they will perhaps have problems with their preselection process. The problem is: where do they stand? Are they there to represent the Labor Party, or are they there to represent the communities? That is a problem I have.

As I said from the start, I know some of the commissioners and I have great respect for them. I am aware that they have the expertise, and I think they will serve the communities well. But as I said, the problem is: where does their loyalty lie? I will not go through the list to point out who the Labor branch members are; I think members know that. If 8 out of 12, or 67 per cent, of the commissioners are also members of the ALP, that is a problem.

Over the last eight or nine years there has not been one press release from the commission critical of this government. You cannot tell me this government is perfect or that it cannot improve, yet we have not had one news release from the commission critical of this government. If the commission is meant to be at arm's length from government and is there to represent the communities and advise the government, why has it not come out with ideas and policies and then urged the government to implement those? That is where my concern lies.

The second thing is that the government has placed ads in newspapers. On 15 June 2008 it started placing the ads, requesting Victorians to apply for the positions of commissioners for the new VMC. That was five

months ago; as yet we have had no announcement. The closing date for applications was 21 July 2008. After five months there has not been any announcement of who will make up the new commission. We have had five months of George Lekakis having total control over the VMC. People are calling George Lekakis 'Father Christmas', because he is going around promising cash.

I support what the VMC has done with a lot of the money and the grant program. However, communities that are missing out are not too sure why certain groups are getting the funds and they are missing out. There has to be a better approach to make sure that the process is open and transparent. The government has to explain why it gives money to certain groups while others miss out.

I will give an example. The VMC gave $1000 to the John Pandazopoulos Hall Committee of Management. That is fine. But why did it receive the $1000? Was it because it was named after the member for Dandenong, or did it offer something to a particular group or number of groups which met the needs of that group or groups? No-one knows why the money was given. Even in 1990 the old commission under premiers Cain and Kirner put out an annual report in which it gave reasons for funding, such as for the purchase of office equipment or the employment of a project officer, so people knew where the money was going. The issue is that if people miss out, they need to know why they have missed out and why other groups have received the funds when they have not. The government needs to be more open and transparent.

Let us look at the bill before the house. It makes a few changes. It has taken the government two years — this is a big-picture government; this has been two years in the making — to combine two units in a department. Then when it introduced this bill it made a mistake in the second-reading speech. It just shows that this government has become lazy, has lost any sense of vision and needs to do something positive to contribute to the wellbeing of all Victorians.

At the time it decided to amalgamate the Victorian Office of Multicultural Affairs (VOMA) with the VMC the government claimed it would save $1 million as a result. The real reason it amalgamated the two is that the chairperson and the director were at odds and refused to speak to each other. VOMA did things without the knowledge of the commission, and the commission did things without the knowledge of VOMA. They were not working together.

The minister could not resolve it, and the department secretary, Yehudi Blacher, was unable to resolve it. He threw his hands in the air and said, 'I give up. Let's amalgamate the two and hopefully things will work out'. That is the only reason the government amalgamated the two. That was its policy at the last election. It is unfortunate that the only reason it amalgamated the two is that VOMA and the VMC were not able to work together as one.

There were other concerns with VOMA; it had about 18 staff working for it, and one had to wonder what the 18 staff were doing. Apart from the 18 staff costing the government over $1 million a year, people thought the public servants in VOMA were providing very little service to Victorians. In fact the public servants were confused as to what they were there for.

So the department organised a two-day training program for the public servants at VOMA. After two days and having spent $14 400 on food and drinks, 30 per cent still had no idea how they were going to work as a team, while 46 per cent did not understand the department's planning process. That came from the department's own evaluation of the two days. There were 18 staff who did not know what they were doing, and even after they got together in one room for two days, $14 000 having been spent, they were still not able to understand what their role was.

The basic job I thought the public servants had to do was write briefs and prepare speeches for ministers, yet we are led to believe they were unable to write a speech for a minister. Even with 18 staff and costing over $1 million a year the government got an outside consultant to write a speech for a minister at a cost of $2062 — that is, $1.37 per word. One wonders what the 18 public servants sitting in the office were doing.

The third thing, as I said, is that VOMA was to prepare briefs and give advice to government. In four months VOMA employed temporary staff at a cost of at least $34 000 to provide briefs for government ministers — to do the work the public servants were supposed to be doing. It raises the question: what did the public servants do? What does this say about the Premier as Minister for Multicultural Affairs, the Minister Assisting the Premier on Multicultural Affairs and the Parliamentary Secretary Assisting the Premier on Multicultural Affairs? We have three members of Parliament looking after this very important area and yet the department was in a mess. The public servants at VOMA had no idea why they were there, and they were not providing the service they were being paid for. There was a lot of money wasted. That is another reason this government decided to amalgamate the two.

The amalgamation of VOMA and the VMC will politicise the VMC, despite what members opposite and the minister will say. This will heavily politicise the VMC because the bureaucracy and the commission will be one body. Whatever the minister tells it, it will do. Instead of being independent from and providing fair advice to government, it will simply be a rubber stamp for this government. We will have a full-time chair and a full-time deputy chair, who can be the director of the commission or one of the 10 other members of the commission.

I have some concerns with the legislation. I think proposed section 8(g) should be much stronger. It should give the commission the power to tell the departments what they need to be doing in meeting the needs of all Victorians. As the provision stands it means the VMC will provide information and advice when requested to do so by the departments but will not have the authority or power to instigate an investigation. I hope that when he is summing up the debate the minister will address this and reassure me that the commission will have the authority, without needing consent from the minister, to investigate any department and any minister in relation to meeting the needs of all Victorians.

Proposed section 13A(b) provides for the employment of 'as many staff as are required to assist the commission'. What does that mean? The government initially said it would save $1 million with this amalgamation, now it is saying it could have another 90 staff, as was the case under the Cain and Kirner governments. If that is the case, the government is not going to save money. Instead of going to grants, money will go to pay for public servants, and who knows what their role will be? Is it just going to be a place where the government can dump ALP candidates and ALP past members and mates? As I said, it is very important that this process is open and transparent. Unfortunately the bill does not reassure me that it will be.

Clause 7 of the bill substitutes a new section 14(1) in the principal act and provides that the deputy chair will be the director or one of the members of the commission. Again, this is a way to keep them quiet. If the deputy chair is also the director, there is not an independent voice anywhere. The director is a public servant, and he or she will have to question their role and whether they are there as a public servant or to represent the commission. This section concerns me.

Section 19(b) of the principal act is being amended by this bill. I support the amending provision because it was our policy in 1999. The government said back then that it too would ensure that all departments advertised in our multicultural media. It said that 5 per cent would be the value it would spend. Unfortunately year after year it has not met the target. The government has not met the 5 per cent target since 1999. I went to the 2006–07 report and discovered that 8 out of 10 of all departments failed to meet the 5 per cent target — 80 per cent failed to meet the 5 per cent target for advertising in our multicultural media.

Finally, the bill amends section 19(d) of the principal act. It refers to a department's cultural diversity plan. I know for a fact that not all departments have got these plans. After nine years not all departments have a plan. Every time you ask someone they say they are working towards a plan, but they have not come up with a plan. The question is whether the minister will sit down and just ignore the fact that departments are not doing what he is asking them to do or whether he will act now and ensure that departments spend the 5 per cent advertising in multicultural media and have cultural diversity plans. From what I understand, this does not include translating and interpreting — the 5 per cent is advertising in multicultural media.

We have had nine years of this government. Members opposite will stand up and say the budget is bigger. I have to say that when we were in government we spent millions. If we take into account the amount spent on interpreting and translating, health and education, we spent millions upon millions. This government is committing $5.7 million. That is fine, but please let us make sure there are no conditions attached to giving it to groups. The government cannot tell the groups it will give them $500 or $1000 provided they do not criticise the government. That is what organisations are saying. Many organisations have missed out. The problem with this government is that these organisations know if they stand up and criticise the government, they will not get a cent. We have Father Christmas going around and throwing money to various groups while others are missing out. I urge the government to make sure that everything is transparent and open and for heaven's sake to stop politicising our communities simply to score cheap political points. It is a shame.

At the start I said we are privileged to live in Victoria because of our cultural make-up. We are the envy of the world in the way people are able to come together, work together and live together in peace and harmony. But we have to do more in schools and in education. We have to educate our young people about the merits of living in a multicultural society. That is important, but I think that is where this government has failed. It thinks legislation is far more important than education, and I think education is far more important than legislation and that the two should work hand in hand.

Unfortunately that is not happening under this government. There will be changes, but I am worried about the appointment of the new commission. I hope I am wrong, but I would say that 90 per cent of people appointed to the commission will be members of the ALP and therefore they will be gagged and will not have the opportunity to represent the community, and multicultural affairs in this state will go back to the way they were in the 1980s and under the Cain and Kirner governments, when they were politicised.

Ms BEATTIE (Yuroke) — It gives me pleasure to rise and support the bill. I am still not sure what the opposition is doing on this, whether it is supporting it or opposing it. What we heard in the last 30 minutes was 5 minutes about the member for Bulleen's school competition, 5 minutes on how great former Premier Jeff Kennett was, 5 minutes demeaning the role of the Victorian Multicultural Commission, 5 minutes demeaning the role of the commissioners and 5 minutes of some inaccurate figures.

The ACTING SPEAKER (Mrs Fyffe) — Order! The member for Yuroke will speak on the bill.

Ms BEATTIE — In speaking on the bill the last speaker was allowed to speak on a broad range of subjects, and I will take the same liberty, if I may, Acting Speaker. The bill amends the Multicultural Victoria Act to augment the functions of the Victorian Multicultural Commission, provide for the appointment of a director and other staff of the commission and increase the reporting requirements of that body. Another thing the bill does is talk about the principles of multiculturalism. I think that is a very important thing to do, because there are principles attached to multiculturalism.

Indeed, one of the things the member for Bulleen raised was Jeff Kennett speaking out against former federal member of Parliament, Pauline Hanson. I, too, applaud Jeff Kennett for speaking out against her. But I did not hear the member for Bulleen talk about the federal shadow immigration minister, Sharman Stone, which is a shame. I did not hear him refute or deny her call for a decrease in immigration by 25 per cent. In an article in the *West Australian* Dr Stone said that:

> … with all indicators now pointing to a significant downturn in the employment market, the (Rudd) government must end its dithering and scale back its migration program urgently.

What a blame game: blaming the multicultural commission for the economic downturn.

The member for Bulleen talked about the multicultural commissioners. Our multicultural commissioners do a great job. You would expect leadership from multicultural commissioners. Is it any wonder they often come from multicultural areas? It is quite logical. They are often community leaders, and often their communities encourage them to stand for positions in local government so that the community can have a voice in government. But what do we hear the member for Bulleen saying? He says that because you are a multicultural commissioner you should not be able to stand for other positions. You should not be able to give your multicultural community a voice in other forums. That is a load of nonsense!

The member for Bulleen also talked about multicultural commissioners being members of the Labor Party. I do not know if any of the multicultural commissioners are members of the Liberal Party because I do not stalk party membership lists looking for people's political affiliations. Indeed it is not the job of a politician to do regarding the commissioners, and I condemn him for it.

He raised the fact that the Premier is also the Minister for Multicultural Affairs, and that the Minister for Sport, Recreation and Youth Affairs and I assist the Premier in that portfolio. What is wrong with that? It shows the high regard that the Brumby Labor government holds for our multicultural community. I think anybody who truly endorses multiculturalism would be pleased to have three people representing the multicultural community, and I think it is a good thing.

I know the minister will talk more about grants because it seems to me that the member for Bulleen has quite inaccurate figures, and that will be discussed at a later stage. The other thing I want to talk about is the opposition's commitment to multiculturalism and the Racial and Religious Tolerance Act. The opposition has said it will scrap that act. That is another cross against its name.

I also want to talk about the press, and I want to refer to an article in the *Australian* of 3 November, headed 'Racism complaint upheld'. It refers to the Australian Press Council's adjudication no. 1409. The press council upheld a complaint that the *Australian* incorrectly implied that the fatal bashing of a young Sudanese student in Melbourne was at the hands of a Sudanese gang. Unfortunately a young Sudanese man died and the *Australian* reported that it was as a result of some sort of gang war. It was not, and two Caucasian men were extradited from Adelaide and charged with the murder. We must not only call the member for Bulleen to account for his inaccurate statements but I also applaud the Australian Press Council for upholding that complaint. It might be sexy reporting on the front of the *Australian* to say that something is the result of a

gang fight when it is not true, but it also demeans the role of our newly arrived migrants.

I am learning another language for the first time in my life, and I know how hard it is. I cannot think of anything more terrifying than coming to another country to start a new life, having to learn a new language, perhaps having to rely on my children to interpret that and then finding that newspapers are demeaning my role as a citizen, and indeed that politicians are saying that I should not be able to be a representative of my community, that because I am a commissioner I should not be able to stand for local government.

Our multicultural community is a fine community; it is praised all over the world. Indeed, as the member for Bulleen said — and it was probably the one accurate thing he said — along with Canada we are praised all over the world. But we must never let the ball drop. We must keep upholding the rights of our multicultural community. We must not let racism take a foothold anywhere in this country. We must not let our multicultural multifaith communities be blamed for fights they are not responsible for.

This is good legislation. I am surprised that the opposition has used the opportunity to have a go at Victorian multicultural commissioner George Lekakis. Rather than spending money like Father Christmas, as the member for Bulleen said, George Lekakis does a fine job. He takes into account the needs of all communities. The member for Bulleen raised what he said was another fact — that is, that some community groups have missed out, and yet he did not name them. He could have named them in this house, as he named George Lekakis; yet he did not name them. He could have given the example of the application. He could have deleted the name of the organisation and told us about their application, but did he choose to do that? No, he did not.

I was at a function where the member for Bulleen called upon the government to give money to a certain organisation. When I asked its representatives afterwards when their application was rejected, they told me they had not even put in an application. That is an example of a politician trying to create a wedge in the multicultural community.

Australia is a wonderful society, and Victoria is the leading light in multiculturalism. I represent an area that has over 120 nationalities who all live in peace and harmony, and it is really distressing to come into the house and see a politician trying to drive a wedge between multicultural groups. Successive governments have taken a bipartisan approach to multicultural affairs. I call on the opposition to support that bipartisan position, and to come out clearly and say they support this bill.

Mrs SHARDEY (Caulfield) — I rise to speak on the Multicultural Victoria Amendment Bill. I make it clear at this point that the opposition does not oppose the legislation. However, we have raised issues of concern, and I think they are very legitimate issues that go to the heart of the administration of multicultural affairs in Victoria.

This is not by way of denigrating multicultural groups or multicultural leaders; far from it. The Liberal Party and The Nationals in coalition have always had a very strong commitment to multiculturalism in this state, and by and large it has been a very bipartisan approach to multicultural affairs. From my perspective it is something that I support strongly, and my party has supported strongly. I come from a multicultural family. While I am the Australian in my family, I am married to a Hungarian. We have in our family Greeks to whom we are very close. My grandchildren are a mixture of Australian, Hungarian and Greek in origin, and we are very proud of that background.

When we attend citizenship ceremonies, we talk about the great diversity of people in Victoria. I think in this state there are people of something like 180 different nationalities and they speak about 150 different languages. When we attend citizenship ceremonies, we always say to those who are taking citizenship that they should remain very proud of their heritage but at the same time consider themselves to be very much part of the Australian community. From my perspective, multiculturalism is about being proud of your past and recognising your heritage but also being very much part of our community.

The electorate that I represent here in this Parliament is one of the most diverse with, as most people know, a very large Jewish community. In fact we have the largest number of Holocaust survivors per head of population in the world, apart from Israel. We also have very large Greek and Italian communities, mostly older people. I have often gone to Italian dances on Saturday nights with older Italians and have very much enjoyed those evenings. We also have large Indian and Japanese populations. In our schools we have a French national program which is almost like a French immersion program, and of course Hebrew is taught in many of our schools. There is a large number of Jewish day schools in my electorate. My electorate is very diverse. I am very much part of those communities and have been for the past 12½ years. I have worked very closely

with these communities on a large number of issues which have sometimes been issues of great concern.

The Liberal Party has strongly supported having a commission both to represent the various groups within our community and to give advice to government, including premiers, but we have also very strongly supported the principle of having a separate office as the bureaucratic arm responsible for research and providing briefs to government. That separation occurred back in 1993 when the Kennett government introduced the Ethnic Affairs Commission Bill, which separated the Victorian Ethnic Affairs Commission from the Office of Ethnic Affairs so that independent advice was offered to government.

The Kennett government also determined that the term 'ethnic' was perhaps not appropriate and hence in the late 1990s changed the name of the commission to the Victorian Multicultural Affairs Commission. As I have said, it was intended that that organisation be independent.

I will go back just very quickly to the second-reading speech given by the then Premier Jeff Kennett, who was also the Minister for Ethnic Affairs at that time. He said:

> As well as advising the government on any matter referred to it, the commission will, without restriction, advise on factors inhibiting the development of harmonious community relations and on barriers to the participation of ethnic groups in Victoria's economic, social and cultural life.
>
> A key objective of the new act will be to give the commission a pivotal role in promoting the maintenance of harmonious community relations.

Now we are looking at this bill which to my mind really turns the clock back. It creates one body which will have to try to be all things to all people. It will have to try to represent individual communities by way of commissioners and to fulfil a departmental role. The amalgamation of the VMC (Victorian Multicultural Commission) and VOMA (Victorian Office for Multicultural Affairs) will only be to the detriment rather than the enhancement of multicultural communities.

The commissioners will lack the independence that they have enjoyed thus far because they will be working within a bureaucracy. Quite honestly, the member for Bulleen has expanded on all the problems being faced in the administration of multicultural affairs. I am quite concerned about this trend because I am very passionate about multicultural affairs and multiculturalism here in the state of Victoria. I note that the advertisements for new commissioners appeared back in June and that now, five months later, people still have not been appointed. I call on the minister to explain what is happening. Perhaps the government is waiting for this bill to pass and then the types of people who will be appointed will be somewhat different from the people we have now.

I recall very clearly my time as shadow Minister for Multicultural Affairs. I must admit I really enjoyed that role, and particularly the time I spent working with the local Jewish community and the broader ethnic or multicultural communities before the introduction of the racial and religious tolerance legislation. The member for Yuroke probably would not know anything about what occurred at that time, but certainly I was able to work with the previous Minister for Multicultural Affairs and those groups which had really supported and promoted that piece of legislation to bring in a bill that could be accepted and voted for by the vast majority of Liberal Party members.

One feature of that legislation, which was mentioned in the second-reading speech and was one of the reasons why I felt very comfortable supporting that legislation, was the introduction of educational programs to ensure that the children of Victoria understood that racism is not acceptable and that racist behaviour and treating other children in particular differently because they are of a different race or religion is really not acceptable. I do not believe that that understanding has been accepted to the extent that it should have been.

Certainly in my own electorate the degree of anti-Semitism has not diminished. I was looking at the figures just today. This year alone there have been 121 anti-Semitic incidents, and that figure is just of the reported incidents. That is apart from the people who tell me every week that when they go to synagogue or shule they have eggs thrown at them by people going by, people in cars shout at them, abusive sorts of things occur, and young people are being targeted. Two young boys were attacked with baseball bats.

There is also the whole disgraceful case of Menachem Vorchheimer, which I had sincerely hoped would be heard under the racial and religious tolerance legislation. To this day it has not been explained to me why that case was not heard under that legislation. If ever there was a case where there was incitement and violence because of someone's religion, that was it, yet nothing occurred. Anti-Semitism is talked about in my electorate as something that people really believe has not diminished over time. That is probably one of the main concerns in relation to the administration of multicultural affairs here in Victoria.

We support the additional reporting requirements in the bill. The member for Bulleen raised the issue of government departments supposedly having multicultural plans, and I note that clause 5 refers to a function of the commission being to provide information and advice in the area of multicultural affairs to government departments. I think the proposal for each government department to have a multicultural plan is something that has been on the table for the last nine years and needs to be addressed.

It is important that the government has a structure which can properly serve our multicultural communities. Sadly, with the merging of the bureaucratic arm and the representative arm in this bill, I think what had the potential to achieve a great deal is now being destroyed to some extent, and I am very sad to see that. Of course we are not going to vote against this bill. We support multiculturalism in Victoria, and we are very bipartisan in that support.

Mr MERLINO (Minister Assisting the Premier on Multicultural Affairs) — It gives me great pleasure to rise in support of the Multicultural Victoria Amendment Bill. It is fitting that we are debating it this afternoon because the member for Bulleen, the member for Dandenong and I have just come from the Lonsdale Street Greek precinct where we attended the unveiling of the marble stele celebrating the sister city relationship between Melbourne and Thessaloniki. It was a great event. It highlights, at a whole range of levels, the multicultural aspect of this city, this state and this country.

I rise in support of this bill with no small amount of personal pride, because I am the son of a migrant. Like so many other Victorians, my dad travelled from overseas. He was born in Italy and came to Australia in search of a better life. And he found a better life here, in one of the most successfully diverse and cohesive societies in the world.

I am also proud to speak on this bill as the Minister Assisting the Premier on Multicultural Affairs. The Brumby government unambiguously supports multiculturalism; multicultural communities are an absolute priority. On this point I welcome the comments from the member for Caulfield, reflecting the bipartisan approach to multiculturalism here in Victoria. Our multicultural society is irrefutable, irreversible and incredibly productive across every aspect of our society — in big and small business, in local, state and federal politics, in health and education, in science, in sport and in the arts across the state.

The contributions of culturally and linguistically diverse (CALD) Victorians have been integral to the state's development across all fields of endeavour, and this diversity is one of our key social, cultural and economic assets. Of the Victorian population, 23.8 per cent were born overseas and have origins in more than 200 countries; 44 per cent — or almost 1 in 2 of all Victorians — were either born overseas or have a parent who was born overseas; more than 1 million Victorians speak a language other than English at home; and Victorians follow 130 different faiths.

Our success as a harmonious multicultural society, however, has not come about by accident or mere luck. Our success is an outcome of the ongoing partnership between the government and the people of Victoria. We have been blessed with many contributors from our CALD communities — many of them unheralded but each doing their part in building an incredible society for the benefit of all Victorians.

Under the guardianship of the Bracks and Brumby governments Victoria's successful multiculturalism has gone from strength to strength. Without any hint of a reservation this government has practised what it has preached like no other, with a strong commitment to supporting multiculturalism through programs, through policies and through legislation. For example, we have increased the multicultural affairs portfolio budget allocation from approximately $2.8 million in 1998–99, in the final years of the Kennett government, to just over $13 million this financial year.

The total grants allocation to the community has been increased from $750 000 in 1998–99 to almost $9 million, committed through various programs within the Victorian Multicultural Commission in the current financial year. I am talking about our community grants program, our refugee brokerage program and our multifaith grants program.

As we have heard from the member for Bulleen, the Kennett government inherited a budget allocation of $750 000. Not one red cent was added in the seven years of the Kennett government for our multicultural communities. This government, in terms of our community grants program, our multifaith initiatives and our refugee brokerage program, has increased that $750 000 to $9 million today.

With regard to opposition comments on young people and education, they are fair comments. We do need to teach our young people, we do need to celebrate diversity, we do need to address racism. We have established the Multifaith Multicultural Youth Network and the highly successful All of Us project, the photos

from which are being released as a book, and for which we are now developing a teacher resource kit which we will be launching towards the end of the year or early in the new year. So we are doing a number of things in that space.

In regards to Victorian Multicultural Commission funding, well in excess of $12 million is allocated to interpreting and translating across the departments of health and education. In addition to interpreting and translation there are additional programs in justice, sport, recreation, youth and education. Our policies have been designed to effectively ensure that government-funded services and programs are delivered in a manner that is accessible and equitable.

In legislative terms we have made profound changes: the introduction of the Racial and Religious Tolerance Act in 2001, the original Multicultural Victoria Act in 2004 and the Charter of Human Rights and Responsibilities Act in 2006. The original Multicultural Victoria Act 2004 was enacted in part to formally recognise and support the principles of cultural, racial, religious and cultural diversity in Victoria.

The act sent an incredibly important message to all Victorians. The amendment bill is an opportunity for Parliament to reiterate its commitment to supporting our cultural, racial, religious and linguistic diversity. The bill enhances our whole-of-government approach to multicultural affairs. It formalises — it does not establish, it formalises — the changes following the merger of the Victorian Office of Multicultural Affairs and the Victorian Multicultural Commission, and makes a number of other refinements.

The bill provides for traditional reporting requirements for government departments in relation to multicultural affairs initiatives across the areas of youth, older persons and women within Victoria's culturally and linguistically diverse communities. It better identifies departmental progress under the respective departmental cultural diversity plans, better identifies initiatives in rural and regional Victoria and better identifies the measures taken by departments to promote human rights in accordance with the Charter of Human Rights and Responsibilities for multicultural communities. The amendment bill provides a framework which reflects existing commitments and strategies but which will also engender greater effort across government and the community as a whole.

I must mention that within government there are many who are working with a commitment to multiculturalism who must be mentioned. I take this opportunity to thank the dedicated individuals of the Victorian Multicultural Commission, in particular its chair, George Lekakis, and its director, Hakan Akyol. I also thank past and present VMC commissioners for their dedication to the support of multiculturalism in Victoria and for their independent advice to government. I thank all the staff at the VMC.

Multiculturalism will continue to bring us richness and diversity that will further strengthen us as a community. This is an important step in that process, and it is something that we always need to be well aware of. It is not something that comes about by accident. As I said earlier, this is something we need to be diligent about. We need to be diligent at the legislative level, and we have been. We also need to be diligent in providing resources to our multicultural communities. It is easy to say things, but when you are in government what you do is important and will determine how you will be reflected upon.

Mr Kotsiras interjected.

Mr MERLINO — Referring to the comments of the member for Bulleen, when they were in government there was not one red cent for seven years. The member should look at the record of the Bracks and Brumby governments in relation to multicultural affairs and our community grants program; I have not mentioned the cultural precincts program, which is going to revitalise — —

Mr Kotsiras — We are still waiting. What has happened?

Mr MERLINO — It is across financial years, and we are going to make some fantastic announcements in relation to the improvements to our cultural precincts. It is going to be absolutely fantastic, and what is delivered will be reflected in the attitudes of the communities when we go to the next election — that is, what is delivered by Labor governments and what has been delivered in the past by Liberal-Nationals governments, and the difference is absolutely clear.

Mr Walsh — By Nationals-Liberal governments.

Mr MERLINO — Nationals-Liberal, all right, I defer to the member. I commend the bill to the house.

Mr DIXON (Nepean) — It is a pleasure to rise today to speak in the debate on the Multicultural Victoria Amendment Bill. Multiculturalism is really a great strength of Victoria, a great strength of Melbourne and a great strength of many communities throughout Victoria. Multiculturalism has brought a great richness to Victoria. One of the best illustrations of that I see as I visit many schools around Victoria is what

multiculturalism has brought to those schools and their students — I see how children work and play and become citizens of Victoria together. They do not worry about the race or religion of others or how they look. That pure approach of our young people is something to see, but is also a great lesson for many adults in Victoria.

I take up something mentioned by the member for Bulleen as a great initiative within his electorate, which is his postcard campaign. To hear what young people said on those postcards about what they thought Australia should be and what Australia is says a lot for the great work being done in Victorian schools by our teachers and the communities in which those schools are, and how that has infiltrated down to the students and what they said without any prompting about the richness of our multicultural community here in Victoria. It is great to hear.

We have concerns with some aspects of this bill. There are some good points, and the speakers before me have mentioned many of those good points, but we have some concerns. The concerns that have been illustrated tonight include the potential for politicisation of this new merged commission, and in a way we are actually stepping back to a model that existed pre-1992. I would have thought we would be moving towards looking at new models of organisation, looking after our multicultural communities and organisations and looking at where that works within the various departments of government. This is a merger of convenience, and with it the government is stepping back and solving problems rather than looking ahead and creating a new future for multiculturalism in Victoria.

Looking at our financial situation these days, no real money is going to be saved by these amendments, and the swallowing up by the bureaucracy of this money that might be saved will take place very quickly. There has not been a cogent argument put tonight about the great benefits of the merger and the forward plan it will provide for the Victorian community. I also take this opportunity to recognise the great work in multiculturalism done by the Kennett government, led by the former Premier and those responsible for multiculturalism in that government. They did a great job in mainstreaming multiculturalism and bringing a great unifying factor to government at the Victorian level for many ethnic communities in Victoria.

My electorate of Nepean has one of the lowest multicultural mixes of all electorates. In fact it is one of the most Anglo-Saxon electorates. yet the multicultural communities represented in my electorate are the Greek, Italian, Croatian and Philippine communities. That is swelled quite incredibly over the holiday period by those who come down to their holiday houses, especially members of the Greek and Italian communities.

Many of those then retire and go on to live in the community, which I think presents a unique challenge to the community because of senior citizens facilities and the catering for those facilities. In later decades or in later years — and probably over the next decade — there will be a need to have not only retirement villages but also aged care facilities as well.

I want to just mention some of the multicultural organisations within my community. We have the Italian and Ethnic Senior Citizens Club of Flinders, which is known for its members' singing. Whatever event they go to, they launch into song. It is a wonderful group of people. We have the Dromana Italian Social Bocce Club, which is a very important bocce club. We also have the Southern Peninsula Italian Social Club, run by Laurie D'Alia; his wife Josie is the secretary. They have an incredible set-up. It is in the factory area of Rosebud. They started off with a small factory, which they renovated and then extended. They have put in a magnificent undercover bocce area out the back.

They are now currently seeking funding — I hope the minister at the table, the Minister for Education, is listening — for the final stage of the project, which is to seal the car park. My wife and I have been to many functions there. It is a great community. Hundreds of people turn up all the time not only from the local community but from the visiting Italian community as well.

Katie Nelson is at the Panagia Kamariani Greek Elderly Group, which is part of the Greek church in Red Hill. Father Tatsis, the leader of the community, is a great man. He is just a great shepherd of the community there. They do wonderful work with not only the local Greek community but with the literally thousands of members of the Greek community from all over Victoria who come to Red Hill for his services and events. It is a wonderful community.

We have the Hellenic Association of Rye and Districts Aged Citizens Club. We also have the National Hellenic Council and Senior Citizens Club of the Mornington Peninsula. There is also the Australian Croatian Social Club, which has organised a great new bocce venue — they like playing bocce as well — at the Truemans Road reserve. Club members have done all of that off their own bat. It is a wonderful group of

people who are, I say again, catering not only for locals but for visitors as well.

The Rye and Peninsula Greek Women's Group is very ably run by my good friend Koula Tsanakia. She is a legend on the peninsula and looks after all the women in the area. She is a great advocate for Greek women and the senior citizens of the area. She is a formidable person.

A number of multicultural events are held in my electorate; we have great celebrations. There is Italian National Day on 2 June. There is also Greek National Day on 25 March. Both of the days of those ceremonies start off with the relevant church service and then everyone goes to the local shire offices where the mayor and a few dignitaries speak — and I am allowed to speak sometimes! We have the raising of the flag and the singing of each other's national anthems. Then we all go off to social functions at various clubs. But it is great to see both levels of government working together on this issue. It is really a great community event.

On 28 October we celebrated Greek Okhi Day. That is celebrated on the Rye foreshore, where we have a magnificent monument to the Greek servicemen who served, but which is also dedicated to all servicemen. It has been erected on the Rye foreshore. Again, my good friend Koula Tsanakia was responsible for the erection of that monument. So that is a great occasion and a huge number of the community attends that occasion.

Because of the military aspect of the celebration, the Rye RSL and its members take part as well, so we have a great mixing of cultures. The Rye RSL is made up of a lot of senior citizens. The Greeks have fought in wars over decades, so it is great to see them celebrating together. To see that melding together of what could be two quite disparate communities at this great celebration says a lot.

We also have a huge day on the Feast of the Epiphany on 6 January when Rye pier is covered with thousands of Greek people from all over the state. The pier actually sways; it can be quite scary. The young men dive off the pier and swim for the cross, which is thrown into the water by Father Tatsis. Then follows a magnificent celebration on the foreshore.

We also have a great Croatian celebration on the foreshore in January. To have these wonderful and key multicultural celebrations even in what is a very Anglo-Saxon community in my electorate is a great illustration of how far we have come in Victoria and how strong our multicultural society is. The opposition does not oppose this legislation. We have actually talked about some of our concerns. I wish it a speedy passage.

Mr CARLI (Brunswick) — I rise in support of this important bill. It is a very small or short bill, but nevertheless it is a very important one. Primarily it is important because it recognises the importance of multiculturalism in Victoria. We heard from a number of speakers, including from the member for Nepean and the member for Caulfield from the opposition, from the Minister Assisting the Premier on Multicultural Affairs and also from the member for Yuroke. They made terrific speeches and really emphasised the importance of multiculturalism in Victoria. It is one of the great assets of Victoria.

This bill reinforces that in a small way, in a sense, because it is structural, and it is about fulfilling a commitment that in an administrative sense has already been done, which is the amalgamation of the Victorian Multicultural Commission with the Victorian Office of Multicultural Affairs. Putting the two together happened in May last year, but this bill ensures that the changes are recognised in legislation.

The bill obviously reinforces reporting functions — I will talk a little bit about that later — within the government to ensure that government departments respond and recognise not just the needs of ethnic communities, broadly speaking, but particularly demographics within those communities and particularly young people, senior Victorians and groups which are particularly vulnerable in our community. So it is important to see multiculturalism as a bipartisan politic in Victoria. It is a strength.

One does not have to go very far to look at overseas examples where there are enormous difficulties in integrating communities, migrants and minorities into societies. We do it very well; we do a very good job. I think part of the reason for that is that we have set structures and have provided the resourcing to make it happen.

I was very surprised when the member for Bulleen attacked public servants. I deal with and have dealt with public servants within the former Victorian Multicultural Commission and have always found them to be terrific.

I chair the Lygon Street precinct consultative group, which is looking at reinforcing historical attributes in terms of the built environment and investments in that area. It is particularly focused on the Italian community but also on the Jewish community and the bohemian university lifestyle of that area. I must say the people

from the commission were fantastic. They were really hardworking and had great ideas. I am taken aback by the criticism by the member for Bulleen, who basically accused the commission of being overstaffed and not doing any work. He said people from the commission were underpaid and that the 80 people who work there are paid only $1 million a year. It seems to me that they are extraordinarily lowly paid if that is right. Clearly that is not the case. I am sure they are adequately paid and that that was an error by the member for Bulleen. More importantly, those people are hardworking and committed.

I also took offence at the attack on the commissioners, particularly the accusation that because some of them had been or were members of the Labor Party — or of any other political party, I would suggest — that somehow was a problem. People who have migrated to this country, have worked for this country and have taken a leadership role, often join political parties and not always the Labor Party; they join other political parties as well. I can say from experience that a lot of people in my own community have taken the initiative to be involved at a political level or have been members of the political parties. That is a really critical element of a multicultural community. We allow and encourage people to participate in the political process and that includes being members of political parties.

I do not think that should be a criticism of the commissioners. The commissioners should be judged on their work, their commitment and their ability to work with those communities. I do not know all the commissioners. Those I know and those I have met have always struck me as being people who have really stepped up to the mark and taken a leadership role in their community and more broadly in our multicultural community.

The thing about a multicultural community is that it is not really about Italians remaining Italian and Greeks remaining Greek and the Irish remaining Irish. It is really about being able to share our cultural and linguistic heritage. I can say from my own family that I am the son of Italian immigrants and our family is mixed, with some coming from an Irish background and some coming from a Greek background.

Mr Walsh — It could only improve it!

Mr CARLI — The Irish and the Italians — that is a tough mix. We have the Greeks on all sides of the family. Linguistically we are all over the place. Apart from everyone speaking English or some element of English, we have Greek speakers, French speakers, Italian speakers and Spanish speakers — the list goes on and on. Our family even has someone who is familiar with the old Irish language. That is the magic of multiculturalism. We do not talk about our community remaining static, because it is a community that is mixing, developing, changing and taking on attributes of this country. That is a wonderful thing, and I think that is what puts Australia and particularly Victoria on the map.

People see Australia and Canada as examples of multicultural societies. To be fair, Canadians have been similar in their enthusiasm for multiculturalism and support of diversity, but they have different issues in Canada. The issue of the francophones, the French speakers, is a very different issue and one that we have not had to deal with. Our issues are different from theirs. In different ways we are world leaders, and I think we are acknowledged as such.

Increasingly we have much to teach the rest of the world. This year I was in France and Italy for a short period. In Italy there was a major problem with the Romani, or gypsy, community. Members of the Romani community have been attacked and some government decisions have really discriminated against them. They are a people who obviously do not recognise borders and seek freedom of movement. Clearly modern states and modern governments throughout Europe find it difficult to deal with the Romani community. That difficulty has obviously increased because of the growth of the European community. I think Italy has handled the situation very badly. When I think of how we would have handled it in Victoria, I am sure we would have handled it much better.

As I think everyone is aware, the problems in France are really the problems of the northern suburbs of Paris in particular, where there is a very marginalised group who are the children of the factory workers who came in the 1950s and 1960s to work in the Renault factory and other major factories of the great northern suburbs of Paris. Those jobs have gone and those children are now growing up and are marginalised in that society. It is a huge social problem. The French have not dealt with it very well. I think Australia — Victoria in particular — has a lot to teach the world about how to deal with those situations and how to avoid that level of institutionalised poverty and discrimination.

Before my time is up I want to focus on the issue of enhancements. Part of the legislation looks at the departments to make sure they focus on demographic groups — youths, older persons and women — and progress their cultural diversity plans and that they report on issues around ethnic communities in regional

and rural areas and meet the requirements under the Charter of Human Rights and Responsibilities in Victoria.

Those really important pressures on departments will ensure they deliver for the various communities in the state and make the state stronger, so that we do not have the difficulties of settlement and integration that other countries have but we end up with a multicultural society in which we share heritage and languages and we share and respect each other's differences but always recognising all those things we hold in common of being Australians and being strong Victorians — and being supporters of Australian Football League football!

Debate adjourned on motion of Mr NORTHE (Morwell).

Debate adjourned until later this day.

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

PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL

Second reading

Debate resumed from 9 October; motion of Mr HELPER (Minister for Agriculture).

Mr WALSH (Swan Hill) — Under standing orders I wish to advise the house of amendments to the Primary Industries Legislation Amendment Bill 2008 and request that they be circulated.

The Nationals amendments circulated by Mr WALSH (Swan Hill) pursuant to standing orders.

Mr WALSH — The Primary Industries Legislation Amendment Bill 2008 amends eight different pieces of legislation. I would like to put on record a thankyou to the departmental officers who came in to give us a briefing on this bill. Literally a cricket team of people came in, given that there are eight pieces of legislation being amended by this bill. There are 11 players in a cricket team, and I think 9 people came in to brief us. I would hope, given those people were stuck here in Parliament over the dinner break, that the Minister for Agriculture shouted them a very nice dinner.

The first of the eight bills to be amended is the Agricultural and Veterinary Chemicals (Control of Use) Act 1992. The principal changes are to the requirement for aerial spraying operators to hold insurance policies. At the moment an operator is required to hold an insurance policy before they can get approval to be an aerial sprayer, and the chief administrator has to issue a licence to them to carry out a business on the basis that they have an insurance policy. This takes away that requirement because that is deemed to be a commercial decision and no other operators of agricultural spraying are required to have insurance policies to have a licence to operate.

I have had a lot to do with the aerial spraying industry over my life in agriculture, and I find it a very professional industry. The operators are highly visible in society because they are up in the air and make a lot of noise. They are also constantly under scrutiny as to how they go about their work. They provide a vital service to the agricultural industry and to all Victorians during the fire season because a lot of those people double as either spotter pilots or cart water to fires with their aircraft.

The next piece of legislation to be amended is the Catchment and Land Protection Act 1994 (the CaLP Act). This does a range of things. In the second-reading speech the minister talked about the fact that the amendments will improve the investigation and enforcement provisions of that act. In doing that it puts in place a process where the minister has to consult with the Victorian Catchment Management Council and the relevant catchment management authority as he declares pest plants and animals.

It is interesting to look at the issue of particularly pest plants in Victoria. For those members who do not understand the system, Victoria has a hierarchy of pest plants. The first in the hierarchy are 'state prohibited weeds', which either do not occur in Victoria but pose a significant threat if they invade; or if they are present, pose a serious threat and there is a possibility of eradicating them from Victoria. The control of these weeds is the responsibility of the Department of Primary Industries (DPI) wherever they occur in the state.

The next one in the hierarchy is 'regionally prohibited weeds'. These weeds are not widely distributed in a region but are capable of spreading further, and it is reasonable to expect that they can be eradicated from the region. The control of these weeds is the responsibility of the private and public land managers on their land and of VicRoads on declared roads under the Transport Act 1983 and DPI on other roadsides. I will come back to that particular issue.

Then there are 'regionally controlled weeds' which exist in a region and are usually widespread. Continued

control measures are required to prevent further spread to clean land. Control is the responsibility of private and public land managers on their land and adjoining roadsides except where VicRoads has responsibility for declared roads, as I said before.

The final classification is 'undeclared weeds' which are not classified under the CaLP Act 1994 but are recognised as a serious threat to agriculture and the environment. In this amendment, where it puts some requirements on the minister to consult on the declaration of particular weeds, it is useful for the house to bear in mind the very vexed issue that we have in country Victoria at the moment as to who is actually responsible for roadside weeds. It has been a very big issue.

Mr Pallas interjected.

Mr WALSH — I noticed the Minister for Roads and Ports putting his hand up and saying he wants to control weeds on the roads. Is that what the minister said?

Mr Pallas interjected.

Mr WALSH — The minister referred to state-controlled roads. As members would be well aware, there is an animated discussion going on between local government, adjoining land-holders and the department as to who is responsible for those weeds.

I give credit to the Minister for Agriculture, because to help move things along he has brought in a system of interim grants to help with the control of pest plants and animals. Councils were saying, 'We do not want to accept any state government money, because if we do we will be accepting responsibility and liability into the future'. I hope that the interim grant process will at least stop the logjam and get some of that money on to the ground to allow things to be done. However, the issue needs to be permanently resolved in the future.

It is interesting when you look at the hierarchy of weed classifications in Victoria to see that for the likes of regionally controlled weeds in particular, of which there are quite a few, public land managers are responsible for weeds on public land. As everyone in this house would know and as many of my country colleagues have said numerous times, public land managers are not necessarily very good at controlling weeds and vermin.

Honourable members interjecting.

Mr WALSH — I hear the interjections behind me about how Parks Victoria and the Department of Sustainability and Environment are the neighbours from hell at times — and they are. If a private land manager allowed the weeds and vermin to exist that public land managers often allow to exist, the Department of Primary Industries would issue a penalty infringement notice straightaway. We need some form of enforcement so that public land managers have to do a similar job in controlling weeds to the job done by private land managers.

I have not come to the issue of pest animals, particularly wild dogs, which are a particularly big problem. The other issue that has often been discussed in this place and in the public arena is the control of foxes and rabbits, and the fox bounty in particular. It is interesting that in 2002 the then Minister for Environment and Conservation, Sherryl Garbutt, brought in a fox bounty about the time of the election in that year — a very good election! — but it was removed between elections. Because of the bushfires in 2006 a fox bounty was again introduced at around the time of the 2006 election. It could appear to cynics that the Labor government introduces a bounty on foxes as an election strategy but then allows foxes to breed up for the next three years to make sure there are enough of them to warrant the introduction of a bounty during the next election campaign. We look forward to having a fox bounty again in early 2010, ready for the next election.

The next piece of legislation that is amended by this bill is the Domestic (Feral and Nuisance) Animals Act 1994. I did a bit of research on this act, and it is interesting to read its history. This is the 16th amendment to the act since 2002, and in 2003 two amending bills were introduced. One of the things the amendments did was set minimum standards for the microchipping of cats and dogs, and I will come back to that issue later. There were three amending bills in 2004. Among other things those amendments required the licensing of microchip registries and set standards for their operation, regulated the implanting of microchips, set standards for technology and required pounds and shelters to scan for microchips within three days of cats and dogs being impounded. That was a series of attempts to get some good rules around microchipping.

In 2005 there were five amending bills that did a range of things. However, quite a few of the amendments were around the issue of microchips — how they were to be implanted, how they were to be removed, the power to exempt and making it an offence to sell or rehouse a dog or cat that has not been microchipped. There were also some amendments around microchipping menacing dogs so that they could be

tracked in the future. In 2006 there were three amendment bills that made some consequential amendments. In 2007 there were two amendment bills that dealt with the issue of dangerous dogs.

There have been quite a lot of amendments to this legislation. I would have thought that if you had a plan to make sure we microchipped dogs and cats in Victoria, you would set out and resolve all the issues, particularly the issue of common technology, before introducing microchipping. We have seen issues arise constantly from the use of different railway line gauges, different sized threads and bolts, different plugs for mobile phones and so on. Why was the technology not sorted out at the start, when microchipping of pet animals was introduced, to provide common technology, common readers, a way to track animals and a register that was set up properly? I wonder if we could have done it better.

The issue at hand regarding the amendments to the Domestic (Feral and Nuisance) Animals Act 1994 is again to do with dog attacks. The amendments establish a liability for a person in control of a dog that attacks. It is currently only the owner who has that liability. The issue that has been brought to my attention about the amendment — and the Minister for Agriculture, who is in the chamber, may be very interested in this — is about dogs on public land. If it is not only the owner but also the person who is in control of a dog who is liable, does that mean that the Crown, being in control of wild dogs on its land, has to take responsibility for attacks on Crown land? It is an interesting point at law, and there may be some fertile ground there for a bush lawyer to make a lot of money out of having a test case around the issue. But there is an issue with who is responsible for wild dogs in the wild and on Crown land, and the changes set out some rules for the treatment of the owner of a menacing dog or the person who is in charge of it, if it attacks a person.

The piece of legislation to be amended that I would like to spend a bit of time on and which the amendments I have circulated in my name relate to, is the Fisheries Act 1995. When these sorts of omnibus bills or bills that will change a whole range of legislation are brought into the house, usually there are some good parts, there are some indifferent parts and then there are some amendments buried in there that probably none of us really likes. This is one of those instances, and the coalition has some real concerns about some of the Fisheries Act changes.

In some ways the bill is a bit of a Trojan Horse designed to hide the changes to the fisheries consultation. Because there are other good things in the bill, it is very difficult to oppose the legislation, but we urge the government to support amendments I will propose to make sure the fishing industry is not disadvantaged. A major part of the changes to the Fisheries Act 1995 will radically alter the way consultation is undertaken in the industry. The explanatory notes I have say there will be new arrangements under which the Department of Primary Industries (DPI) will be accountable for undertaking the consultation process and providing an accurate representation of that process to the decision-maker, who is obviously the minister.

The concern I have on reading this piece of legislation is that in the past we have had a legislative process in place for consultation involving recognised peak bodies. With this legislation those recognised peak bodies will no longer be recognised. Instead the department will be responsible for setting up the consultation process and deciding who is actually included in that process. That is where we have some reservations as to how this will work, with no disrespect to the department. The department has a very important part to play in its role in this whole process, but having the department in charge of the consultation process as well, when the consultation may well be about how the department is carrying out its particular role, is a bit like putting the fox in the henhouse or putting the poacher in charge of the game on the lord's estate. It is important that there be a division between the department's role and the consultation role.

The amendments I will move seek to delete from the legislation all the amendments to change the consultation process and to leave the status quo for the moment. That is not to say there should not be some changes. As I have moved around the fishing industry — and it is not an industry that I had a lot to do with before I was appointed to the shadow portfolio — I have heard from people and sector operators in the industry who would like to see a change in how consultation is taking place. I accept that, and there is always room for improvement in how consultation takes place, but I do not think this is the right model. Our intent in proposing amendments is to restore the status quo until there is a better model to put in place, because I do not believe this is the way forward.

It is interesting that quite a few representations have been made in the last 24 hours. I think some people in the fishing industry do not necessarily know how the legislative process works and think they can send an email and get changes made 2 or 3 hours before we debate a bill. Those people need to get a better understanding of the whole legislation development process and how the system works. Three organisations

in particular — the Australian Fishing Trade Association, the Australian Trout Foundation and Futurefish Foundation — have sent press releases they have put out in the last 24 hours saying they support the government's changes and believe they are good. Equally we have received two lots of correspondence from VRFish and some correspondence from the Seafood Industry of Victoria.

In its first letter VRFish said:

> The members of VRFish have always taken their responsibility in representing the recreational fishers of Victoria extremely seriously, and while we will not claim to be perfect, we believe that we are on a path of continual improvement and are presently part of the best representative model for the purpose.

Further it said:

> VRFish is concerned that with the current Victorian Fisheries Consultative Arrangement Review … that all the hard work involved in these positive changes would be in vain. We feel it is imperative that the requirement for a 'recreational fishing peak body' be maintained in the Fisheries Act and that the current funding model which uses a small percentage from the Recreational Fishing Licence Fund be continued. No representative group can operate effectively without guaranteed funding to enable it to employ suitable staff and follow a strategic business plan.

VRFish had some major reservations about these changes. I noticed that this evening it put out another press release, after it had had a meeting with the minister yesterday, effectively saying that it accepted the minister's commitments from last night, with cautious optimism. I suppose I have become a cynic because I have spent some time in this place.

The thing I remember about the fishing industry in particular is that when we made the changes that brought the fishing industry under the PrimeSafe umbrella we accepted in good faith the government promises that the fishing industry would be better off being part of PrimeSafe. We all know that was an absolute and unmitigated disaster, particularly for some in the freshwater aquaculture industry across country Victoria. The structure and fees that DPI put in place with its full cost recovery policy and that PrimeSafe put in place with its fees for those industries put everyone out of business. It was not the drought that put those people out of business; they actually went out of business because of the increase in fees by DPI and PrimeSafe.

At that time we accepted in good faith a commitment from the then Minister for Agriculture, who is not the current minister. You become a cynic. A lot of promises are made when there is a rush to get legislation through this place, but it is how those promises are backed up with action later on that is important. It is all very well to say that things are being done outside the legislation, and there are commitments — there may be a letter from the minister to the industry saying, 'I will do this, this and this' — but I must admit that I am old fashioned and would like to see those things written in legislation. I would like to see legislation prescribing what should happen, and the government, if it wanted to change it, having to come back to this place, where we can have a debate about it.

Too often now we see that we have enabling legislation setting out some of the framework and that the job of putting real meat on the bones is done outside this place, with no-one ever really knowing what is going on. Seafood Industry Victoria advised me that it was contacted with regard to this whole issue on the Friday before this bill was introduced on a Tuesday a few weeks ago. If that is how consultation is to be carried out in the future, how can the industry have any faith in anything the department or the minister will now promise about what they will do in the future?

Industries operators have said they have major reservations about what is being proposed here. They have accepted in good faith the commitments the minister gave last night. I would personally prefer to see it in legislation, which is why I will move amendments to delete those changes until the minister — until the department — goes away and sits down with the industry to come up with a better model that is not chaired by and not totally dominated by the department and comes back and puts it in legislation. Then people will know what is there and that if it is to be changed in the future it has to be brought back to this place and debated. At the moment that is not the case.

The other changes to the Fisheries Act 1995 will bring in a couple of other things that are quite important. The bill allows the Fisheries Act to be enforced outside Victoria. This is an issue particularly on the Victorian-South Australian border where something like 14 rock lobster fishers are licensed in Victoria but deliver their catch into Port MacDonnell because it is, as I understand it, only 13 nautical miles from where they dive and catch the lobsters, whereas it would be about 40 nautical miles if they were to come back to Victoria. There is some common sense there. We are doing something positive in allowing those people to go to South Australia, but we are also allowing the fisheries officers who enforce the rules in that particular piece of legislation to do so in South Australia and vice versa, with the South Australians being able to enforce their rules in Victoria.

The other change being made to the Fisheries Act is to make Murray cod a priority species. As someone who grew up on the Loddon River and now lives on the Murray River, I have always had a great interest in fishing — not that I have time to do much — and particularly the Murray cod, which is an icon of northern Victoria.

An honourable member — Do you catch anything?

Mr WALSH — No, not very often. With some of the changes going on, there is an increase in the cod being caught in the river and in the illegal trade of Murray cod. It is interesting that the government is introducing legislation that makes it a priority species. One of the things the cod needs is a habitat with plenty of water. The government is making the Murray cod a priority species but it is actually taking away water by building the north–south pipeline to bring water to Melbourne. I find it a contradiction that in this legislation we are talking about protecting the Murray cod and making sure it is a priority species so that there is no illegal trade in that fish and its stocks are not being overfished and exploited by people who want to catch it, and on the other hand through a different minister the government is putting in place a pipeline to Melbourne to take away 75 000 megalitres of water — —

Mr Helper — On the bill!

Mr WALSH — This is on the bill, this is about protecting a priority species. I know it is unruly to react to interjections, but this is very much on the bill. Melbourne has other options. The Minister for Agriculture may not realise it, but Melbourne has other options for its water supply — with recycling of water here in Melbourne, with some stormwater harvesting and all the things that have been talked about quite often — but the poor old Murray cod in the Murray River does not have those options. The only option the cod in the Murray River has to ensure it has a habitat in the future is for water to either come down the Murray River or out of the Goulburn River or the other tributaries.

The bill amends the Livestock Disease Control Act 1994 and the Prevention of Cruelty to Animals Act 1986. The last set of amendments I want to spend a couple of minutes on are to the Veterinary Practice Act 1997. These changes are very good and I commend the minister and the department for making them. The changes facilitate national recognition of veterinary registration by allowing state registration of a vet or specialist vet to apply nationwide. No doubt Dr Sykes and Dr Napthine will have more to say about this later in the debate. As Dr Sykes pointed out to me last night — —

The DEPUTY SPEAKER — Order! The member should use the member's correct title.

Mr WALSH — No doubt later the members for South-West Coast and Benalla, both of them being veterinary officers, will make contributions to the debate on this bill. Last night I was talking to the member for Benalla about the fact that he would be able to practise his wares interstate but he said he could not. He said that under this legislation other vets will be able to come to Victoria and practise their wares but we are relying on the other states to put in place processes — which I am sure they will.

Mr Helper interjected.

Mr WALSH — What I am saying is that we were trying to transfer the member for Benalla to practise somewhere else in Australia, but he says he cannot do so until the other states bring in complementary legislation!

We received a response from the Veterinary Practitioners Registration Board of Victoria, which is supportive of this legislation. As I said, the bill does quite a bit of good in enabling vets to practise interstate and across borders. As someone who lives on the border, I am aware that we have a whole range of what the member for Murray Valley would call cross-border issues — —

Mr Helper — Anomalies.

Mr WALSH — Cross-border anomalies or cross-border issues. People on one side of the border who have a qualification cannot practise their wares on the other side of the border. In my electorate there are issues for plumbers and electricians and all those sorts of tradespeople who have to have registration in both New South Wales and Victoria to work out of Swan Hill, because half their client base is on the other side of the river. The changes being brought in here are very good. They are common sense, particularly as they allow people in those border areas to carry on their practices in both states. They allow people to take their registrations with them as they move around Australia. The bill also provides that if someone is deregistered in one state that automatically goes through to the other states. If someone has got into trouble with their practice in Queensland, they cannot come down here to Victoria with the people in Victoria not knowing what is going on.

From The Nationals point of view there is good and bad in this legislation. In recent times I have been through some of the good parts. I emphasise to the house our concern about the new consultation process in the fishing industry as set out in this legislation. I respectfully ask the minister to support our circulated amendments. They are not about change in the future, they are just about the fact that this particular change is not a good model. We need a better model, one that is open and accountable. I agree 100 per cent with the ideals set out in the legislation as to how consultation should be carried out. I just do not believe that the model being put in place makes sure that those principles will be carried through if this particular piece of legislation is passed.

Mr HOWARD (Ballarat East) — I am pleased to speak on the Primary Industries Legislation Amendment Bill before the house. As we have heard, the bill is essentially an omnibus piece of legislation which makes relatively minor changes to a significant number of acts, including the Agricultural and Veterinary Chemicals (Control of Use) Act 1992, the Catchment and Land Protection Act 1994, the Domestic (Feral and Nuisance) Animals Act 1994, the Fisheries Act 1995, the Livestock Disease Control Act 1994, the Prevention of Cruelty to Animals Act 1986 and the Veterinary Practice Act 1997. A large number of issues are being canvassed in this bill. I will work my way through them, and will focus particularly on the issues raised by the member for Swan Hill in regard to the Fisheries Act when I come to that section of the bill.

The first section relates to the Agricultural and Veterinary Chemicals (Control of Use) Act. It picks up an issue about the maximum residue levels allowable in products being sold in our markets. We know that Victoria is very proud of the product we sell agriculturally, whether we sell it within Victoria, across Australia or for export. We have a high status in the overall international industry in terms of the quality of produce, and it is important that we maintain that. These amendments to the Agricultural and Veterinary Chemicals (Control of Use) Act recognise that the maximum residue limits have some potential problems associated with them. They have usually been set by FSANZ — Food Standards Australia New Zealand. What we want to do is ensure that the Australian Pesticides and Veterinary Medicines Authority, the APVMA, reviews these issues more regularly, so we are tying the legislation to that group's assessment of maximum residue levels allowable.

The other change relates to aerial crop sprayers who had to have insurance as a mandatory measure ahead of them spraying crops. That provision is being removed in line with national competition policy which has already been enacted in other states. At the time it seemed sensible to allow for mandatory insurance requirements, but we recognise there are other legal measures that people can take if they believe their crops have been inappropriately contaminated or other damage has been caused by aerial spraying. That part of the act has been changed to bring Victoria into line with land-based spraying.

The next part of the bill relates to amendments to the Catchment and Land Protection Act. All members of Parliament from rural electorates regularly hear about weeds on private land, weeds on public land and weeds on roadsides being of particular concern. This legislation does not change the responsibilities placed on landowners; rather it changes the circumstances under which departmental staff can enter properties to see if weeds are an issue.

In response to comments made by the member for Swan Hill I know that in my area, although there is a question about whether it is the responsibility of the landowner or the council to control weeds on roadsides, the landowners have always recognised that although it is not their responsibility it is a good practice for them to spray gorse on the roadsides. My neighbours and I regularly spray the gorse that grows along the roadside. Spraying is an ongoing requirement for the management of gorse and is something that my neighbours recognise as a responsibility. Our Landcare group makes a spray unit available, and the land-holders have been taking up that opportunity to spray. It is not an ongoing issue in our area, but I recognise it is in other areas. But that is not the focus of this part of the bill.

Another part of the bill relates to amendments to the Domestic (Feral and Nuisance) Animals Act. It makes some legislative changes in relation to incidents involving dog attacks, recognising that there is a broader responsibility not just on the owner of a dog who might be involved in an attack but maybe also on the person who is in apparent control of the dog and who can be made responsible. The provision further enables agents to ensure that these issues are brought under control.

The member for Swan Hill dwelt for some time on fisheries. He seemed to be under the misapprehension that we are going to reduce the consultation that takes place in regard to the protection of particular fisheries, but clearly that is not the case. The government spent over 12 months consulting about the changes. We want to ensure that when we are looking at specific sectors of the state and controlling the fisheries there, that the

relevant groups are brought into the consultation process. That will continue to happen.

We are not recognising a peak body, as it were, under VRFish but recognising that there are a broad range of interest groups that have interests in particular areas of fisheries. We want to ensure that they are fully consulted on every relevant occasion. We are moving away from allowing a single body to say, 'We represent all' and rather are taking it on a case-by-case basis. We want to ensure a good, sound discussion as we work through particular issues.

We also want to protect the Murray cod fish from illegal and commercial harvesting by making it a priority species. We are also amending the licensing provisions to improve licence administration and enforcement, including provisions to increase licence terms to five years to give greater certainty to the industry.

A number of changes to the Fisheries Act are also important. As I said, we know that many groups support the legislation. The member for Swan Hill recognised that the Rex Hunt Future Fish Foundation supports it, as does the Australian Trout Foundation. VRFish itself recently said that it recognises it can work with the legislation. We understand that initially VRFish, a peak body, might have felt under threat, but that following further consultation with the government it recognised that this legislation is a way forward and is prepared to accept it.

I am disappointed that the member for Swan Hill still sees the need to push his amendments. Clearly they are not supported by the industry overall. They do not move the industry forward, and they are not helpful. The legislation before us is a means of ensuring good sound consultation across the industry, making sure it does not move backwards.

I am pleased to support the legislation. Other speakers will discuss the other sections of the bill including provisions under the Veterinary Practice Act. I am pleased to commend the bill to the house. It is sound legislation that involved significant consultation with the relevant sectors of the industry before its introduction, and it improves the present legislation.

Mr K. SMITH (Bass) — I would like to speak on the Primary Industries Legislation Amendment Bill and support the member for Swan Hill's proposed amendments. My comments on the bill will be in regard to the changes to the Fisheries Act, and the concerns I have in that regard.

I cannot believe the minister is going to allow the department to take total control of the fishing industry and of all consultation that will occur. If this legislation goes through in its present form, any discussions will have to go through the secretary of the department and not directly to the minister, and I think that is wrong. We used to have a viable fishing industry in this state, but over a long period it has been devastated by some of the decisions made by this government.

I have listened to the arguments put by the member for Swan Hill and also by the member for Ballarat East, who is now in the chair, so I had better be careful.

The ACTING SPEAKER (Mr Howard) — I caution the member for Bass.

Mr K. SMITH — My electorate of Bass is virtually surrounded by water. In recent times commercial fishing has been removed from Western Port, which caused a bit of a problem because only five fishermen were catching fish down there. The government threw them out by doing a deal with the recreational fishing people and with the Rex Hunt Future Fish Foundation leading up to the last election.

What concerns me most are the changes to the act. There is no doubt they are at the behest of the secretary of the department. One only has to look at the report that was put together by the Department of Primary Industries (DPI) and by the fishing people there at the request of the former Premier. One can only expect that the recommendations were put forward by the department to suit what the department wanted to do.

We know from the report that was put forward that the department is going to radically alter the way any consultation is undertaken. The industry will not have any direct access to the minister. That is a great disappointment, because the Fisheries Co-Management Council that has been in place for a number of years now has worked very effectively. The different committees attached to that particular organisation that specialise in different aspects of the industry were able to feed information to the co-management council, whose members could then have some discussions with the minister. Two members were from the Department of Primary Industries, so the department also had input into the work of that particular council. If this bill goes through, that will not be able to occur any longer. That is a great disappointment.

The department will require that any applications for fisheries licences, except recreational ones, go directly to the secretary. The secretary will have control over who will get a licence. He will be in a position to cancel

and withdraw licences of fishermen without any consultation with anyone. That will occur with transferable licences. That takes away the possibility of compensation being paid to any fishermen who lose the opportunity to fish in areas they have been able to fish in before.

The department also wants to get its hands on the licence revenue from the recreational fishing licence trust account, which controls revenue of nearly $5 million each year. The department and the secretary are going to get their hands on that, and the industry and people involved that will not have any say or input into where that money is spent. I consider that a great problem.

From the discussions I have had with those in the abalone industry I have found that they also have great concerns. It is my understanding that all the fishing bodies supported the option that the Victorian Abalone Divers Association put when submissions were called for. That option certainly would be a rejigging of the co-management council, but there would still be an organisation within the industry that would have direct access to the minister. The Department of Primary Industries put forward two options. It supported the first option because it suited it. I understand that the DPI received 84 submissions on the review and that very few of them supported option 1 put up by the department.

As I said before, the review process was undertaken by the DPI. If the minister — whether it was this minister who is in the chamber now or the previous minister — had been fair dinkum, he would have said at the time, 'Let us get someone independent to do this review because it is very important that there is input from the industry and that that is looked at independently, not by the bureaucrats who are going to benefit from the decisions that come from this review'. What this government has done is bad. I am disappointed in what the minister is allowing to happen with the amendments that he is proposing to make to the Fisheries Act.

The member for Swan Hill read letters from the Australian Trout Foundation, the Australian Fishing Trade Association, VRFish and Futurefish, and I was disappointed to hear that they seem to have changed their position at the very last moment. One of the letters referred to a meeting last night with the Minister for Agriculture. One has to wonder what sorts of deals the minister has done with these industry groups for them to come out in support of a review that will cause great trouble in their industry and result in them losing the opportunity to consult with the minister directly — in fact it will put total control of the fishing industry into the hands of Peter Appleford, the secretary of the department.

This is the same Peter Appleford who was advised about the abalone virus and the leak from the aquaculture farm down on the west coast and who ignored what was happening down there. He is the one who was not prepared to send out the water for testing. He is the one who allowed the water to continue to discharge out to sea and spread the virus that has now devastated the west coast abalone industry. He is the one who allowed an industry that was worth somewhere between $80 million and $100 million a year to be practically wiped out because he ignored the advice he was given or because he did not have the guts to do what had to be done or because the people in his department were too stupid to do it. I cannot believe the minister still allows him to run the department and talks about giving him more powers and things to do.

When the Tasmanian minister heard what was happening he protected Tasmania by quarantining abalone, fishing boats and people bringing fish from the Victorian waters into Tasmanian waters. What has Tasmania done? It has saved its industry. But Victoria has not. The advice was ignored by the department; it was ignored by Peter Appleford. He should be sacked, not given more powers, as this bill is giving him.

Mr CARLI (Brunswick) — I am very pleased to rise to speak in support of the Primary Industries Legislation Amendment Bill. As previous members have indicated, this is very much an omnibus bill. It encompasses amendments to a wide range of bills within the primary industries area, including the Agriculture and Veterinary Chemicals (Control of Use) Act, the Catchment and Land Protection Act, the Domestic (Feral and Nuisance) Animals Act, the Fisheries Act, the Livestock Disease Control Act, the Prevention of Cruelty to Animals Act and the Veterinary Practice Act.

Different members are picking up different aspects of this omnibus bill. I particularly want to focus on the amendments to the Fisheries Act. I paid a lot of attention to what the previous speakers said about the response to the changes to the consultative arrangements. I have looked at a couple of press releases, one from the Australian Fishing Trade Association, which says the association:

> … applauds the recently announced consultative arrangements for Victoria's fisheries resource initiated by former Premier Steve Bracks and launched by the current Minister for Agriculture, Joe Helper.

The Australian Trout Foundation also put out a media release, saying it:

> … applauds the Victorian government's proposed changes for the consultative arrangements for fisheries resources.

The consultative arrangements are being changed following a review which previous members have spoken about. The current consultative model is based around the Fisheries and Co-Management Council. The various committees will be replaced with an improved representative, performance-based consultative framework, which will not be legislated for. The minister has given an assurance that there will be an appropriate process based on the needs of the various stakeholders in the industry. It seems to me that the response of the industry has been very positive.

We must recognise that this element of the bill has come through a long period of consultation. In that sense it is significant that the changes being made to the consultative arrangements deal with the concerns of stakeholders. They have involved a background paper, an issues paper and a workshop with key stakeholders. Yes, there have been some differences, but in the end the industry has come on board and is supportive of these changes to the consultative arrangements. This bill seeks to ensure that those arrangements are improved.

There are other elements in the bill. The main part in terms of the Fisheries Act deals with Murray cod being declared a priority species. This was an issue that went before the Scrutiny of Acts and Regulations Committee (SARC). One of the things the committee found in relation to this bill and the compatibility statement was that it was a very fine document. The compatibility statement was clear and informative. An issue that arose from it was the rights of Aboriginal persons, because an element of the charter is that Aboriginal people have distinct cultural rights and traditional laws and customs. Fishing of Murray cod by Aboriginal people will be allowed, as long as it is not in commercial quantities. There is a recognition of that historical and traditional role of Aboriginal people along the Murray River.

During the committee's discussions there was some concern about extending the offence in section 116 of the Fisheries Act 1995 of possessing or selling an illegally taken fish. There has been some correspondence with the minister about this concern, which is essentially around the onus of proof. As we know, in many regulatory regimes there is a reversal of onus of proof, and there is a concern, certainly coming from the Scrutiny of Acts and Regulations Committee about the fact that it can be a criminal offence to possess or sell a fish that has never been fished, farmed, stocked, possessed, transported, sold or disposed of in breach of Australian law.

The fear is that this amendment will extend the onus of proof in relation to any possession of a fish that is illegally taken in whatever form. That offence can lead to a six-month prison sentence. The only way to respond to that is to demonstrate reverse onus of proof. A person has to prove that on the balance of probabilities, he or she neither knew nor ought to have known of the illegality — in this case the illegality of having a Murray cod in their possession. It is an issue the committee has taken some interest in and on which it has sought clarification from the minister.

There is obviously an important need to preserve the Murray cod and to ensure that we stem the illegal trade of the fish. It should also be said that in regulatory regimes we often do see that level of reversal of onus of proof. I suppose that has to be balanced with the fact that we are dealing with a fairly serious offence — a person who is in possession of a Murray cod could go to jail for six months unless they can prove on the balance of probabilities that they did not know it was illegal or they should not have known it was illegal. It is an interesting issue that has been raised at meetings of SARC.

The remainder of the bill has many elements to it. From my reading of the bill, it spans a large number of issues. In tonight's debate members have referred to its various elements, leading to a fairly interesting and well-informed discussion. It is important, though, that we continue the range of reforms in the area of primary industries and that we ensure Victoria is seen as a world leader in terms of our produce, the way we treat pesticides, and the way we protect our native species and control livestock. They are all elements of this bill and are all part of the competitive and comparative advantage of Australian primary industries. I commend this bill to the house.

Mr INGRAM (Gippsland East) — I rise to make some brief comments on the Primary Industries Legislation Amendment Bill 2008. As other members have mentioned, this is an omnibus bill which covers a fairly broad range of amendments to a number of acts. Much of the discussion has centred on the amendments to the Fisheries Act, and I would now like to touch on one in particular — that is, the listing of the Murray cod as a priority species. I know through my involvement with Native Fish Australia and also my discussions with VRFish and other fishing organisations that this is very much welcomed by the angling community.

Unfortunately the Murray cod species has been subject to increased pressure for semi-commercial harvest — illegal fishing — to market through fish shops and other places. Murray cod is a listed species, both at the state and federal level. It is also an iconic fish in the Australian environment and is recognised not only by people who live along the Murray River and the Murray–Darling Basin but throughout Australia as one of Australia's iconic fish species. Although the Murray cod is not a commercial species, I think recognising it as a priority species, similar to abalone and other important commercial species, is an important step in protecting it from illegal fishing.

I spend a bit of time fishing for Murray cod not only in the Murray River but in other catchments. One of the disappointing things I have seen is that a large number of set lines are still being used. I always report them to the authorities when I find them. I have seen them a couple of times recently. I the Murray I saw a number of lines set with undersized silver perch, which is another threatened species, but most disappointingly I found a number of lines set with trout cod, which is a protected and endangered species, to catch Murray cod. Clearly that action was designed for the commercial harvest of Murray cod. That happened in the Ovens River. I encourage members to make sure their local communities report such incidents so that we can try to root this practice out.

A lot of the focus has also been on the consultation process. A number of representations have been made to me from the commercial and recreational fishing industries. In what I understand was an interesting consultation process for this legislation, similar positions were put by both the commercial and recreational industries. Both agreed, as did Environment Victoria, on their preferred model through this process. The industry organisations were disappointed that their recognition in the act as peak bodies was not carried on, and there has been a fair bit of discussion about that since that time, but because of that I believe I have to support the amendments circulated by the member for Swan Hill. I have had some discussions about them with the member and also with the member for South-West Coast. Whilst I understand that there has been some movement in some of those organisations, I consider it essential to still support the amendments.

The commercial and recreational fishing industries believe that historically they have not necessarily been listened to enough by governments. They probably do not have the power or the influence with government that they should have; some of that is their own fault. I have been fairly critical of the recreational fishing representation in the past, but it has got its act together and is starting to move forward in a more proactive and sensible manner. It is important that we encourage the consultation process.

I have had discussions with the minister and his advisers about the way this is set up, and I understand the commitment to ongoing consultation by the minister and the office. However, the concern still is that not including the peak body representation in the act means those bodies may not necessarily be given the standard of consultation they should have. With those words, I support the amendments.

Dr SYKES (Benalla) — I rise to speak on the Primary Industries Legislation Amendment Bill 2008. As indicated by previous speakers, it is a large bill seeking to make amendments to the Agricultural and Veterinary Chemicals (Control of Use) Act 1992, the Catchment and Land Protection Act 1994, the Domestic (Feral and Nuisance) Animals Act 1994, the Fisheries Act 1995, the Livestock Disease Control Act 1994, the Prevention of Cruelty to Animals Act 1986 and the Veterinary Practice Act 1997.

The member for Swan Hill has covered a range of amendments to be incorporated by this bill, and I indicate my support for the amendments he has circulated. I focus on a few clauses most relevant to the electorate of Benalla and my veterinary background. I have no doubt that the amendments to the Fisheries Act will be covered by the member for South-West Coast, and it has already been covered by the members for Bass and Gippsland East.

One of the clauses I focus on is clause 50 which relates to the listing of Murray cod as a priority species. It basically increases the powers available to protect the Murray cod because of concerns about its future, those concerns having been illustrated by the previous speaker. That is good, but as the member for Swan Hill indicated, there is an inconsistency between this desire and legislative power to protect the Murray cod with other actions being taken by the government, particularly in the electorate of Benalla with the draining of Lake Mokoan, which has been recognised as a Murray cod breeding ground. Not only is Lake Mokoan being drained without due consideration for the social and economic impact but it is also being drained oblivious of environmental impacts and the future of the Murray cod.

Moving on to the Livestock Disease Control Act, I welcome the fact that the bill seeks to strengthen and clarify the powers of government agencies in the event of an outbreak of an exotic disease or a serious endemic

disease. For the benefit of members I illustrate the key principles involved in the eradication of serious exotic or endemic disease. First of all, there is the principal of early detection. That requires livestock owners to recognise normal health of animals, to recognise abnormal health of animals and then report those abnormalities.

You then need to ensure there is the ability to confirm the disease that is causing the abnormality, and this time is often accompanied with stock movements being brought to a standstill. You then move to the eradication phase with methods such as test and cull or stamping out; linked with that is very strict movement control and the tracing of a potential spread of the disease. This bill strengthens the ability of government agencies to implement these first principles of disease control.

Clauses 78 and 79 clarify the responsibility of an owner or occupier of land to report suspected disease where the current legislation, somewhat clumsily written, requires it be an owner and occupier of the land. That is an important clarification. Equally, clause 81 requires the owner of stock suspected to be infected to isolate those animals so as to prevent it spreading to other animals or to lessen the chance of it spreading. Clauses 84, 85 and 86 provide for tough penalties on non-compliance with the movement control restrictions. They are sensible aids to the control of serious endemic or exotic disease.

It is important to note that bees — that is, the humble bee as distinct from the bumble bee — are also considered to be livestock under the definition of this act. Members may be interested to know and appreciate that the bee industry is worth in the order of $50 million a year for its particular role in the pollination of agricultural and horticultural crops. There is also a significant export bee industry, and that is a function of Australia's very good bee health status which has been achieved through the excellent cooperation of the industry and the effective implementation of legislative disease control. Clause 91 prescribes a penalty for people who have not been registered to keep bees.

Clause 103 relates to obstructing an inspector; basically it replaces an offence for obstructing an inspector with a wider offence so that a person must not hinder, abuse, insult, intimidate or attempt to obstruct or intimidate an inspector exercising his or her powers under the act or regulations. Those powers are very significant for inspectors of stock and for people involved in this work. I am aware, from my background, of the importance of exercising those powers responsibly and sensitively given that the situation in which you work in these circumstances can often be stressful.

I should make a comment in passing that similar powers are available under the Water Act for the construction of things such as the north–south pipeline. Regrettably it appears that persons exercising those powers have not necessarily shown due responsibility and due sensitivity, particularly as exemplified when Deb McLeish, weighing just 45 kilograms, was arrested for obstructing people from Melbourne Water when there seems to be some doubt about whether they had taken into account all of their responsibilities prior to entering that property. We will see that issue played out in a court of law.

Part 8 of the bill relates to the provision for national recognition of veterinary registration. This is a significant and welcome move and is a part of all states moving towards recognising registration in any one state in Australia. I know from my previous work as a veterinarian of the importance of one registration being recognised nationwide. I also know that, for example, veterinarians who do embryo transfers of sheep and cattle often work interstate. It is an unnecessary burden on them to be required to be registered in each state. As has been mentioned by the member for — —

Honourable members interjecting.

Dr SYKES — I have no continuing conflict of interest. I thank the members for South-West Coast and Swan Hill!

We also have the situation, as mentioned by the member for Swan Hill, of vets who work on the border needing to work in both states. At this stage this Victorian legislation will provide an advantage to veterinarians in New South Wales and South Australia who seek to work in Victoria. We hope the other states will follow Victoria's lead on this issue and ensure that Victorian-based veterinarians are not disadvantaged in that situation along the borders.

In the last minute and a half available to me, I would like to follow up on the comments made by the member for Swan Hill in relation to the Catchment and Land Protection Act and in particular the management of roadside weeds. There appears to have been a particular press release today which is best described as mischievous on the part of the minister, or whoever writes the spin for the minister, suggesting that actions taken by The Nationals and Liberals in coalition would be detrimental to the control of weeds on roadsides.

Nothing is further from the truth. If the minister looks at the public record in this place and in the media, the

minister will note that The Nationals have been very strong advocates of ensuring that the control of roadside weeds is a cost borne by joint land-holders — —

The ACTING SPEAKER (Mr Ingram) — Order! The member for Benalla will speak on the bill.

Dr SYKES — Thank you, Acting Speaker, for your guidance. In concluding that issue, it is important that in approaching the management of pests and weeds under the Catchment and Land Protection Act, costs are shared equitably and reasonably and that there is not cost shifting from state government to private land-holders. That similarly applies, as mentioned by the lead speaker from the opposition on this bill, the member for Swan Hill, in relation to the control of pests such as foxes and rabbits. If there is one message I would like to send to the minister, it is this: we need a coordinated approach, and that includes bringing back the fox bounty.

Mr TREZISE (Geelong) — I am very pleased to be speaking in support of the Primary Industries Legislation Amendment Bill 2008, because again it highlights the Brumby government's commitment to the industries covered by the bill.

From my perspective as the member for Geelong, my electorate is obviously based on Corio Bay and around the Bellarine Peninsula. Those areas have currently and historically had a connection with the fishing industry. The former Bracks government and the Brumby government have always recognised and worked towards a sustainable and profitable fishing industry. Tonight when speaking about the bill, I do not have to even mention the iconic decision that we, as a government, made back in the early 2000s about the establishment of marine parks.

In Geelong, when one talks about the fishing industry, one's mind quickly turns to a number of Greek families in the Geelong area such as the Katos family. Andrew Katos is a good man. One also thinks of the Mantzaris family which has, over many decades, worked in the fishing industry in Geelong, not only around Corio Bay but also on the Bellarine Peninsula and specifically around, of course, the Queenscliff area, where the fishing industry continues to thrive today as it does in Geelong.

The bill amends the Fisheries Act by providing a for number of efficiencies in the operation and management of the act. As with any amendments to legislation, this government always ensures that it consults widely with stakeholders. As such, we have consulted widely with stakeholders about this legislation. It is vital that the government and stakeholders ensure that the fishing industry and fish resource are sustainable into the future.

This government, in ensuring that the fishing industry is sustainable, is profitable and importantly is providing a quality product, undertook a detailed review of the current consultation arrangements in the industry. The new arrangements coming out of that consultation will be far more effective and far more efficient in ensuring that all industry stakeholders can have a real input and can engage in consultation when dealing with the management of resources in their industries, the fishing industries.

The current Fisheries Co-Management Council and the Fisheries Revenue Allocation Committee will be wound up and a new consultation process will be implemented, including a new representative body established by the state government. As I said, this bill is in part about improving the fishing industries. It will strengthen the commercial fishing industry by changing various procedural issues relating to commercial licensing. For example, fishing access licences will be extended for a period of five years to ensure that these important licences are meeting the needs of the industry. This is good legislation. It is important legislation not only for Victoria but also for my electorate of Geelong. Therefore, I wish this legislation a speedy passage through the house.

Dr NAPTHINE (South-West Coast) — I rise to speak on the Primary Industries Legislation Amendment Bill, which is an omnibus bill covering changes to a number of acts of Parliament. I wish to concentrate on the amendments proposed to the Fisheries Act. The fundamental purpose of these changes is to gut the consultation process in the Victorian fishing industries. The purpose of this legislation is to take away the voice of the commercial and recreational fishing industries in government consultation and in government management decisions.

This legislation will abolish the Fisheries Co-Management Council and the Fisheries Revenue Allocation Committee. What it will replace them with is best described in the words of the minister himself in the second-reading speech, when he said:

> New consultative processes, the detail of which will be consolidated with fisheries stakeholders over the coming months, will be established …
>
> Through administrative means, a representative-based body will be established …

In other words the government is gutting the consultation process. It is disenfranchising the

commercial and recreational fishing industries. All we have got from the minister is, 'Trust us. We will put something else in its place'. What he is guaranteeing in the second-reading speech is that it will not be in legislation but through an administrative process at the behest of the minister and under the control of the department. That is hardly co-management or reasonable and fair consultation.

Let us look at what the current situation is. Let us look at the Fisheries Co-Management Council annual report 2007–08, which was tabled recently in Parliament. It states:

> The Fisheries Co-Management Council (FCC) is an expertise-based body that provides advice to government to assist the resolution of issues facing fisheries management and to reduce conflict across the industry.
>
> Co-management is an inclusive arrangement that brings industry, community and government together to participate in decision making in the management of a natural resource.

It further states:

> Co-management is supported by state and commonwealth governments and is widely recognised as an excellent model for natural resource management.

Co-management is recognised by everybody in Victoria except the Minister for Agriculture, the minister responsible for primary industries, and the department, because they are gutting co-management. They are abolishing co-management, and they are disenfranchising those in the fishing industries from having any say about the future management of their industries.

Dr David Smith, the chair of the Fisheries Co-Management Council, said in the same report:

> The establishment of the FCC has been a bold experiment, and the first statutory arrangement of its kind implemented by any state fisheries management agency. This has reflected a new concept of co-management involving multiple sectors, often with competing interests, values and expectations. It is now widely recognised that co- or participatory management is a central feature of modern fisheries management, and one of the strengths of co-management is to obtain consensus and shared outcomes between previously at-odds stakeholders.

Those sound like laudable words and laudable objectives that have been absolutely ditched by this government in this legislation. This government does not care about co-management. This government does not care about the voice of the commercial fishing industry or about the voice of the recreational fishing industry. While some in the industries may have been conned by recent soothing words from the minister, the facts are that under this legislation they are being disenfranchised, co-management is being gutted and they will be shut out of the consultation process.

An indication of how badly this government and the minister treat the fishing industries is that industry representatives were advised by email at 4.30 p.m. on Friday that this bill would be introduced on the following Tuesday. That is the level of involvement and consultation. It was an absolute insult to the fishing industry with which this minister and this government pretend to work closely. In fact the industry described to me how the minister and the department operate their consultation process. They call it the turn-up-and-tell-them approach. That is the style of this government. The department turns up and tells the fishing industries what will happen in the future.

As for the sham review, the supposed review was not independent. It was run by the department for the department at the behest of the minister; there was not an open and honest approach. Some of the comments fishing industry representatives have made about that so-called review include that the consultation was not independent. The Department of Primary Industries put up two options, both of which allowed DPI to control the whole process. Neither of the two options was supported by either the commercial or recreational fishing industries, because it took away the rights of stakeholders. There were 84 submissions in relation to the review, nearly all of which opposed both options put forward by DPI.

The preferred option put forward by the commercial and recreational fishing industries was totally rejected by the minister and DPI because the minister and DPI do not want the industries to have a real say about their future. The DPI and the minister want to tell the industries what they will do and how they will do it. It is an absolute disgrace. It is an insult to the word 'consultation' and it is an absolute anathema to those who believed in what was previously a co-management situation.

The fishing industry says this will put co-management back 30 years. The changes are not supported by commercial, recreational or conservation stakeholders. Nobody supports these changes. The Victorian Abalone Divers Association said:

> VADA rejects both options as unviable. Generally if either option was implemented, then the industry and the community would see:
>
> > a reduction in co-management process,
> >
> > there would be a reduction in the independent advice being provided to decision-makers …

Here we have a situation where the government just will not listen to the industry. Is it any wonder? What we have in this state under this minister is a commercial fishing industry that is absolutely going backwards. The rock lobster industry has seen a 30 per cent reduction in quotas in the past two years. It has been decimated by the abalone virus which has killed the abalone. The rock lobsters are eating the dead abalone rather than going into pots. We have had massive increases in fuel and other costs. We have had a massive increase in imposts through PrimeSafe and we have had the impact of the marine park. Yet this minister, despite the industry saying there have been massive impacts on it, has done nothing to help it.

At the last minute — in July — the minister finally was dragged kicking and screaming to provide a meagre $5 million package to assist the industry, and guess what? We are into October and none of that money has been spent because there is no process for people to access the money. It is absolutely disgraceful. The industry is suffering. The people who operate the industry are suffering and the minister does nothing. What has happened in the abalone industry is the greatest disgrace of all time. Both the previous and current ministers are sitting there laughing while people in the abalone industry are going broke because this minister and his incompetent department have let the virus spread from Port Fairy all the way to the Twelve Apostles and past Cape Bridgewater, decimating the valuable abalone industry, treating the industry with absolute contempt.

Time and again the industry has asked the minister for help and to impose some quarantine restrictions. All the minister did was impose one small quarantine area, but by the time he imposed it the virus had got out of the area covered by the quarantine order. There has been a lack of signage, lack of supervision and lack of effort and the disease has decimated the abalone industry. This minister and the previous minister ought to hang their heads in shame at the way they have negligently let the abalone industry be decimated by the ganglioneuritis virus. It is absolutely disgraceful that people have had their businesses ruined, people have lost millions of dollars, the industry in Victoria has lost millions of dollars and people have lost their jobs simply because this minister failed to control a massive disease outbreak. The minister washed his hands of it; he did nothing when there was a massive disease outbreak.

Mr Helper interjected.

Dr NAPTHINE — The minister can interject all he likes but he knows he is guilty of negligence and neglect when it comes to dealing with that virus and that industry. Now we have legislation before us today by which the minister is shutting the industry out of the consultation process because he is sick of getting the criticism through the co-management council process. He is sick of being told by the abalone and rock lobster industries of his incompetence. Now he wants to shut them out of the process. This is bad legislation. I support the amendments and I hope the house will support them.

Debate adjourned on motion of Mr CAMERON (Minister for Police and Emergency Services).

Debate adjourned until later this day.

LOCAL GOVERNMENT AMENDMENT (COUNCILLOR CONDUCT AND OTHER MATTERS) BILL

Council's amendment

Message from Council relating to following amendment considered:

> Clause 21, page 53, omit lines 18 to 28 and insert "in the matter by initiating civil proceedings in relation to the matter or becoming a party to civil proceedings in relation to the matter.".

Mr WYNNE (Minister for Local Government) — I move:

> That the amendment be agreed to.

Just by way of background, the house amendment the government proposed to this bill addressing conflicts of interest arising from Victorian Civil and Administrative Tribunal (VCAT) appeals and planning objections was defeated by the opposition parties in the Legislative Council. The amendment was introduced to refine one of the definitions of conflict of interest in local government. Discussions that were held with stakeholders — and, as the shadow minister indicated in her contribution to the debate some weeks ago, there was extensive consultation through local government — indicated that the provision may have been construed to have a wider meaning and application than was intended.

The proposed government house amendment to the bill would have removed councillors from voting on issues due to a conflict in two specific circumstances. They are, firstly, where a person has initiated or been a party to a VCAT proceeding or any other sort of civil proceeding in relation to the matter, and, secondly, where a person has lodged an objection to a planning

permit under section 57 of the Planning and Environment Act in relation to the matter.

The amendment would also have inserted a clause that made it absolutely clear that these provisions would have had no retrospective element, something that we believe is still obviously a question for consideration by councillors going forward.

The proposed government house amendment would have inserted a new provision to address appeals, objections and submissions made under an act or regulation. The provisions would have required councillors and members of special committees to disclose those previous involvements as a matter of public transparency and to ensure other members of the council or committee were duly informed. Having disclosed their previous involvement, councillors and committee members would have then been able to remain at the meeting and vote on the matter under consideration if a council or committee member was of the view that he or she could consider and vote on the matter fairly and with an open mind. The government believes that this would support the need for members of councils and special committees to comply with the principles of natural justice. This includes conducting fair hearings and avoiding bias and prejudgement.

As both sides of the house are well aware, in response to a Victorian Supreme Court ruling which overturned a council planning decision due to a failure to provide natural justice, the government produced a guide for councillors, entitled *Ensuring Unbiased Democratic Council Decision Making,* which was a joint project between the government and the Municipal Association of Victoria. We very much acknowledge the support that was provided to us by Julian Burnside, QC, who did a lot of work in preparing this document. I think it has been extremely well received by people in local government, very much as guidance to them in dealing with what can often be seen to be quite difficult issues in relation to the potential outcomes of the Winky Pop decision, which we sought to further clarify.

As I said, the aim of this guide is to make councillors aware of their responsibilities under the common-law rule relating to bias and to ensure that it is considered during the decision-making process. The government house amendment would provide a further opportunity for councillors to disclose and reflect on their position when considering a matter to which they had been a party.

Of course, as we all know, this common-law rule will continue to be applied to council decision making despite the defeat of the amendment. It is regrettable that this amendment was defeated, as it would have assisted councils in ensuring that their decisions were made free of bias or prejudgement and would have in effect codified the guidelines that were distributed to councils over the last few weeks.

Nevertheless the passage of this bill should not be delayed. It is generally agreed on both sides of the house that this bill ought to progress. Despite concerns about the opposition amendment, the bill makes many far more significant changes that should be in place for the new councils to be elected in statewide elections on 29 November this year, which is very soon.

The bill introduces major reforms for local government that have been developed in consultation with peak bodies and which have received broad support in the local government sector, in the wider community and in contributions to the debate by opposition members.

The bill includes new standards of conduct for elected councillors and processes to deal with misconduct through independent councillor conduct panels and the Victorian Civil and Administrative Tribunal. The bill also implements the government's policy on councillor allowances and makes major reforms to conflict of interest.

I will briefly speak on a couple of matters before I conclude my contribution. The first is in relation to a question about an assembly of councillors. Some concern has been expressed across the parties regarding whether a meeting between councillors and me — or, indeed, any of their elected representatives in state or federal Parliament — to brief them on matters pertaining to the day-to-day operations of councils constitutes an assembly of councillors? The answer is no.

This issue was raised by the member for Gippsland East the last time this bill was debated. I indicate to the house that an 'assembly of councillors' is defined in new section 76AA to mean a planned or scheduled meeting involving at least three councillors and one member of council staff that considers matters intended or likely to be the subject of a council decision or a function, duty or power of the council under delegation. The definition is deliberately worded to include so-called councillor briefings, about which the Ombudsman expressed particular concern in his March 2008 report on conflicts of interest in local government. The new provision is designed to increase transparent decision-making by Victorian councils — that is the clear and absolute intent of the legislation.

There has been a slip into councillor briefings being used as quasi decision-making processes for councils. That is inappropriate; it is not transparent or accountable. What we are proposing is that where briefing sessions occur and a councillor has a conflict of interest, that is recorded and made publicly available. We think that is a reasonable proposition, and one that addresses what has been a growing concern, not only for the Ombudsman but also more generally, by ensuring that local government is clear and transparent in its decision-making processes. I hope that satisfies the concern which the members for Gippsland East and Shepparton have raised with me.

This is good legislation. Both sides of the house have been broadly supportive of the thrust of the legislation. The government is prepared to agree to the amendment proposed by the upper house. It is unfortunate that we were not able to codify the Winky Pop decision and provide clear direction to local councillors. They have said time and again that they wanted clarity in terms of the process, particularly in regard to direct and indirect conflicts of interest.

We sought to provide that with the best will in the world and with the best possible advice. Subsequently we heard the concerns that have been expressed in relation to that, and sought to address those concerns. This is very important, groundbreaking legislation. It will go a long way to assist local government in terms of its democratic functions going forward after 29 November, when council elections will be held. I commend the bill and the amendment to the house.

Mrs POWELL (Shepparton) — I am pleased to speak on the Local Government Amendment (Councillor Conduct and Other Matters) Bill 2008, and I am also pleased that the government has indicated it will support the amendment passed by the upper house, which was moved by the opposition and supported by the Greens and the Democratic Labor Party. This is a good outcome for democracy. The minister said he had some concerns about the amendments, but overall the amendments we put forward were much clearer than the ones the government put forward. Local government has been waiting for years for some clarity around the code of conduct and conflicts of interest.

It was disappointing to the opposition that the government introduced this legislation during the last three sitting weeks of Parliament. Our concern was that if amendments were put forward, it would delay the passage of this legislation, which needed to be passed so that it could come into operation before the next council elections on 29 November, which is only weeks away. The opposition did not at that stage oppose the legislation, but it did have some concerns.

There are some good aspects to the bill. It is important that we have those conflict of interest provisions and penalties in place and also that we have clarity around conflicts of interest.

I will not go into too much detail about the purpose of the legislation, because I did so when I last spoke on the bill. Its purpose is to amend the Local Government Act 1989 and the City of Melbourne Act 2001. It adjusts councillor and mayoral allowances and the resourcing of councillors. The principles of councillor conduct set out in the bill provide some guidelines about the councillor code of conduct provisions now in the Local Government Act.

The bill also provides for councillor conduct panels to deal with breaches of the act. Such breaches should be dealt with locally at first; but if they are not, then panels can be put in place. It is important that conflicts of interest or breaches of codes of conduct can be dealt with quickly so that if the person is guilty, they get dealt with; if they are not, they get exonerated.

The bill establishes a conflict of interest framework. As I said, the government tried to clarify the conflict of interest provisions, but in doing so in some ways it made them more confusing by putting in too much detail. There are already penalties in the Local Government Act. The government already has the capacity to impose penalties on anybody who breaches the code of conduct.

Over the last year we have seen a number of councils either under investigation or under review. I will briefly touch on those councils. They include Ballarat City Council, Brimbank City Council, Port Phillip City Council, Casey City Council, and — just recently — Greater Geelong City Council. I will touch on those later.

A number of concerns were raised with the coalition. There was public outcry, and there was a rally on the steps of Parliament when people looked at the broader detail of this legislation. They saw that if a person who makes a submission on an issue, who does not necessarily have a conflict of interest but just has an opinion on the issue, becomes a councillor — and that is usually because the person has spoken out and has become vocal on the issue — that person is then not able to vote and not able to speak on the issue. I do not believe that allows people a democratic right. It stops people being able to voice their opinion.

A number of councillors and individual councils contacted me and other local MPs to voice their concern. The outcome was the opposition's amendments. The coalition introduced amendments in the upper house to remove proposed section 78D(b), which is about having an indirect interest as a consequence of becoming an interested party. Proposed paragraph (a) relates to initiating civil proceedings in relation to the matter or becoming a party to civil proceedings. Of course the opposition agrees with that part, because if you are a party to a civil action then you have a conflict of interest. However, the coalition believes that proposed paragraph (b), which relates to a person exercising a right under common law, an act of Parliament or regulation to lodge an appeal or make an objection or submission in relation to a matter, should be removed, and so moved for the bill to be amended.

Part of the government's amendment was merely to delete 'submission' but it left in 'objection', which causes huge concerns. That means that a person could still not have a discussion at the council if they had made an objection under section 57 of the Planning and Environment Act. At the committee stage in the other house the Minister for Planning was asked whether making an objection would be written or oral. I read the report of the committee stage and the minister said that it could be either.

I do not believe that is the case. I do not believe that making a submission or an objection is written or oral; I believe it is about lodging a submission. If the minister has some opportunity to clarify that in summing up, that would be helpful. When asked in the committee stage whether a submission or objection is to be made in oral or written form, the response from Minister Madden was, 'It could be either', and that is more confusing.

Also we wonder why section 57 of the Planning and Environment Act, which is about making submissions or objections about an application for permits, was chosen, and why section 21 of the Planning and Environment Act, which is about submissions or objections to amendments to a planning scheme, was not included. I am pleased the government has indicated that it never intended those issues to be retrospective.

The minister has summed up some of the assembly of councillors' provisions. Some concern was raised with me, and I will turn to the bill. An assembly of councillors means — —

The ACTING SPEAKER (Mr Ingram) — Order! The question before the Chair on the amendment to the local government bill is very narrow. The question before the Chair is not about the local government bill; it is just on the amendment that has been agreed to in the Council and the debate should remain on that question.

Mrs POWELL — I thank you for your guidance, Acting Speaker, but as the lead speaker I thought I had some leeway in talking about the bill and the second reading.

An honourable member — That should be the case.

Honourable members interjecting.

Mrs POWELL — Yes; I am the lead speaker.

The ACTING SPEAKER (Mr Ingram) — Order! I understand the honourable member for Shepparton is the lead speaker, but the question we are debating is just on the amendment. When we are debating the bill a broader discussion is appropriate, but the advice is that the scope is fairly narrow.

Mr Wynne — On a point of order, Acting Speaker, to assist the debate, the particular issue the member for Shepparton raises is germane to the aspect of the bill that pertains to the question of what is an assembly of councillors. That is quite important — which I have sought to clarify in my contribution — in the broader context of the amendment that is currently before us. I would think that in the spirit in which this debate is being undertaken, some liberty to address that question might be appropriate.

The ACTING SPEAKER (Mr Ingram) — Order! There is no point of order.

Mrs POWELL — I thank the Minister for Local Government for his support. The minister raised it in his contribution to the debate, so I would have thought that in my response I could respond to what the minister was speaking about. The part the minister was trying to clarify was the conflict of interest provisions in relation to the assembly of councillors, which a number of people have raised with us. The bill states:

> assembly of councillors means a planned or scheduled meeting involving at least three Councillors and one member of council staff that considers matters intended or likely to be the subject of a Council decision or of a function, duty of power of the Council under delegation.
>
> matter means a matter that will require the exercise of a power or the performance of a duty by the Council, a special committee or a member of Council staff.

relevant person means a Councillor, member of a special committee or a member of Council staff.

As the minister said, I raised with him a concern of a number of individual councils about the definition of 'assembly of councillors'. The matters are so broad that the definition might extend to a meeting between officers and three or more councillors — for example, a caucus meeting, whether by ALP members or not, might be classed as an assembly of councillors which must be minuted and documented, and I seek some advice on that — or to a formal meeting with notice given.

The minister has clarified whether it is a meeting between councillors and members of Parliament to discuss issues. I am pleased the minister has clarified that as not being one of the areas seen as an assembly of councillors, because from time to time local members meet with their councillors and it is always very helpful. I was pleased to have that clarification.

I would also ask the minister to have further discussions with the MAV (Municipal Association of Victoria) and the VLGA (Victorian Local Governance Association) because some of their members are now raising concerns. The VLGA asked for clarification on a number of issues. I urge the minister to ask the MAV and the VLGA whether the legislation — after, say, 12 months — still has merit.

The minister mentioned Julian Burnside and his comments about the indirect interest rule being extreme. Mr Burnside said it went further than intended. Earlier I mentioned the government having powers already under the Local Government Act. While this bill and the amendments deal with clarifying the conflict of interest and who can make a submission and who can make an objection, there are a number of councillors who are under investigation.

At the Geelong council, Cr Lou Brazier moved and voted on a motion on a matter in which she had an interest. She moved that the council gift a $1 million block of land to a training group, CREATE, to build new offices, and also give money to Norlane neighbourhood house, which she has an association with.

There was an issue with the Ballarat City Council and a report which was tabled in Parliament on Thursday, 9 October, which was the last day of that week's parliamentary sitting. It was unfortunate that it occurred after the lead speakers on the local government bill had spoken, because we were not able to pick up the issues that were raised in that report.

There were some serious allegations about breaches of the Local Government Act, where two councillors were charged because of a failure to declare business interests over a number of years. Cr David Vendy was charged on four counts of failing to disclose interests, and Cr Gary Anderson was charged on 13 counts of failing to disclose interests. Each count carries a maximum fine of $5671. Some of the breaches are now outside the three-year limit and cannot be dealt with.

I called for an investigation of the Brimbank council by the Ombudsman, and the Labor member for Keilor also called for an investigation about some serious allegations of threats, bribery, intimidation, misuse of council funds, mismanagement, improper behaviour and council's failure to govern effectively. I have spoken to the senior investigator. The investigation is ongoing, but it is understood that those investigations need to be brought to bear before the November council elections.

The Ombudsman is investigating the Port Phillip council, which has had allegations of serious misconduct and mismanagement and leaking council documents.

I refer to the Casey council. I understand the minister is investigating whether a more formal investigation is warranted. There were claims of assault, bullying, bitter infighting and other breaches of the Local Government Act, and the failure of the government to act on breaches.

I will wind up my contribution because I want other members to be able to make brief contributions on this amendment. Hopefully this legislation will penalise those councillors who breach the Local Government Act and do the wrong thing. Councillors need to understand that they cannot use ratepayers money to suit their own ends. I need to say that the majority of councillors are reputable, decent and hardworking. Having been a councillor, I understand that the majority of councillors are there for the right reason — that is, to represent their municipality.

However, we need to stamp on the behaviour of those who do the wrong thing and make sure they understand that that behaviour will not be tolerated. Hopefully this legislation will go some way to making sure that happens.

I thank the government for accepting the amendment successfully moved by the opposition in the Legislative Council. It means we can now move on, and hopefully this legislation can be in train before the council elections.

Ms D'AMBROSIO (Mill Park) — I rise to speak in support of the motion to agree to the Council's amendment to the bill. As other speakers have said, this bill has come back to us with an amendment, and the government has indicated its intention to support the amendment passed by the other place.

However, I must say that the opposition parties in the upper house defeated the government's amendment to the Local Government Amendment (Councillor Conduct and Other Matters) Bill. That is quite unfortunate, and the reasons for that remain as valid now as they were previously. The government's amendment would have provided greater certainty in regard to certain situations where councillors' voting entitlements and disclosure requirements would need to be looked at. If I may just touch on that government amendment and what it would have done — —

The ACTING SPEAKER (Mr Ingram) — Order! The question before the house is very clear: the debate is just on the amendment passed by the upper house.

Ms D'AMBROSIO — I accept that; thank you for that, Acting Speaker. The bill as sought to be amended by the Council does not recognise some of the issues the government wished to have addressed by the bill in its original form. That form would have provided greater certainty in regard to voting entitlements of councillors where involvement in proceedings before VCAT (Victorian Civil and Administrative Tribunal) or before the council has been proven. That would have looked at providing greater transparency in issues to do with matters that councillors may have been involved in previously and a disclosure of a conflict of interest.

The government was very keen to pursue the issue of natural justice. However, it is the case that this bill has some very strong and significant changes in it. We have agreed to accept the amendment made by the upper house. I still believe there are certain areas where the amendment could have been better reflective of the government's amendment in the upper house. Nevertheless, what we have here is an opportunity, at a very critical time in the election cycle, to pass a bill that will provide great benefits and which has very broad support among all stakeholders in local government.

Mr MORRIS (Mornington) — It is a pleasure to briefly join this discussion on the Local Government Amendment (Councillor Conduct and Other Matters) Bill take 2. As the Minister for Local Government said, there is broad agreement on many of the provisions in this bill. As we have heard, this is the second time this bill has been considered by this house. The first time around we had six house amendments, and we are now dealing with an amendment from the Legislative Council to delete the iniquitous proposed section 78D(b).

The legislation was brought in rather late in the piece. It introduces substantial changes that were not discussed in the community. There was wide discussion of and consultation on many of the changes; but many more, including the contentious provision that is the subject of the Legislative Council amendment, were not discussed. The member for Shepparton raised this issue in the second-reading debate, and we had a response from the minister which appeared on face value to be reasonable. We on this side of the house accepted that explanation at that time.

Since then we have had a considerable reaction from the community. I guess this was partly because it became clear that the intent of the bill was not clearly understood on the government side; the intent of the bill was uncertain. We had one explanation from the minister in this house — I am not suggesting that there was an inconsistent response from the minister — but then we had a different response from the minister's spokesman and then another version from the Premier. It became clear that this clause was not just a response to the Winky Pop decision, that it was not just about planning and that it would have a much greater impact.

As the words deleted by the Council's amendment say in part, it was about exercising a right under the common law, an act or regulation. Apart from the Planning and Environment Act, that brought in many triggers in the Local Government Act and potentially many others. However, I want to speak briefly about the Local Government Act, because the areas that would have been affected had this amendment not been accepted would have included submissions relating to councillor allowances, to council decisions to delegate functions, to council decisions to introduce local laws, to vary local laws, to introduce a council plan or to make an adjustment to a council plan, any proposed budget should the consideration of the budget fall in between the call for submissions and elections, a proposal to change the valuation system, to declare a special rate or charge, to introduce a rate rebate of substance, to propose the sale or exchange of land, to lease a block of land for 10 years or more, to change the use for which council land was acquired, and a number of other issues.

These are all issues that have triggers under the Local Government Act. Clearly the impact of those words was a lot wider than simply on planning matters; it is not just about planning. That apparent confusion meant that if this provision had been left unchallenged, we

would not have had improved clarity in the conflict of interest provisions, we would have simply had added confusion. Clearly there is already confusion. As the member for Shepparton noted, we had the Ballarat issue and the report tabled in the house the day after this bill was discussed. That was perhaps an unfortunate coincidence, but it certainly meant we could not consider the implications of that report when we were considering this bill. We subsequently had the Geelong issue. I know that is being looked at, but if nothing else, it makes it very clear that there is considerable confusion about these provisions.

The amendment proposed by the opposition in the Council will ensure that no individual is disadvantaged by this botched attempt to fix the problem. The provisions remain confusing, both for councillors and for the community. I know the Winky Pop decision did not help, but neither does this sort of bandaid solution. If the government wishes to seriously address the issue, we need discussion and debate, and not just with councils but in the community. Ultimately it is the community that has got to determine public standards and public accountability. We do not need knee-jerk solutions.

The government's proposal would probably have compromised fatally the community's right to challenge issues. The amendment we are now discussing will at least ensure that that does not happen.

Mr WYNNE (Minister for Local Government) — I thank members for their contributions and the spirit in which this debate has been taken tonight. The member for Shepparton raised the question of why this matter was put before the Parliament for its consideration in the last three sitting weeks. When we discussed the first tranche of legislation, we indicated that we would have a second tranche coming in later in the year and that that was subject to broader consultation throughout the local government sector. We brought it in as soon as we possibly could.

Business interrupted pursuant to standing orders.

Sitting continued on motion of Mr WYNNE (Minister for Local Government).

Mr WYNNE — The member for Shepparton also asked me whether we would continue consultations with the peak bodies of local government, and the answer is absolutely yes. The VLGA (Victorian Local Governance Association) and the MAV (Municipal Association of Victoria) have been very closely involved in the formation of this particular legislation, and indeed both have made representations to me in relation to concerns that have been expressed about some potentially unintended consequences of the bill, and I think we responded quickly to those concerns.

I indicate to the house that there is a proposal by the government to come back in the new year with a further review in relation to penalties under the Local Government Act. If other matters emerge over the interregnum before we come back to this, probably in the middle of next year, we will certainly pick them up and ensure we have adequate consultation with the peak bodies in relation to that.

The question of caucuses is clearly not covered. It is not an assembly of councillors for that purpose, because as I indicated in my earlier contribution, the three criteria constituting an assembly of councillors are: a meeting is preplanned, there are at least three councillors and at least one member of the council administration in attendance; and the matters under consideration relate to a council decision.

This is really very important, because as the member for Shepparton knows, the Ombudsman specifically raised concerns about the use of councillor briefings as quasi council meetings. The truth is that these matters have been expressed to me as I have gone around local governments. Indeed the member for Shepparton is aware of these concerns as well, where in effect these briefings have morphed into quasi council meetings. That is just not acceptable. Nobody in this house would accept that.

Council meetings are clear, open and transparent forums of local government. They should be accessible to members of the public to hear the toing and froing of the democratic process. To have that shut down into a closed councillor forum process is not good governance, and I know it is something that neither side of the house would support. Obviously submissions must be written, particularly under section 57 of the Planning and Environment Act. They are written submissions for that purpose.

This is a good piece of legislation. It has been subject to very broad consultation over the last 12 months. It puts in place a framework that sets up local government going forward to this historic election on 29 November when every local council will be up for election. Councillors can go forward with a strong degree of confidence that there is a very good framework in place in terms of the governance of local government. It provides good direction, particularly in terms of the conflict-of-interest issues, and the very strong voice of local government about issues about codes of conduct where, frankly, councils have failed to manage internal

disputation. There will now be two streams of processes available. There will be one at a local level, and if it cannot be dealt with there, there will be another at the Victorian Civil and Administrative Tribunal, with suitable penalties that attach to both those interventions.

We believe this is important legislation. We are doing it in the context of the broadly consultative approach we have taken with local government. There is broad acknowledgement that the bill has set up a good pathway for local government going forward, and I commend it to the house as amended.

Motion agreed to.

Ordered to be returned to Council with message intimating decision of house.

Remaining business postponed on motion of Mr WYNNE (Minister for Local Government).

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house do now adjourn.

Foxes: Caulfield

Mrs SHARDEY (Caulfield) — I raise an issue for the Minister for Environment and Climate Change on behalf of a number of Caulfield constituents who have asked for assistance with the large number of feral foxes coming onto their properties. It is a most unusual event, but it is happening in Caulfield. These constituents live mostly in and around Curraweena Road, South Caulfield. I ask the minister to take the appropriate action to rid the area of feral foxes, some of which number appear to be sick, are killing native animals in the area and are causing an influx of a huge number of flies, which are making life very difficult for my constituents.

I will quote from one of the letters I have received. It states:

> Over a period of 5 to 6 months I have been aware of the fact that there have been foxes in the Curraweena Road park. They seem to appear late at night, early morning. Recently these foxes have been seen on my property, as well as in the park.
>
> I have two dogs who over the years have learnt to share our backyard with the possums, but now go crazy at night when they hear or see a fox on our property.
>
> The foxes have been killing possums, rodents etc and leaving debris around my yard. Consequently I now have a problem with enormous black flies. This situation has become so bad that I cannot open my front door without flies coming into my house. I have used pesticides et cetera, to no avail.
>
> I am hoping that you can help with this situation …

A letter from another constituent states:

> Today, outside the laundry door on the western side of my house … 1 found the remains of a dead, blowfly infested possum on the path to my back garden … I have had to spray inside our house to kill blowflies on several occasions, which is not a normal occurrence
>
> Having feral foxes next door is entirely unacceptable.

A third letter states:

> It is very difficult for us to live with feral foxes in our backyards and would appreciate it if this matter could be attended to immediately.

In debate on legislation tonight the Deputy Leader of The Nationals raised the issue of a fox bounty. Regardless of whether there is a need for a fox bounty, Glen Eira council says it does not deal with foxes and that the Department of Sustainability and Environment is responsible, a claim supported by the Royal Society for the Prevention of Cruelty to Animals. I ask the minister to take action to relieve my constituents of the lack of amenity and the possible threat to the health of their families and family pets.

Williamstown: marina expansion

Mr NOONAN (Williamstown) — I wish to raise a matter for the attention of the Minister for Environment and Climate Change. The action I seek from the minister is that he provide guidance on the potential impact of the Victorian Crown Land (Reserves) Act on the Williamstown waterways. This is one of the more unusual adjournment matters that I have raised, but it has been triggered by a flood of emails and letters to my office regarding the potential expansion of some of the yacht and boating clubs in the Williamstown area.

Representatives from the local Williamstown Sailing Club, together with many local residents are concerned about the potential development of waters zoned for public purposes under the Victorian Crown Land Act. Although Parks Victoria is currently in the process of preparing a master plan for the waterways and foreshore precinct in Williamstown, the Williamstown Sailing Club has asked me to verify the impact of section 14 of the Crown Land (Reserves) Act.

The act refers to a vast area of the Williamstown waterways as being ‘Crown land temporarily reserved for public purposes which is under the control of Parks Victoria as committee of management’. Specifically, the club is keen to understand the legal implications of

the term 'public purposes', and whether this has the effect of placing a covenant-type arrangement over any of the piers and waterways in the area. The Williamstown Sailing Club is concerned about the pressure being applied by neighbouring clubs to create additional permanent moorings, which in turn could erode the space reserved for public purposes and specifically reduce the on-water fairway access at the front of the club.

As I said earlier, I have received a steady flow of correspondence about this matter, and I would like to put on record a paragraph from a letter dated 22 October from Lois and Rhys Jamieson, which I think succinctly sums up the issue. They say:

> The clearway in front of the Williamstown Sailing Club is an essential access route for our members, most of who are totally dependent on sail for movement, and do not have motors or engines. By narrowing the distance of the clearway or moving it away from the front of the clubhouse, this will lead to access difficulties for sailors to return to the club from races, or to access race starts, due to prevailing wind directions.

Another letter is from local resident and Williamstown Sailing Club member Gayle Gardner. In her 19 October letter she states:

> I would like to register my opposition to the proposed marina extension in Williamstown. I believe the proposal will encroach on public waterways and hinder current community clubs such as Williamstown Sailing Club and the Sea Scouts from having enough clearway to tack to and from the shore.

I have also received many other letters with similar views to these two. This is not an easy problem to solve, but there ought not be winners and losers out of this master planning process. The minister's clarification of the public purposes water issue will certainly assist those in my local community to understand where this matter may be headed.

Excelior call centre, Shepparton: jobs

Mrs POWELL (Shepparton) — I would like to raise a matter for the Premier. The matter is about the Excelior call centre in Shepparton. The action I seek is for the Premier to give whatever support is needed to Excelior to enable the creation of the 400 jobs the Premier promised in October 2006, when he, as the then Minister for State and Regional Development, came to Shepparton to announce that the government would grant $700 000 to invest in a new call centre in Welsford Street, Shepparton. He said it would create 400 new jobs and that the government would use the money to train staff to operate the new 150-seat, 24-hour call centre.

The government has tried to take credit for the investment in this call centre. I will read from a press release from the then Minister for State and Regional Development, dated Tuesday, 31 October 2006. It says in part:

> A $700 000 Bracks government grant for training support will help Excelior to invest $2.3 million in a new contact centre in Shepparton that will create more than 400 new jobs, the Minister for State and Regional Development, John Brumby, said today.

Two years on, massive extensions have been built at the Welsford Street call centre. I saw them on a daily basis as I drove past the call centre at the back of my office. I have watched the major renovations that Excelior have done over the years, and it is obvious that they have been done at a cost — $2.3 million. So Excelior has made a major investment in Shepparton. For the past year the building has been virtually empty — there is nobody at the workstations and there are no cars in the car park. Only 50 people have been employed for a period of four weeks. I have been told that most of the $700 000 has not been spent.

The chief executive of Excelior, John Watkinson, told the *Shepparton News* that the centre was battling to secure business. The *Shepparton News* has been following the developments — or should I say more accurately the non-developments — at that site. It reported the news about the job creation with great support, and there is much disappointment that it has not gone ahead and there has not been the support from the state government that was expected. The Shepparton council has been very supportive of the project, and it is also disappointed.

Excelior has a long lease on the building and is committed to continuing in the Shepparton area but needs the state government's help to secure job contracts in Shepparton. There is an Excelior call centre in Bendigo, and I have been told it has been supported by the state government. I urge the government to make a commitment to and support the Shepparton call centre. With the drought and job losses in the region it is important that the government does everything it can to assist Excelior to attract clients and that it spends that $700 000 it promised two years ago for the training. I understand there is an opportunity for 400 jobs, and I urge the government to do whatever it can to secure the jobs so people in the Shepparton district can obtain jobs at this call centre.

Ford Australia: Geelong plant

Mr EREN (Lara) — I raise a matter for the Minister for Consumer Affairs. The matter I wish to raise is in

regard to the provision of financial counselling and the difficulties faced by the Geelong Ford workers who will be affected by the job cuts announced by Ford. I understand and recognise that Victoria has a well-developed financial counselling service. Therefore the action I seek is assistance from Consumer Affairs Victoria (CAV) to provide a project worker or team to provide financial counselling to Ford workers who are to receive retrenchment payments.

As members may know, Ford is very much part of Geelong and traditionally has been a main source of employment for the Geelong people, not only directly but indeed indirectly through the components sector as well. Many people have worked there for a long time, and as such they will receive considerable amounts in lump sum payments. Many of these workers have worked very hard for their money. I speak from experience as I was a Ford worker for many years. I imagine that there would be many workers from non-English-speaking backgrounds, possibly in their late 40s or 50s or even in their early 60s, so those moneys they will receive are very important for their future livelihoods.

Unfortunately there are unscrupulous investment companies which prey on the vulnerable, as we have seen in the past in Geelong, where people have lost millions of dollars through dodgy investment companies. That is why I am seeking assistance from CAV to at the very least provide to these workers some advice on their hard-earned cash. I would appreciate the minister's assistance in relation to this matter.

Country Fire Authority: roadside signs

Mr TILLEY (Benambra) — I wish to raise a matter for the Minister for Roads and Ports. The action I seek is support and approval for the Country Fire Authority to display burn-off notification signs on roadsides. In April 2007 the CFA installed on major roads throughout the Alpine shire signs that read 'Burn-off notification — Vicfire — All burn-offs to be registered before light up'. The signs provided an 1800 telephone number and stayed in place until the beginning of the fire danger period in November 2007. Since its installation the trial has for all intents and purposes been very successful, given that the number of false alarm fire calls responded to by CFA reduced by 65 per cent from the previous year.

During autumn, winter and spring the signs were visible on posts already in place for fire danger signs during summer. A significant number of residents notified planned burn-offs, and this of course provided the information required for the CFA to establish whether a reported fire was an out-of-control fire or a notified controlled burn-off before units were deployed.

A couple of CFA brigades in the area did not have a single false call-out during that period. The danger of a call-out to any fire, real or not, with brigade vehicles travelling at breakneck speed when engaging in what is commonly known in the business as code 1, and using lights and sirens, and the risk to volunteers and the public is obvious. If the number of times code 1 is employed can be drastically reduced, as was the case during the trial period, then the benefits to the community and the volunteers will be great.

If this issue were resolved and the signs were able to be up around the state of Victoria, there would be another benefit for the 30 000 operational CFA volunteers from over 200 brigades around the state. The cost of volunteerism would be reduced. If there are fewer call-outs to controlled burn-offs, then the costs of fuel, time off from employment and lost time with family are also reduced. These volunteers have enough to contend with during the fire danger time without having the number of call-outs higher than necessary during what should be their quiet time.

VicRoads initially banned the signs because they were the wrong colour — they were red with white writing. In the ensuing negotiations, the CFA and VicRoads failed to reach a compromise, despite a proposal by the CFA that there be a different coloured sign, more in line with that used during the fire danger period. It is ridiculous! This program is destined for the scrap heap if something is not done. I call on the minister to come up with a solution, for the sake of CFA volunteers, their families and the wider community.

Diamond Creek Reserve: master plan

Ms GREEN (Yan Yean) — Tonight I wish to raise a matter for the attention of the Minister for Sport, Recreation and Youth Affairs. The action I seek is for him to agree to provide funding to the Nillumbik Shire Council to undertake a master plan study for the Diamond Creek Reserve.

Diamond Creek residents love their sport. Participation rates, particularly in women's sport, are very high across all age groups and ability levels. When we are looking at state government programs like Go for your Life, which encourage people to be more active, members could do no worse than come to Diamond Creek and see what an active community we have.

Nillumbik council has correctly identified that there are some gaps in sporting facilities currently available in

Diamond Creek. No one sporting facility in a township like Diamond Creek can meet the diverse appetites of the community for a range of sporting codes. The master plan proposal would consider the construction of change rooms at Marngrook Oval, which is the home of the Diamond Creek women's football team. It currently does not have change facilities. It is a great ornament to women's sport. The proposal would look also at the possibility of developing two soccer fields on the old horse and pony club land. Soccer is going gangbusters across Melbourne, and Diamond Creek is no different.

The master plan proposal would also look at constructing a sports pavilion and training lights for users of these new fields and the possible installation of some floodlights at the Diamond Creek Bowling Club. People in Diamond Creek continue being active into their later years, and those at the Diamond Creek Bowling Club would like to expand the use that they have there. The plan would also look at passive recreational users. There is a very active group of people who use the trail between Diamond Creek and Eltham, and recently drought funding supplied by the state government to Nillumbik City Council has enabled a new walking bridge to be put in in the area.

Bringing all these elements together would improve sporting facilities in Diamond Creek. The state government has not been deaf to the needs of those playing sport in Diamond Creek. We have previously provided funds to the bowls club to improve its disabled access and the quality of the greens there. WE have provided $500 000 in funding and $1 million worth of land has been provided towards a much-needed indoor stadium. Currently Coventry Oval is being completely overhauled and drought-proofed so that it will be able to be used for cricket and football into the future. I urge the minister to support the master plan.

Water: Gippsland dams

Mr INGRAM (Gippsland East) — I raise a matter for the attention of the Minister for Water in relation to the continual carping by the pro-dam lobby about the construction of new dams. These dams are all proposed to be built within my electorate of Gippsland East. The action I seek from the minister is to publicly release the SKM (Sinclair Knight Merz) report and any further information or advice from the department that will inform a sensible and rational debate about the impact — the devastation — that would be wrought on the Gippsland Lakes and Gippsland rivers if these pro-dam lobbyists were to get their way.

The SKM report received some publicity in the press. It investigated the construction of dams on a number of river systems around the state. In recent months a number of groups and individuals have advocated dams as alternatives to the desalination plant and north–south pipeline. Gippsland has been targeted by most of these groups as an expendable endless resource that should be pillaged to meet the particular political agenda that has been raised. Various Gippsland rivers have been earmarked for dams by the Victorian Farmers Federation; The Nationals; Plug the Pipe; Your Water Your Say, which has now replaced Watershed; the Clean Ocean Foundation; the Victorian Water Forum; Alan Moran; Andrew Bolt; and the honourable member for Sandringham, who said a couple of weeks ago we should not only dam the Mitchell, the Aberfeldy and the Barclay, but we should send the water to Melbourne and then send whatever we have got left to the Murray–Darling Basin.

This is becoming a very large concern to Gippsland. The latest river that has come under a major amount of pressure is the Aberfeldy River. There was a submission to the parliamentary inquiry which said that the Aberfeldy should be used for a diversion. The diversion would involve a 40-metre high dam wall, and they are saying, 'Send it back in'. I remind members that the Aberfeldy provides nearly all the environmental flows for the Thomson River, nearly all the irrigation water for areas along the Thomson from Heyfield down to Sale and is one of the last large water flows into the Gippsland Lakes, which is keeping the top end of the Gippsland Lakes alive.

The other river that always comes under pressure is the Mitchell River. The Mitchell River is incredibly important. We have seen The Nationals do a backflip and sell out on this issue. Their last election policy was to not send any Gippsland water to Melbourne, yet now we hear them — the member for Morwell was on ABC radio recently — saying the Mitchell should be considered as an option for Melbourne's water supply. We have had members of both the Liberal Party and The Nationals saying dams should be an option for Melbourne's water supply.

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

Ballarat Primary School: upgrade

Mr HOWARD (Ballarat East) — I wish to raise a matter for the attention of the Minister for Education. It relates to Ballarat Primary School in my electorate, which is more commonly known as Dana Street primary school. Recently I visited Dana Street primary

school to talk with principal Lyn Chamberlain and other staff about the school's future plans. Of course this was not the first occasion on which I had visited Dana Street primary school. I have visited it and other schools in my electorate on a number of occasions to talk with staff and students and to join with the school in a number of celebrations. Most particularly, in March last year I was pleased to attend Dana Street to celebrate its 150th anniversary. It is the oldest school in Ballarat.

As I said, I visit many other schools across my electorate, and I have been pleased to see that many have gained a significant financial boost which has allowed them to undertake major upgrades and capital improvements. Such works include the new school at Napoleons and a planned school at Trentham, on which construction is just about to start, along with works at Ballan, Mount Pleasant, Buninyong, Tylden, Creswick, the major construction works in mid-phase at the east campus of Ballarat Secondary College and works that are to commence later this year or early next year at Daylesford Secondary College. Those schools have been very pleased to have those works undertaken.

When a school is 150 years old, like many older schools, it needs attention from time to time, and Dana Street is a school that clearly needs attention. I trust that the minister will support the school community by assisting it with opportunities to undertake further works at the school to enable the staff and students to continue to feel positive about the school. The school undertakes terrific education programs and has dedicated staff. The programs I have seen operating at the school are fantastic, but for the school to be confident and positive about its future there are works that it looks forward to having done. I seek the minister's support in looking at Dana Street primary school with a view to supporting it in new rounds of funding for capital works. I expect that it will have a great future, like other schools across my electorate.

Warranwood Road, Warranwood: upgrade

Mr R. SMITH (Warrandyte) — The matter I wish to raise is for the Minister for Roads and Ports. The action I seek is for the minister to attend to the urgent roadworks that are required to Warranwood Road, Warranwood. Despite my raising this matter previously in this house almost two years ago, the Royal Automobile Club of Victoria flagging this project as being of high priority and Maroondah City Council lobbying for the works to be done, it seems the Brumby government is staying true to form by ignoring the needs of my community.

A number of issues need to be addressed with regard to the work that is required. This road is surrounded by a number of schools, including Warranwood Primary School, Yarra Valley Grammar School, the Melbourne Rudolph Steiner School, the Good Shepherd Lutheran Primary School and Luther College. As members can imagine, during the times that parents are dropping off or picking up their children from school, this road carries an enormous amount of traffic.

Warranwood Road also carries a great deal of traffic at other times, as it is a major link for the residents of Ringwood North and Warranwood travelling to Croydon. The road does not have any kerbs or gutters, which means that the road edges are crumbling and becoming increasingly dangerous for those travelling along its length. With bus stops situated just beyond a bend in the road, a pedestrian refuge is required to give slower moving pedestrians a chance to cross safely between these bus stops.

The paths alongside Warranwood Road are not paved, and those who are elderly or have disabilities find walking along these paths very difficult. This is of particular concern to the residents of the local supported accommodation, some of whom use a walking frame or are in a wheelchair. In a submission to the Victorian Competition and Efficiency Commission, Maroondah City Council included Warranwood Road in a list of roads that the council described as being 'Well below the standard they should be given their importance within our road network, the amount of traffic they carry, and the number of accidents that occur due to their substandard nature'.

In 2002 the Royal Automobile Club of Victoria produced a report titled *The Missing Links*, which detailed projects that the RACV deemed vital in meeting the transport needs of various communities. The upgrade of Warranwood Road was listed in that report. Five years later, only last month, the RACV released another report called *Outer Melbourne Connect*. Warranwood Road still figures in the list of required projects, a list the RACV describes as 'long overdue', as well as commenting on the fact that the population growth in the intervening period has placed increased pressure on the identified roads.

These improvements to Warranwood Road are important for my community's safety and are an important part of relieving the traffic congestion in the immediate area. I ask the minister to listen to those who are advocating for this project and begin the required works as a matter of priority.

Schools: anaphylaxis response training

Ms MARSHALL (Forest Hill) — I raise a matter for the Minister for Children and Early Childhood Development. The action I seek is for the minister to write to the schools in the electorate of Forest Hill to ensure that they provide best practice and have a risk management procedure in place that takes into account any member of staff who may not be part of the school's staffing profile but may be employed on a casual or short-term basis who may have to deal with an enrolled child who has been diagnosed by a medical practitioner with anaphylaxis.

The government recently mandated safety standards and first aid training for staff at schools and child-care centres to protect children at risk of anaphylactic shock. Published as ministerial order 90, the order is part of the implementation of the Education and Training Reform Act 2006, described in section 4.3.l(6), which came into effect on 14 July.

Australia and New Zealand have the highest prevalence of allergic disorder in the developed world. Severe allergic responses can be triggered by a wide variety of things, including food, stinging insects, latex and other allergens. As a direct consequence of ministerial order 90, schools, together with parents of anaphylactic students, have devised individual management plans which focus on staff training and emergency response. These strategy plans will go a long way towards ensuring the prevention of tragedies such as occurred last year when a 14-year-old Melbourne boy died of anaphylactic shock whilst on a school camp.

I have been contacted by constituents who have direct experience in caring for anaphylactic children, stating that there could potentially be a serious problem in ensuring the preparation of responsible adults in schools to meet the needs of children at risk. This arises in the employment of casual replacement teachers, who often arrive at the school at short notice to assume responsibility for a class in which there is a child with life-threatening risk.

If a teacher does not know how to use an EpiPen, for example, which is the most effective emergency treatment when a serious reaction occurs, a child's life will be endangered. EpiPens deliver adrenaline directly into the body and require training that cannot be absorbed in a matter of only a few minutes. Whilst the risk of a child with anaphylaxis does not diminish with time, it is vital that all staff have the knowledge and access to a management plan that will best administer life-saving treatments if required.

I ask the minister to take action in Forest Hill schools to ensure that where there is a child with a known severe allergy there is sufficient information as to the best training and procedure to minimise the risk of anaphylactic shock, to recognise the signs and symptoms of an allergic reaction and to have a comprehensive management plan for any student who is actually at risk.

Responses

Mr HOLDING (Minister for Water) — The member for Gippsland East raised the very important issue of the often simplistic calls to build further dams to provide water security for Victorians. As members of this chamber would know as they would have heard me comment on it on a number of occasions, this government takes the view that whilst our existing system of storages and reservoirs has served the state well over the last century in particular, we need to recognise that with climate change, now in our 13th year of drought and an ever expanding population, we cannot continue to rely exclusively on dams, or almost exclusively on dams, to provide water security for Victorians. At the moment our regional storages are at or below 20 per cent full. Our nine major storages that serve Melbourne are at about 35 per cent full.

We do not want full storage capacity, what we lack is water in those storages and therefore the proposition that you can provide more water security by building yet more storages is a fallacy and one that only the most irresponsible government could embrace. We, instead, embrace the proposition that by diversifying our water sources we can provide greater security for Victorians. Whether that is done by building a desalination plant to provide a non-rainfall-dependent source of water or by modernising outdated and leaky irrigation systems, we can create savings and share those savings with the environment, with irrigators and with urban communities.

The member for Gippsland East has raised the specific issue about the evaluation of proposals for constructing dams. It is the case that Sinclair Knight Merz on behalf of the Department of Sustainability and Environment completed some important work evaluating options for different dams around the state. SKM evaluated a range of options for us: the Mitchell River dam, the Mount Useful dam scheme, the Big River diversion scheme, the Black River diversion scheme, the Hume corridor scheme, the Halls Ridge dam scheme, the Upper Gellibrand dam scheme and raising the level of Lake Buffalo. The member specifically sought from me the provision of that report, making that report available publicly, and I am happy to do that.

I am also happy to indicate that as well as making it publicly available, we will update the information in the report with the latest data to make sure it is as useful as possible to Victorians, but I will make just a couple of general points in terms of making that commitment. In relation to the Mitchell River dam scheme where an 80-metre high dam with a storage capacity of 500 gigalitres was evaluated, a range of downstream consequences were identified in relation to that particular proposition. They include not just the inundation of national park areas, but also quite a substantial impact on productive farmland and the displacement of people living in the valley, including impacts to the townships of Dargo and Tabberabbera.

In relation to the Mount Useful dam scheme, a 72-metre high dam with a storage capacity of 350 gigalitres — and I stress in each instance that the annual yields from these dams are significantly less than the yield which will come from the construction of a desalination plant — it will be located upstream of Lake Glenmaggie and include flooding about 27 kilometres of river including the township of Licola. This government takes the view that the substantial impacts of these proposals on the communities in those areas are such to make it clear that the government totally rejects the proposals. We do not support them, nor do we support proposals to create larger dams in northern Victoria, particularly the expansion of Lake Buffalo which is suggested by some passionate and engaged members in this chamber from time to time.

We would make the point that northern Victoria is a system that is subject to the cap on diversions in the Murray-Darling Basin system. Any water that was made available to those dams would need to come from existing entitlement holders, so you would deny a person or an organisation which has existing water entitlements in order to provide water to fill those dams. You either believe that you can expand Lake Buffalo but not put any water in it, or you believe that you will expand Lake Buffalo and take water off an existing entitlement holder. Again, the government rejects those propositions. We take the view that a better way to provide water security to Victorians is by diversifying our water sources. It is on that basis that we have articulated a strategy that sees water provision through desalination and water provision by generating savings through the modernisation of our outdated irrigation systems and, of course, by increasing recycling by investing in substantial urban water recycling projects.

That is our vision; we have made our stand really clear. We have well and truly nailed our colours to the mast. We respect and value the contribution the member for Gippsland East has made in standing up for his local community, which is concerned by the often simplistic proposals advanced by people who seek to extract yet more water from Gippsland communities that have already provided substantial water security, particularly for the community of Melbourne and surrounds, for decades now. Instead we need to look at more sophisticated, more sustainable and more enduring options in providing water security for all Victorians.

As I indicated to the house, I am more than happy to make the SKM report available to the member for Gippsland East, to make it publicly available, to update that information as soon as we can and to provide any other information of relevance to the member for Gippsland East on the downstream impacts of some of these ill-conceived dam propositions.

Mr ROBINSON (Minister for Gaming) — The member for Lara raised an issue for my attention in respect of financial counselling and his desire that Consumer Affairs Victoria make available some financial counselling resources to assist displaced workers, or workers soon to be displaced, as a consequence of decisions by Ford in Geelong. I thought he spoke with great passion and great empathy as someone who has previously worked in that industry and who understands that historically that industry confronts unfortunate circumstances where numbers of workers are laid off.

The member correctly outlined to the house that Victoria has a well-developed financial counselling system. It is widely recognised across Australia that the system which has emerged in Victoria over a number of years is the best in Australia — it is the best in Australia by a long way. In the last few months the government has made a number of improvements to that system. We have consolidated the funding which is available to agencies. We have worked with the commonwealth government regarding some modest funding that it has offered in the last six months to supplement existing services. We are looking to align the financial counselling service with the problem gambling financial counselling service, given the widely understood recognition that in part at least those two services overlap.

One thing that has concerned me in recent months, however, is that where circumstances arise, such as those the member for Lara has outlined, the existing service provision may not respond as adequately as we would like. The circumstance which the member has outlined to the house is one in which a significant number of workers are to be retrenched. These situations often involve workers who have been employed in the car industry or any other industry for a

substantial number of years. They will come into substantial entitlements. Workers will leave that employment, and in the auto industry going forward there would be some apprehension among workers as to when they might resume employment in that industry. The last thing any of us would want is for someone walking out the gate for the last time with a substantial entitlement in their pockets and being taken in by people who would offer them unwise investment opportunities.

In Geelong and elsewhere we have historically seen people all too willing to peddle snake oil and offer financial investment opportunities that are totally unrealistic. There have been some tragic cases. In response to that, in the last few months in Consumer Affairs Victoria we have developed a capacity for the agency to offer large companies that are in the circumstances described by the member for Lara the opportunity of having small project teams of financial counsellors go into such companies and offer a focused service to workers who are to receive entitlements as part of a retrenchment arrangement. In this case I am pleased to assure the member that we will offer to Ford that same service for the benefit of those workers.

However, I am pleased to advise the member and other members that in the last few months where contact has been made with companies that have workers in these circumstances, we have been pleased to note that in most cases the companies have of their own volition undertaken some work to ensure that services are provided in any event. Nevertheless it is a useful addition to what we have already been doing in financial counselling to make sure that as a matter of practice and routine the agency goes out of its way to offer that service to companies like Ford that are dealing with a substantial number of retrenchments and the potential hardship that will face workers who will receive entitlements and who may be offered a range of investment opportunities, some of which would be unwise investments to make. That work will be done by Consumer Affairs Victoria, and I thank the member for his great interest and passion in this matter.

The member for Caulfield raised an issue for the attention of the Minister for Environment and Climate Change in respect of feral foxes in the Curraweena Road park in her electorate. I will refer that matter on.

The member for Williamstown raised a matter for the Minister for Environment and Climate Change in respect of the impact of the Crown Land (Reserves) Act on the Williamstown waterways, particularly in relation to a local yacht club expansion. That matter will be passed on.

The member for Shepparton raised a matter for the attention of the Premier in relation to the Excelior call centre, and I will have that matter passed on.

The member for Benambra raised an issue for the Minister for Roads and Ports in respect of his desire that Country Fire Authority advisory signs be allowed to be placed on roads. There are a number of benefits for that. I will pass that matter on.

The member for Yan Yean raised an issue for the attention of the Minister for Sport, Recreation and Youth Affairs in respect of Nillumbik Shire Council's application for funding for the development of a master plan for Diamond Creek Reserve. That matter will be passed on.

The member for Ballarat East raised a matter for the attention of the Minister for Education in respect of the Dana Street primary school and its desire for funding. That matter will be passed on.

The member for Warrandyte raised a matter for the attention of the Minister for Roads and Ports seeking funding for the improvement of Warranwood Road, and that matter will be passed on.

Finally, the member for Forest Hill raised for the attention of the Minister for Children and Early Childhood Development her desire to seek advice from the minister for local schools in respect of anaphylactic shock and local policy development. That matter will be passed on.

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

House adjourned 10:46 p.m.