PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Tuesday, 19 August 2008

(Extract from book 11)

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By authority of the Victorian Government Printer

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FIFTY-SIXTH PARLIAMENT — FIRST SESSION

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The Hon. J. W. THWAITES (to 30 July 2007)

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Mr P. J. RYAN

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Kosky, Ms Lynne Janice	Altona	ALP	Weller, Mr Paul	Rodney	Nats
Kotsiras, Mr Nicholas	Bulleen	LP	Wells, Mr Kimberley Arthur	Scoresby	LP
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, 19 August 2008

The SPEAKER (Hon. Jenny Lindell) took the chair at 2.06 p.m. and read the prayer.

BUSINESS OF THE HOUSE

Audio webcasting of proceedings

The SPEAKER — Order! I would like to advise all members that today for the first time the audio of the proceedings of the house will be available on the internet. The link to the web-streamed audio is on the Parliament's website at www.parliament.vic.gov.au.

I would certainly like to acknowledge the efforts of parliamentary staff in delivering this project. The initiative has been developed by Hansard, with the support of IT and the library. I congratulate Charles Gentner, the director of library, Hansard and information technology; Joanne Truman, manager of Hansard; and all staff involved. I note in particular the work of Dennis Advani from Hansard in putting this project together.

The audio webcasting of proceedings makes the Parliament of Victoria more accessible to Victorians and indeed to people all over the world who may be interested in listening to this Parliament in operation.

QUESTIONS WITHOUT NOTICE

Public transport: crime

Mr MULDER (Polwarth) — My question is to the Minister for Public Transport. I refer the minister to the alarming 16 per cent rise in crimes against the person on Victoria's public transport system in the past 12 months, including a 66 per cent increase in rape, a 24 per cent increase in robbery and a 17 per cent increase in assault, and I ask: does the minister stand by her claim in the *Herald Sun* of 24 January 2008 that crimes against the person on public transport had decreased by 7 per cent in the previous six months, and if so, how does the minister reconcile this statement against official police statistics?

Ms KOSKY (Minister for Public Transport) — I thank the member for his question. In case the member had not noticed, there has been an incredible increase in patronage on our public transport, which we on this side of the house are very pleased with.

Honourable members interjecting.

The SPEAKER — Order! The member for Narre Warren North is warned, as is the member for Hastings. I will not have disrespect shown to the Chair, and I will not have the minister being forced to scream her answer over the noise of the chamber.

Ms KOSKY — We have seen over the last 12 months another 13 per cent increase in patronage on the metropolitan rail system. On the regional rail system — the regional fast rail, which the opposite side was absolutely opposed to — we have seen a 60 per cent increase in patronage over the last two years. So there are a lot more people using public transport. Let us go to the figures that the member referred to.

There has been an increase of 8.4 per cent in the number of crimes in and around public transport. This includes thefts from motor cars in and around public transport precincts, as the Chief Commissioner of Police mentioned yesterday. Thefts from motor cars have gone up by 46.6 per cent.

An honourable member interjected.

Ms KOSKY — Rapes have gone up, from 6 to 10. We are worried about that, but we need to put the percentage into perspective, and since 2000 and 2001 crime has gone down. We have done much to improve safety around public transport, unlike what those opposite did, which was to just sack staff, close services on public transport and sack police. They had no regard at all for safety either on public transport or indeed right across communities in Victoria. We have put in place CCTV (closed-circuit television), we have also provided duress buttons in new and refurbished trains and we are fitting the Combino trains with internal cameras.

Security has been improved at the entrances to the underground city loop railway stations and CCTV coverage is being upgraded in and around railway stations. In addition, the public transport operators and the transit safety division of Victoria Police, with whom we work very closely, have staff located throughout the public transport system to assist passengers and to enhance safety. We have many more people using our public transport system now, and we take safety very seriously. We on this side of the house are committed to public transport and to having more police on our streets and on our public transport system.

Aboriginals: Close the Gap campaign

Mr SCOTT (Preston) — My question is to the Premier. Will the Premier inform the house what steps the government is taking to close the life expectancy

gap between indigenous and non-indigenous Victorians?

Mr BRUMBY (Premier) — I thank the honourable member for his question. Earlier today I was very pleased to sign a statement of intent on behalf of the Victorian government to close the life expectancy gap between indigenous and non-indigenous Australians. The statement was also signed today by the Aboriginal and Torres Strait Islander social justice commissioner, Tom Calma, and the chair of the Victorian Aboriginal Community Controlled Health Organisation, Justin Mohamed. Also present today were the Deputy Premier, the Minister for Aboriginal Affairs and other ministers. I am pleased to say that the statement was also supported by the Leader of the Opposition and representatives of many indigenous and community organisations at the event which was hosted by Oxfam at Parliament House today.

The Close the Gap campaign seeks to reduce the gap in life expectancy between indigenous and non-indigenous Australians. As I said in my speech earlier today, this is a gap which is unacceptably high. It is a gap of 17 years across Australia. As I also pointed out in my speech, of two male children born today, one indigenous and one non-indigenous, one will live 14.9 years longer than the other. They will have the same birthday but a significant difference in lifespan.

Our government has worked with indigenous Victorians to achieve social justice through a whole range of actions. We have achieved two native title determinations. We have established Stolen Generations Victoria. We have established the ministerial task force on Aboriginal affairs. We have established the Victorian indigenous affairs framework. We have funded a number of ecotourism programs through the Aboriginal land and economic development program. We have passed the Aboriginal Heritage Act to improve cultural heritage management protection. We have implemented Aboriginal justice agreement initiatives, like Koori courts. I think all of these things have made a difference.

In the most recent state budget we delivered a $40.7 million package aimed at further closing the gap on indigenous life expectancy, which supports key objectives in that Close the Gap campaign. I am pleased to say that we are also investing significantly in early childhood initiatives and programs designed to improve educational outcomes for indigenous children, and that of course is crucial to breaking the cycle of disadvantage for many indigenous communities.

As every member of this house knows, there is still much more work to be done. The social and economic disadvantage confronted by indigenous communities has been decades and decades in the making and, as I said today, it is not going to be fixed in a matter of days, months or years.

I also make the point that we want our state to be the best state in Australia in which to live, to work, to invest and to raise a family, but you cannot be the best state unless you are also the fairest state. We need to address this issue, and I thought today's commitment by the government, supported by the Leader of the Opposition, was another positive step in the right direction.

Questions interrupted.

DISTINGUISHED VISITORS

The SPEAKER — Order! Before calling the Leader of The Nationals I welcome to the gallery today former Premier Joan Kirner, former minister Kay Setches and former member of the upper house Carolyn Hirsh.

Questions resumed.

Western Health: investments

Mr RYAN (Leader of The Nationals) — My question is to the Minister for Health. I draw the minister's attention to the announced takeover of the First Mildura Irrigation Trust and the sacking of its six-member board by the Minister for Water on the grounds of a $2 million failed subprime investment by the trust, and I ask: will the Minister for Health now also sack the board of Western Health, and in particular its chairman, former federal Labor minister Ralph Willis, over that board's lost investments of $8 million on the US subprime market, or are Labor mates exempt from government accountability?

Mr ANDREWS (Minister for Health) — I thank the Leader of The Nationals for his question. As I have made abundantly clear in this house on any number of occasions, in managing their investments Western Health and indeed all health services across Victoria must comply with a strict regulatory framework, which, might I add, is a regulatory framework that is a good deal tougher today than it was in 1999.

The Department of Treasury and Finance's prudential risk management framework must be complied with, and the Financial Management Act 1994 must be complied with. What is more, the Trustee Act must be

complied with, and above all the Health Services Act must be complied with. I have confidence that our health services make their investment decisions as independent statutory authorities and in accordance with that strict framework. Again I make the point for the benefit of those opposite that it is a framework which is a good deal tougher today than it was in 1999.

Mr R. Smith interjected.

Mr ANDREWS — Do you want an answer or don't you?

In relation to the First Mildura Irrigation Trust, as I understand it, and this is a matter for the Minister for Water, it has been found that indeed that organisation broke the law, and on that basis appropriate action has been taken against it.

Questions interrupted.

DISTINGUISHED VISITOR

The SPEAKER — Order! Before calling the member for Williamstown, I acknowledge the presence of former Senator Janet Powell in the gallery today.

Questions resumed.

Port of Melbourne: freight capacity

Mr NOONAN (Williamstown) — My question is to the Minister for Roads and Ports. I refer the minister to the government's commitment to make Victoria the best place to live, work and raise a family. I ask: can the minister explain to the house how the port of Melbourne is securing the future of Victoria's regions?

Mr PALLAS (Minister for Roads and Ports) — I thank the member for Williamstown for his question and for his continuing commitment to ensuring that Victoria has the best possible freight connections servicing the entirety of our community. The Brumby government is taking action now to deliver on Victoria's future, particularly our freight future and the efficient functioning of our port.

The port of Melbourne is Australia's most important port. It handles 40 per cent of the nation's container trade and something like $90 million worth of export trade every day. Therefore making sure that the port functions to maximum efficiency is part and parcel of the responsibilities both of the port and this government.

Recently I had the pleasure of joining the Premier in acknowledging international recognition of the increasing significance of the port of Melbourne. It was recently announced as the world's 50th top container port in the number-of-container throughput, which constitutes about 70 per cent of the port's business. This ranking was achieved through the container management annual report, its magazine, in 2007. Melbourne's ranking improved from 54th to 50th over a 12-month period.

Honourable members interjecting.

The SPEAKER — Order! The member for South-West Coast is warned. I will not tolerate his continued outbursts.

Mr PALLAS — But it gets better than that; the good news does not stop there. In the last financial year we have seen the port of Melbourne grow its container trade by 7.8 per cent, which is the 17th consecutive year of growth in the port. To give an illustration of how that compares with other container ports in Australia I will look at the rankings of, for example, the port of Sydney. It has been ranked as the 70th port in the world, while the port of Brisbane was ranked 100th. The port of Sydney, which handles 1.69 million containers per annum, has had its ranking dropped from 64th to 70th, and the port of Brisbane, which handles something like 915 000 containers, has increased its ranking from 103rd to 100th.

If you put into context the volume of trade that the port of Melbourne is responsible for by excluding the number of containers that the port of Sydney handles, you see that the port of Melbourne actually handles an effective equivalent amount to that handled by all other Australian container ports combined.

Might I say that one of the clear indications by which this government can put its stamp on improving the Victorian economy and improving the efficiency of Victoria's regions is making an investment in the channel deepening project, because that will lead to more efficient freight and a greater and more efficient movement of that freight.

PricewaterhouseCoopers has indicated that over the next 30 years the channel deepening project will provide something like $2.2 billion worth of economic benefit to Australia, and about 80 per cent of that benefit will actually be achieved by the state of Victoria. The combined regional benefit, both direct and indirect, will be somewhere in the vicinity of $164 million. Some 31.2 per cent of our export trade out of the port of Melbourne originates from regional

Victoria, so supporting the capacity of the agricultural industry to move processed goods and other horticultural goods such as dairy products to markets is critically important. The channel deepening project means goods will move to port more efficiently through larger volume movements of containers. That is a critical need for our exporters. Supporting our ports and supporting channel deepening will secure Victoria's freight future. It is in stark contrast to the actions of those opposite, who stand for nothing and support nothing when it comes to ports.

Tomorrow is day 200 of the channel deepening project, 30 per cent of the volume involved in that project has been moved. I am pleased to report that the project is on time and on budget.

Public sector: investments

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. Given recent revelations that Victorian government agencies have significant exposure to subprime losses, I ask: does the Premier stand by his previous statement in the house on 22 November last year that the exposure of Victorian agencies to the subprime market is 'extremely limited'?

Mr BRUMBY (Premier) — I thank the Leader of the Opposition for his question. As I have indicated to him and to the house previously, around 90 per cent of the state's investments are invested through either the Victorian Funds Management Corporation, the state's centralised investment manager, or through Treasury Corporation of Victoria. As I have made very clear to the house the VFMC has very limited direct exposure to subprime, and that is because of the tough prudential requirements that we have put in place and the investment strategies that have been put in place by VFMC.

In addition, as I advised the house last year, the non-VFMC investment bodies at that time also had minimal exposure to subprime. That statement was correct then, and it is correct now. We have had the issue of First Mildura Irrigation Trust, which made investments outside its charter and outside the requirements of the act, and the trust has therefore been disbanded by the Minister for Water.

The Leader of the Opposition made a number of points about an article which appeared in the *Age* newspaper over the weekend. I advise the Leader of the Opposition to read the retraction of that article by Lehman Brothers which appeared in today's 'Business day' section, and I say to the him, if he is not already aware, that the original article contains a number of serious errors. Invest Victoria, for example, has confirmed to the Department of Treasury and Finance that it does not hold any investments of the type described. The *Age* claimed that Invest Victoria had $4.5 million invested. The Metropolitan Ambulance Service has confirmed that it has no direct investment in or exposure to the subprime market, and yet the *Age* said that the MAS had $30 million. The MAV (Municipal Association of Victoria) has issued a press release saying that the councils named are not exposed to the subprime issue. There has been a pattern of behaviour by the Leader of the Opposition in relation to these matters.

The SPEAKER — Order! The Premier is not to debate the question.

Mr BRUMBY — On 8 August the Leader of the Opposition was asked in Mildura about the decision to terminate the First Mildura Irrigation Trust, and he said, 'It doesn't seem to make a lot of sense to me — it seems a very opportunistic move'. If he is concerned about subprime, if he is concerned about prudential requirements and if he is concerned about the requirements of the law, he should support our decision on First Mildura. Here is a case where an organisation has acted inappropriately, the government has acted appropriately to terminate the organisation and the Leader of the Opposition is supporting the First Mildura Irrigation Trust for breach of its prudential requirements.

Water: government initiatives

Mr CRUTCHFIELD (South Barwon) — My question is to the Minister for Water. 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 explain to the house how the Brumby government is taking action to secure water supplies for Victoria.

Mr HOLDING (Minister for Water) — I thank the member for South Barwon for his question, because it is an opportunity to remind all honourable members that just over 12 months ago this government launched the next stage of the Victorian government's plan to secure Victoria's water future, and that plan included a commitment to provide $1 billion to upgrade creaky, outdated irrigation infrastructure in the state's north.

This is the biggest irrigation upgrade in the state's history, and it has taken a Labor government to deliver it. This investment of $1 billion for stage 1 of the Northern Victorian Infrastructure Renewal project will achieve savings in the order of 225 billion litres. Those savings will be shared one-third, one-third, one-third —

that is, one-third between irrigators in the state's north, one-third by returning water to stressed rivers and one-third to urban communities in Melbourne. That is stage 1 of the Northern Victorian Infrastructure Renewal project. It is a project that I am very pleased to inform members — —

Honourable members interjecting.

The SPEAKER — Order! I ask the members for Benalla and Rodney not to interject in that manner.

An honourable member — So intelligent!

Mr HOLDING — There you go — 'So intelligent!'. Stage 1 of that project will deliver 225 billion litres of water, which will be shared one-third, one-third and one-third. That project is already now delivering results for northern Victoria. In fact, the first 1000 flume gates have now been installed — —

Dr Sykes interjected.

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

Mr HOLDING — One thousand flume gates are now installed — it is a fact of life — to improve water delivery and infrastructure efficiency in northern Victoria as part of this essential upgrade. This investment is generating jobs. In fact an assessment commissioned by Regional Development Victoria shows that this investment in modernising our food bowl infrastructure will generate something like $367 million worth of spending in regional Victoria and create thousands of new jobs to support communities in northern Victoria. This project is a vote of confidence in regional Victoria and in the future of irrigated agriculture and horticulture.

I am very pleased to also inform members that as a consequence of the state government's investment in modernising Victoria's food bowl, we have been able to secure up to a billion dollars in federal government funding to support an additional 200 billion litres in water savings. That is 425 billion litres worth of savings, 175 billion litres of which is to be delivered to irrigators in the state's north and 175 billion litres of which is to be returned to stressed river systems to make sure we do everything we can to restore river health in the state's north.

This is a great investment in northern Victoria. It builds on the other investments that the state government has made, like the goldfields super-pipe, which is securing water for Bendigo and Ballarat; like the Wimmera–Mallee pipeline, which is saving 103 billion litres worth of water particularly for stock and domestic purposes in the state's north-west; and like the Gippsland Water Factory. It builds on investments across the whole state of Victoria, including our recent securing of $103 million in federal government funding for the Sunraysia modernisation project, which is another vote of confidence in the importance of irrigation in the state's north. This government, in partnership with the commonwealth, is delivering water security for all Victorians and making sure we are underwriting the future of this region.

In this process there have been those who have advocated other policies or policy positions that this government has rejected. There are those who argue that as part of the intergovernmental agreement and the new commonwealth arrangements we ought to be somehow connecting the Goulburn system to the Murray system. This is a position that the Victorian government has rejected because its net effect would see Victorian high security water transferred potentially to provide water for Adelaide or for the lower lakes. That is not a position which is advocated by the Victorian government. We do not believe that the Goulburn should be part of the new arrangements that are in place for the Murray–Darling Basin.

We have heard protesters and some of those members opposite advocating this position. We do not support it. It is a position that this government has rejected. We are getting on with the job of providing water security for Victorians, providing carry over for our farmers and providing investment in critical water infrastructure projects which will provide a modern, rejuvenated, regenerated irrigation system and which at the same time will provide water security for regional centres that are desperately crying out for these sorts of investments to provide water security for all Victorians.

Public sector: investments

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer the Premier to his refusal to answer a question on 10 October last year seeking details of all Victorian government departments, councils, statutory authorities and other bodies which had exposure to the United States subprime mortgage market, and I ask: given the Premier's answer to the previous question, will he now make public the total exposure to the subprime market of investments made by all Victorian agencies and advise whether those investments, when made, were consistent with prudential requirements?

Mr BRUMBY (Premier) — I thank the Leader of the Opposition for his question, but I am not sure, given

his question, why he would be supporting the First Mildura Irrigation Trust. It seems to me it is hard to have it both ways.

The SPEAKER — Order! I ask the Premier not to debate the question.

Mr BRUMBY — As I indicated to the Leader of the Opposition — he asked a couple of questions on this; I must say I do not have the question from 10 October — in the answers that I gave last year, the exposure of the Victorian investment agencies, the Victorian Funds Management Corporation and others in relation to the United States subprime market is extremely limited. I also answered another question about the VFMC, which has no direct exposure to the US subprime market.

I am advised by the Treasurer that Treasury is not aware of any Victorian government organisation cited in the article in the *Age* on the weekend that currently has any direct exposure to the US subprime market. It would appear that the Leader of the Opposition is basing his questions on an article which appeared on the weekend which has been shown by all relevant agencies to be largely false.

Crime: statistics

Ms BARKER (Oakleigh) — 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, raise a family and work, and I ask the minister to update the house on how the work of Victoria Police and the Brumby government is reducing crime and helping to make Victoria the safest state in Australia.

Honourable members interjecting.

The SPEAKER — Order! The member for Malvern and the member for Polwarth! The minister had not got to the table before the barrage of interjections started. It is not acceptable behaviour.

Mr CAMERON (Minister for Police and Emergency Services) — I thank the honourable member for Oakleigh. As she knows and as honourable members of this house know, Victoria has a great police force and a great Chief Commissioner of Police. Yesterday the chief commissioner released the 2007–08 Victorian crime statistics. What they show is a decrease in the crime rate of 1.9 per cent. To Victoria Police members and to the chief commissioner I say congratulations on a job well done.

Since the chief commissioner was appointed seven years ago in 2001 we have seen a decrease in the crime rate of 24.5 per cent. That is a great achievement. Crime rates are now at the lowest level since the introduction of computerised records in 1993. Those figures are certainly something that we can all be very proud of and something that the government is proud of, given that Labor is a party that has been about investing in police. We have seen an additional 1400 police put on the beat and an additional 350 are to be appointed in this term. We have a record budget for Victoria Police and have seen those additional police being put in place.

The figures released yesterday come on top of data released earlier this year by the Australian Bureau of Statistics which shows that Victoria is the safest state in Australia. When we look at the 2007–08 crime statistics released by the Chief Commissioner of Police yesterday we see that over the last year there has been a decrease in rates of various crimes, including homicide, which is down by 15 per cent; assault, down by 0.8 per cent; and non-family violence assault, down by 1.2 per cent. The overall rate of crimes against the person is down, and the rate of residential burglary is down by 4 per cent. Since 2000–01 the rate of robbery, which honourable members seem to have an interest in, has decreased by 30 per cent. The rate of aggravated burglary has decreased by 37 per cent since 2000–01, the rate of theft from motor vehicles is down 25 per cent and the rate of theft of motor vehicles is down 61 per cent.

The investment we have put into this area is in contrast to what was done by those who stand for nothing. We have only to go back to 1994–95 to realise that in the five years to 1999–2000 police numbers were reduced and the crime rate went up by 10 per cent. We completely reject what was done by those who support nothing.

On the issue of public transport, the overall number of crimes recorded in and around public transport has declined by 20 per cent since 2000–01. Taking into account the number of trips that are being taken, last year we saw a rate of 20.19 crimes per million trips. When you look at the overall crime rate on a per-million-trip basis on and around public transport, you see that it has declined by 37.3 per cent. There is an interest around assaults on public transport, and if you look at the rate of assaults on a per-million-trip basis, you see there has been a decrease of 9.2 per cent since 2000–01.

We have seen decreases in crime in individual municipalities. In Stonnington crime has decreased by

41 per cent since 2000–01; in Greater Geelong there has been a decrease of 32 per cent in that time; in the Central Goldfields, 29 per cent; in Boroondara, 33 per cent; in Bass Coast, 32 per cent; in Melton, 30 per cent; in Wellington, 32 per cent; and in Bayside, 32 per cent. We are proud of Victoria Police. We are proud of what it does, and to the chief commissioner we say 'Congratulations!'.

Minister for Planning: adviser

Mr CLARK (Box Hill) — My question without notice is to the Attorney-General. I draw the Attorney-General's attention to the statement by the member for Keilor that Mr Hakki Suleyman, the adviser to the Minister for Planning, the Honourable Justin Madden, is a standover man and part of the underbelly of Brimbank, and I ask: does the Attorney-General stand by his endorsement of Mr Suleyman as a man of high esteem and his recommendation to the Governor in Council that Mr Suleyman should be appointed as a justice of the peace in Victoria?

Mr HULLS (Attorney-General) — I thank the honourable member for his question. As he would know, in relation to justices of the peace recommendations come to me. People who make an application to become a justice of the peace (JP) are screened by the organisation representing JPs, and I endorse the recommendations that come to me.

Racing: regional initiatives

Ms OVERINGTON (Ballarat West) — My question is to the Minister for Racing. I ask: can the minister update the house on recent racing initiatives benefiting regional Victoria?

Honourable members interjecting.

Mr Mulder interjected.

The SPEAKER — Order! The member for Polwarth has been warned, and the chamber is awaiting his cooperation.

Mr HULLS (Minister for Racing) — I thank the honourable member for her question. We are a proud supporter of the racing industry in this state, and indeed a proud supporter of country racing in this state. As members would know, the racing industry employs something like 70 000 people in Victoria and is worth over $2 billion to this state. Our support extends to all corners of the state, including in particular the country regions of Victoria, because we know that country racing is the backbone of thoroughbred racing, the harness code and also greyhound racing in this state.

This understanding led to the establishment of the Living Country Racing program, which this government launched in 2001. It provides funding in particular to country racing clubs to enable them to enhance and improve their facilities for the benefit of racing participants and also for the benefit of local country communities. To date that program has funded something like 275 projects totalling over $3.1 million.

I am pleased to announce today that 28 country racing clubs will receive grants from the 2008 funding program. Funding is provided on the basis that the club must at least match the government's funding, meaning that while the government contribution in 2008–09 will be about $400 000, the value of the successful projects will be over $1 million.

Today's announcement comes on top of the recent announcement I made allocating some $2.1 million under the Racing Industry Development program to a range of country racecourses, including at Sale, Seymour, Ballarat — and I know the members for Ballarat East and Ballarat West made some announcements in relation to those yesterday — Kyneton, Moe and Cranbourne. The Leader of The Nationals can no doubt attest to the work of these projects, because he was at the announcement at the Sale racing club recently.

This year the Living Country Racing program will assist racing infrastructure at country racecourses, such as grandstand upgrades at the Ballarat and District Trotting Club, the Horsham Greyhound Racing Club in the electorate of Lowan, and Mansfield racing club; starting gates at Tambo Valley in the electorate of the member for Gippsland East; and a new judges box at Dederang Picnic Race Club, which is in the electorate of Benambra, as I understand it.

Other successful projects will promote increased attendance, as country clubs will be able to improve their facilities, including — —

Honourable members interjecting.

Mr HULLS — They might be small things to some people, but they are actually big things to these very small race clubs. They include things such as outdoor furniture for the Cranbourne racing centre, new windows and an outdoor dining area at the Colac Turf Club in the electorate of the member for Polwarth and blinds for the betting ring and viewing area at the Maryborough Harness Racing Club in the electorate of the member for Ripon. There will also be some

much-needed infrastructure at small clubs, including public toilet facilities at the Pakenham Racing Club and the Balnarring Picnic Racing Club and a playground at the Terang and District Racing Club, again in the electorate of Polwarth.

Mr Andrews interjected.

Mr HULLS — No, there is no punchline. I want to congratulate all successful applicants for the latest round of the Living Country Racing funding. I want to encourage those who were unsuccessful to apply again next year. This program is a very important one. I believe it is another example of the Brumby government's commitment to not just the racing industry but also to regional and rural Victoria. It is an example of a government which delivers and which can be contrasted to the whining, carping and whingeing of those opposite, because they are part of an opposition that stands for nothing.

COURTS LEGISLATION AMENDMENT (COSTS COURT AND OTHER MATTERS) BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill for an act to amend the Supreme Court Act 1986, the County Court Act 1958, the Magistrates' Court Act 1989, the Victorian Civil and Administrative Tribunal Act 1998 and the Legal Profession Act 2004 to establish the Costs Court and provide for its operation, to consequentially amend other legislation, to make other amendments to the Supreme Court Act 1986 and the Courts Legislation Amendment (Associate Judges) Act 2008 and for other purposes

Read first time.

MEDICAL RESEARCH INSTITUTES REPEAL BILL

Introduction and first reading

Ms ALLAN (Minister for Regional and Rural Development) introduced a bill for an act to repeal the Baker Medical Research Institute Act 1980, the Prince Henry's Institute of Medical Research Act 1988 and for other purposes.

Read first time.

ABORTION LAW REFORM BILL

Introduction and first reading

Ms MORAND (Minister for Women's Affairs) introduced a bill for an act to reform the law relating to abortion, to amend the Crimes Act 1958 and for other purposes.

Read first time.

Second reading

Ms MORAND (Minister for Women's Affairs) — In accordance with section 48 of the Charter of Human Rights and Responsibilities, a statement of compatibility for the Abortion Law Reform Bill 2008 is not required. The effect of section 48 is that none of the provisions of the charter affect the bill. This includes the requirement under section 28 of the charter to prepare and table a compatibility statement and the obligation under section 32 of the charter to interpret statutory provisions compatibly with human rights under the charter. I move:

That this bill be now read a second time.

The introduction of this bill represents a significant and historic change in the way abortion will be regulated in Victoria. It is the final step in a process the Victorian government commenced in August 2007 when we announced that we would seek advice from the Victorian Law Reform Commission (the commission) about options to clarify the law of abortion. In providing this advice the commission was asked to provide options which would remove abortion offences from the Crimes Act 1958 where performed by a qualified medical practitioner, reflect current clinical practice and reflect community standards.

Current legislative framework

Abortion is currently prohibited in the Crimes Act 1958. Section 65 provides that unlawful termination of pregnancy at any stage during pregnancy is prohibited. Section 66 also prohibits the supply of an instrument or substance knowing it will be used to unlawfully terminate a pregnancy. Since 1864 versions of section 65 and 66 have formed part of the Victorian criminal law.

In 1969, a Supreme Court judge, Justice Menhennitt, gave Victoria a legal judgement that has guided the provision of abortion services in this state for nearly 40 years. The judgement outlined the circumstances in which an abortion was lawful, which therefore changed abortion law in Victoria. Justice Menhennitt called this

a 'therapeutic abortion' and his ruling sets out the matters the prosecution must prove to satisfy a jury that a termination of pregnancy was unlawful. He said a therapeutic abortion is lawful in the following circumstances:

> For the use of an instrument with intent to procure a miscarriage to be lawful the accused must have honestly believed on reasonable grounds that the act done by him was (a) necessary to preserve the woman from a serious danger to her life or her physical or mental health (not being merely the normal dangers of pregnancy and childbirth) which the continuation of the pregnancy would entail; and (b) in the circumstances not out of proportion to the danger to be averted.

However, the Menhennitt ruling does not provide the Victorian community with a clear statement about when a termination of pregnancy is permissible, because it was not designed for that purpose.

The Victorian Supreme Court has not considered the relevant provisions in the Crimes Act since the Menhennitt rules were formulated and no-one has been charged with performing an unlawful abortion in Victoria for 21 years.

The Menhennitt ruling did not give guidance as to the matters that should be taken into account by the doctor when determining risk of harm to the woman, or the means for determining whether an abortion was the proportionate response to the woman's particular circumstances. The courts of other states, which have subsequently expanded upon the Menhennitt ruling, have provided more authoritative guidance. In 1995, the majority of the NSW Court of Appeal, in *CES v. Super Clinics* affirmed and clarified social and economic factors, both during or after pregnancy, could be considered when assessing risk to the pregnant woman's health.

Modern legislation that reflects current clinical practice and community standards is long overdue. By introducing this bill, we are acknowledging that women should be supported in their reproductive health choices, and deserve legal certainty when making these difficult choices. Medical and health practitioners have strongly advocated on the need for legal certainty on the circumstances in which an abortion is legal. Indeed a wide range of individuals and groups have long campaigned for abortion law reform.

Members of Parliament, like the community more broadly, have a diverse range of views on these matters, which are shaped by deeply personal, ethical, moral and religious values. I hope that the debate on this bill will at all times respect the diversity of views held in the community and the Parliament.

Victorian Law Reform Commission advice

The government has committed to the development of legislation that provides clarity for women, health practitioners and the community about the circumstances in which the termination of pregnancy can be performed. In recognising the sensitivity and complexity of this issue, detailed advice was sought from the Victorian Law Reform Commission.

To explore the key issues associated with this reform, the commission undertook widespread consultation with organisations and individuals. Responses were obtained from 36 meetings and over 500 written submissions were received.

The commission convened a panel of experts from relevant health professions to advise them on current clinical practice and a broad range of medical issues. People were invited to join the panel because of their high professional standing, rather than any direct involvement in the provision of abortion services.

Key issues identified included the need for certainty and clarity in the law; and safe, quality services including a capacity for timely access.

The commission found that the rate of abortion is related to the rate of unplanned pregnancy, and the availability and use of contraception. The commission also found there was a desire for a reduction in the rate of abortion.

The commission found that the great majority of abortions are conducted in the early stages of pregnancy — 94.6 per cent of abortions occur before 13 weeks, and 4.7 per cent occur after 13 weeks but before 20 weeks. A small percentage, less than 1.0 per cent, are performed after 20 weeks gestation.

A 24-week gestational limit is a common threshold for more complex cases and is reflected in current clinical practice in Victoria, in Australia and overseas. This gestational limit was recently affirmed by the Westminster Parliament.

The commission found that reasons for late-term abortions are characterised as either 'foetal abnormality' or 'psychosocial'. Most late-term abortions are undertaken at the Royal Women's Hospital and Monash Medical Centre. Both hospitals have the recognised expertise in the area of foetal abnormality with dedicated foetal management units.

The decisions facing women who wish to proceed with a late-term abortion are difficult and complex. It is common to seek additional advice from a range of

medical practitioners in complex cases. In public hospitals these decisions are made by a panel of health professionals (the termination review panel arrangements established at both the Royal Women's Hospital and Monash Medical Centre), while in the private system, good clinical practice sees a second opinion sought in the case of late abortions.

The commission made a number of recommendations to improve the clarity of the law beyond the changes to the Crimes Act. These include that any new laws around termination of pregnancy should not contain mandated information provisions, requirements for mandatory counselling or mandatory referral to counselling, compulsory delay or cooling-off periods, and that any new law should not contain restrictions on where terminations may be performed. This bill is consistent with all of these recommendations.

The Victorian Law Reform Commission has produced a report that clearly articulates current clinical practice, community standards, and options that reflect the terms of reference. I would like to thank the commission for its final report, which informed the development of this bill. I would also like to thank the hundreds of individuals and organisations who gave up their time to participate in the review.

Proposed legislative framework

This bill has drawn on the comprehensive recommendations of the Victorian Law Reform Commission final report on the law of abortion (March 2008), and reflects the two-staged approach based on 24 weeks gestation in the commission's model B.

Under this bill, abortions will be regulated like any other medical procedure where the woman is 24 weeks pregnant or less. Abortion where the woman is 24 weeks pregnant or less will be a private decision for a woman in consultation with her medical practitioner.

After 24 weeks gestation, a registered medical practitioner may perform an abortion on a woman who is more than 24 weeks pregnant only if the medical practitioner reasonably believes that the abortion is appropriate in all the circumstances, and secondly, has consulted at least one other medical practitioner who also reasonably believes that the abortion is appropriate in all the circumstances.

In considering all the circumstances the registered medical practitioner must have regard to all relevant medical circumstances and the woman's current and future physical, psychological, and social circumstances.

The bill also explicitly authorises the administration and supply of drugs by a registered pharmacist or a registered nurse in a hospital or day procedure centre for the purpose of causing an abortion in a woman who is more than 24 weeks pregnant where this is at the direction of a registered medical practitioner. As with surgical abortions the registered medical practitioner must reasonably believe that abortion is appropriate in all the circumstances, and that opinion must be shared by at least one other registered medical practitioner.

Substantial regulation already exists around the delivery of medical services in public hospitals through the Health Services Act 1988 and in private clinics through the Health Services (Private Hospitals and Day Procedure Centres) Regulations 2002. Additionally, the Health Professionals Registration Act 2005 requires medical practitioners to be registered by the Medical Practitioners Board of Victoria.

This framework provides Victoria with a regulatory framework through which abortions, like any other medical procedure, can be monitored.

As part of the Abortion Law Reform bill, changes will be made to repeal parts of the Crimes Act that refer to the offences of unlawful termination of pregnancy (sections 65 and 66) and child destruction (section 10). The concept of 'serious injury' will be amended to include destruction of the foetus of a pregnant woman other than in the course of a medical procedure (section 5), and a new offence will be created for an abortion performed by an unqualified person.

The bill also provides that a woman who consents to or assists in the performance of an abortion on herself by an unqualified person, is not guilty of an offence.

I indicated earlier that no statement of compatibility has been prepared for this bill. This is because section 48 of the Charter of Human Rights and Responsibilities provides that the charter does not affect any law applicable to abortion or child destruction. I will, however, include some comments on rights protected by the charter in my discussion on the provisions of the bill.

I turn now to the parts of the bill.

Part 1 of the bill contains the purpose of the bill, the definitions and the commencement provisions.

Part 2 of the bill sets out the substantive provisions authorising abortion.

Clause 4 of the bill provides that a registered medical practitioner may perform an abortion on a woman who is not more than 24 weeks pregnant.

Clause 5 of the bill sets out the circumstances in which a registered medical practitioner may perform an abortion on a woman who is more than 24 weeks pregnant. The registered medical practitioner must reasonably believe that the abortion is appropriate in all the circumstances, and the registered medical practitioner's opinion must be shared by at least one other registered medical practitioner who has been consulted in relation to the abortion.

Subclause (2) sets out the matters which a registered medical practitioner must have regard to in forming a belief about whether an abortion is appropriate. The clause provides that the registered medical practitioners consider medical circumstances, and the woman's present and future physical, psychological and social circumstances.

The commission acknowledged that the two-tiered approach places some limits on a woman's right to control over her body. However, the limitations imposed by the bill serve the important purpose of clarifying the circumstances in which a termination may be performed in the later stages of pregnancy. This clarification is particularly important for the small group of registered medical practitioners who perform terminations in the later stages of pregnancy. Clause 5 also provides certainty to professional registration boards who may be called upon to determine whether a registered health practitioner has engaged in professional misconduct by performing or assisting to perform an abortion.

Clause 6 confirms that a registered pharmacist or registered nurse who is authorised under the Drugs, Poisons and Controlled Substances Act 1981 to supply a drug or drugs may administer or supply such drug or drugs to cause an abortion in a woman who is not more than 24 weeks pregnant. This provision is necessary in order to protect registered pharmacists and registered nurses from prosecution where they supply or administer the drugs in accordance with that act.

Clause 7 explicitly authorises the administration and supply of drugs by a registered pharmacist or a registered nurse in a hospital or day procedure centre for the purpose of causing an abortion in a woman who is more than 24 weeks pregnant where this is at the direction of a registered medical practitioner. The registered medical practitioner must reasonably believe that abortion is appropriate in all the circumstances, and that opinion must be shared by at least one other registered medical practitioner.

Clause 8 imposes obligations on registered health practitioners who have a conscientious objection to abortion. The term 'registered health practitioner' is defined by reference to the Health Professions Registration Act 2005, and means all regulated health professions, including medical practitioners, nurses, pharmacists, and psychologists. The commission recognised that some health practitioners may have a conscientious objection to abortion, and that such practitioners should not be compelled to provide abortions contrary to their beliefs.

This obligation applies to registered health practitioners who have a conscientious objection to abortion, and requires that, if requested by a woman to advise on, perform, direct or supervise an abortion, the practitioner inform the woman of their conscientious objection — —

Interjection from gallery.

The SPEAKER — Order! Remove that gentleman from the gallery.

Person escorted from gallery.

Ms MORAND — This obligation applies to registered health practitioners who have a conscientious objection to abortion, and requires that, if requested by a woman to advise on, perform, direct or supervise an abortion, the practitioner inform the woman of their conscientious objection, and refer the woman to another practitioner, in the same regulated profession, who the first practitioner knows does not have a conscientious objection to abortion.

These requirements ensure that, as recommended by the commission, an effective referral is made. It is expected that practitioners will, in general, already be aware of practitioners in their regulated profession who do not have a conscientious objection to abortion. However, if they do not have this information, it will be a simple matter for them to consult their peers before referral, as would commonly be the case in relation to other kinds of referral.

Subclauses 8(3) and (4) make it clear that registered medical practitioners and registered nurses who have a conscientious objection to abortion are nevertheless under an obligation to perform and assist abortion in an emergency.

The purpose of requiring the health practitioner to refer the woman to another comparable registered health practitioner promotes the woman's right to make

decisions about her own health care, and to receive the highest attainable standard of health care. Requiring a medical practitioner to conduct an abortion in an emergency, and a registered nurse to assist with the procedure protects the woman's life, and promotes her right to medical care and treatment. Clause 8 has been carefully crafted in order to strike an appropriate balance between the rights of registered health practitioners to conduct themselves in accordance with their religion or beliefs, and to freedom of expression, and the right of women to receive the medical care of their choice.

Part 3 of the bill sets out amendments to the Crimes Act 1958.

Clause 9 repeals section 10 of the Crimes Act. Section 10 creates the crime of child destruction. The commission found that this offence lacks clarity and creates uncertainty, and recommended its repeal.

Clause 10 gives effect to the commission's related recommendation, that the offences directed at conduct which causes serious injury contained in sections 16 and 17 of the Crimes Act should be expanded to include assaults on pregnant women, late in pregnancy, that are intended to harm the foetus. Clause 10 amends the definition of 'serious injury' contained in section 15 of the Crimes Act so that the definition includes the destruction, other than in the course of a medical procedure, of the foetus of a pregnant woman, whether or not the woman suffers any other harm. Clause 10 also inserts definitions of terms relevant to this amendment, which are consistent with the definitions in part 1 of the bill.

Clause 11 substitutes new provisions for sections 65 and 66 of the Crimes Act 1958. New section 65 makes it an offence for an unqualified person to perform an abortion on another person, and provides a penalty of up to 10 years' imprisonment for the offence. As recommended by the commission, the new provision explicitly provides that a woman who consents to or assists in the performance of an abortion on herself by an unqualified person, is not guilty of an offence under the section. Only three classes of person are considered to be qualified for the purposes of this section.

These are registered medical practitioners, and, when administering or supplying a drug or drugs in accordance with part 1 of the bill, registered pharmacists and registered nurses.

Exempting pharmacists and nurses from the offence will ensure that, when acting in accordance with a direction given under part 1 of the bill, they will not commit a criminal offence.

Clause 11 also inserts a new section 66 into the Crimes Act which abolishes common-law rules that create an offence in relation to abortion, as recommended by the commission.

Conclusion

The Abortion Law Reform Bill before the house today will provide clarity and certainty for women, health practitioners and the community. The bill acknowledges and reflects community attitudes and current clinical practice that exists in relation to the care and management of women seeking an abortion.

The campaign for abortion law reform has been a long one. I am pleased to say that Victoria now has legislation before the house to provide Victorians with a modern legislative framework that reflects widespread community views and current clinical practice in relation to this important women's health issue.

I commend the bill to the house.

Debate adjourned on motion of Ms WOOLDRIDGE (Doncaster).

Ms MORAND (Minister for Women's Affairs) — I move:

That the debate be adjourned for two weeks.

Ms WOOLDRIDGE (Doncaster) — On the matter of time, while recognising that two weeks is a normal period of time, I seek an assurance from the minister that the bill will come forward for debate in the week commencing 9 September and that the vast majority of the time in that sitting week will be devoted to the debate, to enable all members who wish to make a contribution to do so and to allow for amendments, if there are any, to be considered in the committee stage.

Ms MORAND (Minister for Women's Affairs) — I give an assurance that the bill will be debated in the next sitting week, but the business of the house will be a matter for the Leader of the House, in discussion with the opposition.

Mr CLARK (Box Hill) — I also want to make some remarks on the question of time. I must say that for my part I consider it highly regrettable that the government is proposing that this legislation be debated and passed by the house in just three weeks time. It seems to me it may well be reasonable to say that the general question of whether or not abortions should be made legal and in what circumstances is something that

has been on the public agenda for some time and that people have had an adequate opportunity to form their views and put their arguments on that issue.

However, it seems to me that if you say any needless loss of human life is a tragedy, then there is much more to the abortion debate and to the bill before us than any question of criminal sanction alone.

I would put to the house in relation to the question of time that regardless of our views on that subject we all need to consider, for example, whether we have done enough to support a young university student who feels she has had to choose between an abortion and her life plans — —

The SPEAKER — Order! The member for Box Hill, on the question of time.

Mr CLARK — I appreciate that, Speaker.

Interjections from gallery.

The SPEAKER — Order! I order that that person be removed from the public gallery.

Person escorted from gallery.

The SPEAKER — Order! I remind the member for Box Hill that the debate is on the matter of time.

Mr CLARK — Further to your ruling, Speaker, I do not intend to canvass the particular issues that I believe will need to be debated. However, to list those issues is to make my point that it is appropriate that more time should be granted on the adjournment than the government proposes to give. I refer also to issues such as protecting young women who may have been victims of abuse and who may be taken to abortion clinics by relatives who have been responsible for that abuse. We need to address the issue of whether or not there has been properly informed consent. We need to address the issue of whether and how we ensure that abortions are not coerced through emotional and physical abuse and do not become an even more widespread form of family violence.

The SPEAKER — Order! I ask the member for Box Hill to refer to the matter of time.

Mr CLARK — Each of those issues and no doubt many others, Speaker, can only be fully addressed now that the bill is in front of us and we have had the opportunity to hear the second-reading speech. It is only now that people can start to assess the bill itself, to assess government policy in relation to the bill and to consider whether they wish to propose amendments or advocate changes to government policy.

It is not only members of the house who need time to consider the issues raised by the bill and the many other issues that may be related to it. Many members of the public and those with professional or personal experience of these issues may also want to have a say and are entitled to have a say on these issues. They need time to consider and prepare their arguments, and we in this house need to have time to consider what they may want to tell us. It is not an acceptable response to say that various government ministers have been engaging in consultation since the Victorian Law Reform Commission report was released. Those in charge of the bill seem to have spoken to those they wished to speak to and to have politely listened to some others and then ignored them — and that form of selective behind-closed-doors discussion cannot pass for proper public debate. Not only is it an affront to democracy, it is almost inevitable that some of the issues that need to be brought up will not have been canvassed in those forms of selective discussion. Mistakes will have been made in the bill because issues will have been deliberately or inadvertently not considered when they needed to be considered.

It is not good enough to say the house can consider the bill in three weeks time and then move on to consider policy and practice issues relating to it afterwards, because the decisions we make on this bill need to be made in the context of government policy and of practice — as to what these are going to be if this bill is passed.

Do we simply want to legitimise the status quo, or regardless of our views on the issue of criminal sanctions, do we want to seek for the future an outcome that will reduce the needless loss of human life and prevent needless suffering? These are fundamental issues that are going to affect directly tens of thousands of people and affect indirectly our entire community, and they cannot be properly addressed and resolved in just three weeks from the bill becoming public. It is a very poor reflection on our democracy, and it augurs poorly for the likely outcomes that we are going to achieve that senior government ministers are trying to have this bill passed in the time frame proposed.

Mr BATCHELOR (Minister for Community Development) — In my capacity as Leader of the House let me assure all members of the house and all members of the public who have an interest in this bill, that we will provide ample opportunity for the views of members of this house to be heard, both in the second-reading debate and at the consideration-in-detail

stage — if the house should choose to go into a consideration-in-detail stage; and I suspect there will be amendments — and that we will do everything that is humanly possible to provide the maximum amount of time that this parliamentary chamber can provide to those people who wish to make a contribution from whatever perspective they choose to make that contribution.

In debate on the government business program that I will be proposing shortly we will be asking — I do not want to anticipate the debate — the house to agree to a motion to deal with nine pieces of legislation this week plus the upper house amendments to the Gambling Regulation Amendment (Licensing) Bill. Why will we do that? It is to maximise the time available in the next sitting week for debate on this important piece of law reform that the minister has moved in the house today. To further extend our bona fides, we sought leave for the second reading to be moved immediately following the first reading.

The leave was not sought just today in the chamber; we tried to do everything we could to make this bill available to members as soon as possible. We sought to shorten the time that is usually taken from when a bill is introduced to when it is second read. We sought leave to do that well in advance of today from other parties and from the Independent, and you would have seen, Speaker, from the response across the chamber that there was no opposition to that. Again, we did it so that the bill would be available and there would be the maximum time possible while Parliament is assembled for colleagues on both sides of the chamber and on both sides of the argument to have discussions amongst themselves. It is entirely unfair to suggest that we are trying to rush this.

About 12 months ago the government announced its intention to decriminalise abortion in Victoria. I think it is exactly one year ago tomorrow that we announced our intention to do that. I think it was in March this year the Victorian Law Reform Commission released an extremely comprehensive report to the Parliament, and through it to the public, to canvass the various issues that surround this. I recommend that any member of Parliament who has not yet had the opportunity to read the report should read it. It was released in March, and since then as a government we have been working through the various issues, all of which we have canvassed and brought together in this bill.

As the minister said, firstly, it represents the collective wisdom of the Law Reform Commission; secondly, it represents current clinical practice; and thirdly, it represents largely the views that are afoot among the public. To the extent that we have had the ability to provide information and opportunity, we have done that and will continue to do that. We will assist members on both sides of the chamber and both sides of the argument by giving them time and assistance to prosecute their arguments so this debate can be dealt with, but we say there is a need to do it in a calm and rational way. We ask members to take the opportunity that has been provided today with the release of the bill to examine it, and we will provide the necessary time for debate and for members to get access to specialist information.

We look forward to having this debate in the next parliamentary sitting week, as the shadow minister requested. We will do everything humanly possible to make maximum time available in that week, and that will start as soon as the government business program for this week has been concluded.

Dr NAPTHINE (South-West Coast) — On the matter of time, I seek an assurance from the minister that briefings will be made available for all members. I understand there will be a free vote for members, and given that many members already have commitments locked into their diary for the next two weeks, I seek an assurance from the minister that there will be at least two, and perhaps even three, separate briefings made available that all members will be invited to. That would enable departmental officers to explain the details and answer any questions and fit into the programs of members who may have other commitments already. I seek that assurance on the time to be made available for the consideration of this bill.

Motion agreed to and debate adjourned until Tuesday, 2 September.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I advise the house that under standing order 144 notices of motion 184 to 203 will be removed from the notice paper on the next sitting day. A member who requires the notice standing in his or her name to be continued must advise the Clerk in writing before 6.00 p.m. today.

NOTICES OF MOTION

Notices of motion given.

Mr DELAHUNTY having given notice of motion:

The SPEAKER — Order! Before calling the member for Benalla, with the exception of the last very fine notice from the member for Lowan, many of the notices today have been very similar. Those notices will be looked at by the Clerk and the Speaker later.

Dr SYKES having given notice of motion:

The SPEAKER — Order! Before calling the member for Lowan I will confirm most definitely that the Clerk and the Speaker will review the notices from this afternoon.

Mr Walsh — On a point of order, Speaker, I refer to the advice you have just given to the house. I think this has been raised previously, as country members we may have similar issues, but our constituents require that we voice their concerns in this place on their behalf. Are we to be prevented from raising an issue concerning our electorate because another member has raised a similar issue?

The SPEAKER — Order! Far be it from the Chair to stop any member of this house raising issues pertaining to their electorate, but notices of motion need to be in a form that can come before this house and be debated individually and on their merits. As I have said, I will look at what has been delivered today, because I believe the house would have great difficulty in debating some of those references individually, one from another.

Mr DELAHUNTY having given notices of motion:

The SPEAKER — Order! I suggest to the member for Lowan that his final notice was an abuse of notices of motion. It is much more appropriate to be given as a members statement. I have given that advice to many other members previously, and I inform all members of the house that my patience is wearing thin. Members statements is the opportunity to raise such issues, not notices of motion.

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) (80 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) (1794 signatures)

Melbourne Markets: trading conditions

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws attention of the house, with regards to the new imposed Melbourne Market buying and selling times and conditions recently imposed.

The petitioners register their opposition which affects green grocers, growers and sellers.

The new conditions are ‘unjust’, ‘unsafe’ and as far as a free market goes, ‘unethical’. The petitioners therefore request that the Legislative Assembly of Victoria rejects the current conditions and calls on the state government to bring back our original conditions, which were safer for drivers and better trading conditions for all sellers.

By Mr NORTHE (Morwell) (1177 signatures)

Tabled.

Ordered that petition presented by honourable member for Gippsland South be considered next day on motion of Mr RYAN (Gippsland South).

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

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Regulation review 2007

Mr JASPER (Murray Valley) presented report, together with appendices.

Tabled.

Ordered to be printed.

Alert Digest No. 10

Mr CARLI (Brunswick) presented *Alert Digest* No. 10 of 2008 on the following bills:

Corrections Amendment Bill
County Court Amendment (Koori Court) Bill
Labour and Industry (Repeal) Bill
Local Government Amendment (Disclosure) Bill
Road Safety Amendment (Fatigue Management) Bill
Whistleblowers Protection Amendment Bill

together with appendices.

Tabled.

Ordered to be printed.

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

Involvement of small and medium size business in corporate social responsibility

Mr PERERA (Cranbourne) presented report, together with transcripts of evidence.

Tabled.

Ordered that report be printed.

DOCUMENTS

Tabled by Clerk:

Crown Land (Reserves) Act 1978:

Order under s 17B granting a licence over Sandringham Beach Park

Orders under s 17D granting leases over:

Rosebud Tennis Club Reserve (two orders)

Tasma Terrace Reserve

Interpretation of Legislation Act 1984:

Notice under s 32(3)(a)(iii) in relation to Statutory Rule 86

Notice under s 32(4)(a)(iii) in relation to Building Code of Australia 2008 *(Gazette G32, 7 August 2008)*

Melbourne City Link Act 1995:

City Link and Extension Projects Integration and Facilitation Agreement Seventeenth Amending Deed

Exhibition Street Extension Twelfth Amending Deed

Melbourne City Link Twenty-Sixth Amending Deed

Melbourne Cricket Ground Trust — Report year ended 31 March 2008

Parliamentary Committees Act 2003 — Government response to the Economic Development Infrastructure Committee's Inquiry into Mandatory Ethanol and Biofuels Targets in Victoria

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

Bass Coast — C57, C69

Boroondara — C72, C84

Campaspe — C49

Casey — C109

East Gippsland — C55

Greater Shepparton — C89

Hepburn — C16

Hindmarsh — C6

Hume — C105

Indigo — C46

Kingston — C91

Knox — C75

Maribyrnong — C54

Melton — C66

Monash — C77

Moonee Valley — C89

Moreland — C86

Northern Grampians — C10

Towong — C16

Warrnambool — C46, C59

Whittlesea — C110

Wyndham — C101, C106

Yarra — C87

Retail Leases Act 2003 — Ministerial Determination under s 5 *(Gazette S209, 24 July 2008)*

Statutory Rules under the following Acts:

Estate Agents Act 1980 — SR 97

Fisheries Act 1995 — SR 92

Local Government Act 1989 — SR 96

National Parks Act 1975 — SR 93

Supreme Court Act 1986 — SRs 94, 95

Subordinate Legislation Act 1994:

Ministers' exception certificates in relation to Statutory Rules 93, 94, 95

Ministers' exemption certificates in relation to Statutory Rules 93, 96, 97

Water Act 1989 — Reasons for Determination under s 87.

GAMBLING REGULATION AMENDMENT (LICENSING) BILL

Council's amendments

Returned from Council with message relating to amendments.

Ordered to be considered later this day.

ROYAL ASSENT

Message read advising royal assent on 5 August to Local Government Amendment (Elections) Bill.

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Corrections Amendment Bill
County Court Amendment (Koori Court) Bill.

BUSINESS OF THE HOUSE

Program

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

That, under SO 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 5.00 p.m. on Thursday, 21 August 2008:

Corrections Amendment Bill

County Court Amendment (Koori Court) Bill

Family Violence Protection Bill

Gambling Regulation Amendment (Licensing) Bill — amendments of the Legislative Council.

Labour and Industry (Repeal) Bill

Legislation Reform (Repeals No. 3) Bill

Public Holidays Amendment Bill

Road Safety Amendment (Fatigue Management) Bill

Victoria Law Foundation Bill

Whistleblowers Protection Amendment Bill.

In moving the government business program for this parliamentary sitting week I advise that we will sit later tonight, later on Wednesday and later on Thursday. We propose to go onto the adjournment at about 11 o'clock tonight and Wednesday night and following the guillotine on Thursday, which would occur at 5.00 p.m. In all, this will provide an extra 3 hours in government business to debate the second-reading motions of the relevant bills and to consider amendments of the Legislative Council.

What the government is seeking to do in this week is position the chamber to deal with the Abortion Law Reform Bill in the next sitting week. We are seeking, if you like, to clear the decks of the Assembly of proposed legislation by dealing with these nine bills as well as the amendments of the Council. In doing so, at the request of the opposition we have provided additional time on Tuesday, Wednesday and Thursday to enable us to complete that task and provide opportunities for members who seek to join in the debate this week an opportunity to do so. It is also important to understand that we are seeking to deal with these bills this week so that in the next sitting week, when the Abortion Law Reform Bill is debated under the conscience vote convention, there will be ample time for members who wish to contribute to debate during the second-reading and consideration-in-detail stages to do so. To make our intentions clear, so that pressure from the government legislative program does not interfere with the commitment and the desire of the house to adequately deal with the Abortion Law Reform Bill, we are seeking the cooperation and assistance of the chamber to deal with these nine bills during this parliamentary sitting week.

For the benefit of members who might not yet be aware of it, we are not going through our usual practice of proceeding down the notice paper but have developed

an alternative order of debating the bills before us. We will start with the Victoria Law Foundation Bill, followed by the Public Holidays Amendment Bill, the Family Violence Protection Bill, the Legislation Reform (Repeals No. 3) Bill and then go down the notice paper in order to break up the debating program over this sitting week to facilitate the particularly heavy workload of opposition members who have responsibility for a cluster of bills. We are keen to be able to assist in that fashion. Accordingly, I recommend this motion to the house.

Mr McINTOSH (Kew) — In relation to the government business program, it is patently outrageous for the government to propose that nine significant bills be dealt with in a parliamentary week. It is certainly a record in my time in this place. The house will have nine bills to deal with, as well as the gaming bill, which no doubt will cause a great deal of consternation among opposition ranks, it having been amended in the upper house. It will obviously be the subject of significant debate, and I hope that debate is not truncated.

I accept that the government gave us early warning of this extensive program at the end of last week, and I am very grateful to the Leader of the House, who has accommodated the opposition's concern by adding 3 extra hours to our sitting time this week. I am also grateful to the Leader of the House for accommodating the desire of the member for Box Hill to break up the bills program, given the fact that he is responsible for five of the nine bills before the house this week. But that does not necessarily forgive this government which seems to be prepared to extinguish the ability of as many speakers as possible to speak on these bills in order to clear the decks to deal with another bill.

I do not in any way undermine or diminish the importance of proper debate in relation to the abortion bill. That debate will take place, but the government should be prepared to plan well and truly ahead. Indeed this would demonstrate that this government is really lurching from one bill to another, the price of which will be paid by the people of Victoria, who will not get a substantial, proper debate in relation to very important bills.

A number of parties are interested in the Public Holidays Amendment Bill. I note that the responsible minister, the Minister for Small Business, is at the table; local government and small businesses have made a number of representations in relation to that bill.

Also, substantial concerns have been raised by the legal profession in relation to the Victoria Law Foundation Bill.

I know perfectly well that a large number of members have an interest in propounding propositions on the third bill on the list, the Family Violence Protection Bill, and I am sure we all agree on the merits of strengthening provisions relating to family violence. The fact that the government wants to reduce the penalty in relation to one of those offences causes the opposition a great deal of concern, and one of the amendments that will be proposed is to ensure that a five-year penalty remains in place, rather than reducing that penalty to two years. We take the view, as represented by a number of people, that that sends the wrong message. All of that debate would be in relation to only the first three bills on the list.

I would have thought that something like the Legislation Reform (Repeals No. 3) Bill, which has now been sitting on the notice paper for some three months, could have been delayed until after this week; it could have been debated later as there does not appear to be anything terribly urgent about it. The corrections bill, which I am responsible for on behalf of the opposition, could easily stay on the notice paper to allow the other bills to be debated properly.

As I have said, just because the government wants to clear the decks this week does not mean that debate should be extinguished or in any way truncated or reduced; it is not just about giving enough debating time, it is about proper preparation. The fact that one member of the opposition is now responsible for five bills on the notice paper is certainly an indictment of the way this government goes about its business. It is not properly planning the legislative program, particularly when you compare some of the earlier weeks in this sitting year when we had only three or four bills to debate in a week. Those circumstances demonstrate that this government has failed to plan. In the last three weeks we have had to deal with eight bills that have been subject to the guillotine and now we are dealing with a ninth, and potentially a 10th bill if you include the gaming bill, which is terribly unfortunate.

Can I also mention the matter of Alicia Withington, which is on the notice paper before the house, and is a matter of some significance? It relates to a person trying to recover medical expenses of some $300 000 from the state because Victorian doctors were unable to perform her surgery, but it will probably not be able to be debated this week because of the nine bills.

Mr LUPTON (Prahran) — I support the government business program and the motion moved by the Leader of the House today in relation to it. It is important for us to recognise that this week we need to debate a significant amount of legislation but that the

government has made a variety of accommodations to the house and to the opposition in order that those debates may be properly facilitated. The discussions that went on between government and opposition prior to today's sitting have resulted in an agreement about extended sitting hours this week. That is appropriate and proper, and as the Leader of the House has indicated, the house is likely to move to the adjournment debate at approximately 11.00 p.m. tonight, at approximately 11.00 p.m. tomorrow night and at approximately 5.00 p.m. on Thursday.

The Leader of the House has also indicated that the opposition is being accommodated in other ways, in particular in the order of debate of the listed bills, which has been altered in order to allow opposition members responsible for the management of different bills to have appropriate breathing space between debates so that the bills do not all come on one after another but that there is some change made among opposition members responsible for particular pieces of legislation as we move through the government business program.

The other broader issue that goes to the question of the amount of business before the house this week is really to do with the preparations that are being made for the house to be appropriately able to devote its time and attention to debating the Abortion Law Reform Bill, which was introduced and second read by the minister a little earlier today and which will be debated in the next sitting week.

As members will be aware, the intention of the government, and no doubt the house as a whole, is to devote the vast bulk of sitting time in the next sitting week to debating the Abortion Law Reform Bill, enabling all members of the chamber who wish to participate and make a contribution to debate on that very important bill to be given the opportunity to do so.

It is not a usual or normal circumstance that the house would be called upon to consider effectively only one piece of legislation in an entire sitting week, but that is what the government has rightly, properly and appropriately done in these circumstances to allow all members to be given the maximum opportunity to contribute to debate on that very significant legislation, whichever side of the issue they may personally be on in relation to it. In order to accommodate those unusual circumstances I believe the government has taken a very responsible, very proper and very appropriate course and decided to clear the deck so that the whole of the next sitting week can be properly and fully available for debate on that important bill.

Accordingly this week we have listed extra bills in the government business program, but as I have said, some accommodation has been made for all members of the chamber in that regard. By extending, by agreement, the sitting hours of the house we will have at least an extra 3 hours for debate this week. In all the circumstances, given the particularly important legislative program the house will face, I believe the way in which planning for that debate has been approached and the way the opposition has been involved in organising the sitting hours is appropriate, and this business program should be supported.

Mr DELAHUNTY (Lowan) — On behalf of The Nationals and others on this side of the house I express concern and state that we will not be supporting this government business program.

I must make a few comments, particularly in relation to the comments made by the member for Prahran. He said the nine bills were all urgent. I just looked at the notice paper, and I do not believe that no. 4, the Legislation Reform (Repeals No. 3) Bill, is urgent, and the member for Kew has said that he believes the Corrections Amendment Bill is not urgent, so there are at least two bills on the program that are not urgent.

The member for Prahran also spoke about the fact that by agreement we will sit an extra 3 hours: from 10 until 11 o'clock tonight — it will take from 11 until 12 o'clock for the adjournment — and on Thursday we will have a later adjournment. By agreement? I do not believe that is true. The reality is, on my understanding, that we were notified we were going to sit longer because at the end of the day, as the member for Prahran knows, the government has the numbers, and if it wants to sit for a longer time, it can sit for a longer time. There is no doubt that we were informed — and we appreciate the information given by the Leader of the House — that we are going to sit for a longer time, but the reality is that that does not suit everyone, particularly country members who like to do a bit of work in their electorates. Every extra hour we stay here on a Thursday night means it will be a couple of hours later that we will get home. The reality is that this is a numbers game: they have got the numbers, and we will be sitting later.

It again highlights that this government and these ministers cannot manage. As we all know, Labor governments cannot manage, that they cannot manage money, they cannot manage infrastructure projects and now they are showing that they cannot manage the business of the house with the business program before us today. There are nine bills, all of them very important, including the one about public holidays. The

member for Kew spoke about the fact that small business is very concerned about some of the implications of the Public Holidays Amendment Bill. I look down the list to another important bill, the Family Violence Protection Bill; I know there are members in my party who would like to comment on that.

There is also the County Court Amendment (Koori Court) Bill. We have seen some good work done in the Koori courts, and there would be a lot of discussion — both positive and negative, but more importantly positive — to take place in relation to that. I am sure the government could learn from some of those contributions. The Whistleblowers Protection Amendment Bill is the one that really gets them going. No doubt there will be a lot of discussion about that because of the concern about corruption here in Victoria, and this government is wanting to make more changes to the whistleblowers legislation. The Road Safety Amendment (Fatigue Management) Bill is a particular issue for country members, and I know that many members who have spoken to me and The Nationals whip want to speak on that bill.

I see that there is some good news. On this week's program I see that no. 11 is the Water Amendment (Critical Water Infrastructure Projects) Bill. It was no. 12 in the last sitting week, so it is getting closer to being debated. But the reality is that it has been there for a long, long time. If we do go through — as I suspect we will — these nine bills, it will be only two away from debate, so we will wait and see with the next one. I also note no. 10, the annual statement of government intentions for 2008. We are up to the eighth month of the year, and we have still not finished debate on that and taken it off the business paper. It will be good to see what will happen with that one.

I say again that we are concerned that there are nine bills to be debated. We do not believe there is enough time to debate them properly; they will have to be truncated. For those reasons predominantly, and the fact that we will be sitting later on Thursday night, which disrupts country members particularly — those in The Nationals along with my other colleagues from the opposition — we will be opposing this government business program.

Mr FOLEY (Albert Park) — I rise to support the government business program, and particularly the comments made by the Leader of the House and the member for Prahran, and to counter some of the hollow bleating we have heard from the other side. This proposition before the house brings together the sensible and consultative approach that the Leader of the House has shown in trying to accommodate the legitimate concerns that many have had in wanting to ensure that the Abortion Law Reform Bill is dealt with whilst ensuring that the proper Victorian government business gets done in an appropriate and consultative way. I urge the house to support the government program.

Mrs VICTORIA (Bayswater) — I want to speak on the government business program proposed for this week. I think the program shows an absolute lack of respect for the people of Victoria. We are elected to represent some 50 000 people in our electorates and be their voice, and what should happen in this house is that adequate time be made available for debate for those who wish to speak on bills. The people of our electorates expect us to represent them in all areas and not just pick one or two areas and say, 'Okay, I only have time to pick these one or two bills to speak on'. We should be allowed to speak on all bills if we choose to; when there are nine bills on the government business program that will never happen. This is an absolute joke, and it restricts the time for quality debate. I note that we will also deal with the gaming bill amendments from the upper house. That is just one more; let us add that in.

In other weeks we debate three or four bills. The other side scrounges around for speakers, and they give worthless contributions and just filibuster. I hope that may change now that we are streaming online. I note with great amusement that the bill that was so important to this government that we had to rush back straight after the election in 2006 — it was so important to all Victorians that we had to come back for that one, the Water Amendment (Critical Water Infrastructure Projects) Bill 2006 — is still to be debated. I want members to note the date: 2006. The last time I looked it was 2008 and we have moved on. But do you know what? This 'critical' piece of legislation has never come before the house. I noted with interest that during question time today the member for South Barwon asked a question of the water minister about securing water supplies. If the government wants to have a true debate, it should bring us back to what is on the business program.

The SPEAKER — Order! I ask the member to return to what is on the government business program.

Mrs VICTORIA — The Leader of the House cites the newly introduced Abortion Law Reform Bill as being so important that we need to clear the entire next sitting week for it. I will not disagree; it is an extremely — extremely! — important piece of legislation, but are not all pieces of legislation that come before this house important, especially to those

who are affected by the debates and the outcomes of those debates?

The government business program for this week is an absolute shambles. It is undemocratic, and I oppose it.

House divided on motion:

Ayes, 53

Allan, Ms	Langdon, Mr
Andrews, Mr	Languiller, Mr
Barker, Ms	Lim, Mr
Batchelor, Mr	Lobato, Ms
Beattie, Ms	Lupton, Mr
Brooks, Mr	Maddigan, Mrs
Brumby, Mr	Marshall, Ms
Cameron, Mr	Merlino, Mr
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	Pandazopoulos, Mr
Green, Ms	Perera, Mr
Hardman, Mr	Pike, Ms
Harkness, Dr	Richardson, Ms
Helper, Mr	Robinson, Mr
Herbert, Mr	Scott, Mr
Holding, Mr	Seitz, Mr
Howard, Mr	Stensholt, Mr
Hudson, Mr	Thomson, Ms
Hulls, Mr	Trezise, Mr
Kairouz, Ms	Wynne, Mr
Kosky, Ms	

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

Motion agreed to.

MEMBERS STATEMENTS

Economy: performance

Mr WELLS (Scoresby) — This statement condemns the Premier for confusing Victorians on the true state of the Victorian economy and offering false hope to a community struggling in the face of high petrol prices, high interest rates, increased grocery prices and escalating water, electricity and gas prices.

Just three weeks ago the Premier advised this house that Victoria was facing its toughest economic conditions since 1992. He is now ignoring widespread current economic data indicating that Victoria's economy is facing difficult times ahead by boasting on page 23 of the *Herald Sun* of 13 August 2008 that:

> In Victoria the economic fundamentals are as good as you'll ever get.

Recent economic data and forecasts reveal that the Australian and Victorian economies are currently experiencing a significant decline in growth, and continuing hard times are ahead. But the Premier continues to ignore the range of economic indicators and forecasts, including from the Reserve Bank, that point to significantly lower growth and increasing unemployment for Australia and Victoria over the next year or two.

In this year's state budget, the government forecast Victoria's economic growth at 3 per cent and unemployment at 4.75 per cent in 2008–09, whilst the Reserve Bank in its latest quarterly statement predicts that national growth will slow to 2 per cent by the end of 2008 and Australia's unemployment rate is expected to increase to 6 per cent by the end of 2009.

Yarraville community centre: restoration

Mr BATCHELOR (Minister for Community Development) — I rise to draw attention to the restoration of the Yarraville community centre building on Francis Street in Yarraville. This iconic building is historically significant. It is owned by the state government but managed by the local council. The centre provides a large number of support programs to the community in Yarraville.

As well as expressing her gratitude for the state government's funding contribution to this restoration, the mayor of Maribyrnong, Michelle MacDonald, explained to me recently that the local community is culturally and economically diverse and benefits immensely from the valuable adult education, literacy, recreational, social support and child-care focused

activities provided at the centre. The restoration of the building was raised by the member for Williamstown in his inaugural speech in this house, and he has worked hard on this matter ever since entering Parliament.

This is another example of the support which this government gives to help develop communities through cooperative partnerships with all levels of government as well as local communities. This government will continue to play its part to support the management of this restoration project to ensure that its funding strategy is seen through to completion and that the project is delivered in terms of our promise. I look forward to visiting the centre once the restoration is complete and services are returned from their temporary location back to the Francis Street centre.

Primary Industries: restructure

Mr WALSH (Swan Hill) — Two weeks ago the Brumby government announced a major restructure at the Department of Primary Industries. Without consultation or consideration, research stations at Toolangi, Kyabram, Walpeup and Snobs Creek will be closed next year. Depots at Stawell, Rainbow, Charlton and Sea Lake will also be closed, and the centre at Rutherglen will be stripped of its farming land.

This sent shock waves through country communities. Twenty administrative staff and up to 50 agricultural science and extension staff will lose their jobs — a savage blow to the farming industries and the communities in which these people live and work. The Buloke Shire Council in my electorate will lose its two DPI officers — a valuable resource in providing advice on salinity, weed programs and vermin control.

The relocation of department staff takes valuable knowledge out of these areas. The Brumby government claims that sacking staff and closing facilities will 'modernise and improve the delivery of services to Victorian farmers' and will ensure 'services to key farm sectors will increase'.

Since when does sacking staff and closing facilities increase services? It certainly does not in this instance. This takes government spin to a new level, where sacking staff will supposedly increase services. The Brumby government should be building agricultural programs, not slashing them. I challenge the minister to come out from hiding behind Richard Bolt, the department secretary, and stand up for agriculture in this state.

Mitchell Farmer

Ms BEATTIE (Yuroke) — Today I would like to acknowledge a terrific achievement made by a young man named Mitchell Farmer who grew up in my electorate of Yuroke. I am extremely pleased to inform the house that Mitchell Farmer was selected to play his first game of Australian Football League (AFL) football on Sunday, 3 August 2008 for the Port Adelaide Power side against the St Kilda Saints at the Telstra Dome.

Mitchell Farmer grew up playing junior football for the Craigieburn Eagles. I am told by the club that Mitchell showed tremendous football ability from an early age. He developed great skill and a hard work ethic which resulted in his selection to the Calder Cannons under-18 football team before he was taken as Port Adelaide's final draft pick in the 2007 national draft.

I would like to take this opportunity to congratulate his parents, friends, sporting clubs and countless volunteers who have supported Mitchell throughout his junior career. It is fantastic to see a young local man from Yuroke make the grade to play at the highest level of football in Australia. I am sure that following Mitchell's success, AFL talent scouts will be keeping an even closer eye on the Craigieburn Eagles Football Club.

I would like to wish Mitchell all the very best for the remainder of the 2008 season and, if his early form is anything to go by, I am sure that he has a fantastic career ahead of him in the AFL. I just hope that he does not score too many goals against Collingwood!

Toolangi research station: future

Mrs FYFFE (Evelyn) — The government's announcement that it will close the Toolangi research centre will affect growers in my electorate and is an indictment of this government's lack of interest and understanding of the needs of farmers to ensure their produce is competitive on the world stage.

Australia has long been acknowledged as having the most efficient and progressive farmers in the world, but sadly in Victoria this government is turning its back on them. Growers have had to cope with 10 years of drought, increased imports and harsh cutbacks to water allocations — and now there is this kick in the guts from the department that is supposed to support them. The feeling in rural communities is that the department is run by bureaucrats and not by the minister. I quote a comment attributed to Des Jennings of the Victorian Potato Growers Council in an article in the *Mountain*

Views Mail about the closure of the Toolangi research centre:

> I don't think the people making this decision fully realise the implications. Basically, they're bean counters; they just don't realise the uniqueness of the facility.

Over the last 10 years this government has starved agricultural research of funds so that it can use words such as 'underutilised' and 'run down' in its justification for closing the research centre. The importance of this centre to the Yarra Valley cannot be underestimated given over 70 years of a certified potato scheme improving potato yields, almost 50 years in early generation strawberries and a current research program of 1000 raspberry seedlings. This site of 136 acres must not be closed.

Stan Hatt

Mr NOONAN (Williamstown) — I rise to pay tribute to Stan Hatt, who passed away on 2 July 2008. An outstanding sportsperson, Stan was born and raised in Williamstown. His family first established the Kororoit Stars Cricket Club in 1923, which has since become the Altona North Cricket Club. In fact in the early days of the club's history, up to seven members of the Hatt family were listed as members of the team. As a tribute, Williamstown's Hatt Reserve, where the club played many of its early matches, now bears the family's name.

Stan joined the club as a junior player in 1950. He then went on to play 240 games, make 6000 runs and take 500 wickets. Stan played in six premiership sides, captaining the under-16 side in 1950–51 and the senior premiership side in 1960–61. He was also a great participator in the club's administration, spending years as a committee member, including as treasurer and social secretary. He was made a life member for his tireless efforts, and he also won the best clubman award. In addition to his many cricketing achievements, Stan also represented Victoria in baseball at the Claxton Shield. Stan was a passionate member and supporter of the Western Bulldogs, and in 2003 he was recognised in the president's awards for outstanding service to the club.

Stan will be remembered throughout our community as both a sporting legend and a very decent man. I conclude by expressing condolences to members of Stan Hatt's immediate and extended family, who are with us today.

David Collings

Mr MORRIS (Mornington) — This afternoon I wish to acknowledge the passing of a great local government administrator, sailor, Rotarian and later councillor and mayor, David Collings. David served on the Mornington Peninsula Shire Council from 1952 to 1989 — 37 unbroken years of service. He was originally appointed acting shire secretary, because at 20 years of age he did not meet the requirements of the then Local Government Act. His appointment was immediately confirmed when he turned 21. The council of the day clearly saw something special in David and its faith was repaid manyfold.

In those days the shire was lightly settled, but it was clear, given its proximity to Melbourne, that development was inevitable. A Victorian Railways plan to extend the railway line south from Frankston was rejected following a campaign on behalf of the community organised by David and by Alan Hunt, who was later to become President of the Legislative Council. David worked with the council and his long-serving colleagues, Emil Madsen and Ken McArthur, to ensure that the town and district of Mornington developed in a manner consistent with community wishes. His negotiating skills were legendary, and today we enjoy the tangible benefits of his land acquisitions. His efforts were not restricted to his employment. Both the Mornington bush hospital and the Andrew Kerr centre both benefited greatly from his time and energy he devoted to them.

Despite his retirement in 1989, David maintained a close involvement with the town, and it was perhaps inevitable that he would be elected to council and eventually as mayor, an office which he filled with distinction, as was the case with all positions he held. Mornington and its surrounds are undoubtedly a better place because of David's efforts. He will be greatly missed.

The Lakes South Morang P–9 School: opening

Ms GREEN (Yan Yean) — It was with immense pleasure that I attended the opening by the Premier last week of the fantastic $25.2 million The Lakes South Morang P–9 School as part of the government's community cabinet visit to Whittlesea. In her opening address to the students, parents, staff and guests, the principal, Kerrie Heenan, described this school as awesome, and I can only concur. Last year the Lakes school opened on one campus with 250 students, and the enrolment has doubled this year. In the third term of this year, the second junior campus began operation for prep to grade 4 students, and it welcomed with open

arms the students of Merriang Special Developmental School.

The list of achievements of this young school is long: in 2007 it won a United Nations environment award; in 2008 it has been nominated as a finalist in the school design awards; and in 2007 the staff softball team also won a bronze medal. It is a wonderful school precinct in a well-planned development. It has shared sporting fields. Opposite the junior campus there is a children's centre, which is in its third year of operation and which offers a kindergarten, occasional care, maternal and child health and early intervention services as well as other specialist children's services. Both of these great public facilities are cradled in a beautiful setting surrounded by Quarry Hills Regional Park, to which the state government committed a quarter of a million dollars.

I thank Jake and Sarah for showing the Premier and official guests around this brilliant school on the day we visited. I thank all the staff and all those involved in the school planning committee, of which I was proud to be a member. Mill Park Lakes is indeed a great place to live and raise a family.

Bushfires: *Wildfire in the High Country*

Dr SYKES (Benalla) — On 1 August, I joined Mansfield and district residents at the launch of the publication *Wildfire in the High Country*. It is a magnificent publication. It contains the stories of local people's experiences during and after the 2006–07 fires which ravaged north-eastern Victoria and Gippsland.

Local children have contributed to the book, as have Acorn Artists Jonathan Esser and Carl Harris, both of whom are autistic and have expressed their thoughts in truly unique ways on canvas. The book contains many amazing photographs which capture the fury of the fire, the devastation caused, local heroes and heroines, terrified horses fleeing from the fire and beautiful regrowth after the fires.

The book is the result of a true community effort. It was initiated by the Mansfield writer's group, and the project was driven by John Collyer and Robin Purdey. The production of the book was generously sponsored by the Uniting Church, the Bushfire Cooperative Research Centre, the CFA (Country Fire Authority), the Department of Sustainability and Environment, the Department of Human Services, Mansfield Shire Council, Williams Hunt Legal Practitioners and many anonymous donors.

The book is on sale for $25, with proceeds going to the State Emergency Services and the CFA. I encourage all members of the house to purchase a copy of this book, as it is a magnificent record of a historic event and by doing so they will contribute to our CFA and SES. I have copies available.

St Kilda: social inclusion project

Mr FOLEY (Albert Park) — St Kilda is a diverse place, with extremes of wealth and poverty, with the powerful and the powerless, and with those engaged in many areas of the arts, business, entertainment and community. It is a place that has many of those who, sadly, have been excluded from the mainstream of society through drug and alcohol abuse, mental illness, homelessness, reliance on a subculture of street sex work and life well beyond the mainstream of the community. I was therefore pleased to accompany the Minister for Community Development in recently announcing this government's support for the St Kilda Social Inclusion Project — a three-year, $1 million program designed to increase opportunities for the most disadvantaged residents of St Kilda. This project is designed to bring local community-strengthening activities together with innovative and targeted social support responses to build a fairer St Kilda.

There are many agencies delivering good works to those who are most disadvantaged in my local community and who are too often powerless and underrepresented in decision making that impacts on their lives whilst being overrepresented in terms of the demand on homelessness services, acute mental health episodes and the justice system. This project seeks to build on the work being done in different fields of the local community to build community engagement with our most disadvantaged residents and to deliver action plans to address this disadvantage. It brings together specialist and mainstream agencies to help people take their lives beyond the cycle of disadvantage and to drop anchors in mainstream life that can see them embed themselves in the community in ways that will end this disadvantage. What this important project reflects is this government's and this local community's determination to rectify this — —

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

Metropolitan Fire Brigade: Croydon station

Mr HODGETT (Kilsyth) — Sideshow Bob, the Minister for Police and Emergency Services, needs to get out from behind his desk and sort out the disgraceful situation preventing the Croydon

Metropolitan Fire Brigade (MFB) firefighters from moving into their new station in Croydon. I am informed that the move was to take place weeks ago, but due to a number of factors, including an occupational health and safety issue that the board and the union must sort out, the move has been delayed, forcing the firefighters to remain in the old location and operate from the old building.

The $3.2 million brand new, state-of-the-art Croydon fire station remains empty for all to see on the corner of Dorset Road and Mount Dandenong Road. Passers-by keep asking, 'When are the firefighters moving in? What is the delay? Is there something wrong with the building? What has the minister stuffed up this time?'.

We in the local area are proud of our firefighters protecting our local community, saving lives and preventing injury. It is about time the minister showed some initiative, responded to the call and sorted out this mess. The minister needs to support the Croydon MFB by intervening to resolve any outstanding issues and facilitating the immediate move into the new station so that the hardworking, decent and professional firefighters at the Croydon MFB station can operate out of the new facility with all that it offers.

Kilsyth Lady Cobras: achievements

Mr HODGETT — On another matter, I wish to congratulate the Kilsyth Lady Cobras on becoming the 2008 SEABL (South East Australian Basketball League) champions. I congratulate Brooke Nisi, Caitlin Mulhall, Clare Papavs, Desiree Glaubitz, Erica McMenamin, Gemma Kerr, Hayley Moffatt, Jessica Lonon, Sarah Parsons, Tiffany Hodgson, coach Jason Knight and assistant coaches Justin Isbester and David Anderson and wish them well in the championship national finals. From fourth on the ladder, and with road wins against Launceston and Bendigo, the Lady Cobras defeated Nunawading 90 to 73 to win the club's third women's SEABL championship.

Family violence: Indian community

Ms MARSHALL (Forest Hill) — The number of Indian migrants living in Victoria has more than doubled over the last 10 years, and there are now over 50 000 people of Indian origin living in Victoria. Their stories are often those of social integration and economic success, but it is important to acknowledge that there are also stories of hardship.

VicHealth surveys have found that one in five Victorian women across all groups and cultures suffer family violence at some point in their lives. Intimate partner violence is also the leading preventable cause of death, disability and illness in Victorian women aged between 15 and 44. Sadly, 40 per cent of these women do not know where to get advice about or support in dealing with domestic violence. VicHealth has also found that men are more likely than women to hold attitudes that are supportive of violence and which either condone or trivialise violence against women. However, most strikingly, these attitudes were more prevalent in men born overseas than in Australian-born men.

During the last three years over 100 cases of domestic violence have been handled by the Federation of Indian Associations of Victoria. These have involved referrals to counselling and representation before courts and the Department of Immigration as well as resettlement. On Friday, 8 August, I launched a DVD entitled *Don't Suffer in Silence* made possible in part through funding of $30 000 from VicHealth, and I thank VicHealth for its support. This project will help educate and engage the Indian community about family violence and mental health by raising awareness of family violence prevention programs.

On behalf of the many women and families who have been or are affected by family violence, I thank the federation for this DVD and congratulate everybody involved for their most valuable contributions.

Disability services: supported accommodation

Mr R. SMITH (Warrandyte) — I was extremely pleased to hear that the Family and Community Development Committee has, at coalition urging, been directed to conduct inquiries into supported accommodation for those with a disability or mental illness. The issue of supported accommodation is ranked as the most important concern by carers of those with a disability, and the common complaint is that there are simply not the resources available to cater for those in need.

I recently received a copy of a letter sent to the Department of Human Services by one of my constituents, Anita Lynch. Anita and her husband, Frank, care for their daughter Miranda, who is 31 years old and has quadriplegic cerebral palsy. Anita and Frank find attending to Miranda's needs increasingly difficult as they get older. Miranda has been on the emergency waiting list for accommodation for six years. The Minister for Community Services has also been sent a copy of Anita Lynch's letter. I ask her to recognise the desperation of this family, contact them and commit to bringing some relief to their current situation as a matter of urgency.

Member for Yan Yean: comments

Mr R. SMITH — Last Friday the *Diamond Valley Leader* posted an article reporting on a state government-commissioned survey which included, amongst other issues, reference to a link between the Western Ring Road at Greensborough and EastLink at Ringwood. The article reported that I had personally been surveyed by market research company I-view. It was further reported that an individual accused me of lying about receiving the call. I have since received an email from the state manager of I-view, Aaron Morris, confirming that his company did indeed survey me on this issue. I take great offence at being publicly described as a liar by this individual when there are clearly no grounds for so describing me. This person should do the decent and honourable thing and publicly apologise for her words. What is most disturbing is that this individual is a member of this Parliament — the member for Yan Yean.

Vietnam veterans: Geelong

Mr TREZISE (Geelong) — Last Sunday, 17 August, it was a pleasure for me, together with the member for Lara, to attend the annual Vietnam veterans memorial service held at Osborne Park in Geelong. This year approximately 70 Geelong-based Vietnam veterans marched to the memorial with more than 200 people in attendance to show their support. The memorial service is organised each year by the Geelong and district sub-branch of the Vietnam Veterans Association of Australia. The master of ceremonies for the service was Bernard Clancy, whilst sub-branch president Mick Mutton welcomed people to the service. Guest speaker was Colonel Bruce Murray of Fort Queenscliff, and the national anthem was once again beautifully sung by Hannah Pearson, daughter of Vietnam vet Colin Pearson. The bugler for the proceedings was Christina Bowden, and the march was ably led by the Geelong RSL Pipes and Drums with lone piper Dale Keating. Salvation Army chaplain Laurie Parks, himself a Vietnam veteran, led the prayers.

Of course the Geelong sub-branch does far more than organise the memorial service. The sub-branch of the Vietnam vets raises more than $6 000 a year, with much of that being donated to the important work of the Geelong Veterans Welfare Centre. In addition, the sub-branch provides regular newsletters for members and organises monthly events, such as bushwalking, tennis and badminton, and a number of social events, including the annual dinner preceding the memorial service. I take this opportunity to congratulate the Geelong and District Vietnam Veterans Association of Australia for its important work and to commend president Mick Mutton and his committee for their personal efforts and the support they provide in assisting their fellow Vietnam veterans. It is a job well done. Lest we forget.

Wantirna Road, Ringwood: pedestrian crossing

Mrs VICTORIA (Bayswater) — I have spoken several times in this place about the dire need for a crossing on Wantirna Road outside the Waldreas retirement village. This village continues to grow — another 23 units were added recently — which means that more people need to cross the road to access public transport. I questioned the minister as to whether there had been a review of crossings outside nursing homes and retirement villages. His answer was, 'Where nursing homes and retirement villages are located on arterial roads, VicRoads monitors the pedestrian crossings as part of their regular maintenance of the safety of the arterial road network'. Once again I pose the question: must we wait for a tragedy to happen before this crossing is prioritised? Someone needs to be accountable.

Dental services: eastern suburbs

Mrs VICTORIA — Recently I was told that the Minister for Health would be in Knox to announce the dental waiting times grant program for 2008–09, but he unexpectedly cancelled and has shown no sign of rescheduling his visit. It would be nice if the minister showed he cared enough to come out and make the announcement, rather than following the usual Labor policy of treating people in the outer east as mushrooms. Those on the other side of the chamber used to shout loudly about how the state Labor government required federal assistance to help with dental waiting lists. How quiet they have gone since the last federal election. Labor has had nine years to show leadership, but all it has shown is contempt for Victorians and an ability to waste our tax dollars.

Institute of Drug Technology: Boronia facility

Mrs VICTORIA — Congratulations to Dr Robyn Elliott, Dr Graeme Blackman and all at the Institute of Drug Technology on the recent opening of its brilliant new facility in Boronia, in conjunction with Pfizer.

Moorabbin Airport: master plan

Ms MUNT (Mordialloc) — I take this opportunity to congratulate the federal member for Isaacs, Mark Dreyfus, and the federal member for Hotham, Simon Crean, on their work on behalf of our community in

regard to the master plan for Moorabbin Airport and the access for the public to golf at the Moorabbin golf course. I would also like to congratulate Mr Phil McConnell, general manager of Moorabbin Airport Corporation (MAC), for his willingness to work with the local members of Parliament and Kingston City Council in responding to the concerns of local residents. I would also like to congratulate the Minister for Planning, Justin Madden, on his work in this regard, and the new federal minister, Anthony Albanese. The culmination of all their work is the recent joint statement issued by MAC and the City of Kingston that MAC will shortly begin a review of its master plan, which has been brought forward from next year, to enable all interested parties to participate in this process and hopefully to improve the responsiveness of the airport to our local community.

Moorabbin Golf Club: lease

Ms MUNT — It was also announced that the Moorabbin Golf Club's 10-year lease with Kingston City Council, which is due to expire in November this year, will be extended on a month-by-month basis for at least six months to allow the front nine holes of the course to remain open to the public. This is the last remaining public golf course in the Kingston area. Well done to Mark and Simon, Phil, the council and our community on this outcome for our local community.

First Mildura Irrigation Trust: future

Mr CRISP (Mildura) — Today the Brumby government delivered devastating news to the First Mildura Irrigation Trust. The FMIT has a history almost as long as Mildura's, having withstood drought, flood, frosts, depressions, recessions and a royal commission in 1896. The FMIT has had a proud history of service over 113 years. The FMIT had democratic grower representation in its governance — something that was unique in Victoria. All this proud history is being swept away as a result of the subprime meltdown, according to the reasons given by the minister. Other authorities have been caught up in this yet go on without being held to account in the same way. Such is the feeling of injustice that today the chair and deputy chair of FMIT have been seeking advice about a Supreme Court injunction.

I call on the minister to release the documents that were used in making this determination, including the Deloitte reports and the Essential Services Commission report. The community deserves to know what is behind all that has been talked about today. The minister should have the decency to come to Mildura in the next week and inform the public of the logic behind his decision. Such are the feelings and concerns in Mildura that the minister needs to deliver his assurances about future water security and pricing in person. FMIT customers want to be personally assured that they will be no worse off. I call on the minister to front up and come clean.

Austin Health: emergency department and elective surgery unit

Mr LANGDON (Ivanhoe) — Today I pay tribute to the doctors, nurses and all the staff at the Austin Hospital. On Sunday, 27 July, I attended the emergency department after a week of severe gastro symptoms and several trips to my local doctor. On Sunday morning, after a night of vomiting and other activities, I rang the nurse-on-call service to seek the hospital's guidance. The advice was that I should attend the hospital as soon as I could. I immediately went to the emergency department and was admitted for six days. The doctors and nurses in the emergency department were brilliant on what was a very busy day — and I believe Sundays are always exceptionally busy days. Subsequent to that I was admitted to ward 6 east and then ward 6 west. The care provided by and thoroughness of the doctors, nurses and staff were outstanding. My recovery owes much to the service provided to me.

I can truly and sincerely say to the house today that the Austin Hospital is a brilliant hospital, and I am extremely pleased to say that I had some influence in the rebuilding of it. My illness meant, however, that I could not attend the opening that Monday by the Minister for Health of another of this government's commitments to the area — the new elective surgery unit at the repatriation hospital. The commitment of the Bracks and Brumby governments to public health is second to none. I commend them for improvements in public health, not only in my electorate but in the entire state.

Crime: Bayside and Kingston

Mr THOMPSON (Sandringham) — I wish to comment on the increase in crime in the Bayside and Kingston municipalities. The latest crime statistics for Bayside show an 80 per cent increase in crime against property. The incidence of the offence of deception increased from 146 offences to 263 offences. There was a 43 per cent increase in the handling of stolen goods, a 27 per cent increase in drug offences for possession or use, a 500 per cent increase in instances of the offence of going equipped to steal and a 105 per cent increase in harassment.

There was a noteworthy increase in the offence of abduction and kidnapping — in the case of Bayside of 400 per cent and in the case of Kingston of 100 per cent. In Kingston an increase of 19.8 per cent was recorded for the offence of deception, in the case of drug possession or use there was a 19.5 per cent increase, for the offence of going equipped to steal there was an 80 per cent increase, and for harassment, there was a 119 per cent increase. These figures are of concern. While there has been a downward trend in other offences, I have concerns about how the statistics are compiled, noting — —

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

Mahogany neighbourhood centre, Frankston North: 25th anniversary

Mr PERERA (Cranbourne) — Last week I had the pleasure of being part of the Mahogany neighbourhood centre's 25th anniversary. The Mahogany neighbourhood centre provides local Frankston North residents with a range of social, educational and recreational programs. It is also home to the Brumby Labor government's $630 000 Frankston North community renewal initiative. I congratulate all the present and past volunteers, the committee of management, staff and the residents of Frankston North for making this community-based organisation the place to be in Frankston North.

Fresh Start Community Cooperative, Frankston North: funding

Mr PERERA — On another matter, it was with great pleasure that I joined the Minister for Community Development recently in officially launching the Fresh Start Community Cooperative in Frankston North. The minister also announced a $30 000 grant to assist with the running of a twice-weekly community market, and to assist with the development of a business plan to explore new trading models. This grant for Fresh Start will deliver a series of benefits to the community in Frankston. Thanks to this grant Fresh Start will now be able to help other local businesses bring their wares to the community.

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

PUBLIC HOLIDAYS AMENDMENT BILL

Second reading

Debate resumed from 26 June; motion of Mr HELPER (Minister for Small Business).

Opposition amendments circulated by Ms ASHER (Brighton) pursuant to standing orders.

Ms ASHER (Brighton) — The Public Holidays Amendment Bill 2008 does two things. It institutes a range of changes, but essentially there are two primary changes. First of all the bill requires non-metropolitan councils to apply to the Minister for Small Business, who is the minister administering this bill, to have either Melbourne Cup Day or an alternative day gazetted as a public holiday. The government's rationale for this is clear, and that is that it wishes all Victorians to have the same number of public holidays, and that is a reasonable rationale for this change.

The second element of this bill is that it designates additional and substitute days for certain public holidays when they fall on a weekend, and again, the coalition supports the thrust of this. There are clear arguments for not relying on gazettal year by year but to have certainty for public holidays for a range of people. However, while we support the thrust of these two changes, I have circulated amendments to improve the bill to make it fairer for small businesses in particular and to accommodate some local government requests.

State government legislation determines public holidays. Clearly, the Industrial Relations Commission has made determinations in relation to basic standards. There is much talk at a federal level about standards, but state legislation governs public holidays. The public holidays designated under this bill are clearly delineated at clause 5 of the bill. The government wishes to designate New Year's Day and an additional public holiday if New Year's Day falls on a weekend. It wishes to designate Australia Day or a Monday substitute if Australia Day falls on the weekend. It wants to designate Labour Day, which in Victoria falls on the second of Monday in March. It wishes to designate Good Friday, the Saturday before Easter Sunday, and Easter Monday, but there is no substitution for Anzac Day.

It wishes to designate the second Monday in June, which is known as Queen's Birthday; the first Tuesday in November, which is Melbourne Cup Day; and 25 December, which is Christmas Day, or a substitute day when Christmas Day falls on a weekend. It wishes

to designate Boxing Day — 26 December — and it wishes to designate an additional public holiday for Boxing Day if that day falls on a weekend. That is the government's stated preference in the bill before the house.

It may not be known widely that public holidays across Australia vary considerably, and again I want to draw to the attention of the house the fact that there are a range of similar public holidays in the states but there are also different ones. Obviously, Christmas Day is the same across Australia, as is Boxing Day, New Year's Day, Australia Day, Good Friday, Easter Monday and Anzac Day. They are the ones that are the same, right across Australia. It is easy for businesses to understand those public holidays. But there are also a number of different public holidays across Australia.

For the financial year 2008–09, 4 August is Picnic Day in the Northern Territory; 29 September is Queen's Birthday in Western Australia; 6 October, which is a Monday, is Labour Day in the Australian Capital Territory, New South Wales and South Australia; 2 March is Labour Day in Western Australia; 9 March, which is also a Monday, is Eight Hours Day in Tasmania and Labour Day in Victoria. It is also — and I am still speaking about the 2008–09 financial year — Adelaide Cup Day in South Australia, and Canberra Day in the Australian Capital Territory; 4 May, which is a Monday, is May Day in the Northern Territory and Labour Day in Queensland; 1 June — a Monday — is Foundation Day in Western Australia. Western Australia does not pick up Queen's Birthday because it has Foundation Day.

Given I have read these out from a booklet released by Taxpayers Australia, I am sure honourable members would like to know that even the tax office acknowledges public holidays because all tax debts payable and notifications due on these public holidays are extended to the next business day for all taxpayers, so clearly the holidays form a social purpose, and even the tax office will defer tax notices and debts in recognition of public holidays.

Mr Helper — Don't you believe it!

Ms ASHER — It will. As I said, there are different regimes across the states for various public holidays.

I now turn my attention to Melbourne Cup Day and the government's proposal to have an obligatory substitution for councils that are not Melbourne based. The bill requires councils to request the minister to gazette a public holiday on Melbourne Cup Day or an alternative. In the year 2008, 28 councils did not gazette an alternative public holiday on Melbourne Cup Day; and in 2007, 23 councils did not gazette. Clearly there are a number of people in country Victoria who are not getting the same number of public holidays as people in the city.

Previously the system was that councils gazetted these public holidays themselves, but the bill proposes that councils apply to the minister to have these gazetted. I understand the arguments put forward by the department, and presumably by the minister, that this will make for easier tracking of what is happening right across Victoria. I also understand that the minister wrote to non-metropolitan councils in August 2007 'encouraging' them — that was the word used in the second-reading speech — to adopt a holiday, but the bill now before the house mandates that. Again, the coalition is quite supportive of that. I wrote to the councils that did not mandate an alternative public holiday in 2008, and there is widespread support across councils. Indeed there is support from the Victorian Local Governance Association. I have an email from Darren Ray, who is the director of policy and public affairs in the association. He said:

> The VLGA supports the passage of the bill as this will deal with the situation where some non-metropolitan Victorians are not afforded the holiday public holiday associated with the Melbourne Cup.

The policy intent of the government has been very clear from its original press release on this matter. I refer to a press release from the Minister for Small Business — and yes, I do read all the minister's press releases; I suspect I am the only person who does — dated 9 November 2007 He says:

> The Brumby government will introduce legislation to ensure Melbourne Cup Day is a public holiday across the whole state, except where a council outside Melbourne selects an alternative public holiday for their area.

Indeed many councils do select their own race day, show day or something along those lines. The minister also issued a press release on 24 June 2008 clearly showing the government's policy intent for this change in the bill. I quote:

> Small Business Minister Joe Helper said the Public Holidays Amendment Bill, being introduced into Parliament today, would correct a situation where some regional councils observed 11 public holidays while others observed only 10.

I think that is a very clear indication of what was motivating the government to make this change. However, in the bill there has been a change of policy and practice from what is happening now. At the moment councils can designate different public holidays in different parts of their municipalities, and

some councils actually do this — that is, designate a different public holiday in different parts of the municipality.

I have to say that when I heard the rationale for this policy change in the bill, that the government wished to have one public holiday for one municipality, on the face of it I thought that that was a rational response. However, not everyone is happy with this and accordingly in the amendments I have circulated I wish to accommodate some concerns in relation to this.

Golden Plains Shire Council has written to me in a letter dated 25 July 2008, and representations have been made to me on behalf of that shire by the member for Polwarth, and David Koch and John Vogels in the Council. This is one example of a shire that has concerns about the requirement of the government to simply have one public holiday across the whole of the municipality. Lenny Jenner, the acting chief executive officer, wrote as follows:

> It is of concern to Golden Plains Shire Council that non-metropolitan councils will have to apply annually to the minister and nominate an alternative public holiday that will apply to the entire municipal district.

He went on to say:

> Golden Plains shire has two communities of interest within its boundary. The northern community connects with Ballarat and the southern community connects with Geelong. As each community links to a different regional centre, for shire residents there is no occasion with … symbolic meaning.

The letter went on to say that council wished to nominate Ballarat Cup Day for the northern section of the municipality and Geelong Cup Day for the southern section.

I understand that point, and as I said I have circulated amendments which would accommodate that request from the Shire of Golden Plains. I am making the assumption that the government will not allow a consideration-in-detail stage on those amendments; those amendments are clearly set out at 12, 13 and 14.

I would also draw the minister's attention to the fact that in amendment 14 we suggest the council be asked to convey reasons for the request. In other words the coalition is not simply arguing that because the council feels like it, it can designate a different public holiday in different parts of the municipality. There is a clear requirement on the non-metropolitan council to provide reasons to the minister for different substituted public holidays for different parts of its municipal area. The sort of letter I have just read out from the Shire of Golden Plains is rational. I think it is reasonable, and I would urge the government to consider and adopt this amendment.

I also make the observation that in the two government press releases I referred to earlier, which show the government's policy intent in this area, the government did not mention this element, that it wanted one public holiday for the whole municipal district. It simply said that it wanted the same number of public holidays for everyone. I would assume that this is not a massive driver of the minister or the government. It would not be too difficult for the government to accept this request from the Shire of Golden Plains and, I would expect, from other councils who may not realise that the circumstances in this bill will change their practices over many years.

I would also draw attention to the fact that I understand Golden Plains shire is partly located in the minister's electorate. Given that we as members of Parliament like to make sure that circumstances in our electorate put us in a good light, I would urge the minister to take note of his own local conditions, and I am sure he would be aware far more than I as a city resident, that in this municipality there is identification in the northern part and identification in the southern part with different possible cup days.

I want now to turn to the subject of my remaining amendments. These relate to some slight changes to the way in which the government is treating public holidays falling on weekends. The coalition agrees that there needs to be some certainty about that, and I fully accept that the previous situation in which gazettals occurred on an annual basis was not ideal. If you manufacture calendars, or if you are a member of Parliament putting out a fridge calendar for your constituents, or if you are a community group or whatever else, or if you are an employer or an employee — —

Mr Helper interjected.

Ms ASHER — I can see that the minister obviously does not want to put out two calendars, and that is not a public policy argument against Golden Plains. I understand the need for certainty for employers, employees, people who are producing calendars and so forth, but what the opposition does not agree with is the approach of the government.

The government has — in the case of Christmas Day and Australia Day — allowed for a substitute public holiday, but in the case of Boxing Day and New Year's Day it has allowed for an additional public holiday. What that means in real terms is that should the exact

configuration of the calendar occur in the case of Boxing Day and New Year's Day an employer could be up for the cost of two public holidays, whereas in the case of Christmas Day and Australia Day they will only be up for one public holiday. We think that is unfair.

I want to refer to a briefing note from VECCI (Victorian Employers Chamber of Commerce and Industry), and I assume VECCI has raised these concerns with the minister. I remind the minister that he is the Minister for Small Business, and I would hope that he would consider VECCI's concerns very carefully. VECCI makes the observation that businesses operating in the retail, tourism and hospitality sectors may well be badly affected.

It is interesting that the Australian Industry Group has no problem with this legislation, and I imagine that is because the AIG represents larger firms that often shut down for the Christmas-New Year period. That is why there is no problem. But it is VECCI which has brought this concern to the opposition. The briefing note from VECCI says as follows:

> Our concerns centre on the fact that the government is, in our view, intending to create public holiday entitlements that extend beyond what are generally accepted as national standards.

VECCI goes on to say:

> The second part of the bill deals specifically with what should occur when Boxing Day or New Year's Day falls on a weekend. It confirms, firstly, that a substitute day will be observed on the following Monday in such cases, which has been the longstanding and accepted practice.
>
> However, it also provides that the actual calendar day (26 December or 1 January) will remain as a public holiday, in effect creating an additional public holiday on those occasions when either Boxing Day or New Year's Day falls on a weekend.

VECCI goes on to point out that this will occur in 2009 and 2010.

I want to refer to the views of the AIRC (Australian Industrial Relations Commission) on this, because it is quite clear from my reading of AIRC determinations that I have a different interpretation from the government's. However, first VECCI goes on to make the observation that the government 'initially announced', so VECCI claims, that there would be substitute days for New Year's Day and Boxing Day in 2004–05, but that was subsequently changed for there to be an additional public holiday. VECCI has claimed that there were five public holidays across that Christmas-New Year period.

I have to say, as a previous Minister for Small Business and the current shadow Minister for Small Business, that I do not think it is exactly fair that businesses should pay for two public holidays. I think if the public holiday falls on a weekend there should be a substitute public holiday — that is fair — but I do not think there should be an additional public holiday. It is odd that the government has a different treatment for Christmas Day and Australia Day to that which it is proposing to have for Boxing Day and New Year's Day.

I want to make mention of the AIRC because there is a reference in the second-reading speech to various AIRC decisions. In the first instance I want to refer to an interim decision dated 14 December 1994. The head notes state:

> … non-casual worker who works on an 'actual' day —

that is, an actual public holiday —

> should receive the appropriate penalty rate — employee who also works on a 'substitute' day should be paid at normal rate without holiday loading …

The decision goes on to say:

> … a non-casual worker who works on an 'actual' day should receive the appropriate penalty rate — that is, the holiday rate applicable under the award — in addition to normal award entitlements for work on that day. The employee who enjoys the benefit of this provision and also works on the 'substitute' day should be paid normal award entitlements, without the application of any holiday loadings, for that work.

That is the opposition's position, and that is what has driven amendments 1 to 11. Again I ask the government to consider them very carefully. The minister is the Minister for Small Business, and I think he should be sensitive to the concerns raised by a peak organisation representing small business.

I also want to refer to a decision made on 20 March 1995. The AIRC says in its conclusion:

> In summary, we commend the following principles:
>
> (1) that full-time workers who do not work on Monday–Friday of each week should be assured of the benefit of prescribed holidays. They should not forfeit that benefit because a prescribed holiday falls on a non-working day …

Again, I think there would probably be agreement overall with that point. Conclusion no. 2 is as follows:

> (2) that a full-time employee who works a non-standard week should not enjoy leave in respect of both an 'actual' day and a substitute day but should be assured of one of them.

That is our policy position. We agree with substitute days, but we do not agree with an additional public

holiday, and I think fairness demands that the government address those concerns and our proposed amendments.

Public holidays have a long history in this Parliament. I was a member of this Parliament in 1993 when we debated the Public Holidays Bill brought in by the previous Kennett government. I remember sitting in the chamber — I was then in the Legislative Council — and there are members who are still in Parliament who spoke about that bill in the house. I was advised that the Kennett government's Public Holidays Act was going to result in the sky falling in. There was outrage about public holidays being removed.

Mr Helper — It turned dark.

Ms ASHER — The Minister for Small Business, who is the minister at the table, is just assuring me that the world turned dark. The problem with that, and the problem for ALP members opposite, is that the key provisions of the amendments put forward by the Kennett government in 1993 were the removal of Easter Tuesday and Show Day as public holidays. When I saw this bill I immediately thought, given what I had heard in the Parliament in 1993, that clearly the Labor government would be consistent and it would reintroduce Show Day and Easter Tuesday. I went looking through the bill to see whether it would hold true to its outrage expressed in 1993.

I notice that not only have those two public holidays not been reinstated — and I am not arguing for them to be reinstated; I am making a point about consistency — but that reference to them is going to be repealed. On page 7 of the Public Holidays Act 1993 there is a reference in section 10 to 'Easter Tuesday' and to 'the fourth Thursday in September in metropolitan municipal districts', and in that section it actually states that people were not entitled to holidays on those days. This government, rather than being true to what it believed in 1993, is repealing all reference to those two public holidays. I will be interested in particular to hear the views of the Minister for Industry and Trade, the Honourable Theo Theophanous, who railed against these changes in 1993. In his speech as reported in *Hansard* — I take the point that the Minister for Small Business was not in Parliament then, but the Minister for Industry and Trade was, and I had to listen to him — he railed against these measures. I wonder what he said at the cabinet table.

In the spirit of getting in first when members wish to speak on this bill, I make the observation that whilst the previous government made adjustments to substitution days over the Christmas period, the practice was for Australia Day not to be substituted, which is the practical difference, as Australia Day will now be substituted. Under the previous government the practice was for Australia Day to be celebrated on the day; however, for the days over the Christmas period — for example, Boxing Day and Christmas Day — there was substitution.

I refer to the *Victoria Government Gazette* of 16 April 1998 in which a notice was placed by the then Minister for Small Business, headed 'Notice of substituted public holidays', which read:

> I, Louise Asher, Minister for Small Business, under section 8 of the Public Holidays Act 1993 —
>
> (a) declare that Boxing Day, Saturday 26 December 1998 and Christmas Day, Saturday 25 December 1999 shall not be public holidays; and
>
> (b) appoint Monday 28 December 1998 and Tuesday 28 December 1999 as public holidays to apply throughout the whole of the state and to all persons to whom and bodies to which the act applies.

In that declaration dated 9 April 1998 we gave certainty to the calendar manufacturers for 1999, and that was the practice under the previous government.

In conclusion, we agree with the government's desire for certainty, but we do not agree with the government singling out two of these public holidays and saying that there should be additional public holidays. It is interesting to note the government's treatment of Christmas Day and Australia Day which have substitutes while New Years Day and Boxing Day are additional public holidays. The Victorian Employers Chamber of Commerce and Industry objects to this, and we will move amendments to rectify that situation.

I believe the Australian Industrial Relations Commission findings — and again I make the observation that the minister referred to AIRC findings in his second-reading speech — can be interpreted as supporting the opposition's perspective, and that is that workers are entitled to one public holiday for Boxing Day and not two public holidays for Boxing Day.

I will briefly touch on the fact that the Minister for Small Business has an obligation at the cabinet table to look after the interests of small business, and I would expect him to favourably consider these amendments.

In this bill there is also provision for a change to the method of gazettal for the substitute holidays in the non-metropolitan area, which will be up to the minister. Again, I have no complaint about that. I also make the observation that the period of notice designated in proposed section 7(4)(a) of the bill will not be 90 days

this year, and so be it, although I understand that if holidays have already been gazetted, they will remain. I hope that a streamlined procedure comes into being to ensure the certainty that the government desires.

Oddly enough I cannot find reference to this bill anywhere in the statement of government intentions, notwithstanding the fact that there was a press release in 2007 indicating that the government was actually going to do this. I understand that in relation to the statement of government intentions the government said it was not complete, but I do not understand why something that was announced in 2007 was not put into the 2008 statement of government intentions. This probably leads one to the conclusion that the statement of intentions was a piece of fluff, as was always maintained by the opposition.

I urge the government to take note of the amendments I have circulated. I think they are reasonable and that it is reasonable to accommodate the Golden Plains shire. I would expect others — including the minister, given it is his electorate — to be extremely sympathetic to those concerns. I expect the Minister for Small Business to consider business requests to have substitute days and not additional days.

I note that the minister is in some trouble in his portfolio in the sense that people who are opposed to the government's clearway policy think that the minister has let them down. Newsagents who sell Tattslotto tickets think that the minister has let them down. There are many complaints about this Minister for Small Business, and these amendments provide the minister with the opportunity to redeem himself.

Mr HARDMAN (Seymour) — I rise to support the Public Holidays Amendment Bill 2008. The bill provides for greater certainty in regard to public holiday arrangements right across Victoria. It also provides for a public holiday on Melbourne Cup Day or a substituted day to be observed in all parts of Victoria. In other words, the bill meets Labor's commitments to provide certainty to employers and employees about public holidays in Victoria. It also implements the ALP's 2006 election platform to ensure 11 public holidays for all Victorians.

Currently not all Victorians receive 11 public holidays each year. That includes the Shire of Mitchell, where I live. For example, last year Melbourne Cup Day was not declared and to my knowledge no other day in lieu was provided. That is the case across 23 other municipalities in non-metropolitan Victoria, which have a choice to have a holiday on either Melbourne Cup Day or a day nominated in lieu. Obviously some shires have chosen in some cases not to nominate another day. There were some practical problems with that. It caused some confusion in my local community of Seymour, where my son was attending kindergarten yet all the schools were closed on Melbourne Cup Day. I do not know whether that should have been the case, because the public holiday had not been gazetted in Mitchell shire, but all other schools across the state had also taken that day off. Because the kindergarten was operated by the shire, it was not supposed to take a holiday on that day. Families were obviously torn and were asking themselves, 'Do we have a day off or not?'. In the end I think most families decided they would not send their children to kindergarten on that day.

The shire said, 'Instead of having Melbourne Cup Day off, we are going to provide an extra day off for our staff around the Christmas period'. In addition, businesses and shops across the town did not know whether to open and people did not know whether to turn up or not. The situation was quite confusing. The bill will clarify the situation and provide certainty for businesses — employees and employers — about what the arrangements should be. On top of addressing the inequity between metropolitan and non-metropolitan areas, the bill clarifies the situation for the community in general.

The bill also seeks to address some uncertainty surrounding the treatment of public holidays that fall on weekends, including Christmas Day, Boxing Day, New Year's Day and Australia Day. An automatic additional public holiday will be provided on the following Monday when New Year's Day falls on a weekend. There will be automatic substitute public holidays when Australia Day, Christmas Day or Boxing Day fall on a weekend.

The bill aligns the Victorian situation with the precedent set by the Australian Industrial Relations Commission. I know there is some debate about this, but I understand that in the public holidays test case held in the AIRC it was decided that additional days declared under the state law would be applied to employees covered by awards. The standard order, which was brought down in August 1994, the first decision, allowed that a state could declare an additional day. That is how the bill fits in with the precedent set by the Australian Industrial Relations Commission. The arrangements have been in place for the past decade, as was mentioned by the member for Brighton, going back to her time as a small business minister. The process has been to gazette those days. That obviously leads to questions and uncertainty about whether or not gazettal will happen in any year —

people do not know. This legislation will create certainty for everybody.

A number of bodies were consulted, including the Victorian Employers Chamber of Commerce and Industry, Restaurant and Catering Victoria and the Shop Distributive and Allied Employees Association. Small businesses were also consulted.

Mr Wakeling interjected.

Mr HARDMAN — A member of the opposition interjects. He might object to unions, but on this side, the Labor side, we like our unions, and we know that they are there to protect workers. I think it is pretty important that he remember that. Many of the constituents who might have voted for him are probably union members. I think he needs to respect them, as we respect employer associations and all other associations that represent people.

The bill contrasts the approach of the Brumby Labor government with the mean-spirited approach of the Kennett government. While we seek to make things fair for all Victorians by providing them with 11 public holidays no matter where they live, the Liberals and The Nationals cancelled Show Day. It was a typical slap in the face for working people — a decision that was made by a very mean-spirited government at the time. It was very anti country people in some respects as well. Obviously the Liberals and The Nationals copped a slap for that at the 1999 election. At the 1996 election they copped a bit of a slap too, but it was not quite enough to put them out of government. Show Day is about showcasing rural life and the way people live in rural communities. It is to do with educating people from the city about where their milk and eggs come from. It is very important that this bill should pass, because it provides a wonderful contrast between us and the opposition. The way the members opposite treated country people will never be forgotten.

The amendments circulated by the shadow minister at the table seek to implement the ALP policy platform — and that is what we are trying to do. We have to end the confusion surrounding public holidays. I note that the Shire of Golden Plains is a case in point. Apparently it did not have those public holidays previously — despite having public holiday arrangements, it did not gazette a local public holiday as an alternative to Melbourne Cup Day.

The need for consistency and clarity for businesses and communities in non-metropolitan council areas is provided in this bill, because they can still nominate a day of importance on a shire-wide basis, and at the same time the new arrangement will effectively provide Victorians across the state with an equitable number of public holidays each year.

I am sure the minister will give consideration to the amendment, but at the same time it is important to note that it will not affect the current practice in that particular shire. I commend this bill to the house and wish it a speedy passage.

Debate adjourned on motion of Mr WAKELING (Ferntree Gully).

Debate adjourned until later this day.

LEGISLATION REFORM (REPEALS No. 3) BILL

Second reading

Debate resumed from 17 April; motion of Mr BRUMBY (Premier).

Mr WAKELING (Ferntree Gully) — It gives me pleasure to rise to speak on behalf of the Liberal-National party coalition in the debate on the Legislation Reform (Repeals No. 3) Bill 2008. At the outset I state that the Liberal-National party coalition will not be opposing this bill. It is the third bill that has been introduced during the current Parliament by the Bracks and Brumby governments in an effort to seek to reduce the level of redundant legislation that is currently on the Victorian statute book.

The no. 1 repeal bill that came before the house earlier in this Parliament removed 15 principal acts from the statute book, and the no. 2 bill removed an additional 7 principal acts and a further 48 amending pieces of legislation from the statute book. This bill, the no. 3 bill, seeks to remove 9 principal acts, 13 amending pieces of legislation with either transitional or substantive provisions, and 61 amending pieces of legislation which are now wholly in operation. The bill also seeks to introduce transitional application provisions into the Road Safety Act 1986.

The Liberal-National party coalition is certainly pleased to see that the government has learnt from its mistakes and has referred this bill to the Scrutiny of Acts and Regulations Committee, as it did with the no. 2 bill. The no. 1 bill was introduced into this house without having been referred to SARC for scrutiny, and as a consequence the bill was withdrawn from the notice paper until SARC had had an opportunity to assess the provisions of the bill. Certainly we are pleased to see that the government has learnt from the mistakes of the

past and has referred this bill to SARC, which I am aware has now reviewed and assessed it.

The Liberal-National party coalition certainly does not oppose the removal of redundant legislation. There has been a history in this house over many years of governments of both political persuasions removing redundant legislation from the statute book, and it is important that legislation is current and relevant to meeting the needs of the Victorian community. The position we will be adopting is one of not opposing on the basis that in good faith we will be reliant on the work of parliamentary counsel and SARC. Certainly we are not questioning the work that parliamentary counsel has done with regard to this legislation and the number of bills it is removing, but it is unclear whether there may be unforeseen circumstances regarding the future removal of relevant legislation.

The removal of legislation from the statute book falls within the government's purview of seeking to reduce by 20 per cent the number of principal acts that operated in 1999 when the Labor government was elected. In the second-reading speech for this bill the Premier indicated that:

> The government has given this review process increased priority and visibility in an effort to decrease the total number of acts by at least 20 per cent, based on the number of acts in operation in 1999. In reducing the regulatory burden, we will maintain Victoria's position as the recognised leader in this area, as well as increase the accessibility of Victoria's legislation. Clearing the statute book of redundant acts will help to make the task of consulting our legislation less confusing.
>
> Accordingly, the government has instituted a review of all acts across every portfolio to identify legislation for repeal. This bill is the third bill to be presented to Parliament as part of this ongoing process.

On face value one would recognise that statement to be made in a just and noble cause, and any effort by any government to remove unnecessary principal acts from the statute book certainly should be supported. However, it is interesting to look at the number of principal acts that have appeared on the Victorian statute book over the last 10 years.

In the statement of government intentions presented to the house in February this year, the Premier highlighted the number of principal acts that were in operation. On 1 January 2000 there were 544 principal acts on the Victorian statute book, according to information provided by the parliamentary library, but the figures that are provided in the Premier's annual statement of government intentions show that at 1 January 2007 there were 579 principal acts in operation on the Victorian statute book. That is an increase of 35 principal acts under the watch of this government. Over the first seven years of this government the number of principal acts did not decrease but in fact increased by 35.

As was outlined in the Premier's statement to the house, the legislation that was introduced is seeking to reduce the number of principal acts. The legislation introduced last year to repeal acts reduced that figure to 527 principal acts on the statute book as at 1 January 2008. The no. 1 bill reduced this figure to 512, and the repeals no. 2 bill reduced the figure to 505. The bill currently before the house will reduce the number of principal acts on the statute book by nine, which will bring us down to a figure of 496.

To achieve the government's own target, that being a 20 per cent reduction in the number of principal acts in operation since 1 January 2000, the government will have to achieve a figure of 435 principal acts on the state's statute book. This means that the government will have to introduce further legislation to repeal an additional 61 pieces of principal legislation from the Victorian statute book. Whilst the bill before the house is seeking to remove a significant number of bills from the Victorian statute book, it is only reducing the number of principal acts by nine.

When the Premier introduced this bill to the house he indicated in his second-reading speech that the first two acts in this series, namely the Legislation Reform (Repeals No. 1) Act and the Legislation Reform (Repeals No. 2) Act, repealed a total of 70 acts between them. However, only 22 of those 70 were principal acts, the remaining 48 were amending legislation. Whilst the government has been seeking to reduce the total number of acts on the statute book, a lot more work still needs to be done to achieve its target of reducing the number of principal acts in operation.

I would like to go through individually the principal acts to be deleted. Firstly, I refer to The Metropolitan Gas Company's Act of 1878. One would have to question why it has taken such a long time to look at the removal of this piece of legislation from the Victorian statute book. This act incorporated a company known as The Metropolitan Gas Company. This company was the result of the amalgamation of The City of Melbourne Gas and Coke Company, The Collingwood Fitzroy and District Gas and Coke Company, and The South Melbourne Gas Company. With the way gas has operated in this state and with the operation of the Gas and Fuel Corporation, it was identified that this act is no longer required.

Another principal act that is sought to be removed is the 1926 Bank of New South Wales Act, which repealed certain acts relating to the Bank of New South Wales and declared that the Bank of New South Wales was deemed to be a company incorporated outside Victoria. It applied section 270 of the Companies Act 1915 to that company. As we all know, the Bank of New South Wales now operates as the Westpac Corporation.

Another piece of legislation that is being removed is the Farm Water Supplies Advances Act of 1944. This act provided power for the Board of Lands and Works to make advances to farmers by way of loans to enable them to obtain supplies of water for their farms. This act was amended in 1946 to extend its application to drainage.

Another principal act which is being removed is the Winchelsea Coal Mine Act of 1951, which ratified agreements that operated in connection with the Winchelsea Coal Mine. The term of each agreement was for five years, from 29 May 1951. The act provided for the payment for the purchase of land by the state. It has certainly been identified that the provisions have now taken effect and that this act is no longer required on our statute book.

The Bread Industry Act of 1959 is also sought to be removed. This has certainly been a very interesting issue, particularly going back during the late 1980s and early 1990s when there was much heated debate about the operation of the bread industry in terms of its operation throughout country Victoria, where protection applied for local bakers so that particularly Melbourne-based bakers could not overstep the boundaries and provide metropolitan-produced bread to country Victoria.

The Planning Authorities Repeal Act of 1994 is being removed. This act provided for the abolition of the Loddon-Campaspe Regional Planning Authority and the Upper Yarra Valley and Dandenong Ranges Authority and the appointment of an administrator to wind up the affairs of each authority.

Other principal acts that are sought to be removed include the Federal Awards (Uniform System) Act of 2003, as well as two appropriation acts, namely the Appropriation (2005/2006) Act and the Appropriation (Parliament 2005/2006) Act, both of which were presented to Parliament in 2005 and relate to the 2005 state budget, which I would like to deal with in further detail in a moment.

I will look at the Federal Awards (Uniform System) Act of 2003. I have had quite a deal of interest in that piece of legislation, as would the many in this house who have led former lives in the industrial relations arena. The precursor of this act was the 1979 Industrial Relations Act, which, as we recall, was abolished back in 1992 with the creation and implementation of the Employee Relations Act, which was brought in by the Kennett government. It operated for award employees engaged within the state and provided for, on 1 March 1993, new terms and conditions for employees who fell within the state arena.

History tells us that in 1996 the then Kennett government referred its industrial relations powers to the federal government, which in effect meant that employees who fell under what was then known as schedule 1 of the Employee Relations Act fell under the control of schedule 1A of the commonwealth Workplace Relations Act. At the time it was interesting to see the protestations of those opposite when in opposition about that system and about the fact that state award employees fell under the system of schedule 1A, as it became, and did not fall under the control of an award system.

One would have expected that one of the first acts of those opposite would be to withdraw the referral and to create a state award system. But interestingly, when the Bracks government was elected it did not seek to do that. The first thing it did was to establish, in 2000 under then Minister for Industrial Relations, Minister Gould, an industrial relations task force. I always found interesting the fact that they set up a task force. I always thought they would have known what they wanted to do in such an important area as industrial relations legislation. However, history shows that the Brumby government created the industrial relations task force.

The task force was headed by eminent Professor Ron McCallum from the University of Sydney, who also worked with Blake Dawson Waldron, and consisted of five other members, two falling from employer ranks — Peter Nolan from the Australian Industry Group and Nicole Feely, then chief executive officer of VECCI (Victorian Employers Chamber of Commerce and Industry); two union representatives, Leigh Hubbard from the Victorian Trades Hall Council and Michael Donovan from the Shop, Distributive and Allied Employees Association; and also George Lekakis, a representative from the Ethnic Communities Council of Victoria.

What happened out of all that was that the task force members met — and I remember going along and presenting submissions to that task force — and travelled around Victoria. It came up with the Fair Employment Bill, but the Fair Employment Bill did not

get very far. In fact, there was not a lot of support out in the Victorian community for the bill, and it actually failed to progress further.

Two years later, in 2002, the Bracks government introduced another bill to regulate state award employees, which became the Federal Awards (Uniform System) Act of 2003. It was proposed that pursuant to that piece of legislation, employees who fell under schedule 1A of the federal Workplace Relations Act were to be provided by the federal Industrial Relations Commission with comprehensive federal awards that would apply to those employees.

Those comprehensive awards were in effect meant to be mirrors of other federal awards that applied only to companies in the state of Victoria that were respondents to federal awards, be it through individual citation or through respondency by virtue of membership of a federally registered industry association.

Interestingly, the minister at the time, Mr Lenders, now the Treasurer, who was then given the control of the industrial relations portfolio, is reported in *Hansard* as stating:

> I should take a little time to clearly articulate our government's preferred approach under this legislation. The fairest, easiest and least complex approach is for the commonwealth to accept Victoria's referral of the common rule power.

Despite all the protestations about the referral of the Victorian system by the Kennett government to the commonwealth, when push came to shove the state Labor government articulated that, unlike its colleagues in other states, its preferred model was, in effect, to have one system in Victoria which was operated at a federal level — a system that was put in place by the previous Kennett government.

The proposal in the act specified that the preferred model was for the federal government, through the then Workplace Relations Commission, to create commonwealth awards for schedule 1A employees or, if that was not to occur, employees would be provided with provisions under the Victorian Civil and Administrative Tribunal.

History will tell us that the federal government acceded to the request and common-rule awards were subsequently created. I certainly recall that process because I was quite actively involved in the creation of a number of common-rule awards that affected employees in Victoria — namely, in a number of industries, particularly in the clerical area, and I recall meeting with various bodies in terms of determining a position that achieved an outcome for Victorian employers.

But the interesting thing was that out of this whole process, despite all of this, the Victorian government had the ability to create an award system for those employees who were not covered by a federal award. As I said, it took until 2003 before this process was put into place, so for a three-year period, where employees in the state of Victoria were not employed by a corporate body, the state had the capacity to create a system where those people were then covered by a comprehensive award, which was always claimed by those opposite as being fundamental to the cause of the Labor Party.

But when WorkChoices was then implemented and those opposite complained bitterly about the way in which WorkChoices had eroded the conditions of employees in the state of Victoria, those opposite also had the capacity to remove the referral of industrial powers for unincorporated businesses in this state and to call for the creation of an award-based system in this state which provided for terms and conditions for employees who were not engaged by a company that was incorporated, which is exactly what applied in the states of Queensland, New South Wales, South Australia, Tasmania and Western Australia. But this government sought not to do that. They complained and they whined and they carped, but they never acted at any point in time to create a system that they were calling for that was required to 'protect', as it was called, the vulnerable and weak who were engaged in this state.

As I indicated before, two principal acts being removed from the statute book are the 2005–06 appropriation bills, which obviously relate to the adoption of the 2005 state budget. One must remember that this was the state budget in which then Treasurer Brumby, now Premier, was putting in place the sweeteners in order to try to set this government up for re-election in the 2006 state election.

The then Treasurer made a number of protestations when he introduced the appropriation bill into the house. He said:

> This budget is about opportunity and prosperity.

He talked about it:

> … using the proceeds of a strong and dynamic Victorian economy to invest for the future — generating new opportunities …

We all know about and hear the rhetoric. He went on to say that their aim was:

> … to give every child the best start in life.
>
> We aim to give every young person the best shot at a first-class education.
>
> …
>
> We have invested to record levels in education, innovation and infrastructure.

One can only laugh. I am sure residents in my electorate and I am sure those across the Victorian community will look at the hollowness in terms of the words that the now Premier used when he was introducing that important bill into Parliament.

In regard to the economy, he talked about the fact that the government was delivering a surplus of in excess of $100 million with an operating surplus of $365 million in the 2005–06 period. However, as the member for Box Hill, the then shadow Treasurer, in his response clearly identified to the house, there were a number of problems in regard to the way in which the government had managed the area of taxation. He went through and tried to determine where the government had provided taxation relief for Victorian businesses, for Victorian consumers and for the Victorian community in general, and he identified some small savings here and there in regard to some minor changes to payroll tax, some minor changes in regard to vehicle modification, land tax relief on caravan parks; he identified, with the best will in the world, about $4.7 million in savings.

One might say that was a good step, but one has to remember that at this point in time the government sought the introduction of its new congestion tax — a congestion tax that was going to reap for the state government at least $34 million — so it was seeking to reduce the amount by $4.7 million through taxes and charges but was going to reap an additional $34 million in its new congestion tax.

The member for Box Hill reminded the house that in the *Herald Sun* of 2 April 2005 a spokeswoman for the Minister for Transport — I do not know if she is still there or if she is the one who answers the emails for the Minister for Public Transport — Ms Melissa Archer said that the government was not planning to introduce a congestion tax. Of course they were not going to introduce a congestion tax, and history would tell us that they did in fact introduce a congestion tax despite the comments that were made by Ms Melissa Archer.

One need only look at the area of infrastructure. As someone who has seen the struggle of a community in Melbourne's eastern suburbs that is struggling to get appropriate road services and is struggling to get appropriate public transport services, the now Premier came out with a statement:

> Over the past five years the government has invested $10 billion in infrastructure projects.
>
> Over the next four years, we will invest in excess of a further $10 billion.

One can only surmise that infrastructure in this state is a complete and unmitigated disaster. We had the livability statement which was meant to solve the state's transport needs, but the big problem with the livability statement was when people read the detail, there was nothing in it. People asked the big questions: where is the infrastructure upgrade? Where is the long-awaited and mooted upgrade for public transport services in the eastern suburbs? In my area, if I may indulge for a moment, the long-awaited rail feasibility study was promised in 1999, as was the tram to Knox City, but neither appeared in the then government blueprint — that is, its livability statement.

In addition to that, the Eddington report was going to provide for billions and billions of dollars of infrastructure, but we are still waiting for the key announcement in regard to a whole range of important infrastructure projects. As to the long-awaited freight logistics strategy, we do not know how many times it has been announced, and we do not know how many times the press release has been dusted off, that the government has changed the date and got the liquid paper out and re-released it.

We are coming up to 10 years, and we still do not have a strategy. The reality is that the Premier has now come out and said he knows what he wants to do and is going to release a plan. We are coming up to 10 years of this government and still we do not have a clear strategy for what they want to do in regard to important infrastructure. I repeat the words of the Premier back when this bill was introduced to Parliament; he said:

> Over the next four years, we will invest in excess of a further $10 billion.

If you go out and ask Victorians, 'Where is the infrastructure investment?', they will tell you they do not know where it is.

In regard to education, the Treasurer as he then was said that the government wanted to provide world-class schools, world-class classrooms and world-class teachers. He said:

> The Bracks government believes that an investment in education is truly an investment in the future.

One only has to look at the comments that were made in regard to the state of education then to see that little has changed now.

The member for Box Hill identified at that point in time that:

> … a recent Organisation for Economic Cooperation and Development report … found that our schools have the worst performance of schools in any mainland state in mathematical, scientific and reading literacy. We have growing problems with truancy, with secondary school absences averaging 16.7 days a year and primary school absences averaging 12.5 days a year.

Those opposite may not like the truth, but the reality is that this is what the OECD — not the Liberal Party — has said about this government.

I again quote the member for Box Hill:

> In four out of six years under the Bracks government there has been no major maintenance funding round — —

The ACTING SPEAKER (Ms Munt) — Order! The member for Ferntree Gully will return to the bill.

Mr WAKELING — I am talking about the Appropriation (2005/2006) Act, which is an act that is sought to be removed from the statute, so clearly my comments are relevant to the bill.

The ACTING SPEAKER (Ms Munt) — Order! I believe that the discussion has been a little too wide ranging. The member for Ferntree Gully should bring his comments closer to the bill.

Mr WAKELING — I appreciate what you have said, Acting Speaker, but I am purely reading from *Hansard*, and it relates to the debate that took place in regard to the Appropriation (2005/2006) Bill. I am happy to speak about that bill, which clearly falls within the purview of the legislation before the house.

But members should not take the information from us. The Australian Education Union summarised that — —

The ACTING SPEAKER (Ms Munt) — Order! The member's time has expired.

Mr LUPTON (Prahran) — I am delighted to make a contribution in relation to the Legislation Reform (Repeals No. 3) Bill and to give it my wholehearted support. It is one of the policies of the Brumby government that we regularly bring legislation into this house with the effect and intention of reducing the overall amount of legislation in Victoria.

This is the third in an ongoing series of repeal bills we have introduced since we started this program in the current Parliament to reduce the overall amount of legislation in Victoria and make our statute book less complex, easier to understand and more accessible to the people of Victoria. I am happy to say that in the overall context of reducing the amount of legislation on the statute book, this piece of legislation before the house — subject to its passing by the Parliament — will not of itself add to the amount of legislation on the statute book as it contains an automatic repeal provision.

In the Legislation Reform (Repeals No. 3) Bill there are 105 different pieces of legislation being repealed. Some of those acts are principal acts, many of them are spent amending acts with substantive or transitional provisions, and the remainder are spent amending acts of Parliament. There are nine principal acts being repealed, two of which are recent appropriation bills which have served their purpose; there are 13 transitional and substantive pieces of legislation being repealed; and there are 83 spent amending acts.

The occasion for debating these repeal bills gives us an opportunity to range a little bit over the history of the legislation this Parliament has passed over the course of the last 150 years. The type of legislation we deal with these days is obviously different to some of the legislation that has been dealt with in the past. It gives us pause to consider some of the significant changes that have gone on in society since some of the acts we are dealing with here were first put on the statute book.

Schedule 1 of the bill lists, in particular, the nine principal acts that are being repealed. The earliest of them is an act of 1878 — the Metropolitan Gas Company's Act 1878. I briefly note that that act was put in place to establish a company which was a result of the amalgamation of the then City of Melbourne Gas and Coke Company, the Collingwood, Fitzroy and District Gas and Coke Company and the South Melbourne Gas Company. I note that Collingwood and Fitzroy were put in the same district then; 1878 was just a little before the Collingwood and Fitzroy football clubs originated, and they were traditional rivals in the latter years of the 19th century. That shows how long these things have been in existence. An act that dates back to before the existence of the Collingwood Football Club in this state is historic indeed! The course of time, over the many years since then, has seen the nature of the gas companies and these entities changing significantly. The then Metropolitan Gas Company was dissolved in 1951, the Gas and Fuel Corporation of Victoria was created in its place, and there have been significant changes even since then.

Another act we are repealing in this legislation is the Bank of New South Wales Act 1926. The Bank of New South Wales no longer exists — it is now Westpac. The government consulted Westpac in relation to the repeal of this legislation, and it was advised that Westpac did not have any objections to the repeal and was happy for that to take place. The 1926 act we are repealing takes us back to the days when the slogan was 'You can bank on the Wales' and that kind of thing.

It takes us back many decades in the history of Australia and of Victoria in particular. One old act that took my fancy was the Farm Water Supplies Advances Act of 1944. Water, including farm water, is an issue that is rightly still very much on the agenda. It is certainly good to see the advances that are being made currently in establishing security of supply and greater amounts of water for the people of Victoria. Water was obviously in the mind of the Victorian Parliament back in 1944 when the Farm Water Supplies Advances Act provided the power for the then Board of Land and Works to make advances to farmers by way of loans to enable them to obtain supplies of water for their farms. We can see that issues of water supply and water security are nothing new in the state of Victoria.

Another act to be repealed by this legislation is the Bread Industry Act of 1959, which regulated the bread industry in Victoria. The Victorian Competition and Efficiency Commission reviewed the operation and continued need for this act back in 2007 as part of its report, which is beautifully entitled *Simplifying the Menu — Food Regulation in Victoria*. The VCEC recommended the repeal of the act as it is no longer enforced. The commonwealth Trade Practices Act has effectively taken over the regulation of competition in the bread industry.

The Bread Industry Act takes us back to the days when the bread industry and many other industries in this state were heavily regulated — back to the days when you could not get a fresh loaf of bread on Sundays. The changes that have taken place in industry and with respect to competition — in terms of diversity, vibrancy, the way in which businesses can operate and the choices available to Victorian consumers — have been great advances. While some may mourn the passing of what could be regarded as a more simple time, I think the changes that have taken place since the Bread Industry Act was enacted to strictly control and regulate the industry back in 1959 have been of great overall benefit to the people of Victoria and to business in general.

There is legislation which has been enacted by this Parliament right up until the last couple of years, including the Appropriation (2005/2006) Act and the Appropriation (Parliament 2005/2006) Act, which have done their work and are no longer needed on the statute book. We have legislation passed as recently as 2006 and going back as far as 1878 being repealed by this bill. Although it is a rather simple bill and in many respects does not necessarily excite the public imagination, it is important that the number of acts on the statute book be kept to a minimum and that wherever possible the government and the Parliament look at ways of reducing the overall amount of legislation that people need to work their way through to understand what the law is.

That says something about our commitment to an accessible legal system and access to the law. It is a basic proposition that if the law is too complex and too difficult to find out about, that impedes and limits people's opportunities to access and understand the law. It is an part of our obligations to the people of Victoria that we undertake this important task of cleaning up the statute book. For that reason I support the Legislation Reform (Repeals No. 3) Bill, and I commend it to the house.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until later this day.

CORRECTIONS AMENDMENT BILL

Second reading

Debate resumed from 31 July; motion of Mr CAMERON (Minister for Corrections).

Mr McINTOSH (Kew) — I will just say from the outset that the opposition will be supporting this bill. The opposition will do so essentially because the bill's primary purpose is to provide a pool of funds for victims of crime to make claims against prisoners who are in custody and who may have received an award of damages for a breach of duty of care by the state of Victoria or alternatively a private prison provider while in prison and arising out of the circumstance of their imprisonment. That pool of funds will be retained or quarantined by the Department of Justice to provide funds from which a victim may recover in respect of a claim against a prisoner at common law or otherwise.

I have spoken to a number of victims groups about this. They are supportive of this position. They understand that one of the downsides will be that it may be a substantial dissuader to prisoners who could sue for recovery of damages, particularly when those damages

may be exhausted in payment of the victim's damages, but that is a separate issue which I will talk about in a few moments.

The context of the bill is that a number of prisoners have been able to bring proceedings against the state of Victoria or private prison providers for breach of duty of care owed by the state of Victoria to prisoners during the course of their imprisonment. The provisions of the bill will only extend to damage payments for breaches which occur during the prisoner's custody, not before or after it. They will only operate in relation to prisoners who are able to recover damages for the state's breach of its duty of care while they are serving a prison sentence. It is noted that prisoners who are on remand will be excluded from the operation of the act because they have not been dealt with. It is only after they have been convicted and sentenced to a term of imprisonment that the starting gun goes off, as it were, and the provisions of the act conclude once they have been released from jail. So it only applies to proceedings which relate to the time they are in prison.

The scheme of the bill is that those funds are then quarantined for 12 months or until a proceeding brought by a victim against a prisoner is exhausted, so it could potentially be a number of years before that proceeding is completed, and the funds would be quarantined during that period to enable the victim to seek to recover. As I said, that in itself may be a long process. As we know, litigation, certainly in relation to personal injury claims, can be substantial, particularly when one of the claims may amount to a trespass, which is not even as easy to establish as a mere breach of a duty of care. A trespass, assault or otherwise which may involve exemplary damages may take a substantial period of time to be completed. At least the scheme of the act is to quarantine those funds until those proceedings are exhausted.

The scheme of the act also enables victims to register with the department so that if there is a proceeding afoot and there is recovery, they will be notified of that recovery. The fact that a prisoner has recovered damages must be advertised in the *Government Gazette* and in a newspaper circulating on a daily basis within the whole of Victoria. There is also, as I understand, a provision for other forms of advertisement, including the internet, to enable victims to perhaps understand that they have those rights to recovery against that pool of money.

I note there is a threshold in relation to the quarantining of those funds, which is $10 000. That means that the prisoner has to recover more than $10 000 before the moneys are then paid into the quarantine fund. I also note that the provision of medical expenses and legal costs can be exempt from the quarantined funds — we are looking after our legal brethren and the medical needs of prisoners. In any event the vast majority of those funds are then quarantined to enable the victim to recover.

A prisoner's right to sue the government or a private provider are in no way diminished. The second-reading speech, and indeed the bill, make that perfectly clear — that there is no impediment to a prisoner suing. I will just pick up that point. From time to time there is a matter of some public controversy where a prisoner, well-known or otherwise, sues the state of Victoria because they have fallen out of been or been assaulted by fellow prisoners for instance. The state of Victoria can then be sued for breach of duty. Understandably that normally results in emotional howls of protest from victims of crime, and quite often politicians and other members of the community also join in that concern.

One daily newspaper is quite strong on running these sorts of stories because they generate a degree of concern among certain members of the community about prisoners being able to recover while victims have no opportunity to do so. Those howls of protest are strong, they are loud, they are quite common, and indeed interestingly enough one of the effects of this bill will be to significantly dissuade to prisoners from bringing these proceedings. One of the effects may be that the number of prisoners who seek to recover damages against the state for a breach of duty of care while they are in prison may actually drop away, because those funds that would be otherwise available to a prisoner would be dissipated in paying out a victim who is able to recover damages — or indeed, even if the victim is not successful, may tie up those funds for a long period of time, possibly until the victim has exhausted their legal redress. Whether they win or lose, those funds may be tied up for a significant amount of time.

As I said earlier, one of the effects of this bill — I am not saying it is the purpose — will be to dissuade prisoners from bringing these proceedings. If that follows, the government is getting a benefit, perhaps twofold: firstly, the odium of adverse publicity about certain prisoners bringing proceedings for perhaps minor breaches of duty of care or otherwise is going to evaporate; and secondly, the impact on the public purse — that is, the state having to pay out damages — could easily be reduced as a consequence.

Another effect of the bill will be that it will alleviate a political issue running against a government of any persuasion from time to time. That having been said,

the government has made it perfectly clear that it is in the law itself, and certainly the minister makes it very clear in the second-reading speech that in no way is a prisoner's right to bring a proceeding against the state for breach of duty of care or indeed against the private provider mitigated by this legislation. That still stands. All I am saying is that as a direct and practical consequence, prisoners may be dissuaded from bringing a proceeding.

The bill is fairly lengthy given what it does. It certainly puts in place a very complicated mechanism, and in itself that mechanism is interesting. It is a complex piece of legislation for what is a relatively simple step, but that is probably necessary to spell out precisely those rights that are determined between competing interests.

One thing the bill has not touched upon — it makes it perfectly clear — is that in quarantining those funds to be held by the Department of Justice, no determination is made to try to allocate priority between a victim and other potential claimants against the fund. Of course there can be a number of parties that may have an interest in those funds, not least of which is the Australian Taxation Office, which is a substantial creditor in many cases — there could be back tax or other things — and the taxman will require priority payment under federal legislation.

Indeed it is clear that there is no avenue in this bill for determining those priorities, particularly in relation to commonwealth law, even though it is perfectly clear that commonwealth law still operates in relation to the priority of bankruptcy claims in many respects, and certainly in relation to those matters the tax office claims some degree of priority.

If a fund is available, that may induce many creditors to go through bankruptcy proceedings to recover moneys if there are outstanding debts — if there is a pot of money at the end of the equation. There may also be secure creditors who may want to make claims. There may be other civil claimants — either debt or otherwise — who may also seek to recover. In fact what will occur is that a victim may well be merely an ordinary creditor — an unsecured and unprioritised creditor, if you like. They may have to share in the spoils after other competing creditors if there is any money left. As I said, that is not determined by this legislation. Probably it would be a terribly complex step in any event given overriding parameters relating to commonwealth law.

That in itself will reduce the utility of this bill, because as a former barrister who used to practice in commercial law I know that one of the more long and turgid pieces of litigation is priority between different creditors over a limited amount of funds that could be the spoils of victory. That sort of interpleader or priority determination is very complex; it usually takes a long period to resolve, but it would appear that that may in itself generate an even longer time for victims to recover.

What I am saying here is that while the opposition is very supportive of any measure that will improve a victim's recovery — and indeed there will be many cases where victims will be able to recover a certain amount of money from the spoils of a prisoner — I think this legislation may act as an active dissuader of prisoners to make some form of claim against the state or a private provider, knowing that the spoils of victory will be quarantined in a fund which will then enable victims, as well as other creditors, to perhaps fight over the spoils of that victory with little or no recovery ultimately for the prisoner.

The other thing I want to touch on in relation to those competing claims is that there could be competing claims by a spouse, or children or otherwise, under some form of family law settlement or in relation to social security payments that are made to a spouse or otherwise a dependent partner under commonwealth legislation which will further complicate this particular matter.

While the bill is a step forward, the opposition will be watching its operation in practice because it could easily be a very complicated step. While at first blush it seems to be a nice step, and a nice step forward, and something the opposition supports, certainly in operation it could have complex outcomes.

As I said, at first blush it improves the rights of victims to recover against a prisoner. It certainly provides a pool of money for the victim to recover from, but no doubt there will be long and involved processes to recover it, and in the end it may well act as a positive dissuader for prisoners in bringing these sorts of proceedings, given they are likely to recover little or no benefit for themselves. There will be competing claims between different creditors which will further complicate the matter.

At the end of the day it may well turn into a complete legal nightmare with only the lawyers being the ultimate winners. However, as I said, the opposition looked at this matter and has taken the government at first blush. Certainly victims' groups that I have spoken to support this, and the opposition will always support something that will enable victims to gain any benefit

from those who have committed heinous crimes against them.

I want to mention one last matter. An issue has arisen out of the recent Scrutiny of Acts and Regulations Committee report. The committee received submissions from the privacy commissioner expressing concern about the publication of a prisoner's award and the impact it will have on a prisoner's privacy, and ultimately the potential advertisement that will be placed in the national newspapers. The point is made that the publication is discretionary in both New Zealand and New South Wales under similar legislation. The committee makes the point that a requirement to advertise could impact upon a prisoner.

From my point of view, and from that of the opposition, we accept what the government is trying to do here. Primarily the government is looking after the rights of a victim, and therefore the rights of a prisoner have to play second fiddle, if you like. Most importantly, at the end of the day it is an indication that the final arbiter of people's rights and liberties is always going to be this place; it will be the Parliament that makes those determinations.

On balance we agree with the government that the balance in favouring a victim over the privacy rights of a prisoner is quite clear. We support the right of a victim to recover against the countervailing rights, the privacy rights or indeed the property rights of a prisoner, and in these circumstances the government has got that balance right. We agree with that, but again we indicate, notwithstanding the Charter of Human Rights, that at the end of the day it will be a determination made by this place that weighs up those rights and liberties.

That is something parliaments around the world have done, but particularly here over the last 150 years. It is something we can all be proud of. We do not need to be dictated to by the Attorney-General or by anybody else; we are well and truly aware of this. We agree with the government in relation to this matter; it has got the balance right. The rights of victims should prevail over the privacy rights of a prisoner, although I note the statement of compatibility by the minister, and indeed the reference made to that by the Scrutiny of Acts and Regulations Committee. But as I said, I think the government has got this situation absolutely right, and the opposition supports this legislation.

Ms GREEN (Yan Yean) — It gives me great pleasure to join the debate on the Corrections Amendment Bill 2008. This bill amends the Corrections Act 1986 to further strengthen the recognition that this government has given to the needs of victims and the harmful effects of crime on them. I am pleased to follow the member for Kew who has indicated the opposition's support for this bill, and I think that is sensible support in this case.

The bill addresses the situation where a prisoner receives an award of damages from the state and has a much-improved financial status than at the time they committed their offence. In these circumstances a victim who has suffered because of a criminal act perpetrated by the prisoner might be in a position to bring legal proceedings knowing that there are now assets against which a successful claim can be executed. The bill seeks to place the victim in a more advantageous position by: quarantining the damages and awards payments to prisoners following a successful claim against the state or a private prison operator; publicly notifying the fact of a successful claim against the prisoner to enable victims to consider bringing legal proceedings against the prisoner; and providing for the registration of victims to allow detailed information to be disclosed to them.

It provides for the creation of a prisoner compensation quarantine fund to be managed by the Secretary of the Department of Justice, and it provides sufficient powers for the secretary to pay moneys out of the fund to victims who have successfully completed legal proceedings against the prisoner and to other creditors who might have a claim against the prisoner.

In bringing the bill before the house the government has taken into consideration that at present compensation paid to prisoners by the state can be dispersed or squandered by the prisoner prior to claims being made by victims or judgements being enforced against prisoners by those who have a judgement in their favour such as the Child Support Agency. This scheme does not change the law as it currently stands as to who can claim the funds; however, it allows victims and others to know where the funds are in order to decide whether to make a claim or have an existing judgement enforced.

This government is committed to empowering victims to exercise all of their available rights. I know that some of the claims made against the state by prisoners and the publicity surrounding those has caused additional pain to victims. I disagree with the cynical remarks made by the member for Kew, that the government's motivation in relation to this bill is to get itself out of a political spot. We have absolutely nailed our colours to the mast in terms of our support for victims over the whole time we have been in government. I think those remarks by the member for Kew were a bit rich,

coming from someone whose party severely restricted support to victims of crime when it was in government.

This government has a proud record of improving support to victims of crime, being tough on crime and the causes of crime; and also putting more police on the beat and ensuring that we have the safest state in Australia. People feel safer in this state.

I am very supportive of this bill as it means that victims will be able to get some additional redress. I absolutely support the bill. It further strengthens the recognition that this government gives to the harmful effects of crime and the needs of victims of crime. I commend the bill to the house.

Debate adjourned on motion of Dr SYKES (Benalla).

Debate adjourned until later this day.

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

ROAD SAFETY AMENDMENT (FATIGUE MANAGEMENT) BILL

Second reading

Debate resumed from 31 July; motion of Mr PALLAS (Minister for Roads and Ports).

Mr MULDER (Polwarth) — The opposition will not be opposing the Road Safety Amendment (Fatigue Management) Bill before the house. However, I advise the house of amendments I propose to the bill, and I request that those amendments be circulated.

Opposition amendments circulated by Mr MULDER (Polwarth) pursuant to standing orders.

Mr MULDER — The bill contains a number of minor and technical amendments which have been approved by the Australian Transport Council. The bill follows on from the chain-of-responsibility and fatigue management provisions that were previously inserted into the Road Safety Act 1986 late last year.

The main provisions of the bill alter the responsibilities of loading managers to include nominating a time for the driver to commence loading or unloading a heavy vehicle and creates an offence for a driver who fails to comply. It creates an offence of a driver failing to comply with advanced fatigue management (AFM) outer maximum work times and minimum rest times. The bill requires changes to work diary and supplementary work diary record-keeping requirements. That particular provision deals with a situation when a driver's work diary may be filled up or the technology on board the heavy vehicle may have failed, making it impossible for the driver to use that technology to record his actual working arrangements.

The provision allows the driver in such a case to use a supplementary document. In other words, any piece of paper or anything else that is available, provided it contains the same amount of information that is required to be inserted into the electronic work diary device, will be accepted by the authorities as evidence that the driver has complied with the legislation. The bill also clarifies that solo heavy vehicle drivers should take short rest breaks on board in an approved heavy vehicle or its sleeping berth. Those are the major provisions within the bill.

Areas of concern were raised with us by the Livestock Transporters Association of Victoria (LTAV). The association wants the spread of working hours increased from 14 to 16 for basic fatigue management accredited road hauliers in line with a three-year exemption for their South Australian colleagues from the new nationally agreed standards for unloading only of stock in emergency situations. This area of concern was raised by one group of transport operators, and they were seeking 2 hours. In their request to the minister they said the LTAV proposes that only in situations where animal welfare will be compromised, livestock transporters be exempt from the mandatory work and rest hours prescribed in the current basic fatigue management (BFM) standards and instead be allowed to work up to 16 hours subject to mutually acceptable conditions.

The association proposed a further option. It proposed that, again only in situations where animal welfare will be compromised, livestock transporters be exempt from the 15 hours that are currently prescribed in the AFM standard subject to mutually acceptable conditions and be allowed to operate out to 16 hours, as is the proposal for state-based legislation in Queensland and South Australia.

In considering the amendment proposed by the Liberal Party the house should take into consideration what happens in this place from time to time. When as members of Parliament we are discussing road safety issues and working hours, driving times and rest breaks from driving and at the same time considering legislation for others who also use the roads, we need to look at our own practices very closely. I know that tonight the house will be sitting late. Once the house rises a lot of members who have been in this place for a

long time today, perhaps through unexpected circumstances, will get in their cars and drive away.

The livestock carriers are saying that at certain times they are going to find themselves in a situation whereby, perhaps due to mechanical failure of the vehicle or perhaps because of an accident in front of them, they are held up on the road with a truckload of livestock, and that in those circumstances they should be given an opportunity to not drive for an additional period but to be able to deal with the livestock in a manner that is humane and takes into consideration the welfare of the animals.

These occurrences will be rare. They will not happen in a lot of cases, but if you compare what members do, as I just said, and what we are asking of the heavy transport industry, we need to at least provide some level of flexibility. That is exactly what this amendment is about.

The second issue that has been raised with the opposition relates to training and accreditation. The new provisions in relation to fatigue management — and we are talking about the standard 12 hours; and 14 hours for basic fatigue management; and the advanced fatigue management — are part of a risk-based system that will come into force at the end of September.

Some operators have been raising with the opposition the problems they are having in accessing some of the training programs and also the accreditation providers. They are the people who are going to look at the basic fatigue management programs and the advanced fatigue management programs, test the operators' adherence to those particular provisions and accredit them to operate under those provisions. We understand there are some transitional arrangements in place, but I feel that the government has not taken into consideration what it is like to run a business, and then to have to interrupt that business on an ongoing basis that perhaps does not suit your work schedule, to fall into line with a government that has not done the work in of providing the accreditation officers and ensuring that the training programs are in place.

The transport industry in its own right has gone through a very tough period. As I said, there has been the chain-of-responsibility legislation, followed by the fatigue management programs and the further amendments to this particular legislation. There are issues in relation to fuel prices and lack of drivers; now we have an issue with the government about the accreditation process, where it has not actually met the needs and expectations of the industry on which it is going to enforce these particular provisions.

I would have thought that in this day and age we would at least get to a stage that, if we are going to ask an industry such as the transport industry to fall into line to improve road safety provisions out there for their members and also for the general public, the government would at least have put in place the training programs and the accreditation to make sure that operators are not impacted in a negative manner, because there are a lot of them out there at the moment, particularly when we remember fuel prices, who would be hovering on the edge, with the possibility of going under. I do not think at this particular time that this very slack and very lazy approach the government has taken to this particular program is doing much at all to assist heavy vehicle operators.

I spoke with some of the officers who were providing information to us during the briefing. I asked about applications from companies that had applied for basic or advanced fatigue management accreditations, because, as I said, we were told they had been held up. The officers said, 'We have not had any applications as yet'. I thought that seemed strange, given what we have been told. I said, 'Is it a case that perhaps people have applied or inquired about applications and you have said that you are not ready for it?'. He said that that perhaps could be the case, but they were hoping the documents, the forms, the books and so on will be ready next week, and they hope to be able to take applications.

This system is going to come into being at the end of next month. Members should look at the provisions that were inserted into the Road Safety Act in November last year; yet we have a government that is not ready for the industry on which these provisions will be imposed.

The industry supports any improvement to driver safety and to general road safety. One only has to look at what has taken place over the last few years in relation to the heavy transport industry. The industry does not enjoy the best image in the public arena. Members of the industry want to do as much as they possibly can to improve their image in the public arena and play their role in improving road safety, but it must be terribly disappointing for them to find themselves in a situation where the government is not ready.

If members think back to what happened with the new P-plate laws — the green Ps — all of a sudden all these young people decided they wanted to go and get their licences before these new P-plate regulations and rules came into force. There was not enough time. Young

people from Melbourne were going out to the country and trying to book in to get a spot with a VicRoads accredited tester in country Victoria. Young country people, who had been used for a long time to a short booking period, were turning up and finding that they could not be accommodated.

Once again the roads minister had made the announcement and put in place all the legislation, but his department and the minister himself had not done the work to make sure that the actual provisions he had put in place could be implemented. It turned out to be absolute chaos out in the field. Look what happened in relation to the roads minister's portfolio with the clearway debacle! This issue too will impact on the heavy vehicle industry. An announcement was made about clearways, but there had been no consultation at all with the businesses and the people affected by the new arrangements. When you look at the minister's approach to that, you see that he even went against his own code of practice that said the government should go out and consult with the community and property owners and the people who are going to be impacted by these new clearways. There was no discussion whatsoever. It was a case of making the announcement, starting a fight and then punching up the people who wanted to query or take the government on over the issue.

There is real history to the way the minister goes about his portfolio duties. We had the B-double truck plan prior to Christmas last year. A letter was sent out to councils, and I have a copy of one of those letters. It is to Kevin Rhodes of Benalla Rural City Council and is entitled 'Gazettal of council roads for B-doubles and higher mass limits vehicles'. It states:

> VicRoads is seeking municipal assistance in expanding, as far as possible, the available access to B-doubles and higher mass limits vehicles on the Victorian road network.

It goes on to say in the last paragraph:

> It is requested that municipalities consider endorsing the use of all their local roads for B-doubles and higher mass limits vehicles, identifying any roads that should be excluded from that network, and advise …

It provides a VicRoads contact for municipalities to advise of the outcome. In other words, no longer are councils in a situation where they can nominate a B-double road; the issue is to provide justification as to why a B-double or higher mass limits vehicle cannot use a local road. This letter is not only talking about B-doubles, because it says 'B-doubles and higher mass limits vehicles'. It does not mention the word 'B-triples', but that is exactly what VicRoads and the Minister for Roads and Ports were trying to do just prior to Christmas. This was going to be gazetted sometime in January. That was to ensure that the community was very busy with its Christmas shopping and doing what people do over Christmas, enjoying the Christmas cheer; that school councils were no longer engaged in what was happening in the community; and people were moving in different directions. This created a situation whereby VicRoads and the minister could come in underneath all of that and push councils into having B-double and B-triple trucks on the roads.

What happened as a result of that letter was interesting. An email from John Hennessy of the Municipal Association of Victoria states in the subject line:

> To the council infrastructure director/transport manager: MAV meeting re VicRoads proposal to increase access for B-doubles and larger vehicles to local roads: urgent'.

The MAV was saying this matter was urgent after the letter went out from VicRoads to local councils. The email was copied to council chief executive officers and planning managers. It says:

> VicRoads is proposing to gazette the updated council roads … and is seeking a response from councils to their proposal by January … 2008.
>
> Given that this time is an issue, the MAV is convening a statewide meeting of councils on Wednesday, December 19, at Flemington Racecourse … from 10.30 a.m. to 12.30 p.m. … VicRoads will be present at the meeting. The objective of the meeting is to establish a sector-wide position on this matter.

Quite obviously there was absolutely no discussion with councils about the proposal of the Minister for Roads and Ports and where he intended to go with his B-double and B-triple trucks. There was no discussion whatsoever with local communities. It was going to be forced on local councils and local communities without a consultation process.

Following that, the minister panicked. That email ended up with the Neil Mitchell program, and the minister was there on 14 December, just following the email and that information being handed on. Some questions were put to the minister, and the minister said it had been drawn to his attention that morning. In other words, the minister tried to indicate that he was not really aware of what was going on in his own department and in VicRoads. He was asked:

> So you didn't know about it until this morning?

He answered:

> Ah no, I wasn't aware of it …

Local communities are about to have B-double and B-triple trucks imposed on their arterial road networks, and the Minister for Roads and Ports does not know about it. That was what he was saying. Later in the interview he stated:

> Look, and essentially what they've sought to do here is get to a point where they can quickly map the network. That's not the way we've gone about this in the past and we've tended to have a broad community engagement …

That is what the minister was saying. He later stated:

> So it will be essentially a consultative process where we engage the local community and the representatives of the local community — it won't be a process where VicRoads say, 'Unless you tell us otherwise, these roads will be included on the network'.

The interview went on. There was further media attention in relation to the issue. An article about the letter in the *Herald Sun* of 19 December states:

> Mr Pallas said the scrapped VicRoads directive had been clumsily worded and would be unworkable.
>
> VicRoads denied the review was driven by a need to increase the number of roads B-doubles could use.

What they are all basically saying is, 'This is a big mistake'.

The Minister for Roads and Ports was saying, 'I honestly didn't know anything about this. I'm terribly sorry. I'm going to put a stop to it, and I'm going to be a real hero. It was totally and completely done without me knowing anything about it'. This was 19 December 2007. Well, well, well! A Department of Infrastructure ministerial briefing, a cabinet-in-confidence document addressed to 'Tim Pallas, MP, Minister for Roads and Ports', has been provided to the Liberal Party. It is from John Robinson, executive director, policy and intergovernmental relations, and it says:

> In January this year you requested that a study be conducted regarding the use of higher productivity freight vehicles such as B-triples … B-doubles in Victoria.

The minister requested it, but he has said, 'I don't know anything about it. Don't ask me. It was VicRoads'. The document further states:

> It is proposed to undertake a tender by invitation to select appropriate consultants for the cost-benefit analysis. This is expected to minimise the likely public exposure of the project.

The minister was telling the Neil Mitchell program and everyone listening in that there was going to be broad community consultation, yet here he was undertaking a tender, saying it was expected to minimise likely public exposure of forcing B-double and B-triple trucks on communities. The document goes on to state:

> The second stage will involve a more detailed analysis based on the decisions of the ESDC. This is likely to require community consultation …

It is likely to require it, but that has not taken place. The document is signed by Tim Pallas, MP, Minister for Roads and Ports, and is dated 23 April 2007. This is about eight months before the email and before the letter from VicRoads went out. The minister was driving the project and absolutely denying he had any knowledge of it.

Does the Minister for Roads and Ports tell lies? He has been caught out blatantly trying to impose heavier vehicles on municipalities, local streets and roads and claiming he has absolutely no knowledge of it. I put it to the house that not only is the Minister for Roads and Ports not on top of his portfolio but he is a bit shaky when it comes to telling the truth — because the trail of documents does not lie. The trail of documents says he was right behind this and knew everything about it. He tried to impose heavy vehicles on communities without consultation. He has form when we have a look at what he did in relation to clearways. He is a sloppy minister. He has not got the books ready, has not got the training programs ready and has not got the accreditation ready for this bill — and he was not ready for the new P-plate provisions. The minister is completely and totally not up to it.

I feel for heavy vehicle operators and those who drive the trucks. Earlier this year I went out with a truck operator in my electorate, Skeet Morrow, who wanted to show me some of the roads in the area that he drives on in a heavy vehicle, a truck with trailer. I quite often used to come across these trucks and trailers on the Colac-Lavers Hill Road. When they are coming towards you the trucks are weaving backwards and forwards across the road, and I often used to think it was a problem with the drivers. I made a number of comments that they perhaps needed to slow down on that road, and Skeet said, 'You come for a ride with me'.

When you get into one of those trucks and go for a ride you understand that the issue is not with the driver; the truck is being directed by the road surface. When you get out and look at the road surface on that Colac-Lavers Hill Road you get an understanding of why those particular vehicles are jumping and diving all over the place and the trailer behind is whipping backwards and forwards. It is because of the road surface, and nothing else but the road surface. In actual fact — —

Dr Sykes interjected.

Mr MULDER — What did the Auditor-General say? He said that country roads are underfunded by $100 million. The Auditor-General knows what is wrong with the Colac-Lavers Hill Road, as he does with a whole host of other roads in country and regional Victoria: they have been underfunded.

We know that drivers, particularly of heavy vehicles — imagine spending 12 hours by yourself behind the wheel and taking a short rest — spend a lot of time by themselves out on the road, and fatigue is a major issue with drivers. But we can do an awful lot to assist them, not just with the legislation we have here tonight but by providing funding for the roads those people are driving the heavy vehicles on and by making sure that those roads are safe and that we do not have the situations that I have outlined whereby trucks are being directed from one side of the road to the other because of uneven and stressed pavement. That is exactly what is happening. A further report that came out this week referred, once again, to stressed road surfaces around Victoria, and we have a very, very poor record in relation to that.

There is another way the government could assist drivers of heavy vehicles behind the wheel — that is, by dealing with the level crossings throughout rural and regional Victoria and the metropolitan area of Melbourne. Around 1400 level crossings in rural and regional Victoria only have a stop sign or a give-way sign. We only have to think back a little way to remember that horrific accident at Kerang in which 11 people lost their lives and a lot of people were seriously injured. A report this month from a federal health agency reported that Victoria has the absolute worst record in relation to hospitalisation from accidents at level crossings; there are more level crossings in Queensland than we have here in Victoria, but Victoria had more than double the number of hospitalisations. That says that something is terribly wrong with this government's approach to road safety and safety around level crossings for the drivers of heavy vehicles.

Of course there was that other very serious accident at Trawalla, where once again a heavy vehicle hit a train and pushed it off the tracks. Once again there were fatalities, but when that particular level crossing was looked at there were some really serious issues in relation to the driver having time to, firstly, see the train approaching, and secondly, be able to get the heavy vehicle across to the other side of the level crossing. Now we are talking about, by stealth, B-triples being rolled out into rural and regional areas. From what we can understand, what the government was saying to the council was, 'You make up your minds about which ones you want to keep out, and the rest are going to be in'. If the council makes that decision, I just wonder what will happen in relation to clearance for B-triple trucks and being able to get them through a level crossing in a safe period of time. Councils are pushed and coerced. We know how this government deals with councils if they do not toe the line. It says, 'We know you have a series of funding applications with us for a whole host of other departments. If you become a council that doesn't toe the line, then you know you won't get your funding for a whole host of other projects'. That is what it does.

Dr Sykes interjected.

Mr MULDER — It does, yes. It bribes and it twists arms with Chinese burns and standover tactics, and it has a bully Premier who loves to start fights and kick people about. That is exactly how this government does its business. This is a real concern. We believe councils are eventually going to be really pushed into accepting the role imposed by the minister and his department in taking on heavy vehicles and taking on B-triples.

Honourable members interjecting.

The ACTING SPEAKER (Ms Beattie) — Order! The member for Warrandyte is out of his place.

Mr MULDER — It would also greatly help truck drivers in relation to fatigue management if the government produced a freight and logistics strategy for Victoria. It was supposed to have been produced in 2001, 2002, 2003, 2004 — and on it goes — but we still do not have a freight and logistics strategy for Victoria. No-one really knows where the trucks are going to go, no-one really knows where the ports are going to go and no-one really knows where the intermodal hubs are going to go. When Sir Rod Eddington did his report for the government one of the things he asked was, 'Can we look at the government's freight and logistics strategy?'. The answer was, 'We don't have one'. Sir Rod recommended in his report that the government have a truck plan. I think we have heard it. The government is just going to shove trucks down the throat of every municipality whether they are in rural or regional Victoria or whether they are in the inner metropolitan area, and we know what those poor devils in and around Footscray are going through at the moment. I can tell you that it will only get a lot worse, because the Port of Melbourne Corporation predicted that between 2005 and 2030 container volumes would go from about 1.4 million to about 7 million. The government obviously does not have a plan at this point

in time to deal with those additional containers by any method other than putting them on B-doubles and B-triples.

I would say that channel deepening will be completed in 2010; from that point onwards all those vehicles will start to roll out of the port of Melbourne. The government's answer to the inner metropolitan area to date has been the M1 project, the widening of the Monash Freeway, an upgrade and strengthening of the West Gate Bridge and contra-lane flow on the West Gate Bridge. I put it to the house that one taxi or truck broken down on the West Gate Bridge means the end of that massive $1 billion-plus project. As we know, earlier in the piece the Minister for Roads and Ports reported that that project had blown out by $363 million — once again, the minister's fingerprints are all over a dodgy project. It is something that he could not manage and something that will cost the state dearly.

Interestingly, the great winners out of that particular project happen to be Transurban. It agreed to put in its bucket of money early in the piece, but when the project blew out by $363 million we all said to the government, 'That's okay. How much is Transurban contributing to the cost blow-out?'. How much do you think?

An honourable member — Zero.

Mr MULDER — Zilch, zero — nothing. The taxpayers pick it all up. So when we look at what the Auditor-General has to say about our rural and regional road network — that it is $100 million underfunded — we know where the money has gone, do we not? The money has gone into botched projects that the Minister for Roads and Ports has managed. If you throw in with that the Minister for Public Transport and her myki debacle, it starts to show you how money gets dragged from one region of the state and pushed into projects that the government simply cannot manage.

The Liberal Party supports having in place a fatigue management regime for the transport industry. It is important, because the freight task is going to grow. We want to make sure that people who work in the industry are safe in that industry and, most importantly, are attracted to that industry, because there is a significant truck driver shortage at the moment. Nothing could be worse than having a rig worth half a million dollars sitting there not working for you because there is no truck driver to climb on board. As I say, we will not oppose the bill. I hope the government supports the amendments put forward by the Liberal Party. They are sound; they are there to support the livestock industry.

Ms DUNCAN (Macedon) — It gives me great pleasure to rise in support of the Road Safety Amendment (Fatigue Management) Bill 2008. Unlike the member for Polwarth, I will speak on the bill. We know that research by the National Transport Commission indicates that up to 30 per cent of truck fatalities and 52 per cent of major crash insurance claims are fatigue related — these are enormous figures; that 28 per cent of heavy vehicle licence-holders reported having fallen asleep while driving; that drivers with less than 6 hours sleep are 2.5 times more likely to doze off; and that one in five drivers reported experiencing events such as dozing off, crossing lanes and near misses in the previous year.

These new laws deal with what is fatigue in heavy vehicle drivers. The bill deals with the duties of drivers, employers, schedulers, consignors and others relating to managing fatigue in heavy vehicle drivers — referred to as the chain of responsibility. The bill also specifies working time and rest times for drivers operating under standard hours, basic fatigue management and advanced fatigue management. It deals with the keeping of records, and it deals with compliance and enforcement provisions and penalties.

As I referred to earlier, this chain of responsibility was part of the 2007 bill but has been a notion, if you like, that has been developed over many years — that is to say that the driver who may be fatigued is not solely responsible, or may not be solely responsible, for the fatigue but that everybody in the transport chain has responsibility to prevent drivers suffering from fatigue, and these laws seek to do that.

The parties in the chain of responsibility include the employer of the driver, the prime contractor of the driver, the operator of the vehicle, the scheduler of goods or passengers for transport by the vehicle, the scheduler of its driver, both the consignor and the consignee of the goods transported by the vehicle, the loading manager, and the loader and unloader of the goods. We know that people involved in logistics have quite a diverse range of responsibilities, from perhaps picking a container up from a port and delivering it into the hands of the receiver. There may be many steps in that process and numbers of people involved, so to just point to a driver as the person who carries the can, if you like, should something occur — some accident or crash — is not the thinking behind this legislation, nor is it the thinking behind the national reforms which underpin this bill.

It makes clear that each person in the chain of responsibility must take all reasonable steps to ensure that a person does not drive a heavy vehicle while that

person is impaired by fatigue. The purpose of the bill primarily is to implement nationally agreed amendments to the heavy vehicle driver fatigue management reforms that are approved by the Australian Transport Council before the reforms commence in September this year.

The member for Polwarth was trying to suggest that the preparation of the legislation was lacking in consultation and is not based on evidence. Nothing could be further from the truth and, as I said, these are nationally agreed amendments.

The bill makes minor technical and drafting amendments to the fatigue management provisions of the Road Legislation Further Amendment Act 2007. As I said, these nationally agreed amendments contain a number of minor technical and drafting changes, but they also address issues such as clarifying the definition of short rest breaks so that the rest may be taken in the vehicle; confirming that a third party engaged to act as a record-keeper for a driver shares responsibility for the accuracy of those records; and requiring inspectors, if requested by the driver, to annotate work diaries to record their stopping a driver.

The bill also strengthens the record-keeping requirements. For example, it clarifies that a supplementary record can only be kept until the earlier of either the driver being issued with a replacement work diary and a malfunctioning electronic diary being brought into working order, or the expiry of seven days from when the driver was unable to use the work diary. It also strengthens accreditation requirements.

It requires drivers to carry accreditation documents and to return their accreditation documents to their operators upon being advised that the operator's accreditation has changed or has ceased. It also reforms the fatigue authorities panel so that it is purely an advisory body, not a decision-making body, with the decision-making responsibility being conferred on the Australian Transport Council.

We know that heavy vehicle driver fatigue management reforms are primarily about improving road safety, but these reforms also provide added flexibility for operators to implement accredited systems to manage driver fatigue. They are, as I said, nationally agreed reforms developed by the National Transport Commission and approved by the Australian Transport Council — people who perhaps know somewhat more than the member for Polwarth.

Victoria implemented the initial reform through amendments to the Road Safety Act 1986 made by the Road Legislation Further Amendment Act 2007, and since then the National Transport Commission has developed three packages of amendments to the fatigue management reforms which have been approved by the Australian Transport Council. This bill implements those amendments.

The nationally agreed amendments to the fatigue management reforms have been subject, despite what the member for Polwarth says, to an extensive consultation process while being developed by the National Transport Commission, and of course this Road Safety Amendment (Fatigue Management) Bill comes on top of a huge commitment that this government has made to improving road safety and making reductions in road trauma.

We released the new road safety strategy Arrive Alive, which goes from 2008 to 2017 and which aims to reduce deaths and serious injuries by 30 per cent by the end of 2017. It builds upon significant achievements from the previous Arrive Alive campaign, which covered the period 2002 to 2007. As Victoria's road safety strategy, it aimed to reduce Victoria's road toll by 20 per cent by 2007, and we have made significant gains in road safety since the Arrive Alive campaign commenced in 2002. For example, at the end of 2007 there had been achieved a 19.4 per cent reduction in fatalities compared to the period 1999 to 2001, the three-year average used as the baseline.

Despite what the member for Polwarth says, this government has a proud record of not only investing in road safety but in getting the outcomes that have been attempted in those policy settings. In each of 2003, 2004, 2005, 2006 and 2007 Victoria recorded its lowest road tolls since comprehensive records began. Again, despite what the member for Polwarth says, the government must be doing a lot of things right to be getting those sorts of reductions in fatalities. To the end of 2007 and since the introduction of Arrive Alive, an estimated 579 fatalities have been prevented in Victoria. The Victorian road toll in 2007 was 332, a reduction of 25 per cent compared to the 2001 pre-Arrive Alive toll of 444. In 2007 Victoria's fatality rate per head of population was the lowest of any other Australian state, at 6.4 deaths per 100 000 head of population. The rate for Australia, excluding Victoria, is 8.1 deaths per 100 000 head of population, so Victoria really is leading the way in road safety.

This government has introduced legislation and has funded roads to a much greater extent than previously. Despite what the member for Polwarth says, a huge focus of this government's road funding has been on country roads and, as a member representing a country

region, I can speak firsthand of the amount of money that has been spent in my electorate to improve road safety. Whether it is rope barriers, whether it is tactile edges, passing lanes or turning lanes, this government has invested; it has put its money where its mouth is.

It has put its money there; it has made legislative changes; it has introduced good science-based, evidence-based policies. This recent amendment just adds to what I think is a very long and proud record that this government has in road safety, and I commend the bill to the house.

Debate adjourned on motion of Mr WELLER (Rodney).

Debate adjourned until later this day.

GAMBLING REGULATION AMENDMENT (LICENSING) BILL

Council's amendments

Message from Council relating to following amendments considered:

1. Clause 1, page 2, lines 1 and 2, omit "paragraph (c)".

2. Clause 5, omit this clause.

3. Clause 9, page 9, line 7, after "registrant" insert "and a registration of interest".

4. Clause 9, page 9, after line 9 insert —

   "(d) requirements for a registrant or an applicant to have protocols or procedures to prevent an interested person from improperly interfering with the preparation or making of a recommendation or report under this Act in relation to a registration of interest or an application for a wagering and betting licence; and

   (e) reporting requirements for a registrant, an applicant or an associate of a registrant or of an applicant in relation to the protocols or procedures specified under paragraph (d); and

   (f) any other requirements specified by the Minister in relation to registrants or registrations of interest; and".

5. Clause 9, page 9, line 10, omit "(d)" and insert "(g)".

6. Clause 9, page 9, after line 12, insert —

   "(3) The notice published under subsection (1) may require any matter in, or in relation to, the registration of interest to be verified by statutory declaration by a registrant, an applicant or an associate of a registrant or of an applicant.".

7. Clause 9, page 9, line 13, omit "(3)" and insert "(4)".

8. Clause 9, page 9, line 25, omit "(4)" and insert "(5)".

9. Clause 9, page 9, line 31, omit "(5)" and insert "(6)".

10. Clause 9, page 10, line 3, omit "(6)" and insert "(7)".

11. Clause 9, page 10, line 15, omit "(7)" and insert "(8)".

12. Clause 9, page 10, after line 15 insert —

    "**applicant** means applicant for a wagering and betting licence;

    interested person means —

    (a) a registrant or an applicant; or

    (b) an associate of a registrant or of an applicant; or

    (c) an officer, servant, agent or contractor of —

        (i) a registrant or an applicant; or

        (ii) an associate of a registrant or of an applicant;".

13. Clause 9, page 10, line 28, omit "member." and insert "member;".

14. Clause 9, page 10, after line 28 insert —

    "**registrant** means a person who registers interest in the grant of a wagering and betting licence.".

15. Clause 9, page 11, line 9, omit "(6)" and insert "(7)".

16. Clause 9, page 11, omit lines 10 and 11 and insert —

    "a wagering and betting licence —

    (a) may apply to the Minister for the licence; and

    (b) if the person applies for the licence, must comply with —

        (i) requirements specified by the Minister for an applicant to have protocols or procedures to prevent an interested person from improperly interfering with the preparation or making of a recommendation or report under this Act in relation to an application for a wagering and betting licence; and

        (ii) reporting requirements specified by the Minister for an applicant or an associate of an applicant in relation to the protocols or procedures specified under subparagraph (i); and

        (iii) any other requirements specified by the Minister in relation to applicants or applications for a licence.".

17. Clause 9, page 11, after line 22 insert —

    "(4) The Minister may require any matter in, or in relation to, the application to be verified by

statutory declaration by an applicant or an associate of an applicant.".

18. Clause 9, page 11, line 23, omit "(4)" and insert "(5)".

19. Clause 9, page 11, line 26, omit "(5) If a requirement made by" and insert "(6) If a requirement made by or specified under".

20. Clause 9, page 11, line 28, after "consider" insert "or further consider".

21. Clause 9, page 11, after line 29 insert —

"(7) In this section —

interested person has the same meaning as in section 4.3A.3.".

22. Clause 9, page 12, after line 9 insert —

"(b) stating whether or not, in the Secretary's opinion, the requirements made by or specified under section 4.3A.5 have been complied with; and".

23. Clause 9, page 12, line 10, omit "(b)" and insert "(c)".

24. Clause 9, page 15, after line 20, insert —

"4.3A.7A

Prohibition on improper interference

(1) An interested person in relation to a registration of interest or an application for a wagering and betting licence must not improperly interfere with the preparation or making of a recommendation or report under this Act in relation to the registration of interest or application.

(2) If an interested person in relation to a registration of interest or an application for a wagering and betting licence improperly interferes with the preparation or making of a recommendation or report under this Act in relation to the registration of interest or application, the Minister may refuse to consider, or consider further, the registration of interest or application.

(3) In this section —

interested person has the same meaning as in section 4.3A.3.".

25. Clause 18, page 69, line 17, after "registrant" insert "and a registration of interest".

26. Clause 18, page 69, after line 19, insert —

"(d) requirements for a registrant or an applicant to have protocols or procedures to prevent an interested person from improperly interfering with the preparation or making of a recommendation or report under this Act in relation to a registration of interest or an application for a keno licence; and

(e) reporting requirements for a registrant or an applicant or an associate of a registrant or of an applicant in relation to the protocols or procedures specified under paragraph (d); and

(f) any other requirements specified by the Minister in relation to registrants or registrations of interest; and".

27. Clause 18, page 69, line 20, omit "(d)" and insert "(g)".

28. Clause 18, page 69, after line 22, insert —

"(3) The notice published under subsection (1) may require any matter in, or in relation to, the registration of interest to be verified by statutory declaration by a registrant or an applicant or an associate of a registrant or of an applicant.".

29. Clause 18, page 69, line 23, omit "(3)" and insert "(4)".

30. Clause 18, page 70, line 4, omit "(4)" and insert "(5)".

31. Clause 18, page 70, line 10, omit "(5)" and insert "(6)".

32. Clause 18, page 70, line 15, omit "(6)" and insert "(7)".

33. Clause 18, page 70, after line 24 insert —

"(8) In this section —

"**applicant** means applicant for a keno licence;

interested person means —

(a) a registrant or an applicant; or

(b) an associate of a registrant or of an applicant; or

(c) an officer, servant, agent or contractor of —

(i) a registrant or an applicant; or

(ii) an associate of a registrant or of an applicant;

registrant means a person who registers interest in the grant of a keno licence.".

34. Clause 18, page 71, line 3, omit "(6)" and insert "(7)".

35. Clause 18, page 71, omit lines 4 and 5 and insert —

"a keno licence —

(a) may apply to the Minister for the licence; and

(b) if the person applies for the licence, must comply with —

(i) requirements specified by the Minister for an applicant to have protocols or procedures to prevent an interested person from improperly interfering with the preparation or making of a recommendation or report under this Act in relation to an application for a keno licence; and

(ii) reporting requirements specified by the Minister for an applicant or an associate of an

applicant in relation to the protocols or procedures specified under subparagraph (i); and

(iii) any other requirements specified by the Minister in relation to applicants or applications for a licence.".

36. Clause 18, page 71, after line 16 insert —

"(4) The Minister may require any matter in, or in relation to, the application to be verified by statutory declaration by an applicant or an associate of an applicant.".

37. Clause 18, page 71, line 17, omit "(4)" and insert "(5)".

38. Clause 18, page 71, line 20, omit "(5) If a requirement made by" and insert "(6) If a requirement made by or specified under".

39. Clause 18, page 71, line 22, after "consider" insert "or further consider".

40. Clause 18, page 71, after line 23 insert —

"(7) In this section —

interested person has the same meaning as in section 6A.3.3.".

41. Clause 18, page 72, after line 2 insert —

"(b) stating whether or not, in the Secretary's opinion, the requirements made by or specified under section 6A.3.5 have been complied with; and".

42. Clause 18, page 72, line 3, omit "(b)" and insert "(c)".

43. Clause 18, page 73, after line 30 insert —

"6A.3.7A Prohibition on improper interference

(1) An interested person in relation to a registration of interest or an application for a keno licence must not improperly interfere with the preparation or making of a recommendation or report under this Act in relation to the registration of interest or application.

(2) If an interested person in relation to a registration of interest or an application for a keno licence improperly interferes with the preparation or making of a recommendation or report under this Act in relation to the registration of interest or application, the Minister may refuse to consider, or consider further, the registration of interest or application.

(3) In this section —

interested person has the same meaning as in section 6A.3.3.".

44. Clause 24, page 114, line 9, omit "Secretary" and insert "Commission".

Mr ROBINSON (Minister for Gaming) — I move:

That the amendments be agreed to.

The Gambling Regulation Amendment (Licensing) Bill has returned to this place after receiving support in the other place. In deference to the workload before the house I will limit my comments on this, but it is the case that the bill received the support of the Legislative Council in the last sitting week and passed the Legislative Council in a manner acceptable to the government.

The bill has been held over in the Legislative Council, as indeed it was held over in the Legislative Assembly, for the purposes of consultation with the opposition and minor parties. The consultation was conducted over a number of weeks. It included formal briefings with different parties and, in respect of the opposition, it involved considerable effort in redrafting the bill to accommodate the requirements of the opposition. This was not some minor effort in seeking to produce a bill that was more acceptable to the opposition — this was a process that involved some 17 separate legislative drafts. I want to acknowledge the good work of the Office of the Chief Parliamentary Counsel.

All the time the government sought to accommodate the needs of the opposition, but that was not possible. During the last sitting week and in the sitting week prior to that the shadow minister indicated that members of the opposition party room did not support the government's amendment on the basis that the amendments that had been produced up to the 17th draft were inconsistent with the findings of the independent review panel. The government does not accept that view, particularly given what has been presented to and passed by the Legislative Council.

I note the independent review panel report. As much as I am sure the contributions to the debate from the other side in the Legislative Assembly and Legislative Council — it may come up again tonight — characterise the report of the independent review panel as one in which the panel explicitly determined that everything in relation to lobbying is bad, at paragraph 176 of its report the panel offered a substantial qualification to that. It stated:

> The panel is of the view that the future probity requirements for a lottery or gaming licensing process should expressly prohibit lobbying activities in respect of that process once it commences. The prohibition should operate to prevent preferential access or treatment in respect of the process but need not extend to the mere giving of advice to an applicant or potential applicant.

In that sense the view of the independent review panel was consistent with the view expressed in a document that came out some time after the panel's report — that is, the commonwealth government's lobbying code of conduct. In the preamble to that document the following paragraph appears:

> Lobbying is a legitimate activity and an important part of the democratic process. Lobbyists can help individuals and organisations communicate their views on matters of public interest to the government and, in doing so, improve outcomes for the individual and the community as a whole.

The sum of those two documents is that it is not lobbyists per se or necessarily lobbying per se that is the problem, it is behaviour, whether it is conducted by lobbyists or persons by any other name, that seeks to undermine a licensing process. It is a behavioural matter that we seek to address. That is why the government's amendments focus on behaviour.

The government has acted consistently with the views expressed in both of those documents by introducing amendments which appear as new section 4.3A.7A and, in respect of the keno licences, new section 6A.3.7A, which specifically prohibits improper interference. The provision states:

> (1) An interested person in relation to a registration of interest or an application for a wagering and betting licence must not improperly interfere with the preparation or making of a recommendation or report under this Act in relation to the registration of interest or application.

The provision goes on and indicates what will potentially happen to a registrant or an applicant that breaches that condition. It states:

> (2) If an interested person in relation to a registration of interest or an application for a wagering and betting licence improperly interferes with the preparation or making of a recommendation or report under this Act in relation to the registration of interest or application, the Minister may refuse to consider, or consider further, the registration of interest or application.

I should say that what I have quoted is in relation to the wagering and betting licences, but the same provision appears later in a further amendment in respect of keno licences. It is worth pointing out now that insofar as interested persons are concerned, the government amendments also provide a new definition of 'interested person', which includes:

> (a) a registrant or an applicant; or
>
> (b) an associate of a registrant or of an applicant; or
>
> (c) an officer, servant, agent or contractor of—
>
> (i) a registrant or an applicant; or
>
> (ii) an associate of a registrant or of an applicant …

It is a very broad definition.

There is a series of other amendments which were proposed in the upper house and which secured the support of that house. These relate to procedures that registrants and applicants must follow. They represent an articulation of what will be a registration of interest. Again they are consistent with the independent review panel report. These include the explicit requirement for statutory declarations to be produced by applicants and registrants, which is found in new sections 4.3A.3(3) and 6A.3.3(3). There is also a minor amendment proposed in respect of the Victorian Commission for Gambling Regulation. It is a technical amendment where the word 'commission' replaces the word 'secretary' in new section 10.4.7B.

This bill was introduced to the Legislative Assembly in April. It was held over at that time to allow for consultations and was debated and passed by this house in mid-June. Then it went to the upper house and the debate on it there occurred on 31 July, as I said, during the last sitting week. It was presented in the form I have described, with amendments including an amendment to remove an earlier provision for Tattersall's to apply for an extension of the current licence to coincide with the ending of Tabcorp's licence. It was not the government's preferred position to agree to that, but it was clear from the debate in the upper house and the preparations for the debate in the upper house that the Greens and the Democratic Labor Party have a strong position on that issue, and the government negotiated the deletion of that particular clause — —

Mr O'Brien — Will you bring it back?

Mr ROBINSON — I have been asked whether we will bring it back. The argument at the time was that if the government was not able to find an alternative means of transitioning through to the new venue operator model, then the government reserved the right to reintroduce that. That is absolutely what we stated in our discussion with the Greens. It was acknowledged by the Greens in their contribution to the debate; and it was acknowledged by the minister at that time — —

Mr O'Brien interjected.

Mr ROBINSON — I found someone to dance with, didn't I? I found someone to dance with and someone was left by the wall! Let us just leave it at that, shall we? Yes, let us just — —

Mr O'Brien — With my integrity intact!

Mr ROBINSON — I am not so sure about that. I will not speak for much longer, because I am sure there are some pearls of wisdom to be dropped by those on the other side — —

Mr Andrews — It is getting churlish now, Tony.

Mr ROBINSON — It is getting churlish. What was presented to the Legislative Council represents a considered oversight of a very important licensing procedure. It was put to the Legislative Council in an amended form, and the government produced and supported the amendment. It was supported by the Greens and by the Democratic Labor Party. We regret it was not supported by the opposition, but there was no shortage of effort by the government in seeking to accommodate the opposition's needs.

The bill, as amended, is acceptable to the government. It will allow this process to roll forward as it needs to and as it should. I therefore commend the bill, as amended, to the house.

Mr O'BRIEN (Malvern) — This bill as amended — and I will focus particularly on the amendments — is nothing more and nothing less than a tawdry deal to keep Labor's lobbyist mates with their snouts in the trough. That is what this is all about. It is about making sure that the David Whites of this world can keep their fat success fees, can stay in the lobbying game, and can continue to take part in the issuing of the lucrative gaming licences in this state. You would have thought, Acting Speaker, that this mob would have learnt their lesson after the debacle of the lottery licences. I am glad the former Minister for Gaming, Mr Andrews, is at the table, because I am sure that what I am about to go through will be of interest to him and perhaps bring back some not-so-fond memories.

The Merkel panel, commissioned I might add by the government to look into the issue of the lottery licences, came down with some very strong recommendations. It said on page 70 of its report that:

> The reason the panel has considered the lobbying issues at some length is that it finds the very notion of lobbying in respect of a proposal or actual lottery or gaming licence application antithetical to the probity of the licensing process.

It went on to say:

> The panel is of the view that the future probity requirements for a lottery or gaming licensing process should expressly prohibit lobbying activities in respect of that process once it commences.

An honourable member — And then? The rest of the paragraph?

Mr O'BRIEN — The minister quoted the rest of the paragraph, which I am quite happy to quote as well:

> The prohibition should operate to prevent preferential access or treatment in respect of the process but need not extend to the mere giving of advice to an applicant or potential applicant.

What we have here in these amendments is a legislative framework for the issuing of wagering and keno licences which still lets lobbyists act as the interface between applicants and the government. That is exactly the mischief — exactly the evil — that the Merkel recommendations sought to overcome. It is the interaction between lobbyists and the government which corrupted the lotteries process and which government members are prepared to see happen again, because they want to protect their Labor mates — the Hawker Brittons of this world.

Why did the Merkel panel take this view about lobbyists? For a start, the Merkel panel found that Hawker Britton received a licensing process document from the office of the then Minister for Gaming and passed it on to its client!

Mr Robinson — We've been through this.

Mr O'BRIEN — The minister says, 'We've been through this'; the minister hates to hear it, but this is a finding of the Merkel panel. The panel found:

> … it is now clear that, at an early stage of the licensing process, Hawker Britton was given preferred access to a licensing process document by someone in the minister's office.

'Someone in the minister's office'! This government has a pipeline, where sensitive licensing documents can be shovelled out through the minister's office to Hawker Britton, which will then pass them on to its client. This is the way the government thinks it is appropriate for gaming licences to be issued in this state!

The Merkel report goes on. At paragraph 167 on page 66 it says of Hawker Britton:

> … believes that a copy of the 6 April 2005 information paper was received from Minister Pandazopoulos' office on the morning of 15 April 2005. A copy was then forwarded to Michael Mangos at Tattersall's Ltd —

I should interpolate that he is another Labor mate —

> on the basis that it was not for public consumption until the paper had been released publicly …

This information, this sensitive licensing information, was provided from the minister's office to David White. David White gave it to another Labor mate at Tattersall's, but said, 'Don't let it out publicly. Don't let on that you have this; you're not supposed to have it'. This is the way this Labor government does business with public assets in this state.

Who actually provided that information? This is not some speculation from the Merkel panel. It is not speculation coming from the opposition. That paragraph I just quoted was from Hawker Britton's own solicitors, who fessed up to the fact that the minister's office gave Hawker Britton sensitive gaming documents and that Hawker Britton passed them on to its client and said, 'Don't tell anyone we gave it to you'. This is the environment we are dealing with, and this is why these amendments make this bill so completely ineffective in protecting probity for the wagering and keno licence processes to come.

The Merkel panel also expressed concern that Tattersall's failed to inquire into any of these allegations. It says at paragraph 165 on pages 64–65:

> Tattersall's Ltd's response to the allegations —

this is about Mr White's conduct —

> suggests that it may not have had adequate processes in place to protect its participation in the lottery licensing process from prohibited contact or other improper interference.

This is why getting lobbyists out of the process is so essential. This is why preventing lobbyists acting as the interface between applicants and the government is absolutely necessary if we are to have any chance or any semblance of a clean process for the wagering and keno licences to come. But that is not what this government has delivered. This government's members have said, 'At all costs, let's keep the lobbyists in the game. Let's keep the David Whites of this world in the game. Let's have them earn their success fees, because when it comes to the crunch, looking after Labor mates is far more important than looking after the public interest'.

This brings me to the success fee sought by David White and Hawker Britton under the lottery licensing process. A $350 000 success fee was sought by David White and Hawker Britton from Tattersall's and was agreed to by Duncan Fisher, the then managing director of Tattersall's — I should say 'the discredited then managing director of Tattersall's'.

What was the timing of this request for a success fee? It was May 2006, yet in June 2005 the rules of the lottery licence process had kicked in, and these rules had specifically prohibited lobbying from taking place. I quote from section 2.6.2 of the document published in the Victorian *Government Gazette* under the Gambling Regulation Act 2003:

> Except as specified in this brief, registrants must not, and must ensure that their officers, employees, agents, contractors, advisers, shareholders and associates do not, contact, communicate with or seek assistance from, any officers, employees, agents or advisers of the minister, the state, members of Parliament or their staff and advisers in connection with this brief or the licensing process.

It goes on to say:

> Except as permitted … the registrant must not engage in any activities which may be perceived as influencing the outcome of this licensing process in any way.

You would think from that, Acting Speaker, it was pretty clear that lobbying was off limits, and in fact in the evidence given before the inquiry established in the other place that was agreed. The lobbyists themselves, the David Whites of the world, said, 'Yes, we accept that lobbying could not take place under the rules of the tender'. But then David White says to Tattersall's, 'We would like you to give us a $350 000 success fee if we can knock out the other guys, if we can make sure Tatts are the only people, the only organisation, to get the lottery licence'. What does a lobbyist do other than lobby? So why would a lobbyist ask for $350 000 for not lobbying? Think about that, Acting Speaker — does it make any sense at all? What did the inquiry say? The inquiry did not really buy that. The Merkel report says at paragraph 170:

> Tattersall's Ltd's decision to enter into a success fee arrangement with Hawker Britton during May 2006 (in addition to its monthly retainer), when the commission was reaching the end of its investigations and the process was about to move into evaluation by the GLR team and the steering committee, could reasonably be perceived as anticipating activities seeking to influence the outcome of the licensing process in breach of the prohibited contact clause.

So you have a firm of lobbyists being paid a monthly retainer after the rules kick in which specifically prevent lobbying. They say, 'Give us $350 000 if we can make sure you are the only ones who get the licence'. To have a government saying 'Basically we think that the rules that applied in the lottery licensing procedure were hunky-dory and should apply here' just tells you that this government is not serious about probity. If David White thinks that he can get $350 000 as a lobbyist for not lobbying, he must think he is the Mark Knopfler of Victorian politics — money for nothing — because what else is he getting it for?

The measures proposed by Labor are actually no measures at all. I have already outlined what was in the

rules that applied to the lottery procedure in relation to prohibiting inappropriate conduct, and I have to say that what the government is proposing in these amendments appears to be no stronger than what already applied in the lottery licensing procedure. I should point out that those rules were never enforced, because quite clearly those rules were broken, there was inappropriate contact made, and that inappropriate contact is as obvious as the fact that sensitive information was leaked from the minister's office to lobbyists and then passed on to Tattersall's. Why is the government so keen to stop lobbyists being excluded from the process? Why is it so keen to allow rules which permit lobbyists to act as the interface between applicants and the government? It raises the question: how much do David White and Hawker Britton stand to make out of acting as lobbyists in these forthcoming licences? What about Tony Sheehan? The *Herald Sun* reported on 26 May 2008 that Mr Sheehan made $1.3 million for getting his Labor mates in government to give Intralot a 10-year licence. And hasn't that gone well, Minister?

Mr Robinson interjected.

Mr O'BRIEN — The minister says I would be surprised at how well things are going. That is fascinating. If the minister had listened to the Neil Mitchell radio program this morning, he would have heard John Katakis confirm exactly how poorly many of the games are going. Lottery agents are losing out under this government, customers are losing out under this government and taxpayers are losing out under this government. The minister has turned the luck factory into the dud factory, and he has been churning out dud decision after dud decision.

Mr Robinson interjected.

Mr O'BRIEN — The minister asks if I am sure about that. I speak to lottery agents; I know the minister does not speak to lottery agents. He in fact turns up to their AGMs (annual general meetings) and then runs away before he has to answer any of their questions. We are not talking about the sort of people who are uncivil; they are generally pretty nice, decent people. But when they come out on a Sunday to their AGM and expect to get answers from the minister, the minister thinks it is question time. He thinks he can run away from the lottery agents the way he runs away from questions in the house. Of course the lottery agents have actually got a different standard; they expect that if you turn up to answer questions, you might actually answer them.

The government thinks it can treat lottery agents the way it treats the opposition in this house. Government members are notorious when it comes to question time for saying, 'Remember, it is question time; it is not answer time'. That was not good enough for lottery agents. They actually deserve answers, because this government has put their future in jeopardy. This minister has given a licence to a company which so far is not fit to implement it, which you will see if you look at the conduct of Intralot, at the failure of its technology and at its failure to get information out.

Mr Robinson interjected.

Mr O'BRIEN — I am standing up for lottery agents, and perhaps the minister would be better to do the same, because the lottery agents know that he is doing nothing for them whatsoever. They know that he is just sitting there. He has given the licence to Intralot, and he is now washing his hands of it. He has done absolutely nothing to look after the lottery agents. This is the arrogant response from the government. It thinks that everything is okay, and it does not care at all about the effect this is having on thousands of small businesses across Victoria.

On that note, it would be great to see the minister actually make a decision on Wednesday Lotto, because the government has been sitting on its hands for about 18 months now, and lottery agents deserve some certainty and customers deserve certainty as well. When is the government going to make a decision about Wednesday Lotto? Perhaps the government wants to give that to David White or Tony Sheehan or give that to one of its mates.

Mr Robinson interjected.

Mr O'BRIEN — I am very pleased that the minister believes the situation with Intralot that is affecting lottery agents across Victoria is so amusing. If the minister actually started speaking to some of the lottery agents I speak to and saw how much this is affecting their business, he would not take it as light-heartedly as he has. This is something which is affecting people's businesses; it is affecting their livelihoods. I have had lottery agents tell me they are putting off staff as a result of this. We are talking about people's lives. The minister deserves — —

Mr R. Smith interjected.

Mr O'BRIEN — As the member for Warrandyte points out, the minister has not only turned his back on me, he has turned his back on lottery agents across Australia. The price the government extracted from this deal to get its dud legislation through the Legislative Council was to drop the clause in the original bill, which allowed the minister to extend the gaming

licence held by Tattersall's for a period of months to bring it into line with the expiration date of the Tabcorp gaming licence. This extension is something that pubs and clubs across Victoria which have Tattersall's machines have been relying on.

It is fair enough that when the government says it is going to do something, and the opposition indicates that it does not oppose that extension, there is every reason to expect the government to try to be true to its word. But again, this is just another example of pubs and clubs across Victoria getting done over by a government prepared to engage in a tawdry little deal to protect its lobbyist mates at their expense, which is exactly what has happened here. Clubs and pubs are being sacrificed for the Labor Party's mates; for the David Whites of this world.

I asked the minister whether the government would bring back the extension provisions in a subsequent bill, and the answer was, 'I do not know'. That is what he said; he said, 'I don't know. I might do it, or I might not do it. I reserve the right to do it'. How are pubs and clubs supposed to plan? How are they supposed to have any certainty? How are they supposed to run their businesses with this big question mark hanging over their heads and a minister who engages in a tawdry deal with the Greens in the other place and who sits there and laughs without caring at all whether these pubs and clubs are going to be able to have the sort of information to help them make the decisions necessary to plan their businesses?

It is an example of this government at its absolute worst. It is a question of deals to protect mates. It gives no certainty to businesses including pubs and clubs. This is not a framework which will deliver any sort of probity for the forthcoming wagering and keno licences.

I have no doubt my colleague the shadow Minister for Racing will have a lot more to say about the absolutely essential need at this time above all others for probity, particularly in relation to the racing industry. If you cannot have probity in the racing industry now, one wonders when you are ever going to get it.

Before I wrap up I should say that I had a number of discussions with the minister, and I acknowledge that it was a useful exercise to the extent that I think I communicated the opposition's position, and the minister communicated the government's position, and perhaps there was a better understanding, although obviously it did not lead to any sort of meeting of minds.

What concerns me is that it is not beyond the wit of the government or of parliamentary counsel to draft provisions that would remove lobbyists from being an interface between applicants and the government. I said in my discussions with the minister that that was the key bottom line so far as the opposition was concerned; to ensure that the framework in this legislation could ensure probity going forward for the keno licences and for the wagering licences. Very regrettably the government has chosen not to do that. It has gone ahead with a half-baked set of measures which essentially do no more than replicate — and you could argue less than replicate — the provisions that were in place for the lottery licensing process.

That process was completely compromised and completely discredited, and the government looks set to repeat its mistakes all over again. One would hope that the government has learnt its lessons from last time, but it appears that the power of persuasion of the David Whites of the world and of the Hawker Brittons of the world are just far too important, and the government will always put its mates first and public interest last, and that is what has been reflected in these amendments.

Mr STENSHOLT (Burwood) — Acting Speaker, I admire your forbearance in this debate. You allowed the member for Malvern to wander all over the place and waffle.

An honourable member interjected.

Mr STENSHOLT — Yes. I guess you would call it pollie waffle. I must admit that if web broadcasting had been brought in earlier and one had actually checked back, one would probably have seen a repeat of what the member said before. It was waffle and trifle and filibustering, and he made some very wild statements about people which were really quite unfortunate and should not have been made. I know he has pretty much repeated what he said before, but it is very unfortunate that he has to descend into the gutter and cast aspersions about various people. It is time he moved on. The caravan has moved on, and the member for Malvern ought to get on board.

The ACTING SPEAKER (Dr Sykes) — Order! Acting on his own advice, the member for Burwood should speak through the Chair.

Mr STENSHOLT — Through the Chair, the member for Malvern needs to move on. The caravan has moved on and he needs to get on board. Are you happy with that? He ignored you for quite a considerable time when he spoke, Acting Speaker.

This is the end of a process. As the minister said, there were 17 different versions, and indeed the Legislative Council has done the job it is meant to do and after extensive debate has agreed with the government's amendments. These amendments are actually quite strong amendments. I disagree with the member for Malvern.

In terms of the prohibition on improper interference, various amendments put forward here have been considered and passed in the upper house. For instance, new clause 4.3A.7A is inserted after line 20 on page 15 by clause 9, and new section 6A.3.7A is inserted after line 30 on page 73 by clause 18. The government supports the amendments, and I support them, and I commend them to the house.

Dr NAPTHINE (South-West Coast) — This is fundamentally about integrity and probity in gaming and wagering in Victoria, and it is a pity that the government treats it with scant respect. I would have thought that after the tabling of the report from Judge Gordon Lewis, headed *A Report on Integrity Assurance in the Victorian Racing Industry*, the government and the Parliament would take much more interest in the need for integrity and probity in gaming and wagering.

Under this government we have had a litany of mismanagement of gaming and wagering. We have had a litany of issues where probity has been questioned; a litany of involvement of Labor mates in the allocation of gaming and wagering licences where Labor continues to protect its mates at the expense of the community, and at the expense of allowing corruption and criminal elements into our wagering and gaming industries and into our racing industry.

In his report Judge Lewis says:

> Access to an anonymised Australian Crime Commission (ACC) report, sourced to me by Victoria Police, convinced me that criminal activity in the industry was rampant.

Mr Robinson — On a point of order, Acting Speaker, in racing parlance the member for South-West Coast is in danger of running into the outside rail. The debate before the house is on amendments to the Gambling Regulation Amendment (Licensing) Bill so far as licence processes — wagering licences and keno licences — are concerned. It has absolutely no connection to the report from which the member for South-West Coast is quoting. I accept that lead speakers have some latitude, but the member for South-West Coast is not the lead speaker, and he should speak on the amendments from the upper house.

Dr NAPTHINE — On the point of order, Acting Speaker, the report goes to the very heart of integrity and probity. This legislation is about wagering licences; it is about gaming licences, which is — —

Mr Robinson interjected.

Dr NAPTHINE — Wagering licences are to do with the racing industry, if the minister did not understand. I put to you that it is very relevant.

Mr O'Brien — On the point of order, Acting Speaker, the bill refers to the extension of gaming licences. It refers to wagering licences and the framework for probity therein, as well as to keno licences. If Judge Lewis's report refers to probity in the racing industry on which wagering is based, it is squarely and fairly on point.

Mr Stensholt — On the point of order, Acting Speaker, this report is about something substantively quite different. It is not about licensing. It is about something else. The matter is completely out of order, and I suggest you rule it out of order and support the point of order taken by the minister.

The ACTING SPEAKER (Dr Sykes) — Order! If we can just keep on the bill and continue the discussions in the generally cooperative framework we were working in, that would be appreciated.

Dr NAPTHINE — Thank you, Acting Speaker, and I thank you for your support. As Judge Lewis's report says, an anonymous report:

> … convinced me that criminal activity in the industry was rampant.

Rampant! And it says further:

> The relationship between the codes and Victoria Police and other law enforcement agencies does not currently effectively address this criminal activity associated with racing and wagering, and needs to be strengthened.

The ACTING SPEAKER (Dr Sykes) — Order! The member for Burwood, on a point of order.

Dr NAPTHINE — This is a disgrace! This is absolute, deliberate obstruction!

Mr Stensholt — On a point of order, Acting Speaker, the member is not on the bill. I think he has deliberately flouted your ruling, and I suggest you call him back to order and the bill. He just deliberately flouted your ruling.

The ACTING SPEAKER (Dr Sykes) — Order! I thank the member for Burwood. I have had guidance

from the Clerk, and he has suggested that we need to focus on the bill. I ask the member for South-West Coast to do that.

Dr NAPTHINE — On the point of order, Acting Speaker, The bill specifically refers to the wagering licence which is absolutely integral to the racing industry in Victoria. Judge Lewis further says, and I quote:

> Whilst Victoria Police saw the decision to abolish the racing squad as justified, it left the racing industry without the benefit — —

Mr Stensholt — On a point of order, Acting Speaker, I just repeat my previous point of order that the member for South-West Coast is not speaking on the bill. I ask you to bring him back to the bill.

Mr O'Brien — On the point of order, Acting Speaker, this bill is about the wagering licence in Victoria. It is absolutely to the point of the wagering licence whether people are wagering on a clean or a corrupt industry. It is entirely appropriate for the shadow minister to talk about whether the wagering licence is going to be wagering on a clean industry or a corrupt industry. It is entirely relevant to the exact point of this bill, which is what the wagering licence is going to do in Victoria.

Mr Ingram — On a point of order, Acting Speaker, I may assist the house. As I understand it, the debate before the house actually concerns amendments, which have come from the Legislative Council and not necessarily the entire bill. Whilst I would love to go into a debate about the bill also, we have dealt with it previously in this chamber. Maybe we could remember the narrowness of the debate considering we have an enormous amount of legislation to get through before the end of the week.

Mr Robinson — On the point of order, Acting Speaker, there is nothing in the contribution from the member for South-West Coast that differentiates his contribution in the last few minutes from what he was pulled up for in his first few minutes. If I recall correctly, he was urged to constrain his remarks to the bill. There is nothing in what he has been talking about in relation to that report that connects to the bill. The report that he is quoting from has nothing to do with the licensing process that has been the subject of the bill in this place and in the upper house for several weeks now. Either the member for South-West Coast is speaking on the bill or he is not, and I put it to you that he is so far departed from the bill that he is continuing to flout your advice.

Dr NAPTHINE — On the point of order, Acting Speaker, part 2 of the bill refers to licensing amendments and will reintroduce a new part 3A regarding a wagering and betting licence on racing industries in Victoria. Amendment no. 16 refers to that very issue of a wagering and betting licence; therefore it is absolutely relevant that I talk about corruption issues and criminal activities which may affect the racing industries and which may impact on that wagering and betting licence. The Labor members in this house are deliberately trying to shut down debate because they are scared of what the Lewis report said. They are protecting criminals. They are protecting lobbyists. They are protecting their Labor mates and they refuse to allow reasonable debate on these issues.

Mr Robinson — On a further point of order, Acting Speaker, I take offence at the remark that I am doing what the member for South-West Coast has alleged, and I ask him to withdraw that remark.

The ACTING SPEAKER (Dr Sykes) — Order! I am making a ruling on the original point of order. As was said by the member for Gippsland East, this debate is about the amendments. The member for South-West Coast has indicated that the relevant amendment he is talking about is no. 16. I ask him at this point to confine his remarks to those aspects of the amendment which are listed on the circulated document.

Dr NAPTHINE — It is absolutely relevant to any wagering and betting licence that the people who are applying for the wagering and betting licence know that they are going to be betting and wagering on a sound industry.

Mr Robinson — On a point of order, Acting Speaker, I do not wish to make this point of order lightly, but the member for South-West Coast in his comments a minute or so ago alleged that I was protecting criminals. That is what he said. I take offence at that remark and I ask him to withdraw it.

The ACTING SPEAKER (Dr Sykes) — Order! The minister has asked that the member for South-West Coast withdraw that remark.

Dr NAPTHINE — On the point of order, Acting Speaker, I would like to point out that the Labor Party has orchestrated a campaign here tonight to prevent effective debate on the wagering and betting licence. There is nothing to withdraw. I challenge the minister to say what I need to withdraw.

The ACTING SPEAKER (Dr Sykes) — Order! I advise the member for South-West Coast that I ask him

to withdraw the remark. Does the member withdraw the remark?

Dr NAPTHINE — I am not sure what I am being asked to withdraw. What I said was that the Labor Party has orchestrated a campaign in this house to prevent proper debate and that fundamentally it is protecting criminals and criminal activity, which is rampant in the racing industry. That is not a specific allegation against any member. If the cap fits the Minister for Gaming, he should wear it.

The ACTING SPEAKER (Dr Sykes) — Order! I seek guidance from the Clerk.

Dr NAPTHINE — Typical Labor. They want to shut down debate. It is an absolute disgrace!

The ACTING SPEAKER (Dr Sykes) — Order! We will have some order. The request has been made that the member withdraw the remark. If he chooses not to withdraw the remark, then I will — —

Dr NAPTHINE — I don't know what remark you're talking about.

The ACTING SPEAKER (Dr Sykes) — Order! In the absence of the member for South-West Coast withdrawing the remark, I will need to call the Speaker and seek her guidance.

The SPEAKER — Order! I understand that the member for South-West Coast has been asked to withdraw a remark to which the minister has taken offence. I ask the member to withdraw that remark.

Dr NAPTHINE — Speaker, with due respect, I am absolutely flabbergasted and unsure of what remark the minister has supposedly taken offence to, because under standing orders I have made no offensive remarks that reflect on the minister or any other individual member of Parliament.

Debate interrupted.

SUSPENSION OF MEMBER

The SPEAKER — Order! The practice of this house is that if another member takes offence and the member is asked to withdraw the remarks which have caused offence, that member will do so. If the member for South-West Coast is refusing the direction of the Speaker under standing order 124, I have no other course but to ask him to leave the chamber for 90 minutes.

Dr NAPTHINE — On a point of order, Speaker, the rule of this house over a number of years has been that the member who is seeking withdrawal should be able to identify the specific comments with respect to themselves which they are seeking to be withdrawn and not general comments. The point of order has taken 8 minutes of my time and deliberately disrupted debate.

The SPEAKER — Order! The member for South-West Coast has a different understanding of the practice of this house to that of the Speaker. Under standing order 124 I ask the member for South-West Coast to leave the chamber for 90 minutes.

Honourable member for South-West Coast withdrew from chamber.

Debate resumed.

Mr Burgess interjected.

The SPEAKER — Order! I warn the member for Hastings that the Chair will not be treated in that way.

Motion agreed to.

LEGISLATION REFORM (REPEALS No. 3) BILL

Second reading

Debate resumed from earlier this day; motion of Mr BRUMBY (Premier).

Mr CRISP (Mildura) — I rise to talk about the Legislation Reform (Repeals No. 3) Bill. The purpose of this bill is to repeal a large number of acts — a total of 83 acts in all — as part of the government's commitment to reduce legislation. However, it is worth noting at the start that the program to reduce by 20 per cent the number of principal acts that operated in 1999 has been the Brumby government's stated goal.

In January 2000 there were 544 acts on the statute book, by January 2007 the figure had increased to 579 acts and by January 2008 the figure had reached 527. The three repealing acts will reduce the total number of acts, but there will still be 61 additional acts that need to be axed by this government in order to meet its target. Furthermore, there are a great number of acts being repealed in this bill, and a number of issues could arise. Firstly, there are a number of acts dealing with gas, including the Gas and Fuel Corporation Act. The aim of those acts was to ensure that Victorians had access to natural gas. This has not occurred in all country areas. There are many areas where the rollout

of natural gas has been delayed and where there is a great need. Given things like the Victorian Environmental Assessment Council report limiting firewood collection, country Victorians are going to go cold without the rollout of natural gas. Under these acts the Brumby government has failed country Victorians by not rolling out natural gas to keep them warm during the winter.

Furthermore, Mildura is critically short of natural gas, with the pipeline to South Australia at its full capacity. A $6 million investment is required to boost the line capacity by 40 per cent to allow our businesses to remain competitive by being able to access natural gas rather than running on butane, propane or other high-cost forms of energy. Because we have an interstate gas line, it appears the Brumby government is not interested in assisting Envestra or the other companies that own the gas line to undertake the compression stations that are required to upgrade that line.

The second area I want to talk about is the Farm Water Supplies Advances Act. Today we have seen the minister axe a water authority in Mildura, the First Mildura Irrigation Trust (FMIT). I understand that the minister has accelerated the timetable for that and that at 1 minute past midnight tonight that body will cease to exist. An issue that has arisen today is the non-water assets of FMIT, which are in fact the property of those who contributed to those assets over the 113 year history of the trust. I understand the former board is taking advice on whether those assets can be kept separate and the benefits of those assets limited to FMIT growers. With that in mind, this is a very messy wind-up of an irrigation authority. I would be strongly supporting the FMIT board in making sure it has sound legal advice on those assets.

Furthermore, the Council of Australian Governments (COAG) announced an allocation of $103 million for water works in the Sunraysia area. There is still no detail on that. It is sad that in a time when the Farm Water Supplies Advances Act is being abandoned, the provision of water security through knowing where that money is coming from has not been assured. Several of the other acts also relate to water security. There is a problem that country Victoria faces, particularly those people in my electorate, over water security — that is, with zero allocations and in a time of great stress, the allocations do not match the needs for permanent crops. The $103 million promised under COAG to secure those farm supplies should, I hope, allow the Sunraysia region to detach itself from the lost formulas in the upper catchment, or the upper areas of the gravity systems, and allow small allocations to occur earlier so that they can match growth requirements.

One of the acts that is being abandoned is a 2005 act relating to interstate groundwater. In my electorate we have some unique groundwater that sits across the South Australian border. With allocations so low in the Murray, that resource has been extensively utilised this year. There are some problems with the management of those groundwater resources. Groundwater is an important resource that is extremely important to the community of Murrayville — which by the way has a rail line problem as well, but unfortunately that is not dealt with in the bill.

Mr Kotsiras interjected.

Mr CRISP — Yes, I would be trying to talk on it. Groundwater is a concern.

The Bread Industry Act, which I am told by my colleague the member for Murray Valley has had an extremely controversial history here in the Parliament, is also being axed. That act is also related to the grain industry. Something that has been extremely important to the grain industry is the ongoing research that is being done at the Walpeup research station. The research and development that has been done in the grain industry has kept Victoria and much of the world in bread. With climate change upon us, to be withdrawing from that research facility at this time is not good sense. We will have to grow more grain with less rainfall, and a research facility will be a key to the bread industry. Also, going forward, when there is much talk about emission trading and carbon sinking, a research facility could lend its hand to other things. The carbon sinking potential of the Mallee should be explored at that research station. To be closing that down and causing the issues that it is in the community and the stress amongst those in the grain industry with regard to the tools it needs to go forward may well mean that the lack of a bread industry act, which at this stage is being removed, may become a concern in the future if we do not match climate change with the research and development needed to keep the grain industry up to providing our bread.

We could talk for some time on a number of other acts. The Winchelsea Coal Mine Act would allow us to talk about the coal industry and Victoria's future energy needs. That is something that is close to my heart. As we go forward, with an ever-expanding population and an ever-expanding need for energy, our baseload thermal capacity is going to increase, and the need to meet that energy demand is going to always face Victorian authorities. It was with some concern that

over the weekend I learnt that New South Wales faces a similar dilemma to Victoria in that the spinning reserves of our energy systems will reach their maximums in about 2014. The interchange of energy between states will be important. Coal is a major source of energy. As we go forward we are going to have to think about our energy needs.

A number of other acts are being repealed here as well. The Building (Amendment) Act, which deals with the regulations relating to builders and the building industry, in particular plumbers, is also being repealed. Similarly the way in which we take blood samples following car accidents is being changed with the repeal of the Road Safety Act 1986.

I return to the promise of the Brumby government to reduce red tape and the number of acts. It needs to find 61 more acts to satisfy that requirement. Given the difficulty it is having with some of these, I do not think it is going to be able to keep its promise of bringing the number of those acts down to the levels it promised.

Mr HERBERT (Eltham) — It is a pleasure to speak on the Legislation Reform (Repeals No. 3) Bill 2008. The bill basically has three elements to it: principal acts, spent amendments and amendments to the Road Safety Act which are being repealed. I think it is important to the Parliament that we repeal legislation from time to time, over and above targets the government may set. I think it is important in that this place needs to be relevant.

While some legislation may be relevant for centuries, the truth is the vast majority of it has a use-by date, and it is important to get legislation that has reached its use-by date off the books so that we can have relevant legislation brought in. The other point is that no-one wants to see the state's legislation grow ad infinitum. We have about five or six bills added to the statute book every week that Parliament sits. When you think about 18 sitting weeks you are starting to talk about 70 to 80 new laws every year, and the list goes on. It could get to a point where no-one would even know what the laws were in such a big legislative book, so it makes sense to take them off now and then.

This bill goes a long way towards that. It repeals about 105 pieces of legislation — everything from The Metropolitan Gas Company's Act 1878 to the Water (Governance) Act 2006 — that are no longer useful to the government of the state. This major reform of legislation shows that we are moving towards the government's target and objectives in terms of modernising government in this state. It shows that the government is still fresh and relevant and is ensuring that the laws are as appropriate today as they were in 1999, when we came into office. Let us be clear that this review of legislation is part of an ambitious government target to reduce the regulatory burden and ensure that our legislative regime is in place to boost our competitive advantage.

As we heard from the previous speaker, the legislation is part of the government's commitment to reduce the total number of acts by at least 20 per cent of the number of acts that were on the statute book in 1999. This reduction will ensure that our legislation is less confusing and much easier to understand in running the state. The government in meeting this aim has instituted a review of all acts across every portfolio to identify legislation for repeal, and this is the third bill to be presented to this Parliament to meet that aim. It is important not only to reduce legislation but also to look at what new legislation needs to come in and to look at the regulatory regime that underpins that legislation.

On that point I was very pleased that the government announced in July that it was going to refer to the Victorian Competition and Efficiency Commission an inquiry to reduce red tape to help the environment. We may wonder what red tape has got to do with the environment. There is a whole range of regulatory arrangements that are still in place that do not help the environment but simply add to the paperwork of businesses, and we want to get rid of those. But we need to have a look at regulations and legislation that meet our environmental aims.

We talk a lot about climate change and the need to reduce it, and some of it is not expensive. It does not all have to be large — CO_2 sequestration or a whole range of other measures. Sometimes simple regulations can be put in place through legislation to reduce that burden. Low-roll, fuel-efficient tyres would be one, and limiting the amount of stand-by power on electrical appliances would be another. We need to have a look at the legislation and regulations that are in place and not be averse to changing them to make sure our legislation and regulations are in keeping with the times and are efficient.

I will not talk to these acts as I am going to speak very briefly, but I want to reiterate that repealing redundant legislation and bringing in relevant legislation will ensure that our legislative and regulatory framework is a cost-effective means of delivering social justice, economic growth and environmental sustainability and is crucial to this Parliament and this state. This legislation helps further that aim, and I commend it to the house.

Mr THOMPSON (Sandringham) — The bill before the house seeks to repeal 9 principal acts, 13 amending pieces of legislation with either transitional or substantive provisions and 61 amending pieces of legislation which are now wholly in operation — that is, 83 acts in total. There is an addendum which lists the relevant acts in the bill, and there are also transitional provisions applying to the Road Safety Act 1986. The legislative repeal process is part of the Brumby government's program to reduce the number of principal acts that operated in 1999 by 20 per cent. In January 2000 there were 544 principal acts on the statute book. By 1 January 2000 this had increased to 579 acts, and by 1 January 2008 this figure had reduced to 527 acts. The repeal bills will reduce the total number of principal acts to 496, requiring 61 additional principal acts to be removed for the government to achieve its target.

It is instructive to go back to the *Law Institute News* of 1999. At the president's May luncheon, which was reported on in the June issue of the *Law Institute News*, the then opposition leader, Steve Bracks, is reported to have stated that 'a future Labor government would scrap more than 200 pieces of legislation that stop Victorians from appealing against government decisions in the Supreme Court'. I posed the question at that time as to whether the Labor Party's plans might also include scrapping legislation supported by its own members, together with approximately 300 pieces of legislation introduced by the Cain and Kirner governments varying the jurisdiction of the Supreme Court. I did not get an answer to the question I raised, albeit it was in a public journal and one with a very keen readership.

Interestingly at an earlier law institute luncheon in 1998 which was addressed by the then ALP member for Northcote it was suggested that the Kennett government had restricted the legal right to appeal to the Supreme Court in about 200 bills and acts. The then member for Northcote, Ms Delahunty, is quoted as stating:

> This is absolutely unprecedented in Australia and, no doubt, in most of the Western world. It is a savage and cynical attack on the democratic notion of judicial review'.

I suggest that the Bracks government in the first years of its operation would have been struggling to repeal more than five bills that contained a limitation on appeals to the Supreme Court. For many years the government was 195 acts short of the stated intention of reducing or removing from the statute book over 200 acts that reduced the appeal right to the Supreme Court. The statements made by the then Leader of the Opposition and the then member for Northcote were absolute nonsense. The speechwriter should have been sacked, because those members clearly did not understand what they were saying. There were myriad occasions in the 1980s when the jurisdiction of the Supreme Court was limited or varied and also a number of occasions where it was quite logical for the jurisdiction of the Supreme Court to be varied. It might have related to the Residential Tenancies Tribunal, where that becomes a more appropriate forum for dealing with disputation; it might have been the Small Claims Tribunal, where the legislature in its wisdom deems that a more appropriate forum; or it might have been a reduction of the appeal right of a citizen who had a blood sample taken by a doctor at the Alfred hospital to comply with compulsory drink-driving laws to render that doctor immune from any legal action for assault. There are a number of clear cases where it was essential and appropriate to limit the jurisdiction of the Supreme Court, and the list of those cases goes on.

The Labor opposition at that stage perhaps duped the public of Victoria into thinking there was a great assault on the legal rights of Victorians and that when it came into office it was going to remove any impediments to the jurisdictional appeal rights of the Supreme Court. That is an absolute nonsense. In considering the bill before the house I suggest it is clearly lacking broadscale illustrations of the intent of the then Labor opposition being fulfilled on winning government. I think the Attorney-General should turn up at the law institute at some stage in the future, attend a president's lunch to be reported in the *Law Institute News* and say, 'I apologise for the remarks of the then member for Northcote, and I apologise for the remarks of the then Leader of the Opposition because they were quite clearly wrong, and we, the Labor Party in government, have failed to do what we promised to do in opposition'.

Mr BROOKS (Bundoora) — I am pleased to be able to join the debate on the Legislation Reform (Repeals No. 3) Bill 2008. As a number of speakers have indicated, this is a further bill in line with the government's commitment to reducing the regulatory burden in this state, with the aim of reducing the overall number of statutes by 20 per cent from the 1999 levels.

As a member of the Scrutiny of Acts and Regulations Committee I was pleased to see the report on this bill tabled in the house, after the resolution of this chamber, which referred the bill to SARC, on 17 April. SARC was asked to inquire into and consider this bill. As members will be aware, the report sets out that, after consulting parliamentary counsel and receiving the appropriate written certification, SARC considers all the aspects of the bill are appropriate.

I wish to make just a brief contribution tonight. Many of the speakers have covered issues pertinent to the bill, but it is not very often that you get a chance to speak indirectly on a piece of legislation that was passed in 1878. A principal act, the Metropolitan Gas Company's Act 1878, is repealed by schedule 1 of this bill. That act amalgamated three city-based gas companies at the time — the City of Melbourne Gas and Coke Company, the Collingwood Fitzroy and District Gas and Coke Company and the South Melbourne Gas Company.

When looking through the *Hansard* report of that debate in the library, it was interesting to note that Mr Munro, who moved the second reading of the bill, went onto talk about various committees and investigations. The debate on the second reading followed discussion about the Brighton Land Vesting Bill — we are told a Henry Dendy purchased 5000 acres of land in the district of Brighton; not a bad pick up, one would imagine! — and preceded a debate headed 'Steam communication with Europe — The Cape route'.

That is an indication that it is important for the government to continue its work in reviewing the statutes and ensuring that they are relevant and up to date for modern government. I commend the bill to the house.

Ms ASHER (Brighton) — I, too, want to make a couple of brief comments on the Legislation Reform (Repeals No. 3) Bill 2008. In particular I want to pick up on the government's inclusion of the Bread Industry Act 1959 as one of the acts to be repealed in the context of the government's regulation review program, because we hear constantly from the government about its desire to reduce the pieces of legislation on the statute book. The member for Ferntree Gully has more than adequately explained what a nonsense that is. We also hear frequently about the government's desire to reduce the regulatory burden on business.

I want to make reference to the reports that led to the repeal of the Bread Industry Act 1959, and in so doing make the comment that the government will take the easy option every time, rather than doing the substantial work on regulatory reform.

The government gave a reference to the Victorian Competition and Efficiency Commission (VCEC). That commission reported in September 2007 with a document called *Simplifying the Menu — Food Regulation in Victoria. Overview and Recommendations, September 2007*. It refers to the government's terminology in what it called a 'hot spot' review. The commission said:

> Reflecting the food industry's importance, the Victorian government has chosen food regulation as the first major area of regulation to undergo a 'hotspot' review to identify opportunities to streamline the regulatory burden without undermining overall policy objectives. This inquiry originated from the Victorian government's 'Reducing the regulatory burden' initiative, which was launched in August 2006.

You would think the word 'hot spot' might indicate some urgency and that the government might act quickly on it. Indeed at page 22 of this summary document the VCEC singled out a range of state regulations and spoke about easing the paperwork burden on small businesses, in particular in the food industry. At page 24 the VCEC, as is its charter, made the observation that if the changes to food regulation that it has recommended in the report were enacted, or put into being administratively if that were the case, they could save up to $34 million a year:

> while reinforcing market incentives to produce food safely.

Would members not say a saving of $34 million a year would be excellent? If the government could achieve that on its implementation of the VCEC report, I would be one of the first people to congratulate it on meeting the objectives it had set for itself. However, whilst this report was issued in September 2007, I was very disappointed to see a document issued in January 2008 called *Victorian Government Response to Victorian Competition and Efficiency Commission's Final Report. Simplifying the Menu — Food Regulation in Victoria*.

I picked up this report, wanting to see whether small food businesses in Victoria would in effect get their chance at saving the $34 million per annum. I found that this was not to be the case. Nine recommendations put up by the VCEC in relation to state administration were supported by the government; however, nine regulations were only partially supported by the government. As with all these things, it is the government's prerogative to not support recommendations, although what is the point of having the VCEC and having targets for regulatory reduction? Nine recommendations were part supported and two recommendations were rejected.

It struck me at the time I read this report in January that the easiest recommendation to support was the one that is now before the house — that is, recommendation 8.12:

> That the Victorian government repeal the Bread Industry Act 1959 …

The government in fact supported that. At that stage the government indicated that it regarded that act as redundant — a correct call by the government in my opinion — and the economic circumstances for the bread industry at that time, which were highly contentious, have long gone. The government's response at page 18 says in part:

> The Victorian government also agrees that today's market for bread inputs is not exceptional and therefore does not warrant industry-specific legislation to maintain competition.

At that stage the government indicated that it would repeal the Bread Industry Act as part of its program this year. Indeed in the Labour and Industry (Repeal) Bill 2008, being debated this week in this Parliament, there is a similar reference to the repeal of this act. I make the observation that the government makes grand statements about the reduction of regulatory burdens, or indeed anything, and then in the implementation — as in this example, yet again — it chooses the easiest options.

Because of all the options available in the recommendations of the VCEC report, repealing the Bread Industry Act — and we all agree the 1959 act is no longer relevant and is completely outdated — is the easiest option for the government.

I want to refer the house to a couple of items that the government does not support. For example, recommendation 8.8 of that report was:

> That the Department of Human Services conduct a trial of food safety service agreements involving a small sample of councils in Victoria.

That was not supported by government. It raises the question: for goodness sake, if the Victorian Competition and Efficiency Commission has recommended a trial to see if there is some benefit, but the government would not support it, why on earth would the government not support it? As I said, the government will go for the easy option all the time, and the easy option is to repeal this particular act.

I want to make reference also to another recommendation that the government rejected outright. Recommendation 9.3, a very important recommendation for the food industry, was:

> That the Food Act 1984 (Vic.) be amended to require the registration of a food business rather than premises, and that references to food premises throughout the act should, wherever necessary, be amended to references to food business.

Again the VCEC went to some lengths to explain why this particular recommendation would result in reduced costs for businesses, but the government rejected this one outright. As I said earlier, it is a great contrast between the term 'a hot spot review' where nine recommendations are supported. The easy one, repeal of the Bread Industry Act, is before the house now from a January response. Nine were only partly supported, and again we will see whether they happen and what detail comes as a consequence of that.

Business interrupted pursuant to standing orders.

Sitting continued on motion of Mr BATCHELOR (Minister for Community Development).

Ms ASHER (Brighton) — Again I make the observation that two VCEC recommendations were rejected outright by the government. I have to say that, on analysis of the Victorian government's response, I do not think there was sufficient reason to reject these recommendations. I make my comments on this bill in the context that this government always says it wishes to reduce regulation, but its actions do not always match its rhetoric, and in this instance, where a particular VCEC review has been commissioned by government and the VCEC has indicated that if its recommendations were implemented there would be a $34 million per annum saving, what we are seeing from this government is the item that will have no impact whatsoever being implemented first up.

The repeal of the Bread Industry Act will have not one iota of impact on food businesses — on small businesses or large businesses — as they operate today. The government has opted for the absolutely easy option that will have no economic impact whatsoever on small business. That is what it is doing with this particular bill before the house today. I take this opportunity to urge the government in the rest of its response to food regulation in Victoria to make sure that it enacts substantial reform as per its rhetoric in all its glossy brochures.

Mr SCOTT (Preston) — It gives me great pleasure to rise to discuss the Legislation Reform (Repeals No. 3) Bill 2008. This bill fits in with the government's stated policy of reducing the number of acts of Parliament by at least 20 per cent based on the number of acts that were in operation in 1999 when it came to office. As I have discussed previously when contributing to the debate on the Legislation Reform (Repeals No. 2) Bill, this sort of approach to governance fits in neatly with the concept of simplicity, a concept that was originally discussed in a philosophical context by William of Occam, who members may be familiar with.

William of Occam was an English philosopher and Franciscan friar in the 14th century who developed what is known as the law of succinctness, which states that entities should not be multiplied beyond necessity — a law that I dare say could be happily applied to many speakers in this place. This law is better put perhaps in a modern context by a statement attributed to Einstein, but never proved to be said by Einstein, that everything should be made as simple as possible but not simpler. So while we should remove redundant acts, we should not remove those acts which serve a purpose.

In researching this bill, like many other members, I looked upon the Metropolitan Gas Company's Act of 1878. There are many things wonderful and virtuous about the 19th century, but succinctness was not one of them. With the indulgence of members, I will read from the preamble to the act. This is the first paragraph, which I believe has no full stop and not much punctuation besides:

> Whereas by an Act of the Lieutenant Governor and Legislative Council of the colony of Victoria passed in the sixteenth year of the reign of Her Majesty Queen Victoria intituled "An Act for lighting with gas the city of Melbourne in the colony of Victoria and to enable certain persons associated under the name style or title of The City of Melbourne Gas and Coke Company to sue and be sued in the name of the secretary for the time being of the said company and for other purposes therein mentioned" the said company (hereinafter called the City Company) was authorised to construct works and carry on operations for supplying gas within the city of Melbourne and the suburbs thereof with the powers and subject to the restrictions in the said Act mentioned:

The preamble goes on for five pages. Succinctness would suggest that acts of Parliament like this should not only be repealed but frankly should never have been drafted in this manner. Thankfully we have moved on significantly. In that context this bill should be seen as part of the general advancement whereby solutions to the problems that we face as a society are dealt with effectively and expeditiously but in a manner that is simple and deals with the problems without redundant clauses and redundant acts of Parliament.

In that context I urge members to support the bill, and I hope for its speedy passage through the house that members' contributions also are succinct and to the point. I commend the bill to the house.

Mr O'BRIEN (Malvern) — It is like the father of the bride. I rise to speak on the Legislation Reform (Repeals No. 3) Bill 2008. A number of acts in schedule 1 that are to be repealed are relevant to my shadow ministerial portfolios. I would like to touch on some of those and the impact that the repeals will have on the overall workability of the acts concerned.

The first one is the Liquor Control Reform (Amendment) Act 2006. Liquor control has been an issue in the news quite a lot lately as the level of alcohol-related violence increases particularly in our cities in Victoria arguably to the extent that it is out of control. It is important that the government get the legislation right, and it is quite appropriate to repeal legislation where the amendments have had effect or where the legislation is now redundant. But legislation needs to be enforced for it to be effective.

One example I can give where the government has not been enforcing the legislation properly is in relation to the offence contained within the Liquor Control Reform Act of serving alcohol to people if those people are intoxicated. Drunk people who cause violence on our streets do not come out of the clear blue sky. They are generally drunk because they have become drunk in nightclubs or pubs beforehand, and then they spill out onto the streets, which is often where the trouble starts. Given that we have around 17 000 licensed venues in this state, you would have thought that a vigilant government that was keen on enforcing the provisions of the Liquor Control Reform Act would have been ensuring that licensed venues are not serving people who are intoxicated but, as was reported in the *Herald Sun* of 14 August, in fact only 40 fines have been levied against pub and club licensees in the 2007–08 year for continuing to serve drunken patrons. That is an extraordinarily low figure.

When you look at how many inspections are occurring, it is probably not surprising that so few licensees are fined for serving intoxicated people. I pay tribute to the Public Accounts and Estimates Committee. Unfortunately its chairman, the member for Burwood, is not here because it would be a rare thing for him to get a pat on the back from me. I was prepared to give him one today because — —

Mr Wells interjected.

Mr O'BRIEN — The deputy chair is an excellent member, as the member for Scoresby points out. Earlier this year in one of its reports the Public Accounts and Estimates Committee published the fact that the Minister for Gaming, who is also the Minister for Consumer Affairs, was questioned by that committee in relation to the level of inspections, compliance monitoring and enforcement activities that were being undertaken in relation to liquor licensing. What came out of that questioning was that the level of inspections, compliance monitoring and enforcement activities was

exactly the same for this year as for the last year. So in a budget which promoted a big crackdown on alcohol-fuelled violence and enforcing the provisions of the Liquor Control Reform Act, the government actually said, 'We're not going to have one single extra inspection, not one single extra enforcement activity, not one single incidence of compliance monitoring'.

In fact it is even worse than that, because the figure that the government aims for this year, which is the same as last year, is 7750 inspections. That is a lower amount than in 2006, when the number of inspections totalled 8575. We have a government that is actually reducing the level of inspections and compliance monitoring and enforcement in relation to the provisions of the Liquor Control Reform Act. It is all well and good for the government to come into this chamber and seek to repeal aspects of that act, but unless the remaining provisions are going to be properly enforced by the government by providing a well-resourced police force, then any sort of legislative reform is redundant.

If the government wants to get serious about alcohol-fuelled violence in our cities, it needs to put more police on the streets and it needs to put more police in venues and start enforcing the provisions that we already have. The government needs to get the cowboys — the ones who are giving the responsible operators a bad name — out of the industry. Just to finalise this aspect of my contribution on the bill, I note that even the Premier himself on the Neil Mitchell radio program this morning said that 27 fines for licensed venues serving intoxicated people was not enough. I am glad the Premier has finally woken up to that because now is the time for him to stop talking, start acting and do something about the issue.

One other aspect I would like to mention in relation to this repeal bill is the Gambling Regulation (Miscellaneous Amendments) Act 2006 and the Gambling Regulation (Further Miscellaneous Amendments) Act 2006. The gambling regulation acts contain a number of problem gambling measures which include measures that are contained in the acts which are being repealed. I am sure that most Victorians would agree that problem gambling is a very serious issue within this state and that they expect this Parliament to deal with it properly.

The government is anticipating raking in record taxes from poker machines this year — over $1 billion, which is an 8.9 per cent increase. Record losses amounting to $2.6 billion were recorded in the last financial year; 44 per cent of the increase in poker machine losses occurred in capped areas. It shows that the government's policy of capping poker machine numbers in certain areas is not having a very strong effect if 44 per cent of the increase in losses is occurring in the capped areas.

Mr Nardella interjected.

Mr O'BRIEN — In response to the interjection, I indicate that average losses on poker machines under this Labor government have been $2.416 billion a year; under the previous Kennett coalition government the losses were $1.18 billion a year. Average poker machine losses in Victoria are more than double under Labor than what they were under the coalition government, which that demonstrates the absolute hypocrisy and cant coming from members opposite about what happened under the previous government compared to what happens under this government is not borne out by the facts.

I will return to the bill. Because of the amount of money coming into government coffers from taxation — and I should add the extra amount of money that is being lost by people playing poker machines — you would think the government would be doing more to try to help people who suffer from gambling addiction to get help. But what has actually happened? It is something that I — and I have to say this — find genuinely disgraceful. I know the term 'disgraceful' is often bandied about in politics and in this place, but I genuinely find what I am about to relate to the Parliament to be absolutely disgraceful.

This government has slashed by 35 per cent the budget for problem gambling communication; 35 per cent of the budget to tell problem gamblers how to get help for their addiction has been cut by this government. The budget allocation has come down from $4.75 million in 2005–06 to only $3.09 million in 2006–07. That amount has been maintained this year. I think at this time, when this government is taking in record taxes and there are record poker machine losses, to slash the budget by 35 per cent for a service that tells people with gambling addictions where to get help is just absolutely unconscionable. Members opposite should be ashamed of themselves, and they should be speaking to the Premier and to the Minister for Gaming about reversing that disgraceful cut, because absolutely nothing can justify a government taking in record taxes from pokies and then cutting, by 35 per cent, the budget for telling problem gamblers where to get help for their addictions.

In summing up I indicate that the opposition does not oppose this repeals bill. But while removing redundant provisions of legislation is all well and good, it is far more important to make sure that those bits of

legislation that remain are effectively enforced. But that is a lesson this government still has to learn.

Mr NARDELLA (Melton) — I rise to support the Legislation Reform (Repeals No. 3) Bill. I cannot go on without making a comment about the contribution of the honourable member for Malvern. Only 30 seconds ago he was crying crocodile tears about reducing the communications budget on gambling, yet the opposition is constantly harping and carping about the amount of money the government is spending on communications in this state. The worst part about that is that he did not speak sincerely. He understands that when he gets to this side of the house — and that will occur one day, because the pendulum swings and we all understand that — he will be the first one to be spending hugely, whenever he graduates from being a shadow minister to a minister, maybe in 20 years time, to increase the communications budget within his own area of responsibility.

Next time the member should speak sincerely and with the understanding that gambling and revenue increases began in 1992 under the Kennett government. It is a bit two-faced to come into this chamber and claim otherwise. In regard to this bill this government has undertaken due process — —

Mr R. Smith — On a point of order, Acting Speaker, I ask that you bring the member back to the bill.

The ACTING SPEAKER (Mr Howard) — Order! The member is speaking on the bill.

Mr NARDELLA — I am. The government undertakes due process in regard to reviewing legislation and reviewing regulations, both through the subcommittee at SARC (Scrutiny of Acts and Regulations Committee) and through VCAT (Victorian Civil and Administrative Tribunal). This is about reducing legislation and getting rid of useless legislation. An example is the bread act. The VCAT review determined that it should be repealed, and that determination was adopted by the government through its response as was outlined by the honourable member for Brighton in January this year. We are acting upon that recommendation and upon the adoption of that recommendation as well.

There is also the Metropolitan Gas Company's Act 1878. The honourable member for Preston went through the introduction of that act, which is without any punctuation other than a full stop at the end. Another example is the Bank of New South Wales Act 1926; that bank is now Westpac and is covered by the commonwealth Corporations Act. We review legislation in a timely manner. We take advice with regard to repealing redundant legislation and regulation, and I support the bill before the house.

Mr CAMERON (Minister for Police and Emergency Services) — On behalf of the government I thank the honourable members for Ferntree Gully, Prahran, Mildura, Eltham, Sandringham, Bundoora, Brighton, Preston, Malvern and Melton for their contributions to the debate. The Legislation Reform (Repeals No. 3) Bill 2008 is one of those bills which, when it comes to debate, draws very wide-ranging contributions. Nevertheless the government thanks the opposition for its support, and we wish the bill a speedy passage.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

ROAD SAFETY AMENDMENT (FATIGUE MANAGEMENT) BILL

Second reading

Debate resumed from earlier this day: motion of Mr PALLAS (Minister for Roads and Ports).

Mr WELLER (Rodney) — It gives me great pleasure to speak on the Road Safety Amendment (Fatigue Management) Bill. The member for Polwarth has circulated a proposed amendment, which I will be supporting. The purpose of the bill is to amend the fatigue management provisions previously inserted into the Road Safety Act. The amendments have been approved by the Australian Transport Council.

The government has delivered a lot of rhetoric about reducing red tape. That went out the window when it brought this bill in. Related legislation has created a lot of red tape for people in the trucking industry. If you are an operator with subcontractors working for you, you have to collect their copies of their 28-day work diaries, and they have to be able to present them to people, so there are multiple copies of these work diaries — paperwork which has to be distributed all round. Having spoken to the trucking industry representatives in my electorate, I can say that truckers are quite concerned that responding to the amount of

red tape comes out of their time — it is taking a lot of their valuable time away.

The amendment the member for Polwarth circulated deals with an extension of 2 hours under basic fatigue management for livestock operators. This is an essential amendment that has to be supported, and I urge members on the other side to support this amendment for animal welfare purposes. Under basic fatigue management, if a driver comes to a time when he has to take a rest, and he has his stock on the truck, those stock will be crammed in standing on the truck for another 7 hours. Extending the basic fatigue management by 2 hours would allow for those stock to be unloaded so that they do not suffer unduly. I think it would be a very practical thing for the government to support this amendment.

We should also understand that South Australia has such a provision, and if this bill is supposed to be taking away border anomalies, we should adopt this provision so that we are in line with South Australia. A lot of livestock are moved from the south-east of South Australia to Melbourne and vice versa, so it would be a practical thing for the Livestock Transport Association of Victoria to have endorsed by this Parliament.

We should also remember that the government has not studied the impacts — particularly in my area — on milk tanker drivers. These drivers traditionally work a 12-hour shift, and they have day shifts and night shifts. The 12-hour shift from 6.00 p.m. to 6.00 a.m. is the night shift. The tanker driver industry currently runs on a six-two roster — that is six days on and two days off, or six nights on and two nights off.

The problem is that to have four nights off in a 14-day period, you cannot have the six-on, two-off system. You have to go back to a five-on, three-off system to allow for four nights off within the 14 days. This will mean that the milk tanker drivers will take a cut of 15 per cent to their pay, yet they are home in their beds each night.

I think we could provide exemptions to accommodate the six-two roster, which has been quite successful. We have not heard of milk tanker drivers on night shift being a problem on the roads. A six-two roster should have been accommodated in these fatigue rules. Milk tanker drivers are not people who work in the truck 24 hours a day; they sleep in their beds. It will be detrimental to their wages if we do not show some flexibility and recognise what safety fatigue procedures exist in the industry. I ask that the minister, when he is summing up, clarify what he plans to do about milk tanker drivers. He may have the answer; I hope he does. We do not want to be unduly persecuting the milk tanker drivers, who have served this state very well.

We talk about this being adopted by the Australian Transport Council. The problem is that there are border anomalies being built into this initiative. In Victoria if you are working on standard hours and you are within 100 kilometres of home, you do not have to fill in your work diary. If you are in New South Wales, you have to fill in your work diary whenever you are anywhere. When you are in Queensland you do not have to fill in your work diary if you are working within 200 kilometres of home. Even though this initiative is agreed across Australia, in fact it is building in border anomalies and each state is doing its own thing. When he is summing up, the minister might wish to also clarify what happens when a truck driver from Echuca who is working within 100 kilometres of home and not filling out his work diary is in New South Wales. He is still within 100 kilometres of home. Because he is a Victorian, does the Victorian law apply to him? Or is it the New South Wales law that applies to him? I think the minister needs to clarify these points when he is summing up.

We all support reducing the road toll and making the roads safer. What we must remember is that the government needs to invest more in roads. If you fix country roads, you save country lives. We have many reports. There is the Royal Automobile Club of Victoria report that says this state needs to spend another $200 million a year to make up for the backlog of spending on poor roads in this state — an extra $200 million a year for the next 10 years has to be spent on country roads to bring them up to scratch.

The Australian Bureau of Statistics publishes data annually on the condition of main roads in Victoria by municipality. The data was published last Friday, 15 August. It goes through all the categories, but I will just talk about the totals here. In 2003–04 the length of distressed main road in Victoria was 434 kilometres. The length of distressed main road in Victoria in 2006–07 was 1368 kilometres, which is an increase of 163 per cent. That means it has multiplied about two and a half times. We need to invest in our country roads to fix them.

We also need to remember that the government's planned implementation is from 29 September. The trucking industry people are telling me that they are not prepared and VicRoads is not prepared for a 29 September start. We have had trucking companies going to VicRoads saying, 'We want to implement this', and VicRoads is not ready to accept them. We have to have an education campaign to bring the

industry up to speed so that operators understand all the issues that are involved. It has not happened; the truckies are not ready for this. We should push the implementation back in time to allow the government to do a proper job of educating the people in the industry so they understand it and so the roads are made safer.

In summary, I will be supporting the amendment moved by the member for Polwarth to take into account animal welfare issues. If we do not, we will have livestock standing on trucks for another 7 hours. We cannot unload them at lots of saleyards because there are only half the saleyards in Victoria that there once were. It is a practical amendment that the government should adopt.

Mr TREZISE (Geelong) — I am very pleased and proud to be speaking tonight in support of the Road Safety Amendment (Fatigue Management) Bill 2008. I am pleased to be speaking in support of this bill because it once again highlights the Brumby government's commitment to road safety within this state. Members on this side of the house and members on the other side of the house know that this government has a road safety record that is second to none in this nation.

As a long-term member of the Road Safety Committee I have had the pleasure of travelling both interstate and overseas to look at road safety initiatives, and I can assure this house that when it comes to road safety Victoria has a leading reputation not only nationally but also internationally, especially when it comes to initiatives that relate to driver behaviour. As I said, this bill builds on the already effective and proven record of the Brumby government.

Only recently the Brumby government released its new road safety strategy, Arrive Alive 2008–2017, which aims to reduce deaths and serious injury on our roads by 30 per cent by 2017. This is a large challenge, but it is also a realistic objective. It will build on the success of the Arrive Alive strategy mark 1, which sought to reduce our road toll by 20 per cent between 2002 and 2007. In essence, as this house is well aware — both members on this side of the house and also members on the other side of the house, including the shadow Minister for Public Transport — this goal was achieved, and under Arrive Alive mark 1 the road toll was reduced by 19.4 per cent. These figures were highlighted in 2003, 2004, 2005, 2006 and 2007 when Victoria recorded its lowest road tolls on record despite record numbers being registered on our roads. As I said, the bill seeks to build on the comprehensive record of the Brumby government.

In dealing with road safety this government has introduced many initiatives since 1999. We have tackled drink-driving and drug-driving head on, with the drug-driving initiative being a world first. In the area of speed control, we have seen default speeds on suburban streets being reduced to 50 kilometres an hour, and around schools and in strip shopping areas being reduced to 40 kilometres an hour, all with great success, especially for pedestrians.

For younger drivers, who are overrepresented in our road death statistics, the introduction of initiatives such as the new two-tier probationary licence system will ensure that our younger drivers are also safer drivers.

In relation to this bill the government has recognised the safety issues as they relate to the heavy vehicle industry. The Bracks and Brumby governments have introduced a number of reforms that have made the industry safer for drivers and in turn for other road users. Importantly, for example, it has strengthened the chain-of-responsibility laws, and in tackling the issue of speeding in trucks the government has ensured that speed limiters on trucks work effectively by equipping police with state-of-the-art speed-checking equipment.

Specifically the bill makes some amendments to the reforms that were put in place in 2007 which address the management of fatigue in the trucking industry. As the house is well aware, fatigue is an issue not only in the trucking industry but for anyone who drives long distances. As a member of the Road Safety Committee I know our country road toll report of 2005 recognised and addressed the issue of fatigue in the heavy vehicle industry. As part of its report the committee, of which the member for Polwarth was a member, noted that around 38 per cent — —

Mr Langdon interjected.

Mr TREZISE — The member for Ivanhoe was also a member of that committee, but enough of the cheerios! As part of its report the committee noted that around 38 per cent of heavy vehicle serious casualties were single-vehicle accidents that Victoria Police believed were caused more than likely by the drivers of those trucks being fatigued. Further, the committee also noted that an Australian Transport Safety Bureau report found that in a survey of long-distance truck drivers, nearly 50 per cent reported feeling fatigued on their most recent trip. Thus we can see the importance of the legislation we are debating tonight.

Previous speakers on this side of the house have listed and described the initiatives and their importance. Suffice to say this is important legislation. It builds on

the good work of the government since it was elected in 1999, and therefore I wish the legislation a speedy passage through the house.

Mrs FYFFE (Evelyn) — I am pleased to rise to speak on the Road Safety Amendment (Fatigue Management) Bill 2008. I also support the shadow minister's proposed amendment which is in response to a request by the Livestock Transporters Association of Victoria for an increase in the spread of working hours from 14 hours to 16 hours for the unloading of stock. The welfare of animals must be taken into consideration. It is a very sensible request and one I urge the government to support.

I also support the member for Rodney and his comments on milk tanker drivers and the six-two roster they operate under. That is also very sensible and something the government should take into consideration. The member for Rodney also highlighted the national legislation that this bill is supposed to be a part of. He pointed out the anomalies between the different states and the different requirements in filling in diaries. I was not aware of that until it was pointed out. Again it is something that must be looked at. You cannot have national legislation and then have disparity between its requirements.

It is estimated that heavy vehicle driver fatigue is a factor in 15 per cent of fatal crashes involving heavy vehicles, 10 per cent of all serious crashes and 7 per cent of less severe crashes. VicRoads road crash statistics for the Shire of Yarra Ranges for the period January 2002 to December 2006 show 41 accidents involving trucks, resulting in 4 fatalities and 59 injuries. We are seeing a continuous increase in the number of heavy vehicles coming down the Melba Highway through the Yarra Valley from Yea and servicing businesses in Knox, Bayswater, Ringwood, and Croydon and heading down to Mulgrave because they do not want to go through the top of the city. It is good we have such an increase in business, but heavy vehicle movements on the Melba Highway are causing a lot of problems, particularly as it is often affected by fog and other issues.

More work needs to be done on roads to cope with the increased traffic. Some of that work could include sealing road shoulders so drivers can maintain better control if they drift off the road, providing audio-tactile edge linings so drivers can hear and feel when their tyres cross the centre line, removing roadside hazards such as poles and trees to prevent collisions, and also trimming trees that obscure vision. None of these measures is over the top in cost, and I am informed that they would help to reduce the number of accidents on the Melba Highway. This does not apply just to the Melba Highway; it also applies to many other roads in country Victoria. As our population grows and as the demand for goods and services grows, we have to adapt and change with the times.

Far be it from me to support much in the way of unionism, but I do have to support the Transport Workers Union (TWU) in its fight for more truck stops. The TWU recognises that there is a severe shortage of truck stops across the country, which means that drivers who are fatigued and desperate to rest simply cannot do that. The pressure from clients to arrive at destinations sooner and stay on the road longer makes the availability of truck stops all the more important. To assist drivers to take regular breaks, more truck stops and rest areas must be built on major transport routes. That information is taken from a TWU statement.

When you think about it, these vehicles when fully loaded are very heavy. They cannot just pull up anywhere on the side of a road. The shoulder of the road might be soft and the vehicle could tip over, but if they do not go right onto the shoulder they are a hazard to other vehicles. The demand for road freight because of the lack of investment in rail freight means that we must provide these truck stops. If we expect our drivers to take rest breaks, they have got to have somewhere safe where they can pull off the road.

Excessive driver fatigue can be caused by working long hours, and drivers often have to load and unload their vehicles before and after they drive. The long hours of actual driving cause fatigue, and those of us who have to travel a lot because of our work find that we go through periods of tiredness and have to pull over and have a rest. We all know that driving under the influence of drugs or alcohol affects a driver's alertness.

Night driving is an issue because it has been scientifically proven that we are not as alert during the hours from midnight to 6.00 a.m. The other dangerous time is from 2.00 p.m. to 4.00 p.m. Then we have poor driving conditions, single-lane rural roads, heavy city traffic, heavy rain, strong winds, hot weather, poor cabin ventilation and poor noise insulation which can increase the demand on a driver and increase the levels of fatigue, as can a driver's health and fitness.

Post-mortems do not show whether driver fatigue is the cause of an accident or not, and unlike alcohol and drugs, fatigue cannot be tested. This is why there is such a disparity between the lowest and highest estimates of the number of accidents caused by driver fatigue, and it is very difficult to substantiate. We know that researchers say that those times I have mentioned

are the most dangerous, that is from midnight to 6.00 a.m. and from 2.00 p.m. to 4.00 p.m. Statistics also show that in a lot of the fatal crashes involving articulated trucks, more often than not it was the driver of the other vehicle who was found to be tired. That information comes from a 2002 federal report into fatigue. The report says:

> Although fatigue is more highly represented in articulated truck crashes, this does not necessarily imply that the truck driver was the fatigued driver in a crash involving more than one vehicle. The fatigued driver in a head-on crash was identified by observing which vehicle had driven on to the wrong side of the road. Therefore, in head-on fatigue-related crashes involving an articulated truck, truck drivers were estimated to be the fatigued driver in only 16.8 per cent of crashes, whilst passenger car drivers were fatigued in 66 per cent of crashes.

In saying that, I am not suggesting that this legislation is not required, but we have to look at fatigue across all traffic on the roads and look at what we can do to prevent accidents caused by fatigue.

I have already highlighted some of the measures that I think can help improve the safety of driving on the Melba Highway in the Yarra Valley. Where possible we should have more divided roads and have them sooner, because safety barriers can be installed in the centre of such roads. We also have issues where assumptions are made that because someone is working long hours they become fatigued, but really it is the amount of time they work that is relevant. We have all — at least I have — been affected by travelling overseas and getting jet-lagged. The issue of broken sleep is also something that we have to look at. Broken sleep and the hours that people are required to work produce an effect just like jet lag.

I support the amendment. I think the legislation will help, but I think we have to look a lot further than just this legislation to work on the areas of fatigue management for all drivers on the road.

Mr NOONAN (Williamstown) — I rise to speak in support of the Road Safety Amendment (Fatigue Management) Bill 2008. The member for Rodney talked about the contribution of milk tanker drivers, and I want to start my contribution tonight by paying tribute to a bloke called Rod Watson, a Murray-Goulburn Cooperative tanker driver and occupational health and safety representative who died late last week and whose funeral was held on Monday. Rod was a terrific bloke and a great stalwart of Murray-Goulburn Cooperative and the community of Rochester. He was instrumental in developing many of the safe practices that have been undertaken by Murray-Goulburn as an organisation. There are hundreds of milk tanker drivers up in that area who I am sure will feel sorrow at his unexpected passing.

Before I speak directly about the impacts of this bill I want to spend a few moments talking about the impact of fatigue on drivers in the transport industry, because there is little doubt that the issue of fatigue management and the industry's response to it has been probably one of the most challenging things for the industry over the last 10 years. The industry now operates very much on a 24/7 basis over the course of the week, driven by the need to keep grocery shelves full, deliver furniture to our homes and the post to our letterboxes. Any of us who drive home tonight at a very late hour will probably still be moving around our road network with trucks on the road. Indeed, nothing in this place would have been delivered without a trucking company.

Pressure to deliver on time and within an allocated delivery slot has increased enormously in recent years. Truck and bus drivers have three workplaces: their depot or their yard, the road network and also the place of their delivery. There is no doubt that the intensity of work has increased recently. It is managing this intensity of work in terms of fatigue that can have substantial effects on the health of drivers. Ill health can be brought on by the work patterns: long and irregular hours and early starts and late finishes. These factors are having an impact on fatigue levels, and it becomes the responsibility of the industry to respond to that. In terms of fatigue, one of the underlying issues is the prevalence of sleep debt and sleep-related disorders such as sleep apnoea and insomnia. Tragically there are also higher instances in the road transport industry of diabetes and heart disease, which I believe is well documented. The nature of the work raises health issues, particularly for men who are aged 50 years or older.

I want to come back to sleep disorders for a moment, because this issue has been identified as one of the major challenges in terms of fatigue management. Sleep apnoea, for those who are unfamiliar with it, is generally caused by the effects of poor health and lifestyle and is often associated with long and irregular hours of work like those which come with the transport industry. As I said, men, mainly over the age of 50, suffer from a higher prevalence of sleep disorders on the basis of lifestyle and diet. It is often also related to high blood pressure and diabetes, and it has been found that sleep apnoea has direct links to those types of factors. Sleep apnoea occurs when the windpipe collapses during sleep so that too little air reaches the lungs, resulting in frequent waking due to oxygen starvation. The danger this poses to truck and bus drivers is that it can cause micro sleeping. Anyone who

is behind the wheel of a heavy vehicle of any description cannot afford to have micro sleeps.

The industry has responded to this in terms of fatigue management and that is where the leaders in the industry should take much credit. The member for Evelyn touched on the work of the Transport Workers Union. The TWU represents thousands of truck and bus drivers across this state and it has been at the forefront of this issue. In participation with the Institute for Breathing and Sleep and the Victorian Transport Association, the Transport Workers Union established an initiative called the Healthbreak program. Over a three-year period the Healthbreak program provided free and confidential health checks focusing on the detection and prevention of diabetes and sleep and heart disorders to around 7000 transport workers. Here is the industry responding to an industry issue.

The premise is that if you can identify these factors early you can also treat them and you can reduce, by association, the risks associated with driver fatigue and, of course, accidents. The Healthbreak tests returned results which showed that the health of a large proportion of drivers in the negative was relatively high. In fact 17 per cent had a high or very high level of sleepiness, 24 per cent had a high or very high risk of having sleep apnoea, 3 per cent had undiagnosed diabetes, while another 18 per cent had moderately elevated glucose and required further evaluation, 3 per cent had severe hypertension requiring urgent medical follow-up and I know in one case a chap who received a health check was rushed to hospital and had a triple bypass. He was a matter of months away from having a heart attack. To summarise the outcomes of the Healthbreak program, 46 per cent of drivers tested were referred for medical follow-up, which is indicative of the type of industry that is trying to manage the issue of fatigue and associated issues relating to the general health and wellbeing of those drivers who serve the industry.

In terms of preventive health, clearly when it comes to fatigue management the issue of preventive measures, as opposed to treatment when it is too late, is at the forefront for those trying to manage this issue within the industry. The TWU and the Victorian Transport Association should be congratulated for taking the leadership in this area and congratulations should also be extended right across the transport industry in looking at the issue of fatigue management and relating that to dealing with the issue as early as possible and doing something about it.

We need to understand that workers suffering from fatigue are three times more likely to suffer a work-related injury or fatality. That is why a bill such as this, even the fact that it is a bill which amends a substantive bill from last year, is critical for this house to support and get behind. The substantive bill from last year is really about sharing the responsibility right throughout the transport chain in terms of fatigue management to keep the industry safe and to keep other road users safe in their travels.

I understand that the member for Ivanhoe is very keen to talk on this bill at some point, but in the short time remaining I indicate that the nationally agreed amendments contain a number of minor technical and drafting measures but are also about clarifying the definition of short rest breaks so that the rests may be taken in the vehicle; tightening the work diary requirements and confirming that a third party engaged to act as a record-keeper for a driver shares responsibility for the accuracy of these records; and reforming the fatigue authorities panel to assign responsibility for appropriate functions to that panel. Again, these are minor amendments that are consistent with the national approach.

I indicate that the agreed amendments come after an extensive consultation process through the National Transport Commission, which is an independent body that works in close partnership with road and rail transport sectors, governments, unions, transport agencies, the Australian Local Government Association, regulators and police. Its role is to develop practical land transport reforms nationally to meet the needs of transport users and the broader community for safe, efficient and sustainable transport. I should disclose that my father was recently appointed as commissioner of the National Transport Commission. In that role he will ensure that members of the industry and of his union are well represented. I commend the bill to the house and look forward to its speedy passage.

Mr TILLEY (Benambra) — I rise to make a contribution to the debate on the Road Safety Amendment (Fatigue Management) Bill 2008. I will support the proposed amendment circulated by the member for Polwarth, which addresses issues relating to the livestock transport industry; in the event that the amendment is lost, I will not oppose the bill.

It has been interesting listening to previous speakers refer to fatigue and fatigue management. Changes are being made to the regulatory impact and burden not only on companies but also drivers and the framework they work in. I truly believe there are enormous shortcomings in addressing fatigue and fatigue management. This has occurred on the watch of every state and territory government for the past decade. It

goes back to addressing issues relating to pavement and road engineering.

It greatly saddens me that each and every time we hear of a heavy vehicle crash on highways — in this past decade in particular — it is attributed to fatigue. The main breadwinner of a family has tragically lost their life and is no longer able to provide for their family, and for some reason the blame is attributed to fatigue — that cloud is over their head. This fails to address the engineering aspects in relation to vehicle manufacture.

This issue has been under the watch of the Bracks and Brumby Labor governments, but it has not addressed an important issue. In 2000 a report was published by the Federal Office of Road Safety. One of the comments that has been made to me is that Mr John McLucas, then secretary of the Federal Office of Road Safety, prejudged the investigation by stating in a telephone conversation with a New South Wales engineering academic sometime in September 1998 that the office was determined to identify the complainants' prime mover problems as due to matters or influences external to the manufacturer's gates — that is, not including the prime movers and trailers before they left the manufacturer's gates and not looking into the issue of fatigue attributed to whole-of-body vibration.

With that in mind, what causes me concern is when we have government employees working within various public bodies where there is a particular question of ethics. Their earning capacity is somewhat smaller than that of those who are dealing with multimillion-dollar contracts and multimillion-dollar businesses putting vehicles onto our roads and highways. In the absence of an independent, broadbased anticrime commission these issues of corruption in our public offices cannot be investigated, and they go unwatched — they are unsupervised. When you are dealing with multimillion-dollar contracts and when you are dealing with multimillion-dollar businesses the greatest concern is the attempts of original manufacturers to entice public employees — government employees — with bonuses, under-the-table payments and even trips overseas, to pass off vehicles coming from the manufacturers' gates and call them safe to be driven on our highways and to participate in our road freight task.

What has not been addressed is that truck drivers, unbeknown to them, are getting in brand-new trucks on our highways — vehicles that are claimed to be state of the art — and potentially steering death traps. This is unbeknown to them because of the lack of inquiry by any government in the last decade into the causational factors of whole-of-body vibration and the fatigue that relates to it. We have an enormous amount of initiative and innovation in the state of Victoria, and small and medium enterprises have sought to address this problem, but at every stop, every gate and every pillar these innovative inventions are not given an opportunity to be tested against the vehicles coming out of the manufacturers' gates. They are not tested on a level playing field in an attempt to solve the issues of fatigue, higher productivity, lower carbon emissions — we can talk about climate change if you wish — and the long wearing of tyres.

This is just a bandaid solution. It is putting the onus on the driver and the company through a regulatory framework. It is putting the blame on the drivers and the number of hours they are driving on our highways. I saw recently the package put out by VicRoads in relation to driving hours. Watching the DVD was quite funny because it was all about training — training the driver to keep within his driving times — but it failed to address the manufacture of our vehicles.

One of the local innovators in Victoria who had not been given an opportunity to test his equipment had made an application to the Australian Road Research Board. It receives enormous amounts of taxpayer funding to do research; potentially between 80 and 90 per cent of its research is funded by the taxpayer. On Friday it declined an application to test a number of innovative vehicles and their performance on the roads in relation to tilt testing and the comparative ability for higher productivity. I think this is a long-seated problem where you have sectional interests giving information to government, and in particular this government which seems to be putting out legislation week after week. Every week Parliament sits we come in here and the government introduces more regulation after regulation without showing initiative and without having the ability to be a can-do government. The government puts the burden back on the working family man by blaming him for the driving hours. It apportions blame to the company but fails to investigate so Victoria can achieve its absolute best.

One of the other areas that the original manufacturers of the vehicles on our roads have failed to address is the compatibility between vehicles, our pavement and our road structure. There is a lack of funding in a whole range of initiatives to ensure that our transport road tasks are sufficient to provide the drivers who drive the freight around the state — and no doubt the rest of Australia — with a safe and proper work place.

Further inquiries need to be made — and a can-do government would certainly look at these — into the dynamic load sharing of our vehicles and road-friendly

suspensions. A lot of this is attributed to the suspensions. The government simply does not show initiative. This government fails to support the innovation by the lack of funding in some of these applications. I urge this government to pay particular attention to applications from some of our smaller and medium-size enterprises, to look outside the square and the advice it is currently getting from a number of the government bodies. I will not be opposing this bill, but I hope in future the government pays attention to these concerns.

Debate adjourned on motion of Mr INGRAM (Gippsland East).

Debate adjourned until later this day.

Remaining business postponed on motion of Mr CAMERON (Minister for Police and Emergency Services).

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house do now adjourn.

Land tax: rates

Mr O'BRIEN (Malvern) — I raise a matter for the attention of the Minister for Finance, WorkCover and the Transport Accident Commission. The action I seek is for the minister to urgently review the rates and thresholds applicable to land tax in Victoria with a view to delivering much needed tax relief.

To pre-empt the minister's likely response that the government has already adjusted land tax thresholds in this year's budget, I would note that land tax collections between 2007–08 and 2008–09 are forecast to leap by 37 per cent. To put that increase into dollar terms, last year's budget forecast a total of $765 million in land tax collections. This compares with the $1050 million forecast in the 2008–09 budget, an increase of $285 million. For every $100 collected in land tax by the government last year, over $137 is going to be collected this year. Only in Laborland could such a large increase in tax collections be thought of as a tax cut. Back in the real world it looks like just another Labor tax rise.

The Brumby government has been the beneficiary of massive rises in land and property values, as well as the land tax increases that flow as a consequence. However, while the government has been content to pocket the extra tax, it conveniently chooses to ignore the fact that many of those increases in site value are unrealised. Just because an asset increases in value, it does not follow that income from that asset also increases. For example, many properties are subject to long-term leases which do not reflect rising land values because the rents are fixed. Other properties attracting land tax do not produce income at all.

To give a real-life example from my electorate, one family owns property which has been assessed as increasing in value by 77 per cent. But with the jump in land tax brackets, the family's land tax assessment has increased by 280 per cent, from $14 000 to nearly $40 000. That $25 000 increase in land tax must be paid for somehow. In this case, the commercial tenants in this property have long-term leases, so their rent cannot be adjusted. Who does the minister think is going to bear the burden? Unfortunately it is the residential tenants; people usually on short-term leases and often with the lowest capacity to bear an increase, especially in the current tight rental market. In the examples I have been given, rents for individual tenants are increasing by $30, $40 or $50 a week to pay for the land tax assessment on the properties.

The Brumby government needs to understand that its land tax increases are having a real effect on people's lives, not just property owners, for whom it is plain the Labor Party has no sympathy, but tenants as well. It is the tenants who ultimately bear the burden of this government's massive land tax increase, and it is the tenants who will ultimately benefit from a review of the thresholds and rates of land tax which would deliver land tax relief. I urge the finance minister to try to deliver some real, meaningful reform of land tax and thresholds, and to do so as a priority.

Energy: carbon emissions

Mr LUPTON (Prahran) — I wish to raise a matter for the Minister for Energy and Resources. The action I seek from the minister is that he take action to ensure a reduction in carbon emissions produced by Victoria's power plants while providing an affordable, secure, reliable supply of electricity to Victoria's households and businesses. Doing so will prepare Victoria for the federal government's impending emission trading scheme, which is now called the carbon pollution reduction scheme.

The principles I have mentioned in asking the minister to take this action are that the energy supply in Victoria needs to be affordable, secure, reliable and sustainable. In recent times environmental experts have been singing with one voice about the urgency with which we need to combat the effects of climate change. Given

that the energy sector contributes approximately half of Victoria's greenhouse gas emissions, it is vital that we explore all means of producing electricity in a more sustainable way. These means include solar power, wind power, power through biomass, gas and clean coal technologies.

As the introduction of the federal government's carbon pollution reduction scheme approaches, the Victorian government needs to assist Victorian families and businesses with the transition to this new scheme. These days everybody accepts that we all need to make a contribution in order to reduce our greenhouse emissions — our carbon footprint — and households, businesses and everyone in the community needs to play their part. It is important that the Victorian government is planning the transition so that our community can be assured that we will be able to make the transition to a low carbon and zero emission economy in a sustainable, affordable, reliable and secure manner.

I note there is a significant uptake by households and businesses in Victoria of current opportunities to use green power for instance — these kinds of initiatives are important and popular in the community — but a new energy mix will not come on line at once or overnight. This is why I am calling on the minister to take action before the introduction of the federal government's carbon pollution reduction scheme as Victoria cannot afford to wait until it is introduced before we start taking action.

Walpeup research station: future

Mr CRISP (Mildura) — The matter I wish to raise is with the Minister for Agriculture and the action I seek is the reversal of the decision to close the Walpeup research station.

The Mallee agricultural research station at Walpeup has been pioneering low-rainfall grain production since the 1930s. The station helped pioneer the Mallee, known as the grain bowl of Victoria. Some of the outcomes of the research as recently as in the 1980s include the relationship of the fallowing of land and crop performance. Fallowing proved to be a disease-break factor and not a moisture-retention factor, thus allowing disease control to be incorporated into no-till farming practices and revolutionising the Mallee for grain production. Anyone who lives in the Mallee will also testify as to the environmental effect of this work — that is, less dust!

Another project undertaken at Walpeup researched the growing of mustard, which is a non-food source of biofuel. As the world looks to biofuels to be a part of the energy mix and deals with food security issues, mustard offers a solution. Again, that is pioneering adaptation work at Walpeup. This work has had benefits not only in the Mallee but far beyond. The work was recognised not only across Australia but internationally.

Desktop research cannot take place without field research components. Walpeup could and should be a vital asset in Victoria's commitment to climate change research and adaptation. Carbon capture in the Mallee will be required, and the Brumby government is turning its back on the potential of a huge carbon sink — the Mallee. I seek assurances from the minister that the cutting-edge projects currently located at Walpeup will not be affected by his decision to relocate staff from the site. I also seek an assurance that the Department of Primary Industries' projects located at Walpeup be left in place for the interim so that ongoing research projects can be used to attract prospective users of the facility.

Victoria will have to adapt to climate change. The Mallee will have to grow more grain with less rain, and failure to do so will endanger our food security. The community of Walpeup is small and close-knit, and for the families that live there the decision that the Brumby government has made is devastating to their personal equity. With up to 14 families leaving the village, the homes nestled there are now of little value, and being relocated elsewhere, particularly to a regional centre like Mildura, will create a huge equity gap for those families to cross. This is unacceptable for those families, and I ask the minister to invest in Victoria's future and keep Walpeup open.

Williamstown: marine safety grant

Mr NOONAN (Williamstown) — I wish to raise a matter for the attention of the Minister for Roads and Ports. The action I seek from the minister is that he give careful consideration to an application made by the Williamstown and Newport Anglers Club and the fish protection society for a marine safety grant.

The club has applied for the grant in order to undertake a feasibility study to identify future options for the enhancement, upgrade and repairs to their existing harbour and jetty structures on the Esplanade in Williamstown. The facilities provided by the club play an important role in the area in terms of both marine safety and amenity. As a condition of the club's lease the jetty must be available for use by the general public, which makes it unique on Port Phillip Bay as the only angling-boating club to do so.

The club's harbour is the only public access harbour between Point Gellibrand at Williamstown and the Altona boat ramp and as such serves an important role as a safe harbour during inclement weather. It also acts as a landing point for visiting boats. The facility is available for the use of the general public at all times. It is a popular place for locals to swim, fish, relax and take the dog for a swim. It has also proven popular amongst local couples who have used the upper deck of the jetty as the site for their wedding photos.

Since its formation in 1933 the club has established and maintained strong ties with the community of Hobsons Bay, and thanks to low membership fees it has remained accessible to all comers. The club has also established strong ties with the Ballarat angling club, this year celebrating 75 years of that club's annual visits to Williamstown and Port Phillip Bay.

In addition to use by the club and the public the harbour and jetty facilities are used by the water police and the Australian Army's 2nd commando company. The water police also considers the jetty valuable as a safe harbour during bad weather and has raised the possibility of expanded use in the future. Throughout its history the club has taken a proactive approach to ongoing maintenance and improvements to its facilities. It has remained largely self-sufficient from public funding, having received no previous grants for the upgrades. The jetty and other facilities were all built and paid for by members, who continue to raise money to carry out maintenance and improvements.

The feasibility study and proposed improvement that may arise are supported by a broad range of stakeholders, including Hobsons Bay City Council, Parks Victoria, the Australian Defence Force, Victorian recreational fishing, the Australian Anglers Association and the Rotunda restaurant. The club has done an outstanding job through the years providing these important facilities to the community, and I urge the minister to give consideration to any assistance that can be rendered through the marine safety grants program to conduct the feasibility study.

Hospitals: government performance

Mr R. SMITH (Warrandyte) — I wish to raise a matter for the Minister for Health. I ask the minister to implement the recommendations of the ministerial review of Victorian public health medical staff report, thereby addressing the problems being faced by the health system. Recently two experiences involving our health system hit close to home. My 15-year-old goddaughter seriously injured her knee earlier this month and sat in the emergency department at Maroondah Hospital for around 3 hours, waiting for attention. During that time I understand she was told that seven ambulances were lined up outside the hospital with the patients inside them unable to be brought in because there were no beds. An ambulance officer I spoke with later told me this was not unusual. My goddaughter eventually gave up waiting and went home without being seen. She subsequently found her own leg brace, filled up on painkillers and went back the following morning for attention.

Only a week prior to that, the mother of one of my electorate officers suffered a badly broken arm. She was taken to Dandenong Hospital and had to wait in the emergency department for 8 hours before seeing a surgeon to decide on the appropriate course of action. Some 32 hours passed before she eventually had her surgery.

These scenarios are not unique and are repeated daily across our state health system. This is despite the health minister constantly telling us how good our health system is. Furthermore, these instances reiterate the stories I constantly hear about the inadequacies of the health system and how it just seems to be getting worse. My perception, and that of the public, is backed up by the recent release of the report *Your Hospitals*, which gives an accurate picture of what is happening in our public hospitals.

The report says that the state government failed to meet six of its nine key performance targets. The figures also show that some 85 000 people waited in emergency departments without treatment for 4 hours, and 45 000 failed to be admitted to hospitals within 8 hours. Thirty-five per cent of emergency department patients did not get a hospital bed within 8 hours, which equates to over 45 000 Victorians over six months. There is increased pressure, particularly in our emergency departments, and there is a chronic shortage of beds in Victoria's hospitals. The report also shows a blow-out in the number of public hospitals going on to ambulance bypass. In fact ambulance bypass has doubled since the last reporting period.

The fact is that the Brumby government is failing Victorians in health. Australian Medical Association Victoria President, Dr Doug Travis, is reported as saying in a media release on 13 May 2008:

> The Victorian government's benchmarks are a sleight of hand that is not acceptable to AMA Victoria, and it should not be accepted by the Victorian community.

I agree with Dr Travis that it is not good enough and that Victorians definitely deserve better. The ministerial review of Victorian public health medical staff report

was received by the minister nearly nine months ago, and yet this government has seen fit to respond to only a handful of its recommendations. Bearing in mind the difficulties that doctors and nurses encounter daily as a result of the pressure on our public health system, I again ask that the minister implement the recommendations of this review as a matter of urgency.

Melton Secondary College: bike shed

Mr NARDELLA (Melton) — My adjournment matter is for the Minister for Sport, Recreation and Youth Affairs. The action I seek is for him to consider favourably a grant application from the Melton Secondary College for $5000 from the Go for Your Life bike shed grant program to permit the school to construct a bike shed for its students. The school believes that once the bike shed is constructed there will be a significant rise in the number of students — and hopefully staff — riding their bicycles to school and work. Last year some grants were allocated under this program, and the successful organisations and schools have reported an increase in bike use. This is a very important initiative by the Brumby Labor government to reverse the problem of overweight students and their lack of exercise.

Many, many years ago I rode my bike to Albion State School and was part of the 80 per cent of students in the 1970s who got to school and class in an active way. Nowadays only 20 per cent use active modes to get to school. This program is part of the Labor government's policy of encouraging increasing levels of physical activity and exercise, especially among our young people. I just purchased and assembled a bike from Subway, along with my wife Lyn who got one too, together with a helmet to use when the weather gets a bit better. I understand the value of using bicycles, even at my age.

These grants can be used to design and build a bike shed, to convert an existing shed or area in the school into a secure bike storage facility or to purchase a suitable shed or structure and fit it out with bike storage facilities. Priority for these grants is given to disadvantaged government and non-government schools based on indices that include the Victorian government's student family occupation density and the financial assistance model. Melton Secondary College is a great school with an active school council and community, and if it is successful it will use this grant, very wisely whilst also contributing to this project out of its own funds and through the use of volunteers.

I commend this grant application to the minister. It will help the school community. I think it will also play a very important part in making sure that our young people get used to doing exercise and continue to exercise throughout their lives.

Housing: eastern suburbs

Mr HODGETT (Kilsyth) — I rise to give a voice to the 3000 homeless people living in the eastern suburbs who will spend another night in appalling conditions because of this state government's negligence and failure to act fast enough to provide the necessary services to those in our community who are in most need. The matter I raise is for the Minister for Housing. I request that the minister meet with key stakeholders in my electorate, including service providers, advocates and those who are willing to give voice to the homeless in our community of Kilsyth, to explore options for the expansion of affordable housing in my constituency.

This evening approximately 20 000 people will rough it throughout the entire state, and in doing so they put their physical and mental health at risk. Most shockingly 35 per cent or 7000 of them are aged between 12 and 24 years. It is not only a concern because of the vulnerability of their age but also because it has been reported that people who become homeless before the age of 18 are more likely to become part of what are termed the long-term homeless, who suffer a lifetime of socialised isolation, severe psychological disorders and the stigma of just being homeless.

This pressure is borne by people from all parts of our society and has become more and more evident through the media and through the very doors of my own electorate office. What does it say of our society when one of my constituents is forced to live in government-provided housing that has no windows, and he must choose between buying his epilepsy medication, retrieving his dog — his only companion — from the pound, and eating?

What does it say of the minister into whose hands falls the regulatory authority for the good governance of privately run boarding houses which currently disregard, disrespect and deny to my constituents, who live in such places as their only affordable option, the security that we find in our own homes? What does it say of the supposed explosion of money into the areas of housing and homelessness by this Labor government when not enough is given to support crisis accommodation providers, and it allows for one of my constituents to have spent the last two weeks living in his car? What does it say of this minister, the Premier and the entire Labor Party when a man dies alone in his car in a church car park?

Let us be honest: the funding this government states it is spending on housing and homelessness is like little more than throwing a dozen eggs at a battleship. The minister should confess to us right now that this funding is just a drop in the ocean compared to what we truly need, and that the last nine years of Labor have yielded virtually nothing for the most desperate and needy members of our society. I call on the minister to meet with the housing providers in my area who know we need an expansion of affordable housing in my electorate. Let us work constructively to address the housing crisis and give hope to the homeless who sleep in their cars or experience other inexcusable housing options in my area.

Clearways: Sydney Road, Coburg

Ms CAMPBELL (Pascoe Vale) — I raise a matter for the attention of the Minister for Roads and Ports. The action I seek is that he give strong consideration to Sydney Road whilst clearway times, locations and road usage are currently being considered. Sydney Road has clearway provisions on both sides of the road in part, and the locals are very keen to make sure that they are on only one side of the road during the designated clearway times, and that when the new line markings are done there be a designated bike lane. That is a very strong preference in our area.

Recently, since the announcement of the extension to clearway hours, I have had the opportunity to talk with Sydney Road traders. I have taken up the joint issues of the peak times, particularly the afternoon period, and what they believe is a quirk of a previous policy which has left Sydney Road with joint clearways immediately south of Bell Street and around the North Coburg trading area. I want to place on the record my appreciation of not only the minister, for his interest in this matter and his willingness to engage with traders and me, but also of Mr Nial Finnegan, the regional director, VicRoads from who has listened to our concerns and suggestions and met with traders to try to come up with a positive way forward.

I note that morning peak clearways are to be progressively implemented by the end of 2008. In order to ensure absolute clarity with respect to Sydney Road I wish to reiterate the views from my electorate. Whilst these views are not universal, they are truly reflective of the concerns of constituents, the Moreland council, the Coburg Traders Association and the Moreland Bicycle Users Group. Our locals are saying that the location of clearway provisions for the morning peak should apply only to the east side of Sydney Road, and that for the evening peak the clearways should apply only to the west side. A not dissimilar scenario operates around the Moonee Ponds junction and down Mount Alexander Road.

Around the intersection of Bell Street and Sydney Road major building works under Coburg 2020 will be proceeding over the next eight years. That is a really exciting project which is part of Melbourne 2030 and which will rejuvenate Coburg with sustainable living and employment opportunities. Looking at the clearway provisions will be a wonderful opportunity to make sure that the Coburg shopping precinct is really vibrant and that cyclists are safe with a designated bike lane.

Consumer affairs: Windsor Caravans

Mr TILLEY (Benambra) — I wish to raise a matter for the attention of the Minister of Consumer Affairs. The action I seek is for the minister to make full and thorough inquiries to protect those Victorian consumers who have made purchases of some Windsor caravans.

Wodonga caravan dealer Mr Malcolm Latham has recently made me aware of and caused me serious concern about possible safety issues relating to some Windsor caravans. The faulty manufacture of gas fittings resulted in a hot-water service on a caravan in his workshop bursting into flames. This fault was identified at a pre-delivery inspection. The Plumbing Industry Commission conducted initial inquiries and this investigation was referred to Energy Safe Victoria. To this date the final outcome of any investigation is unknown.

Windsor commissioned a tradesman to test all Windsor vans at Caravan Kingdom, Wodonga, and it found that 25 per cent of Windsor stock was dangerous and unsaleable. The duty of care to the consumer leaves Caravan Kingdom with $750 000 worth of Windsor stock that cannot be sold. Due to Mr Latham's accountability and personal ethics, he is stuck with a business potentially full of lemons. Mr Latham has made me aware of similar incidents at another dealership dating back 18 months. In the ensuing 18 months Windsor Caravans made and sold close to 2000 vans. Given that 25 per cent of those 2000 caravans may have this fault, I am sure the minister will appreciate my concern.

In June 2008 Windsor Caravans issued a customer alert to all Caravan Kingdom customers who purchased a Windsor caravan, asking that a gasfitter carry out a series of tests, which are covered under a customer care warranty, 'without delay or at least prior to using any appliance'. This alert by the manufacturer of Windsor Caravans has effectively quarantined this issue to Caravan Kingdom customers only. It has failed to make

any attempt to fully protect other consumers and prevent potential risk to their safety. To this day customers of other dealerships are left unaware of the potential problem. I am more than happy to assist the minister in his inquiries by providing any documents I have been given to date.

A caravan is certainly a significant purchase, particularly for those hardworking people who have saved throughout their working lives to achieve the dream of travelling around not only Victoria but also, no doubt, wider Australia. People are now unaware that they are towing and living and sleeping in a potential time bomb.

Footscray Primary School: bike shed

Ms THOMSON (Footscray) — The matter I raise is for the attention of the Minister for Sport, Recreation and Youth Affairs. I seek the minister's action to support the schoolchildren who attend Footscray Primary School and wish to ride their bikes to school. Footscray now has quite a large bike culture, and the Footscray bicycle track is probably the most used of any bicycle track in Melbourne.

An honourable member interjected.

Ms THOMSON — I believe that to be supported by the statistics. Therefore, children are being encouraged to ride their bikes to school, but they do need a safe and secure place to store their bikes.

I have quite a bit to do with Footscray Primary School, which is a great school with great kids. I know they would take every opportunity available to them. It would be a great way of getting them to use their bikes and be involved in another form of keeping fit. They are certainly a group of students who are environmentally aware, as are their parents, so they know about the need for alternatives to car travel. Being able to get access to a bike shed to secure their bikes would be very worthwhile and beneficial.

This school is located on Geelong Road. For the kids to be able come through from the other side to Footscray Primary School would be a safe option for them. It is a school that is proactive in extracurricular activities, and I know they would benefit from the Go for Your Life bike shed seeding grants scheme. They would take great advantage from it.

This is a multicultural school, with children from many communities attending it. They are embracing the outdoors lifestyle that is part of our lifestyle. They are very active in many endeavours at the school and they are working on cross-cultural activities and looking at how they can educate each other on the ways they can be healthier. I seek from the minister his support to give a grant to the school to build the bike shed to enable the kids to safely ride to school and secure their bikes.

Responses

Mr BATCHELOR (Minister for Energy and Resources) — The member for Prahran raised with me the need to prepare Victoria for the introduction of an emission trading scheme. I thank the member for Prahran for raising this matter. He is well known in his local electorate as being concerned about the environment, and anyone who is concerned about the environment is also concerned about the challenge of climate change and how we respond to it.

The member for Prahran and his constituents will be pleased to hear that the Brumby government is aware of the need to prepare not just the government but the general community for the introduction of the emission trading scheme and is already taking action to do just that.

As the member for Prahran highlighted, the impending commonwealth emission trading scheme, now called the carbon pollution reduction scheme, is a result of the realisation that all of us as individuals and as a community will need to do our bit to reduce our carbon footprint or carbon emissions.

The Brumby government here in Victoria recognises the very serious threat that is posed by climate change, and you can rest assured, Deputy Speaker, that this government is taking action to reduce emissions. We are doing that by encouraging investment in existing and new low-emission technologies.

One of the new low-emission technologies that this government is supporting is carbon capture and storage. I am excited to inform the member for Prahran that just last month in what was a first for Australia, carbon dioxide was captured from an existing power station flue gas in a post-combustion capture pilot plant that has been established at Loy Yang power station in Victoria's Latrobe Valley. This is a significant and important milestone in testing carbon capture technology. It has the potential to substantially reduce greenhouse gas emissions from coal-fired electricity generation.

Through investment in projects such as this, the Brumby government will continue to demonstrate its dedication to combating climate change and further position Victoria as a global leader in carbon capture and storage technologies.

In the Latrobe Valley there is the project we are talking about. It is a project of some $5.6 million; it is the Latrobe Valley post-combustion capture project. It is a joint collaboration between Loy Yang Power, International Power Hazelwood, the Victorian government and august researchers from CO2CRC, the carbon dioxide research organisation, and CSIRO.

The Brumby government has provided $2.5 million of the total cost for this project. It has done that through the energy technology innovation strategy, which is designed to accelerate the development of this technology, in particular, but also to accelerate the development of low-emission technology. The pilot plant, members will be interested to hear, is more than 10 metres high and is designed to capture up to 1000 tonnes of carbon dioxide per year from exhaust gas flues.

Post-carbon capture utilises a liquid to capture the carbon dioxide from flue gases. Future trials will involve the use of a range of different carbon dioxide capture liquids. This has the potential to reduce carbon dioxide emissions by more than 85 per cent. Members will agree that this project is a great example of what can be achieved when government, industry and research organisations work together in a collaborative way. It is part of the Victoria's successful energy technology innovation strategy (ETIS) that received an additional $182 million in this year's budget. This program will help fund the next phase of technology developments, both in clean coal and sustainable energy programs.

Everyone knows that Victoria has vast brown coal resources in the Latrobe Valley. That brown coal will provide reliable and affordable electricity generation, but to be able to continue to use this brown coal resource into the future we must reduce the amount of greenhouse gas emissions that are released into the atmosphere. Local upper house members who represent the Latrobe Valley — Matt Viney and Johan Scheffer, who are both members for Eastern Victoria Region — are continuing to work with the government and to lobby for projects such as this to help position Victoria as a global leader in carbon capture and storage technology, which will provide major benefits for our environment and our economy.

But Victoria's clean energy future does not lie in clean coal technology alone. It is only one part of a comprehensive climate change policy package that our government is developing and delivering. That is the most important thing — we are delivering this, and we are doing it around low-emission technology, renewable energy, energy efficiency and support for the commonwealth's emission trading scheme, which is now called the carbon pollution reduction scheme. I am sure the member for Prahran will agree that the post-carbon capture program is a milestone and another example of how this government in Victoria is taking action to reduce carbon emissions produced by Victoria's power plants.

The government is doing this whilst providing an affordable, secure and reliable supply of electricity to Victorian households and businesses. In doing so we are also preparing Victoria for the impending introduction of the commonwealth's emission trading scheme.

Mr ROBINSON (Minister for Consumer Affairs) — I appreciate that the member for Benambra raised an important issue in respect of Windsor Caravans and some complaints that he is aware of about the safety of those caravans. The member raised the issue with me this morning, and I have had a brief opportunity to seek some advice from Consumer Affairs Victoria. I have indicated to the member that CAV has not received any complaints about Windsor Caravans to this point in time that we are aware of. However, it could be that upon further investigation there are complaints that relate to the distributor or indeed to other parties who have been involved in the fitting out — I understand there has been a fitting out of the vans through the provision of stoves and other plumbing works — so CAV's investigations will continue on that front.

If I understand the member's concerns correctly, there is a series of complaints that go to both the design of the vans themselves, which would be a straightforward product safety issue, and the fitting out of the vans. We would need to look more closely at the way those caravans are assembled and who has contractual responsibility in that chain of production and retailing before we could make any judgements on where the responsibility lies. Nevertheless, that work will be undertaken.

Having talked to the member earlier I also understand that there are some potential problems about consumer contracts and the terms offered in those contracts. Certainly that is an issue that CAV is able to look at. There are unfair contract terms provisions in Victoria's Fair Trading Act, and they apply in the event that the terms of contracts being offered to consumers fall short of what is expected or required to be offered to consumers in the state of Victoria. I am very happy to receive that advice, and further advice will be provided to the member for Benambra. We will get the agency to take the necessary steps.

The member for Malvern raised an issue for the attention of the Minister for Finance, WorkCover and the Transport Accident Commission in relation to land tax, and I will refer that matter on.

The member for Mildura raised an issue for the attention of the Minister for Agriculture in respect of the future of Walpeup projects, and I will refer that matter on.

The member for Williamstown raised an issue for the Minister for Roads and Ports in respect of the Williamstown and Newport Anglers Club and its application for a grant for an upgrade of local facilities. I will pass that on.

The member for Warrandyte raised an issue for the attention of the Minister for Health in respect of the implementation of ministerial health review recommendations. I will pass that on.

The member for Melton and the member for Footscray both raised issues for the attention of the Minister for Sport, Recreation and Youth Affairs in respect of funding applications for bike shed constructions at local schools. I will pass those matters on.

The member for Kilsyth raised an issue for the attention of the Minister for Housing in respect of homelessness. He has requested that the minister meet stakeholders in his electorate. I will pass that on.

Finally, the member for Pascoe Vale raised an issue for the attention of the Minister for Roads and Ports in respect of traffic arrangements on Sydney Road in North Coburg. I will pass that matter on.

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

House adjourned 11.47 p.m.