PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Tuesday, 2 December 2008

(Extract from book 17)

Internet: www.parliament.vic.gov.au/downloadhansard

By authority of the Victorian Government Printer

The Governor

Professor DAVID de KRETSER, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

The ministry

Premier, Minister for Veterans' Affairs and Minister for Multicultural Affairs	The Hon. J. M. Brumby, MP
Deputy Premier, Attorney-General, Minister for Industrial Relations and Minister for Racing	The Hon. R. J. Hulls, MP
Treasurer	The Hon. J. Lenders, MLC
Minister for Regional and Rural Development, and Minister for Skills and Workforce Participation	The Hon. J. M. Allan, MP
Minister for Health	The Hon. D. M. Andrews, MP
Minister for Community Development and Minister for Energy and Resources	The Hon. P. Batchelor, MP
Minister for Police and Emergency Services, and Minister for Corrections	The Hon. R. G. Cameron, MP
Minister for Agriculture and Minister for Small Business	The Hon. J. Helper, MP
Minister for Finance, WorkCover and the Transport Accident Commission, Minister for Water and Minister for Tourism and Major Events	The Hon. T. J. Holding, MP
Minister for Environment and Climate Change, and Minister for Innovation	The Hon. G. W. Jennings, MLC
Minister for Public Transport and Minister for the Arts	The Hon. L. J. Kosky, MP
Minister for Planning	The Hon. J. M. Madden, MLC
Minister for Sport, Recreation and Youth Affairs, and Minister Assisting the Premier on Multicultural Affairs	The Hon. J. A. Merlino, MP
Minister for Children and Early Childhood Development, and Minister for Women's Affairs	The Hon. M. V. Morand, MP
Minister for Mental Health, Minister for Community Services and Minister for Senior Victorians	The Hon. L. M. Neville, MP
Minister for Roads and Ports	The Hon. T. H. Pallas, MP
Minister for Education	The Hon. B. J. Pike, MP
Minister for Gaming, Minister for Consumer Affairs and Minister Assisting the Premier on Veterans' Affairs	The Hon. A. G. Robinson, MP
Minister for Industry and Trade, Minister for Information and Communication Technology, and Minister for Major Projects	The Hon. T. C. Theophanous, MLC
Minister for Housing, Minister for Local Government and Minister for Aboriginal Affairs	The Hon. R. W. Wynne, MP
Cabinet Secretary	Mr A. G. Lupton, MP

Legislative Assembly committees

Privileges Committee — Mr Carli, Mr Clark, Mr Delahunty, Mr Lupton, Mrs Maddigan, Dr Napthine, Mr Nardella, Mr Stensholt and Mr Thompson.

Standing Orders Committee — The Speaker, Ms Barker, Mr Kotsiras, Mr Langdon, Mr McIntosh, Mr Nardella and Mrs Powell.

Joint committees

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Heads of parliamentary departments

Assembly — Clerk of the Parliaments and Clerk of the Legislative Assembly: Mr R. W. Purdey

Council — Clerk of the Legislative Council: Mr W. R. Tunnecliffe

Parliamentary Services — Secretary: Dr S. O'Kane

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. JENNY LINDELL

Deputy Speaker: Ms A. P. BARKER

Acting Speakers: Ms Beattie, Ms Campbell, Mr Eren, Mrs Fyffe, Ms Green, Dr Harkness, Mr Howard, Mr Ingram, Mr Jasper, Mr Kotsiras, Mr Languiller, Ms Munt, Mr Nardella, Mr Seitz, Mr K. Smith, Dr Sykes, Mr Stensholt and Mr Thompson

Leader of the Parliamentary Labor Party and Premier:
The Hon. J. M. BRUMBY (from 30 July 2007)
The Hon. S. P. BRACKS (to 30 July 2007)

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:
The Hon. R. J. HULLS (from 30 July 2007)
The Hon. J. W. THWAITES (to 30 July 2007)

Leader of the Parliamentary Liberal Party and Leader of the Opposition:
Mr E. N. BAILLIEU

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:
The Hon. LOUISE ASHER

Leader of The Nationals:
Mr P. J. RYAN

Deputy Leader of The Nationals:
Mr P. L. WALSH

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	Lindell, Ms Jennifer Margaret	Carrum	ALP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Lobato, Ms Tamara Louise	Gembrook	ALP
Asher, Ms Louise	Brighton	LP	Lupton, Mr Anthony Gerard	Prahran	ALP
Baillieu, Mr Edward Norman	Hawthorn	LP	McIntosh, Mr Andrew John	Kew	LP
Barker, Ms Ann Patricia	Oakleigh	ALP	Maddigan, Mrs Judith Marilyn	Essendon	ALP
Batchelor, Mr Peter John	Thomastown	ALP	Marshall, Ms Kirstie	Forest Hill	ALP
Beattie, Ms Elizabeth Jean	Yuroke	ALP	Merlino, Mr James Anthony	Monbulk	ALP
Blackwood, Mr Gary John	Narracan	LP	Morand, Ms Maxine Veronica	Mount Waverley	ALP
Bracks, Mr Stephen Phillip [1]	Williamstown	ALP	Morris, Mr David Charles	Mornington	LP
Brooks, Mr Colin William	Bundoora	ALP	Mulder, Mr Terence Wynn	Polwarth	LP
Brumby, Mr John Mansfield	Broadmeadows	ALP	Munt, Ms Janice Ruth	Mordialloc	ALP
Burgess, Mr Neale Ronald	Hastings	LP	Napthine, Dr Denis Vincent	South-West Coast	LP
Cameron, Mr Robert Graham	Bendigo West	ALP	Nardella, Mr Donato Antonio	Melton	ALP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Carli, Mr Carlo Domenico	Brunswick	ALP	Noonan, Wade Mathew [5]	Williamstown	ALP
Clark, Mr Robert William	Box Hill	LP	Northe, Mr Russell John	Morwell	Nats
Crisp, Mr Peter Laurence	Mildura	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
Crutchfield, Mr Michael Paul	South Barwon	ALP	Overington, Ms Karen Marie	Ballarat West	ALP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Pallas, Mr Timothy Hugh	Tarneit	ALP
Delahunty, Mr Hugh Francis	Lowan	Nats	Pandazopoulos, Mr John	Dandenong	ALP
Dixon, Mr Martin Francis	Nepean	LP	Perera, Mr Jude	Cranbourne	ALP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Pike, Ms Bronwyn Jane	Melbourne	ALP
Duncan, Ms Joanne Therese	Macedon	ALP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
Eren, Mr John Hamdi	Lara	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Foley, Martin Peter [2]	Albert Park	ALP	Robinson, Mr Anthony Gerard	Mitcham	ALP
Fyffe, Mrs Christine Ann	Evelyn	LP	Ryan, Mr Peter Julian	Gippsland South	Nats
Graley, Ms Judith Ann	Narre Warren South	ALP	Scott, Mr Robin David	Preston	ALP
Green, Ms Danielle Louise	Yan Yean	ALP	Seitz, Mr George	Keilor	ALP
Haermeyer, Mr André [3]	Kororoit	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
Hardman, Mr Benedict Paul	Seymour	ALP	Smith, Mr Kenneth Maurice	Bass	LP
Harkness, Dr Alistair Ross	Frankston	ALP	Smith, Mr Ryan	Warrandyte	LP
Helper, Mr Jochen	Ripon	ALP	Stensholt, Mr Robert Einar	Burwood	ALP
Herbert, Mr Steven Ralph	Eltham	ALP	Sykes, Dr William Everett	Benalla	Nats
Hodgett, Mr David John	Kilsyth	LP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Holding, Mr Timothy James	Lyndhurst	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Thwaites, Mr Johnstone William [6]	Albert Park	ALP
Hudson, Mr Robert John	Bentleigh	ALP	Tilley, Mr William John	Benambra	LP
Hulls, Mr Rob Justin	Niddrie	ALP	Trezise, Mr Ian Douglas	Geelong	ALP
Ingram, Mr Craig	Gippsland East	Ind	Victoria, Mrs Heidi	Bayswater	LP
Jasper, Mr Kenneth Stephen	Murray Valley	Nats	Wakeling, Mr Nicholas	Ferntree Gully	LP
Kairouz, Ms Marlene [4]	Kororoit	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
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

CONTENTS

TUESDAY, 2 DECEMBER 2008

CONTENTS

Tuesday, 2 December 2008

The SPEAKER (Hon. Jenny Lindell) took the chair at 2.07 p.m. and read the prayer.

CONDOLENCES

Terrorism: Mumbai

Mr BRUMBY (Premier) — By leave, I move, and the Leader of the Opposition will second, that the following condolence motion be agreed to by this house:

> That —
>
> (1) we, the Legislative Assembly of Victoria: offer our deepest condolences to the friends and families of the victims of the Mumbai terrorist attacks, to the people of India and to our own Indian community;
>
> (2) we offer our full support to the survivors of these attacks;
>
> (3) we commend the people of Mumbai for the courage they have shown in the face of this cowardly attack; and
>
> (4) we commit ourselves to not allow attacks such as this to undermine Victoria's tolerant, multicultural way of life nor our strong ties that we have developed with India.

Firstly, I recognise the Indian Consul in Victoria, Anil Kumar Gupta, who is present in the public gallery today and is representing the Consul-General of India, Anita Nayar, who is presently in India.

By now members of the house are all too aware of the details of the Mumbai attacks. Last Wednesday evening, on the 59th anniversary of the adoption of the Indian constitution by the Indian Constituent Assembly, the people of Mumbai were attacked. The attacks, which continued until 29 November, were as coordinated as they were cowardly. The victims, who number more than 170 and include two Australians, were innocent and unarmed. They were people with families, friends, parents and children; people with plans and hopes for the future; people with limitless potential. But now those plans will never be met, that human potential will never be realised, and that of course is a senseless tragedy in every sense of the word.

It seems that the enemies of democracy and tolerance will not learn. In this regard parallels can be drawn between this senseless tragedy and the senseless tragedies in Bali in 2001 and 2005, London in 2005, and New York and London in 2001. Those enemies of democracy continue to mistakenly think that violence is in itself an achievement. They continue to erroneously believe that terror is a means and an end. They of course are wrong, because as Mahatma Ghandi, the father of non-violent protest and the Indian nation, once said:

> What difference does it make to the dead, the orphans and the homeless, whether the mad destruction is wrought under the name of totalitarianism or the holy name of liberty …

In other words, violence creates nothing. If that fact is self-evident anywhere, it is self-evident in India. After all, this is a nation that was created through non-violent protest. The challenge we face, then, is to not let this violence destroy our way of life or our strong connection with the people of India.

Let me take this opportunity to say how proud Victoria is to be a friend of India. We have strong cultural, business and community connections with India. Recently, on 18 October, both the Leader of the Opposition and the minister assisting me on multicultural affairs attended Diwali, the festival of lights where we saw tens of thousands of Indian citizens out celebrating and enjoying that festival. More than 52 000 Victorians were born in India, and there are more than 29 000 Indian students studying in Victoria right now. Many members of our cabinet have visited India and Mumbai, and we will continue to do so in the future. Our government has a strong presence in India with the Victorian government business office in Bangalore, which was established in 2005. I was invited to visit Mumbai for the opening of the IITB Monash Research Academy last Monday, 26 November. I had to decline that invitation due to commitments here, but I certainly look forward to a time when I can visit Mumbai and India more generally.

All members of this house agree that India is a great nation with a great people and a great future, and none of that has been changed by these events. In conclusion I once again use the words of Mahatma Ghandi:

> Non-violence is the first article of my faith. It is also the last article of my creed.

The agents of violence have failed. The more tolerant we are and the more open to new people and ideas we become, the more committed to the principles of democracy we remain. While those things stand, the greater their failure will be.

Mr BAILLIEU (Leader of the Opposition) — I join with the Premier and second the motion. In the past several years this house has had cause to consider the consequences of a number of tragic events including natural disasters, accidents and, tragically, terrible events involving terrorism, whether they be those of September 11 or the events in Bali, London, India and

other places across the world. Our world faces events which previous generations did not face. The scourge of terrorism is alive, and it must be beaten. The events of last week in Mumbai in the remarkable nation of India have simply reminded us of the emptiness of the terrorist mind and terrorist activities and desires.

All Australians have been touched by these events. In thinking about these horrific attacks that took place in the Taj Mahal and Oberoi hotels, a Jewish facility and restaurants and that involved the killing, maiming and injuring of innocent people, no-one could be other than moved by the tragedy of it. Nearly 200 lives were lost and hundreds of people were injured, including a number of Australians, making it an event to which we are all drawn as a consequence. In these events there are always stories of heroism, and I am sure the story of Katie Anstee and David Coker has touched many Australians. His courage in taking her to safety and her courage in dealing with the shocking wounds she suffered will resonate with all Australians.

As the Premier said, we have an extraordinary Indian community in Melbourne that is very much part of our multicultural life. In recent years I have had the opportunity to enjoy firsthand the enthusiasm, joy and vitality of the Indian community in Melbourne in particular. It is a lively and growing community with, as the Premier said, a very strong student population and links to the Indian homeland. I am sure that will continue in multicultural Melbourne. I have travelled to India in the past, and I look forward to doing so again in the future. My wife travelled there earlier this year and enjoyed an extraordinary opportunity to see its delights. It is a remarkable nation. The dimension of the nation, the sheer size of the population and the diversity of activity are quite extraordinary. I am confident that the Indian community both here in Melbourne and in India will not be in any way shifted in the saddle by these events and that its determination will continue.

Other terrorist attacks continue. We have also seen a rising tide of piracy in certain regions, which is another reason for Australians to be mindful of the efforts that need to be made to defeat terrorism. These attacks are reminders that we all have to be vigilant and determined that we will, in conjunction with other democratic nations, defeat terrorist activities. We have to ensure that we maintain our multicultural community here and that by continuing to trade and communicate we demonstrate there is a better way of life.

I join with the Premier in extending our sincere condolences to the families of Doug Markell and Brett Taylor, Australians who have been identified as having died in the Mumbai attacks. I join the Premier in supporting this motion, and I do so acknowledging the presence of the Indian Consul, Anil Kumar Gupta, and acknowledging the whole Indian community. I look forward to our doing whatever we can in the future to ensure that such events never happen again.

Motion agreed to, members showing unanimous agreement by standing in their places.

DISTINGUISHED VISITORS

The SPEAKER — Order! Before calling for questions I acknowledge the presence in the gallery today of Sheikh Khalid al-Attiya, First Deputy Speaker of the Iraqi Council of Representatives, and a delegation of members of Parliament from Iraq. Welcome.

QUESTIONS WITHOUT NOTICE

Goods and services tax: distribution

Mr WELLS (Scoresby) — My question without notice is to the Premier. I refer the Premier to a column in the *Australian* of 20 November headed ‘John Brumby fudges figures on GST’, and I ask: can the Premier confirm that, even after the federal midyear budget update, Victoria will receive $9.9 billion in GST revenue this year, over $700 million more than the guaranteed minimum amount of $9.17 billion?

Mr BRUMBY (Premier) — I thank the member for his question. I will make two points to him about the GST.

An honourable member interjected.

Mr BRUMBY — There is a lot of science fiction in the mind of the honourable member — you’re dead right!

Mr McIntosh interjected.

The SPEAKER — Order! The member for Kew will not behave in that manner.

Mr BRUMBY — The first point I would make is that my understanding is that the speech I made to the National Press Club is probably on my website — if it is not, I will make sure it is — and all of the calculations in relation to the — —

Dr Napthine interjected.

The SPEAKER — Order! I ask the member for South-West Coast not to interject in that manner. If he

does so again, he will find himself absented from question time.

Mr BRUMBY — All of the tables and calculations are contained in that speech. I make two points to the honourable member. Firstly, Victorians pay far more in GST than we receive back from Canberra, and it has always been thus. For every $10 that Victorians pay, we get back less than $9. That is the first point.

The second part of the honourable member's question related to the guaranteed minimum amount, or GMA. What I think the honourable member has failed to do is to recalculate — —

Honourable members interjecting.

The SPEAKER — Order! The member for Scoresby has asked his question. He should have the respect and courtesy to listen to the answer. I ask the Minister for Regional and Rural Development to cease interjecting in that manner.

Mr Mulder interjected.

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

Mr BRUMBY — As an observation, you would think that most Victorians would like to get back more of the GST rather than less, but apparently that is not the case with the opposition, who apparently would like to see more of the GST transferred out of Victoria to other states in Australia. If the taxes that were abolished as part of the GST were still in place today, Victoria would be raising far more revenue than we receive under the GST — fact! I am not sure what the point of the honourable member's question is, but there are two unarguable facts. Firstly, Victorians — —

Honourable members interjecting.

The SPEAKER — Order! The member for Kilsyth will cease interjecting in that manner, and I ask the Deputy Leader of the Opposition to stop interjecting across the table.

Mr BRUMBY — As I was saying, Victorians pay more than we get back. That is because of horizontal fiscal equalisation — in other words, the money gets taken away from us and given to other states. Secondly, we receive significantly less than we would have had the state retained the taxes that were abolished as part of the GST. That all just goes — —

Mr Wells — But you did agree to — —

The SPEAKER — Order! The member for Scoresby has asked his question. He will cease interjecting.

Mr BRUMBY — The honourable member has a great knowledge of history. The GST agreement was signed by a former Premier and a former Treasurer, Jeff Kennett and Alan Stockdale, not by me. I am glad he is so up to date with current historical and political events.

Honourable members interjecting.

The SPEAKER — Order! I warn the Minister for Sport, Recreation and Youth Affairs.

Mr BRUMBY — This is an agreement signed by the former Liberal government. I reiterate: I would have thought it is a good thing to be getting more from the GST, not less. That is certainly the endeavour of this government. The point that I made in the speech, which is absolutely correct, is that the GST has not provided any rivers of gold to the state; in fact it is a bit like Lasseter's Reef. They are the facts of the matter. I would advise the honourable member to have a look at the speech on the website and inform himself of the proper information.

Planning: population growth

Ms KAIROUZ (Kororoit) — I refer to the government's commitment to making Victoria the best place to live, work and raise a family, and I ask: could the Premier inform the house of how the government is planning for Victoria's future, with Melbourne expected to reach a population of more than 5 million people by 2036?

Mr BRUMBY (Premier) — I thank the member for Kororoit for her question. As we all know, Melbourne is renowned for its livability and affordability. We are now in the midst of a population boom, which is the largest in the state's history. It is a population boom that is larger than the population growth of the postwar years and larger than that of the gold rush years of the 1850s.

By the way, just today — totally coincidentally — the Australian Bureau of Statistics released its June 2008 population growth figures. They show Victoria's growth over the last year at 1.8 per cent. The national growth rate was at 1.7 per cent. Of course it is a huge contrast to the figures of some years ago. We recall the figures of the 1990s, when Victoria was losing population in vast numbers to other states.

This morning, with the Minister for Planning, I released *Melbourne @ 5 Million*, a planning update that delivers

on our commitment to prepare longer term plans for Melbourne. The population data we released today in Victoria shows that Victoria will grow by 2.3 million people between now and 2036, with something like 1.8 million extra people expected to be living in Melbourne. The policy released today refines the key directions of Melbourne 2030 to ensure that we can accommodate an additional 600 000 dwellings in Melbourne over the next 20 years.

Because our population is ageing, because the baby boomers are ageing, the rate of new dwelling construction and approval will grow at a faster rate than the rate of population growth. Our record in terms of livability and affordability was confirmed again yesterday. I am proud to say that the Real Estate Institute of Victoria survey of housing affordability showed again that Victoria is the most affordable capital city on the eastern seaboard for those who are looking to buy a home. That comes as no surprise when you consider the generous assistance packages that we have on offer to first home buyers in Victoria. It comes as no surprise when you think of the off-the-plan duty concessions we provide and when you think of the pensioner stamp duty concessions, which are the most generous in Australia.

There are a number of features of *Melbourne @ 5 Million*. Firstly, through *Melbourne @ 5 Million* we move from a single node city to a multicentred city, so there will be central activity districts in Box Hill, Broadmeadows, Dandenong, Footscray, Frankston and Ringwood. We will also be promoting very strongly three major employment corridors across Melbourne. We are also preparing a development strategy for the Werribee employment precinct to unlock employment in the west.

The second feature is the review of the city's urban growth boundary over the next nine months to accommodate 134 000 of the 600 000 new homes outside the current UGB. Thirdly, there are the native grassland reserves, where we are working with the federal government to establish two reserves near the Wyndham growth area. This will be a significant improvement on the practices which have been in place in the past.

We are also ensuring that we have the right infrastructure for our communities, with significant investment occurring in the areas of health, education and, soon to be announced, transport. The previously announced state infrastructure contribution has been significantly reformed and modified as part of this announcement for new land brought inside the UGB as proposed today for inclusion in 2009. We will pay a contribution of $95 000 a hectare, reflecting the windfall that occurs from the rezoning of that land and bringing it in from outside the UGB; and secondly, for land that was bought within the UGB in 2005, that charge remains at $80 000 a hectare, the same as was announced at that time.

I am pleased to say in terms of housing affordability that the government has decided to remove the contribution for land that was already within the UGB in 2005, and that will save something like $546 million in costs for more than 60 000 new homes that will be built within the existing UGB boundary. At a time when affordability is so important, notwithstanding that Melbourne is the most affordable capital city on the eastern seaboard, this is a very positive initiative.

Finally, the funds raised through the infrastructure contribution will average around $60 million a year, of which $30 million will be directed to state infrastructure in those areas, and the bulk of the remaining amount will be devoted to a new Growth Areas Development Fund, from which councils in the growth areas will be able to apply for funding for infrastructure projects in a way that is very similar to the Regional Infrastructure Development Fund.

This package today is all about affordability, livability and sustainability. It confirms our city and our state as the best place to live, and it will of course be reinforced next year when we release our regional statement, the preparation of which is being overseen by the Minister for Regional and Rural Development, the member for Bendigo East.

Goods and services tax: distribution

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer the Premier to his claims to the National Press Club that the states had been short-changed by the GST and to the subsequent editorial in the *Australian* newspaper on 20 November which states:

> Mr Brumby's sums border on science fiction.

I ask: given that the Premier has not previously seen fit to raise his contention about the guaranteed minimum amount in this house, will he now recalculate his absurd claim or is he intent on continuing to mislead Victoria?

Mr BRUMBY (Premier) — As I indicated to the member for Scoresby earlier in question time today, he is welcome to have a look at the speech and the calculations, and if the Leader of the Opposition thinks they are wrong he could raise it in the house or develop his own calculations or write me a letter or propose his own policy.

The Leader of the Opposition says, 'When have these matters been raised?'. I can tell him when they were raised — at every single treasurers conference in Canberra, when your mate Peter Costello was Treasurer!

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

Mr BRUMBY — The suggestion that under either the former Premier or under me in my former role as Treasurer the issue of the GST and the distribution of that tax to Victoria was never raised is a complete myth. Of all the big issues that the opposition could focus on this week — —

Honourable members interjecting.

The SPEAKER — Order! The Premier will come back to addressing the question. The Leader of the Opposition and the Deputy Leader of the Opposition will cease interjecting across the table.

Mr BRUMBY — The calculations are all contained, and one thing that the Leader of the Opposition might like to ponder with his current shadow Treasurer is going back and looking at share transactions in 1999–2000 and calculating what the duty on quoted marketable securities was then, and looking at the volume of transactions today and calculating what they might be worth today. When he has done that and has found that everything I said in my speech is right, he can stand up in the house and apologise.

Council of Australian Governments: reforms

Ms BEATTIE (Yuroke) — My question is to the Premier. I refer to the most recent meeting of the Council of Australian Governments (COAG) and I ask: could the Premier outline for the house how the state and commonwealth governments are working together to ensure improved services for all Victorians?

Mr BRUMBY (Premier) — I thank the honourable member for the question. I note at the outset that the COAG agreement made at the weekend between the Prime Minister and the Australian states and territories was a fantastic example of what cooperative federalism can achieve for Australia. Need I say it was a very different environment and outcome from what we saw in the days of the Howard government — those dark days when the states were robbed of the finances that we needed to do our job properly. The best example of that was in health funding, which was originally set up under Australian health care agreement as a fifty-fifty agreement. During those dim, dark Howard years the amount of money provided to the states declined and declined — those rivers of gold were just tipping or cascading over the waterfall.

As I said, we went into the COAG meeting on Saturday wanting the removal of input controls, a reduction in the number of specific purpose payments, incentives for reform and significant additional commonwealth investment for core service delivery. I am pleased to say that in relation to all of those areas you can tick every box in this new era of cooperative federalism between the federal Labor government and the state Labor governments. I will mention just a couple of areas. The aggregate increase — —

An honourable member interjected.

Mr BRUMBY — You would think this would be good news. You would think the opposition — —

An honourable member interjected.

Mr BRUMBY — You would, wouldn't you? You would think the opposition would welcome good news.

There was $15.1 billion of new money put into schools, hospitals, housing and disability and other vital services. I just want to comment today quickly on a couple of those areas. In health COAG delivered a very significant boost in health funding through, in aggregate, $64.4 billion in funding for state health systems over five years.

Some $750 million was provided for the 2008–09 financial year to support emergency departments. In Victoria's case this will mean around $180 million being provided directly to our state in this financial year for expenditure over the next two years while we reduce the waiting times and improve the throughputs in hospital emergency departments. What it means is we will now be able to treat more patients — —

Mr K. Smith — How much?

Mr BRUMBY — One hundred and eighty-one million.

Mr K. Smith — One hundred and eighty-one million?

Mr BRUMBY — We will be able to treat more patients.

Mr K. Smith interjected.

Mr BRUMBY — That is what I said.

The SPEAKER — Order! If the Premier and the member for Bass wish to have a private conversation, they can do so outside the chamber.

Mr BRUMBY — There are also national partnership agreements in a whole range of areas, including in preventive health. I should say preventive health is something we have championed very strongly in this state. It is important to do everything we can in the hospital system, but it is equally important to tackle chronic disease, particularly diabetes, heart disease and the so-called lifestyle diseases. The only way you can do that is through the national partnership agreements on preventive health. This is something which the Minister for Health has pursued very strongly with the commonwealth, and I was delighted with the outcome.

The president of the Australian Medical Association, Dr Rosanna Capolingua, said that this is:

> … a welcome increase in training places for GPs and specialists. This is a positive outcome, but we need to be sure the money is properly targeted.

The money will be properly targeted as part of this significant boost in health funding.

The other area I want to highlight is housing. We have seen over the last decade with the commonwealth-state housing agreement a significant — a huge — reduction in commonwealth funding for social housing. Two budgets ago we provided an additional one-off $500 million boost to social housing, and perhaps one of the most understated but most welcome elements of the weekend's COAG agreement was the huge additional amount of funding for housing.

The commonwealth put $400 million on the table for homelessness, to be matched of course by the states. That will mean an additional $800 million of spending on tackling homelessness over the next five years. Social housing will receive $400 million over two years, and that will make a huge difference as it starts to match some of the funding that we have put aside. Also, indigenous housing will receive $835 million over five years. I quote Brotherhood of St Laurence executive director Tony Nicholson, who said:

> This is an increase in real terms of more than 50 per cent. Only the extremely churlish will fail to acknowledge that this is by far the most substantial commitment ever made to tackling homelessness in this nation.

We were proud to partner with the commonwealth and to lead debate on this issue. There were also great outcomes in education at COAG.

Finally, on business regulation, I think commentators universally regard Victoria as having a leadership role in tackling business regulation. We are ahead of our targets, and we are acknowledged by the Business Council of Australia as the leader in this regard. We sought incentive funding from the commonwealth to accelerate the rate at which business deregulation can occur, and I am pleased to say that the agreement includes commonwealth funding of $550 million over five years, comprising a $100 million facilitation payment in 2008–09, reward payments of $200 million in 2011–12 and $250 million in 2012–13 for the achievement of key milestones based on the advice of the COAG Reform Council.

On that issue I quote the Business Council of Australia's Katie Lahey, who stated:

> By pushing ahead with reforms, the COAG partners have shown important leadership at a crucial moment.
>
> This commitment to reforms that build the productive capacity of the economy can provide a timely boost to business confidence.
>
> …
>
> The BCA commends the COAG partners for their continued progress towards a 'seamless economy' where differences between states do not disrupt business activity.

In every sense this was a good outcome, and we now have a commonwealth government — a federal government, a Rudd government — working in partnership with the states to deliver the services, to deliver the quality and to deliver the outcomes in health, education, housing and business regulation that we want to see across this state and across Australia.

Manufacturing: government support

Mr RYAN (Leader of The Nationals) — My question is to the Premier. Given that the government set a procurement target of 55 per cent local content in 2003 through its Victorian industry participation policy, is the fact that this target has been downgraded to just 40 per cent in the government's recently released manufacturing statement yet another sign of the government's lack of support for Victorian manufacturers?

Mr BRUMBY (Premier) — I think this is the third question today which has been based on wrong information.

Honourable members interjecting.

Mr BRUMBY — It is true. In terms of government procurement, the average local content across

government procurement areas for all of those areas which are addressed by the Victorian industry participation policy is in excess of 80 per cent. The one area where we were failing to achieve that level of local content was in relation to rolling stock procurement. I think it is a bit rich, to say the least, for the opposition parties to be raising the issue of rolling stock procurement, given their record in government.

Mr Ryan interjected.

Mr BRUMBY — I know you are embarrassed about this. The Leader of The Nationals has just based his question on completely erroneous information, but our policy set 55 per cent and the average is over 80. Would you say that is exceeding it or not?

Honourable members interjecting.

Mr BRUMBY — As I have said, the one area where we were not achieving the levels of local content that we would aspire to was in relation to rolling stock, and anyone who reads the policy that was released two weeks ago by the Acting Minister for Major Projects and me will see that we have identified a new category of major strategic projects for the state where we set a target in terms of local content which constitutes that part which is manufactured as well as through-life maintenance.

In relation to rolling stock, we have set as a goal a target of 40 per cent. That is a minimum target which I hope we could exceed. It will require all of the stakeholders — including governments, manufacturers, those who maintain it plus trade unions — to sit down, to work together, to develop strategies, to be competitive and to achieve those targets. I would have thought in terms of the jobs and investment that could be created through this policy, that this was a positive thing that ought to be supported by the opposition. I would have thought creating investment and jobs was a good thing for a state government to be doing, but again, Speaker, all you are seeing today is more of these negative, spoiling tactics from an opposition that has a complete policy deficit.

Education: national agreement

Ms LOBATO (Gembrook) — My question is to the Minister for Education. I refer to the government's commitment to making Victoria the best place to live, work and raise a family, and I ask: could the minister inform the house how the Brumby government is working with the federal government to ensure we get the best investment in our education system?

Ms PIKE (Minister for Education) — I thank the member for Gembrook for her question. The new national education agreement that was signed off at the Council of Australian Governments (COAG) meeting last week is a real boost for Victorian families. It signals a new era in education, both here in Victoria and throughout Australia.

What a difference a year makes! What a difference collaboration makes! What a difference cooperation makes! The new national education agreement provides an additional $1 billion over the next four and a half years. What is fantastic for Victoria, for Victorian schoolchildren and for Victorian families is that the new agreement aligns perfectly with the significant reform agenda we are already undertaking in Victoria.

In September this year we released the new *Blueprint for Education and Early Childhood Development*, which sets a very ambitious agenda to ensure that every Victorian child thrives, learns and grows, that they achieve success at school, and that every government school achieves excellence for their students.

We want every child to succeed — whatever school they go to, wherever they live, whatever their socioeconomic background. All of the initiatives in this new education agreement align perfectly with that agenda.

On top of the additional $1 billion in the national education agreement, COAG has agreed to allocate $1.5 billion over seven years to address the needs of disadvantaged schools. I emphasise that it is on top of the $1 billion extra and that it is new money, the likes of which we have never seen in education.

This additional funding on top of the national education agreement goes to 1500 schools across Australia, giving them more resources to ameliorate the effects of disadvantage, because we want to make sure that every child has every opportunity. COAG has also agreed to provide an additional $540 million for a national partnership on literacy and numeracy. That additional funding will specifically target primary school students and indigenous students, establishing the foundation for lifelong learning.

This funding will also be used to deliver the most effective measures to achieve sustainable improvement in literacy and numeracy. On top of all of these initiatives an additional $550 million over four years has been made available to improve teacher quality — the single most important factor in improving student outcomes. Also, $807 million in additional funding, with $187 million flowing to Victoria, will support the

implementation of the national secondary schools computer fund.

All of these additional resources are coming into Victorian schools, which is a complete change and contrast to what we experienced in the past. Anybody who is negative about these new initiatives really does not care about the kinds of resources that go to support Victorian school students.

We are already on the right track. We have an agenda and a framework. We have a plan, and we have policies, contrary of course to those — —

Honourable members interjecting.

Ms PIKE — It does stand in very stark contrast to people who have no idea, no commitment, no passion and no policy when it comes to education.

The SPEAKER — Order! The minister will cease debating.

Ms PIKE — As I said, the new national education agreement — the new national partnerships agreement — will lead to billions of dollars of extra funding going into education and a new era of education for our young people in Victoria.

Police: disciplinary system

Mr McINTOSH (Kew) — My question is to the Minister for Police and Emergency Services. Is it not a fact that under section 80(e) of the current Police Regulations Act, where a member of the police force has been charged with an offence punishable by imprisonment which is found to be proven, the Chief Commissioner of Police may, amongst other options, dismiss the member?

Honourable members interjecting.

The SPEAKER — Order! The member for Bass!

Mr CAMERON (Minister for Police and Emergency Services) — The law is that any of these sorts of matters can ultimately end up in the Police Appeals Board, and that is why the Chief Commissioner of Police wants a new disciplinary system. That is why we have legislation before this house. That is why the chief commissioner and Deputy Chief Commissioners Overland and Walsh have wanted changes. An offer was made for them to brief the opposition, and the chief commissioner briefed the opposition.

These are the powers the chief commissioner wants — and we will back the chief commissioner because the chief commissioner needs these powers. There is only one group standing between the chief commissioner and the powers that she wants — that is, the Liberal Party and The Nationals.

Mr K. Smith interjected.

The SPEAKER — Order! The member for Bass is warned, and he will not be warned again.

Housing: affordability

Mr PANDAZOPOULOS (Dandenong) — My question is to the Minister for Housing. I refer the minister to the government's commitment to make Victoria the best place to live, work and raise a family. Can the minister update the house on how the national affordable housing agreement reached at the weekend's COAG (Council of Australian Governments) meeting will help make housing more affordable and accessible for all Victorians?

Mr WYNNE (Minister for Housing) — I thank the member for Dandenong for his question. I am delighted to be able to report to the house on the historic outcomes of the weekend's COAG meeting, particularly the $6.2 billion national affordable housing agreement, which is the successor to the commonwealth-state housing agreement which committed both levels of government to ensuring that all Australians have access to affordable, safe and secure housing.

This agreement, frankly, would not have been possible without the work of the Premier, who was instrumental — —

Honourable members interjecting.

Mr WYNNE — The facts are there. The initial offer from the commonwealth was nowhere near what Victoria and indeed any of the other states expected from the agreement. As was reported in the newspapers, an offer from the commonwealth of $46 million over the four years of the agreement was clearly inadequate. It is indeed appropriate that we acknowledge the work of the Premier, who showed leadership in ensuring that housing and homelessness received the appropriate attention they deserved at COAG.

As I have said many times in the house, Victoria has always led the way in housing and homeless support. Over the nine years of this government we have committed above and beyond our commitment to the commonwealth-state housing agreement every single year, and the house would well remember the

$500 million record investment by this government in social and public housing in last year's budget.

I want to go to a couple of key points in the agreement, which commits the commonwealth and the states to the following: an immediate increase in the supply of social housing; agreeing to halve homelessness and offer supported accommodation to all rough sleepers by 2020, which is a fantastic goal; and improving access by indigenous people to mainstream housing, including home ownership. To back up that commitment the commonwealth will provide an immediate $400 million boost through a Social Housing Growth Fund, which will provide capital funding for social housing construction projects over the next 18 months. Victoria expects to receive of the order of $100 million of that $400 million commitment, with which we expect to build of the order of 390 units of social housing. As I have said before, this investment will not only make a really important contribution to the social housing sector, it will create new jobs and stimulate the construction industry.

The final point I want to highlight to the house is the record amount of $800 million over four years to reduce homelessness and improve economic and social participation for homeless people which was achieved through those negotiations. I think it is widely recognised on both sides of the house that you have to do more than just provide secure housing; you have to provide support and assistance to homeless people. We know that when you do that, people get better and they go on to lead improved and much more productive lives. That is why we are piloting this new supported accommodation project at Elizabeth Street, Melbourne, which we will be commencing early next year.

If people have a few minutes to spare, there is probably no better example of the benefits of providing shelter and support to people who are experiencing homelessness than to go down to watch the Homeless World Cup at Federation Square This wonderful example of people from 56 nations coming together to be a part of an event was opened yesterday by the Premier and my colleague the Minister for Sport, Recreation and Youth Affairs. It is truly a heart-warming experience to be there, to talk to people about their stories and to hear how they have been able to achieve fantastic outcomes because of the support and secure housing provided to them. I commend the Premier on the work that has been done for the homeless.

Police: information security

Mr McINTOSH (Kew) — My question is to the Minister for Police and Emergency Services. I refer the minister to reports this morning that sensitive police information continues to be leaked, potentially jeopardising ongoing investigations, and I ask: when did the minister first become aware that confidential material had been leaked, and who advised him?

Mr CAMERON (Minister for Police and Emergency Services) — As the house would be aware from this morning's press, sensitive material was leaked to a Rodney Collins, who is presently in custody on murder and other charges. The Chief Commissioner of Police advised me of those matters yesterday, and I had a conversation with Deputy Commissioner Simon Overland about them last night. These are very serious matters, and they are being taken very seriously by Victoria Police and the Office of Police Integrity.

Water: Murray–Darling Basin

Ms DUNCAN (Macedon) — My question is to the Minister for Water. Can the minister advise the house of recent events at the state and national levels that may threaten water supplies for Victorian communities, farmers and the environment?

Mr HOLDING (Minister for Water) — I thank the member for Macedon for her question. Last week Australians were treated to the unedifying spectacle of Liberal, Nationals and Greens senators in complete disarray in relation to water policy in Australia. We saw the amazing spectacle of Liberal, Nationals and Greens senators combining to amend a vitally important piece of legislation that is necessary to assert a more coordinated set of arrangements for the management of the Murray–Darling Basin. This set of arrangements has been agreed to by all basin jurisdictions and the commonwealth government. It was unable to be put in place under the former commonwealth government, but the new Prime Minister, working with his new water minister and with other jurisdictions, has now been able to reach agreement on it.

You would have thought that the urgent passage of the legislation through the national Parliament would have been a matter of concern to all federal members, but the arrangements were delayed in the Senate by amendments which would threaten the water security of communities in three Australian states. If the Senate amendments had been agreed to in the House of Representatives, communities in Melbourne, Ballarat, Ararat, Adelaide, Goulburn and Broken Hill would all have had their water security diminished over time.

The amendments agreed to in the Senate, if they had been endorsed as part of the legislation, would have seen not only the prevention of the construction of the north–south pipeline but also the future diversions of water that are vitally needed for the Snowy River. All of the work that has been done by governments in Victoria and New South Wales in conjunction with the commonwealth to restore vitally needed water to the Snowy River would be undermined if these amendments had been agreed to.

I am pleased to be able to inform the house that the House of Representatives has rejected these amendments and has sent the legislation back to the Senate so that the Senate can think again. We will see if Liberal, Nationals and Greens senators are serious about pursuing these ill-conceived amendments or whether they are a political stunt — a stunt designed to try to highlight their ill-considered opposition to the north–south pipeline — and are thus imperilling water supplies for communities in three states. I am very disappointed to say that the bizarre behaviour of members of the Senate is being replicated here in Victoria by upper house members — the Liberals and The Nationals again combining with the Greens — this morning in changing the definition of 'critical human needs' and endeavouring to include for the first time environmental considerations in relation to such water.

This is a very strange amendment, because as members would be aware, state and federal jurisdictions have worked on a consensus for a definition of 'critical human needs' for some time. It has been well understood what is included in 'critical human needs', so it will be news to all Victorians, in fact news to Australians, to learn that that Liberal, Nationals and Greens upper house members in the Victorian Parliament know better about what the definition of 'critical human needs' should be rather than all the basin states and the commonwealth, which have worked together to achieve agreement in relation to this urgently needed legislation.

I am pleased to be able to inform the house that there is at least one person amongst those opposite who is speaking sense in relation to water policy. I refer to a media release of this morning, which says:

> The view that more water from rivers can be captured regularly and diverted from rivers in the catchment is unacceptable because of the damaging impact that would have on the lakes and the wetlands and therefore threaten their long-term ecological health.
>
> Recent comments on damming rivers in the Gippsland Lakes catchment completely ignore any understanding of the interdependency of Australia's icon inland waterway with its catchment.

This was made by none other than a member for Eastern Victoria Region, Philip Davis, who is completely at odds with the Leader of the Opposition, who is on the record saying that all dam options are on the table and all locations are being considered. Once again we see total disarray in the opposition's water policy. Opposition members will say anything to any community regardless of consistency with coalition policy.

Victorians expect better from the opposition. It should be honest with Victorians, say what its policies are and make the policies consistent. This ridiculous position where the opposition seeks to be all things to all people is completely outrageous.

Honourable members interjecting.

Mr Nardella — On a point of order, Speaker, I refer to the article in the Sunday *Herald Sun* of last weekend where serious allegations were detailed about the principal place of residence of the member for Mildura, which may breach the constitution of the state of Victoria. I ask you, Speaker, whether you can make inquiries — —

Honourable members interjecting.

The SPEAKER — Order! All members have a right to take a point of order.

Mr Nardella — I ask you, Speaker, whether you can make inquiries regarding these serious allegations that would appear to breach the constitution of the state of Victoria and report back to the Parliament.

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

CRIMINAL PROCEDURE BILL

Introduction and first reading

Mr HULLS (Attorney-General) — I move:

> That I have leave to bring in a bill for an act to provide for procedures for the initiation and conduct of criminal proceedings and appeals in criminal proceedings, to amend the Crimes Act 1958, the Crimes (Mental Impairment and Unfitness to be Tried) Act 1997, the Magistrates' Court Act 1989, the Children, Youth and Families Act 2005, the Sentencing Act 1991 and the Appeal Costs Act 1998 and to repeal the Crimes (Criminal Trials) Act 1999 and for other purposes.

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

Mr HULLS (Attorney-General) — I am happy to do that. This is a major piece of reform in relation to criminal procedure laws. It will consolidate criminal procedure which is contained in a number of acts into one act. It will modernise the language and harmonise laws to be consistent across jurisdictions. It will abolish redundant and obsolete laws, including the grand jury procedure, and it will also rationalise criminal procedure to be clear and simple and to reflect current practice. As I said, it is a major piece of reform and it has come about as a result of the justice statement.

Motion agreed to.

Read first time.

WORKPLACE RIGHTS ADVOCATE (REPEAL) BILL

Introduction and first reading

Mr HULLS (Minister for Industrial Relations) introduced a bill for an act to repeal the Workplace Rights Advocate Act 2005 and to amend the Victorian Civil and Administrative Tribunal Act 1998 and the Public Sector Employment (Award Entitlements) Act 2006 and for other purposes.

Read first time.

EQUAL OPPORTUNITY AMENDMENT (GOVERNANCE) BILL

Introduction and first reading

Mr HULLS (Attorney-General) introduced a bill for an act to amend the Equal Opportunity Act 1995 to alter the governance and complaint-handling arrangements for the Victorian Equal Opportunity and Human Rights Commission and for other purposes.

Read first time.

RESOURCES INDUSTRY LEGISLATION AMENDMENT BILL

Introduction and first reading

Mr BATCHELOR (Minister for Energy and Resources) — I move:

> That I have leave to bring in a bill for an act to amend the Mineral Resources (Sustainable Development) Act 1990 to provide for extractive industries, to repeal the Extractive Industries Development Act 1995, to make consequential amendments to other acts and for other purposes.

Mr CLARK (Box Hill) — I ask the minister to provide a brief explanation of the bill.

Mr BATCHELOR (Minister for Energy and Resources) — The bill aims to implement some of the recommendations of the final report of the review of the efficient regulation of Victoria's extractive industries as well as some other modernising reforms to the sector, including the introduction of a duty to consult with communities.

Motion agreed to.

Read first time.

FAIR TRADING AND OTHER ACTS AMENDMENT BILL

Introduction and first reading

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

> That I have leave to bring in a bill for an act to amend the Fair Trading Act 1999, the Residential Tenancies Act 1997, the Consumer Credit (Victoria) and Other Acts Amendment Act 2008, the Consumer Credit (Victoria) Act 1995, the Retirement Villages Act 1986, the Relationships Act 2008, the Veterans Act 2005 and for other purposes.

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

Mr ROBINSON (Minister for Consumer Affairs) — The central features of the bill are the enhancement of protections available to students housed in student accommodation, the removal of the exemption of the unfair contract terms provision that is currently available for credit contracts, which is designated in the Fair Trading Act, and for other purposes.

Motion agreed to.

Read first time.

LIQUOR CONTROL REFORM AMENDMENT (ENFORCEMENT) BILL

Introduction and first reading

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

> That I have leave to bring in a bill for an act to amend the Liquor Control Reform Act 1998 to strengthen enforcement powers and for other purposes.

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

Mr ROBINSON (Minister for Consumer Affairs) — The chief purposes of the bill are the establishment of a civil inspectorate for liquor matters and enhancement of the venue closure powers of both the director of liquor licensing and police.

Motion agreed to.

Read first time.

ASSOCIATIONS INCORPORATION AMENDMENT BILL

Introduction and first reading

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

> That I have leave to bring in a bill for an act to amend the Associations Incorporation Act 1981 in relation to regulatory requirements for incorporated associations and for other purposes.

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

Mr ROBINSON (Minister for Consumer Affairs) — The objectives of the bill are to implement recommendations from a review of the Associations Incorporation Act, to enhance rights of members of associations and improve government arrangements, and to enhance the supervisory role of the registrar.

Motion agreed to.

Read first time.

MELBOURNE CRICKET GROUND BILL

Introduction and first reading

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) introduced a bill for an act to re-enact and further provide for the law relating to the Melbourne Cricket Ground, to repeal the Melbourne Cricket Ground Act 1933, the Melbourne Cricket Ground Act 1951, the Melbourne Cricket Ground (Trustees) Act 1957, the Melbourne Cricket Ground Act 1983, the Melbourne Cricket Ground Act 1984, the Melbourne Cricket Ground (Guarantees) Act 1984 and the Melbourne Cricket Ground Trust Act 1989, to make consequential amendments to various other acts and for other purposes.

Read first time.

TRANSPORT LEGISLATION MISCELLANEOUS AMENDMENTS BILL

Introduction and first reading

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

> That I have leave to bring in a bill for an act to amend the Marine Act 1988, the Port Services Act 1995, the Road Management Act 2004, the Southern and Eastern Integrated Transport Authority Act 2003 and the Transport Act 1983, to consequentially amend certain other acts and for other purposes.

Mr MULDER (Polwarth) — I ask the minister to give a brief explanation of the bill.

Mr PALLAS (Minister for Roads and Ports) — The bill seeks to provide support for key government transport policies, including affording priority to specific transport modes on part of the road network, affording public transport improved status in roads legislation, clarifying and strengthening rail safety requirements, providing the Department of Transport with greater input in relation to bus stop infrastructure, and strengthening the enforcement machine for breaches of marine safety laws. It also seeks to make minor miscellaneous and technical amendments to various other transport legislation.

Motion agreed to.

Read first time.

BUS SAFETY BILL

Introduction and first reading

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

That I have leave to bring in a bill for an act to provide for the safe operation of bus services in Victoria, to amend the Public Transport Competition Act 1995, the Rail Safety Act 2006, the Road Safety Act 1986 and the Transport Act 1983, to make consequential amendments to certain other acts and for other purposes.

Mr MULDER (Polwarth) — I ask the minister to provide a brief explanation of the bill.

Ms KOSKY (Minister for Public Transport) — The Bus Safety Bill will introduce a modern regulatory scheme to create a new stand-alone Bus Safety Act modelled largely on the Rail Safety Act 2006 to be administered by the director, public transport safety.

Motion agreed to.

Read first time.

TRANSPORT LEGISLATION AMENDMENT (DRIVER AND INDUSTRY STANDARDS) BILL

Introduction and first reading

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

That I have leave to bring in a bill for an act to amend the Transport Act 1983 and for other purposes.

Mr MULDER (Polwarth) — I ask the minister to provide a brief explanation of the bill.

Ms KOSKY (Minister for Public Transport) — This bill will amend the requirements for licensing of taxidrivers.

Motion agreed to.

Read first time.

DUTIES AMENDMENT BILL

Introduction and first reading

Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission) — I move:

That I have leave to bring in a bill for an act to amend the Duties Act 2000 and for other purposes.

Mr WELLS (Scoresby) — I ask the minister to give a brief explanation of the bill.

Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission) — The bill makes changes to the Duties Act in three areas: firstly, leases which effectively transfer ownership rights to underlying land; secondly, the beneficial ownership of land; and thirdly, the date for the payment of duty.

Motion agreed to.

Read first time.

OCCUPATIONAL HEALTH AND SAFETY AMENDMENT (EMPLOYEE PROTECTION) BILL

Introduction and first reading

Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission) introduced a bill for an act to amend the Occupational Health and Safety Act 2004 to create a civil cause of action for employees or prospective employees who are discriminated against by an employer or prospective employer on grounds that relate to occupational health and safety.

Read first time.

SALARIES LEGISLATION AMENDMENT (SALARY SACRIFICE) BILL

Introduction and first reading

Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission) introduced a bill for an act to amend the Constitution Act 1975, the Attorney-General and Solicitor-General Act 1972, the County Court Act 1958, the Magistrates' Court Act 1989, the Parliamentary Salaries and Superannuation Act 1968, the Public Administration Act 2004, the Public Prosecutions Act 1994 and the Victorian Civil and Administrative Tribunal Act 1998 in relation to salary sacrifice and for other purposes.

Read first time.

Statement of compatibility

Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission) tabled

following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Salaries Legislation Amendment (Salary Sacrifice) Bill 2008.

In my opinion, the Salaries Legislation Amendment (Salary Sacrifice) Bill 2008 as introduced to the Legislative Assembly is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of the bill

This bill will amend the Constitution Act 1975, the Attorney-General and Solicitor-General Act 1972, the County Court Act 1958, the Magistrates' Court Act 1989, the Parliamentary Salaries and Superannuation Act 1968, the Public Administration Act 2004, the Public Prosecutions Act 1994 and the Victorian Civil and Administrative Tribunal Act 1998 in relation to salary sacrifice and for other purposes.

Human rights issues

1. ***Human rights protected by the charter that are relevant to the bill***

   The bill does not raise any human rights issues.

2. ***Consideration of reasonable limitations — section 7(2)***

As the bill does not raise any human rights issues, it does not limit any human rights and therefore it is not necessary to consider section 7(2) of the charter.

Conclusion

I consider that the bill is compatible with the charter because it does not raise any human rights issues.

TIM HOLDING, MP
Minister for Finance, WorkCover
and the Transport Accident Commission.

Second reading

Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission) — I move:

That this bill be now read a second time.

The purpose of this bill is to put beyond doubt the ability of judicial officers and other office-holders in Victoria to enter into salary sacrificing arrangements.

Salary sacrifice has been widely used since the early 1990s as a tax effective means to provide superannuation and other benefits (such as motor vehicles) in an individual's remuneration package.

An effective salary sacrifice arrangement is legal and legitimate. It occurs when an employee directs their employer to pay an amount to which they would otherwise be entitled to a third party and the employee's salary is reduced by a corresponding amount. The arrangement must be made before the officer becomes entitled to the payment, or earns the income.

The Australian Taxation Office in ruling number 10 of 2001 set out what is needed for a salary sacrifice arrangement to be effective. The ruling clarified but did not materially alter what had always been understood as constituting effective salary sacrifice.

Recently doubts have been raised about whether the nature of how office-holders and judicial officers hold office is consistent with the rules relating to salary sacrificing. The principal objective of the bill is to remove these doubts for the future and to confirm the validity of past arrangements.

The bill does not include provisions relating to the Governor of Victoria, the Director of Public Prosecutions or the Auditor-General, as their remuneration can only be altered by special majority or referendum.

The bill gives access to salary sacrifice arrangements only in respect of those non-salary benefits available to executive officers in the Victorian public service.

The bill confirms the validity of current members of Parliament entering into salary sacrifice arrangements in relation to those same non-salary benefits. Following the closure of the parliamentary defined benefit scheme to new members in 2004, new members of Parliament who are in accumulation-style schemes have already been able to enter into salary sacrifice arrangements for superannuation.

In addressing this issue, the government has not sought to open discussion about policy issues related to salary sacrificing. It is legitimate and has been in place in Victoria for over a decade. It is the government's responsibility to ensure that there is confidence and certainty for all those with such arrangements in place, for those who have had them and are now retired, and for the future.

I commend the bill to the house.

Ms Asher — On a point of order, Acting Speaker, I know the standard of second-reading speeches is a particularly important one, and I wanted to give the minister the opportunity to rectify a spelling error. There are two ways of spelling a word in paragraph 6. He has issued a range of directives to his department and has sent back memos on the basis that he would not read them because they contained spelling errors, and I would like him to clarify the spelling or in fact indicate

to the house that he has not read his second-reading speech — —

The ACTING SPEAKER (Mr Ingram) — Order! There is no point of order. The second-reading speeches that are circulated are really only for the assistance of the house. Hansard records the speech made by the member.

Debate adjourned on motion of Mr WELLS (Scoresby).

Debate adjourned until later this day.

BUSINESS OF THE HOUSE

Notices of motion: removal

The ACTING SPEAKER (Mr Ingram) — Order! I advise the house that under standing order 144 notices of motion 18 to 21, 125 to 127 and 207 to 212 inclusive will be removed from the notice paper on the next sitting day. A member who requires the notice standing in his or her name to be continued must advise the Clerk in writing before 6.00 p.m. today.

PETITIONS

Following petitions presented to house:

Schools: Catholic sector

To the Legislative Assembly of Victoria:

The petition of Victorian residents who choose Catholic education, or support this right of choice, draws to the attention of the house that the level of funding provided by the Victorian state government to Catholic schools is inadequate and discriminates against families who choose a Catholic education for their children.

The petitioners therefore request that the Legislative Assembly of Victoria guarantee funding at 25 per cent of the average cost of educating a child in the Victorian government school system, indexed annually, and to provide equal funding for children with disabilities who attend a Catholic school.

By Mrs VICTORIA (Bayswater) (752 signatures)
Dr SYKES (Benalla) (79 signatures)
Mrs SHARDEY (Caulfield) (163 signatures)
Mr WAKELING (Ferntree Gully) (101 signatures)
Dr HARKNESS (Frankston) (100 signatures)
Mr RYAN (Gippsland South) (219 signatures)
Mr McINTOSH (Kew) (1579 signatures)
Mr HODGETT (Kilsyth) (127 signatures)
Mr O'BRIEN (Malvern) (147 signatures)
Mr JASPER (Murray Valley) (46 signatures)
Mr DIXON (Nepean) (48 signatures)
Mr MULDER (Polwarth) (7 signatures)
Mr WELLS (Scoresby) (78 signatures)
Mr CRUTCHFIELD (South Barwon) (259 signatures)
Mr R. SMITH (Warrandyte) (101 signatures)
Ms BEATTIE (Yuroke) (170 signatures)

Rail: Mildura line

To the Legislative Assembly:

The undersigned petitioners therefore ask the Legislative Assembly to bring forward the reinstatement of the Melbourne–Mildura passenger train, especially in view of:

1. The many undelivered promises;

2. The urgent need to promote public transport in a global warming context;

3. The pressing need to connect remote Mildura to both Melbourne and the national rail network; and

4. The geographic distance now requiring a rapid service (very fast train) to be competitive.

By Mr CRISP (Mildura) (37 signatures)

Arthurs Seat: car park

To the Legislative Assembly of Victoria:

The petition of Arthurs Hotel customers and local residents draws to the attention of the house of Parliament that the Arthurs Seat lookout and adjoining car park has continually been neglected over the last five years, with no security, no public bins and a lack of maintenance to the local area. The car park is fast becoming the local hangout for car enthusiasts displaying dangerous and aggressive behaviour, leaving ugly tracks behind for all to see.

The petitioners therefore request that the Legislative Assembly of Victoria provide bins that would be emptied on a regular basis, secure lockable gates be installed into the entrance and exit of the car park along with policing of the area, and regular maintenance of the local facilities.

By Mr DIXON (Nepean) (106 signatures)

Edinburgh Gardens: development

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

We, the undersigned, say

that the open spaces of Edinburgh Gardens need protection;

that the gardens were gifted to the people of Victoria as open space;

that increasing population density will increase usage of the gardens and the need for open space;

that building in Edinburgh Gardens is entirely inappropriate.

Now we ask the Legislative Assembly

that a new library and/or community hub be built outside of these heritage gardens;

that this historic opportunity to remove non-sporting buildings from the Edinburgh Gardens be used to return open space to the gardens;

that the Parliament of Victoria not provide funds for this proposed building in the Edinburgh Gardens;

that the City of Yarra respect the initial intention of the gift of Edinburgh Gardens and builds a new library and or community hub outside of the Edinburgh Gardens.

By Mr WYNNE (Richmond) (498 signatures)

Driver Education Centre of Australia: Careful Cobber program

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the decision to cut funding for the Careful Cobber program at the Driver Education Centre Australia, Shepparton.

The petitioners register their opposition to the decision on the basis that this is an extremely important practical driver education program which teaches primary school students the importance of road safety and how to share the road responsibly.

The petitioners therefore request that the Legislative Assembly of Victoria call on the state government to reinstate funding for the Careful Cobber program.

By Mrs POWELL (Shepparton) (509 signatures)

Tabled.

Ordered that petitions presented by honourable members for Warrandyte and Bayswater be considered next day on motion of Mr R. SMITH (Warrandyte).

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

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

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

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

Ordered that petition presented by honourable member for Malvern be considered next day on motion of Mr O'BRIEN (Malvern).

Ordered that petitions presented by honourable members for Gippsland South and Benalla be considered next day on motion of Dr SYKES (Benalla).

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

Ordered that petitions presented by honourable members for South Barwon, Yuroke, Frankston and Nepean be considered next day on motions of Mr DIXON (Nepean).

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 15

Mr CARLI (Brunswick) presented *Alert Digest* No. 15 of 2008 on:

Assisted Reproductive Treatment Bill 2008
Coroners Bill
Gambling Legislation Amendment (Responsible Gambling and Other Measures) Bill
Local Government Amendment (Councillor Conduct and Other Matters) Bill
Major Crime Legislation Amendment Bill
Primary Industries Legislation Amendment Bill
Professional Boxing and Combat Sports Amendment Bill
Relationships Amendment (Caring Relationships) Bill
Sheriff Bill

together with appendices.

Tabled.

Ordered to be printed.

Redundant corporations laws

Mr CARLI (Brunswick) presented report, together with appendix.

Tabled.

Ordered to be printed.

DOCUMENTS

Tabled by Clerk:

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

Financial Management Act 1994 — Report from the Minister for Health that he had received the Report 2007–08 of the Chiropractors Registration Board of Victoria together with an explanation for the delay

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

Banyule — C52

Bass Coast — C96

Baw Baw — C58

Boroondara — C66

Brimbank — C81

Cardinia — C88, C92, C122

Casey — C108

Greater Shepparton — C78, C106, C114

Kingston — C73, C79, C93 Part 1, C93 Part 2

Knox — C57

Mansfield — C8

Moira — C34

Monash — C80

Moonee Valley — C77

Mornington Peninsula — C113

Mount Alexander — C38

Port Phillip — C57 Part 2

Stonnington — C79

Yarra — C101

Statutory Rules under the following Acts:

Building Act 1993 — SR 136

Co-operatives Act 1996 — SR 133

Guardianship and Administration Act 1986 — SR 132

Magistrates' Court Act 1989 — SRs 138, 139

Road Safety Act 1986 — SR 137

Subordinate Legislation Act 1994 — SR 135

Transport Act 1983 — SR 134

Subordinate Legislation Act 1994:

Minister's exception certificate in relation to Statutory Rule 135

Ministers' exemption certificates in relation to Statutory Rules 134, 137

Minister's infringements offence consultation certificate in relation to Statutory Rule 133.

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

County Court Amendment (Koori Court) Act 2008 — Whole Act other than s 10 — 18 November 2008 (*Gazette S307, 18 November 2008*)

Courts Legislation Amendment (Juries and Other Matters) Act 2008 — Part 4 — 1 December 2008 (*Gazette G48, 27 November 2008*)

Local Government Amendment (Councillor Conduct and Other Matters) Act 2008 — Part 4 — 2 December 2008 (*Gazette G48, 27 November 2008*).

WATER (COMMONWEALTH POWERS) BILL

Council's amendment

Returned from Council with message relating to amendment.

Ordered to be considered later this day.

ROYAL ASSENT

Messages read advising royal assent to:

14 November

Health Professions Registration Amendment Bill

18 November

Compensation and Superannuation Legislation Amendment Bill
Dangerous Goods Amendment (Transport) Bill
Local Government Amendment (Councillor Conduct and Other Matters) Bill
Stalking Intervention Orders Bill

25 November

Asbestos Diseases Compensation Bill
Education and Training Reform Further Amendment Bill

Gambling Legislation Amendment (Responsible Gambling and other Measures) Bill
Prohibition of Human Cloning for Reproduction Bill
Racing and Gambling Legislation Amendment Bill
Research Involving Human Embryos Act.

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Major Crime Legislation Amendment Bill
Relationships Amendment (Caring Relationships) Bill
Salaries Legislation Amendment (Salary Sacrifice) Bill

BUSINESS OF THE HOUSE

Program

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

That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 pm on Thursday, 4 December 2008:

Courts Legislation Amendment (Costs Court and Other Matters) Bill — amendment of the Legislative Council.

Crimes Legislation Amendment (Food and Drink Spiking) Bill

Fundraising Appeals and Consumer Acts Amendment Bill

Health Services Legislation Amendment Bill

Major Crimes Legislation Amendment Bill

Relationships Amendment (Caring Relationships) Bill

Sheriff Bill

The government business program for this parliamentary week, the last sitting week of the Assembly for 2008, comprises seven items: an amendment of the Legislative Council and six pieces of proposed legislation. The program is achievable and should satisfy a number of allied objectives. The program should provide sufficient time for a whole range of members to make contributions to debate on both the bills and the amendment of the Legislative Council. It should provide opportunities to speak for members of the Assembly who wish to take advantage of them, and we encourage them to do so.

In addition the program will also provide opportunities for the Parliament to consider any amendments that may come from the Legislative Council this week. The program might be regarded as having a slighter workload compared to programs of more recent weeks, but built into it is the capacity to deal with any amendments that may come from the Legislative Council. We have already seen one such amendment. Members of the Legislative Council were out of the starting blocks early this morning and took advantage of the temporary arrangement of numbers in that house to move an amendment to the Water (Commonwealth Powers) Bill. We will be considering that amendment later today, as during the course of this week we will consider any other amendments that may come from the Legislative Council.

For the information of members and staff, we advise that we expect the sitting hours on Tuesday and Wednesday to be the normal hours, but we also advise that we will need to provide time on Thursday to deal with the large number of second-reading speeches that we will have to process to have the 14 or so bills that were introduced today made available for members to work on over the summer recess so they can be gainfully employed not only looking after the interests of their constituents in their electorates but also progressing the briefings and other consultation processes that go with such a large swag of newly introduced pieces of legislation. I commend the motion to the house.

Mr McINTOSH (Kew) — At the outset I say that I do not share the Leader of the House's confidence that we will have ample time for proper debate on the legislation currently before the house as part of the government business program. I note that in the last two sitting weeks a number of bills have had to go to the guillotine. A number of members, including me, were unable to make satisfactory contributions to debate on controversial bills, including the Liquor Control Reform Amendment Bill. Alcohol and alcohol-fuelled violence are matters of profound interest to the people of Victoria and to all members. As the shadow Minister for Police and Emergency Services I was unable to make a contribution. That is just one example. I certainly do not share the confidence of the Leader of the House. In the last sitting week there were nine bills to consider and only four were completed in an appropriate fashion before the guillotine came down and cut off debate on the remaining five. In the week prior to that there were some nine bills, two of which went to the guillotine. Some speakers were unable to make any significant contribution on those matters.

While there are only six bills and an amendment of the upper house on the government business program, we also understand that, while they are not necessarily on the government business program, it is anticipated that there will be debate on the Transport (Amendment) Bill that has been foreshadowed by the minister, and on the Salaries Legislation Amendment (Salary Sacrifice) Bill, which the Minister for Finance has already second-read for the benefit of this house today and which will be debated perhaps at some stage later this day.

Of most importance, Acting Speaker, is that while we have at least one amendment on the government business program, we also anticipate amendments to the Energy Legislation Amendment (Retail Competition and Other Matters) Bill that went through this house recently. However, because of a clear drafting error by the government that bill will have to come back here, perhaps not as an energy bill but as part of another omnibus bill. There will have to be rectification work. Similarly there is a significant drafting error in the transport bill on which debate has been foreshadowed, and I imagine a large number of speakers may wish to speak on that. While it is not on the government business program, time will have to be taken out of the time available in the next three days to accommodate such a debate, together with the pushing through of the other matters.

I also anticipate that other bills will have to be dealt with by this house following amendments made by the upper house, which will reduce the time available for debate on the bills on the program. We will need a significant amount of time if we are to complete proper debate on all the bills and amendments, including the two new bills that have been introduced today.

At the end of the day the government in trying to fix up all its errors and drafting problems is introducing all these bills and undertaking a process where it will ram them through. In doing so it will ensure the bills get to the guillotine stage and that there will not be adequate debate on them. I certainly do not share the confidence of the Leader of the House in relation to providing adequate time for debate. One word comes to mind when you consider this government business program for the last sitting week of the year: it is a joke. It is a complete and utter joke and demonstrates this government's inability to manage its own affairs, the affairs of the state and to introduce bills in a timely fashion to allow proper debate on important bills such as the stalking and liquor control bills. On previous weeks inadequate time was allowed to debate those bills.

I certainly did not get an opportunity to make my contribution, particularly on the significant issue of alcohol-fuelled violence in Victoria, simply because the government had to ram the legislation through. I understand the constraints the government is under in the sense that it wants to confine itself to the normal sitting hours — given its appalling record over the last six months of the year — but it is a demonstration that the government cannot manage the affairs of this state.

Mr LUPTON (Prahran) — I rise to support the motion moved by the Leader of the House and support the government business program for the week, which is essentially about six pieces of legislation. Through many years of practice in this house it has not been uncommon for that amount of legislation to be dealt with on a regular basis, and no doubt that will be the case this week; we will find that when we reach Thursday afternoon there is every likelihood that the confidence the Leader of the House has shown in our ability to meet that workload will be borne out, as has so often been the case in the past.

The mixture of matters before the chamber this week is not unusual. There are, from time to time, matters that come back by way of amendment from the Legislative Council and there are other matters. While they do not form part of the government's business program, they need to be dealt with, but we will, no doubt in the normal way, work through them in an appropriate and satisfactory manner, with everyone doing their bit to ensure that the house operates in an effective manner and allows for the requisite amount of debate.

We come to the last sitting week of the year, having had an extensive legislative program through the course of the year. I think it is actually commendable that this week the house need deal with just six pieces of legislation that were introduced in the previous sitting week. It is an appropriate and workable amount of legislation. Given the nature of how certain matters that the government needs to deal with can arise, we need a certain amount of flexibility to enable the government to bring in legislation as circumstances unfold and as new matters come to the attention of the government and the Parliament. A couple of the current pieces of legislation fall into that category, and it is appropriate and proper that the Parliament devotes its time to them this week so that those matters can be appropriately dealt with before the end of the calendar year.

A number of important pieces of legislation have been listed here. Some of them will require more debating time than others, but I am confident that with the appropriate goodwill that is normally shown by all members of the house, including the member for

Lowan, and no doubt in the spirit of the season that is fast approaching we will be able to deal with this government business program in an appropriate fashion this week, and I commend the motion to the house.

Mr DELAHUNTY (Lowan) — Labor governments are true to form. They cannot manage things; they cannot manage money, and they have shown again that they cannot manage the government business program.

We have just seen the Leader of the House say seven bills have been listed while the member for Prahran is saying we have six bills. The reality is we have at least seven bills, plus at this stage at least two others that have been brought in as urgent bills. We know that probably four other bills will be returned from the upper house for amendment, so by my reckoning, that totals about 13 bills.

Mr Batchelor interjected.

Mr DELAHUNTY — The Leader of the House wants to know which bills they are. My understanding is that they will include the transport bill and the salaries bill — which is urgent; we have two water bills from the upper house still to be debated; one is listed as number 10 on the notice paper, that bill having been amended in the upper house and brought back here in 2006. The minister has just put his glasses on to look at his paper, and he has realised that since 2006 it has been sitting on the notice paper. It will be next year before it becomes part of the government business program.

Another issue placed on the notice paper by the Minister for Mental Health deals with assistance to Alicia Withington. That was put on the paper back on 29 May 2008, which again highlights that the government cannot manage its government business program.

Some members of this place have still not as yet had the opportunity to speak on the annual statement of government intentions for 2008. Some of the things that were promised by the government that would be done in 2008 still have not yet been completed. That is why we have 14 bills that will be coming into this house in an attempt to fix up some of its promises. The government cannot manage its government business program.

The member for Kew said we had nine bills to be debated in the last sitting week. Like the member for Prahran, I agree that there is often goodwill, but the reality is we have highlighted that five bills were guillotined without full debate on them, so as the Leader of the House has said, there is ample time for members to speak. I can assure him that there were many members, particularly from The Nationals and the Liberal Party, who did not get that opportunity to speak on matters that were important for their constituents. That is why they are paid to come down here and why they want to come down here to represent their electorates, but they have not been given the opportunity to do that.

At the start of the year there were three to four bills that were to be debated each week; we got through them easily. We then came to bills where we had a lot of votes that were not on party lines but were conscience votes; that legislation took a long time to get through the house. Goodwill was shown by all members of Parliament and we got those through. But in the last two or three weeks we have seen 8, 9, 10 or maybe 11 bills accumulate, and they will have to be debated this week in this house. It will not be done appropriately; not all members will have the opportunity to speak on the matters that are important to them, and I highlight again that the water bills will not have enough time devoted to them to be debated properly.

On behalf of The Nationals members, we need more time; we need better management of the government business program which spreads the load over the full sittings of the year rather than pushing 11, 12 or 13 bills through into the last week; they could have been spread evenly throughout the year. We oppose this government business program.

Mr STENSHOLT (Burwood) — I support the government's business program. I admire the creative arithmetic of the member for Lowan — and I think he must have nearly run out of fingers! Maybe he was seeing double in some of the bills he was looking at.

It is the season of goodwill, as the member for Prahran has talked about. It is not quite Christmas yet, though. We need a bit of focus and performance here, and we have the government's business program to get through. I am sure we are able to achieve it with cooperation on all sides, and do it in a way that very much befits the Parliament of Victoria in terms of proper and appropriate debate and coming to a resolution of particular debates as they occur.

We are able to follow this program. The government did set out at the beginning of the year its statement of government intentions, which was very clear at the beginning. It set out the range of bills and issues which would be covered by the government. This has been an innovation for the Parliament this year; it has been very

important in helping guide our way right through to the end of the year.

This is the last sitting week; there are a number of things before the house that can be adequately debated and dealt with by it through everyone cooperating to achieve that end. I commend the program to the house.

Mr HODGETT (Kilsyth) — I rise to make a brief contribution opposing the government business program. The members for Kew and Lowan summed up quite adequately why we are opposing the business program. The Leader of the House says there is ample time for members to be able to make contributions to debate. We know there are definitely six pieces of legislation to be dealt with. There are also the amendments of the Legislative Council to the Courts Legislation Amendment (Costs Court and Other Matters) Bill 2008, and there will in every likelihood be other matters sent down. We know the government is not good with numbers, so it is just having a guess at six-plus bills.

It gives me concern that members will not be able to get through the business program. How many times have we seen in here the speeches of members cut short or cut off when they have wanted to make a worthwhile and meaningful contribution to debate about legislation? It happens time and time again. The government continues to throw a number of bills onto the program, hoping we will get through them; if we do not, it just guillotines them and cuts members short.

What about the Water Amendment (Critical Water Infrastructure Projects) Bill 2006? The style guide of the Minister for Water obviously does not have a definition of 'critical', because we were dragged back here in December 2006 to go through this bill, and yet here it is still sitting on the notice paper. And what about the petition for assistance for Alicia Withington? The petition was presented by the Minister for Mental Health on 29 May 2008. What a disgrace it is that here we are on 2 December 2008, in the last sitting week for the year, and this petition for assistance for Alicia Withington is still sitting on the government business program and still will not be listed for consideration in this sitting week.

I could unleash a further attack on the government's incompetence in managing the legislative program. However, in the spirit of Christmas I will refrain from further attack and just say that I oppose the government business program.

House divided on motion:

Ayes, 50

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

Noes, 32

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

Motion agreed to.

COMPENSATION AND SUPERANNUATION LEGISLATION AMENDMENT BILL and PROHIBITION OF HUMAN CLONING FOR REPRODUCTION BILL

Clerk's amendments

The SPEAKER — Order! I have received a report from the Clerk of the Parliaments informing the house that he has made corrections in the Compensation and Superannuation Legislation Amendment Bill 2008 and the Prohibition of Human Cloning for Reproduction Bill 2008. The report states:

Under joint standing order 6(1) I have made the following corrections:

(1) in the Compensation and Superannuation Legislation Amendment Bill 2008, clause 8(2)(b) refers to the Transport Accident Act 1996. I have deleted '1996' and inserted '1986' so that the title of the act is correct; and

(2) in the Prohibition of Human Cloning for Reproduction Bill 2008, in clause 16(4)(f), line 27, I have inserted the figure '11', so that the line now reads 'cell (within the meaning of section 11)'.

MEMBERS STATEMENTS

Water: government performance

Ms ASHER (Brighton) — Members would be aware that this is the last week of the sittings scheduled for this year, and I invite members to cast their minds back to December two years ago. I make the observation that if the ALP put as much effort into providing water as it puts into providing spin and taxpayer-funded advertising, we would actually have some water.

I note that we were called back to debate the Water Amendment (Critical Water Infrastructure Projects) Bill two years ago. This is now approximately the two-year anniversary of debate on that bill. The *Age* of 18 December 2006 specifically states:

> … Premier Steve Bracks will use the first week of Parliament since last month's state election to tackle the water crisis.
>
> New laws will give the Premier the power to declare major projects as critical water infrastructure projects.

Again, those sentiments were reflected in the second-reading speech of the then water minister, John Thwaites, who stated:

> One of these projects is the goldfields super-pipe, which will connect Ballarat and Bendigo …

We have seen both projects completed; yet when the non-government parties moved amendments to this bill, which were carried, the government slammed the non-government parties for holding up important water projects.

As I said, the population wants water and not taxpayer-funded stunts. It actually wants some water.

Geoffrey Gurrumul Yunupingu

Mr BATCHELOR (Minister for Community Development) — I rise to draw Parliament's attention to the ethereal music of Geoffrey Gurrumul Yunupingu, who recently won an ARIA (Australian Record Industry Association) award for best independent album. Michael Hohnen, who accompanied Gurrumul to the awards, is Gurrumul's friend, collaborator and business partner. Michael now runs the Skinnyfish Music business, which records, markets and sells traditional Aboriginal music on compact disc. Gurrumul is one of its most successful artists.

Gurrumul is a member of the Gumatj clan of north-east Arnhem Land, and it is the songs and stories of the Gumatj clan that Gurrumul tells in his songs. Gurrumul is a wonderful inspiration to indigenous people and also to people born with a disability. He was born blind but has never learnt braille or used a guide dog or stick. It is the support of friends like Michael that has made this award possible.

Formerly with Yothu Yindi, he also plays with the Saltwater band. I have heard that his performance at last weekend's Queenscliff music festival was one of its highlights.

As an emerging world artist we all say, 'Ngarra hope that Yolngu warpum can enjoy Gurrumul's Leytchun Manikay', which translates as, 'I hope the people can enjoy Gurrumul's music everywhere'.

Insurance: fire services levy

Mr DELAHUNTY (Lowan) — The Brumby government must change the way it collects funds by using the fire service levy (FSL) to pay the costs of running the Country Fire Authority, the Metropolitan Fire Brigade and the State Emergency Service.

As of January next, the FSL will increase from 58 per cent to 63 per cent. Only four years ago it was 40 per cent. This means government taxes will increase insurance premiums by about 112 per cent. Next year a commercial building in country Victoria, for example, will pay a $1000 insurance premium, a terrorism levy of $20, a fire services levy of $642.85, GST of $166.33, and stamp duty — set at 10 per cent — of $182.96. The total cost now is $2012.54.

Many people, including independent retirees, believe that the state government is double dipping or triple dipping with these taxes. Queensland, South Australia, Western Australia and the Australian Capital Territory have all abandoned premium-based levies because many escape their obligations by way of underinsuring or not insuring at all. This is a hot issue because the current system penalises people who adequately insure.

Victoria has the highest levies in the world on insurance premiums, and country Victorians support changing

from insurance levies to a property-based system, which is what The Nationals have proposed. Victoria must develop a more equitable funding mechanism for our very important fire services. The fire season is approaching, and I wish the Country Fire Authority volunteers all the best.

Fred Cullen

Mr LANGDON (Ivanhoe) — Today I pay tribute to Fred Cullen, OAM, president of the Ivanhoe RSL.

On Friday, 21 November, I had the privilege of joining Fred at the Sir Edward (Weary) Dunlop Convention formal dinner at the Rendezvous Hotel. At this dinner, Fred was presented with the Hungarian Hero of the Revolution Award.

This award honours those who made significant contributions to the Hungarian Revolution of 1956. Generally this award is given only to people of Hungarian origin. However, thanks to the efforts of Louis Szolnik, squadron leader in the Hungarian air force; and John Penzes, lieutenant in the Hungarian armed forces and dux graduate of the Hungarian Military Academy, Fred was the fourth non-Hungarian to receive the prestigious award. Fred received this award due to his invaluable efforts to aid Hungarian refugees in Australia during the quelling by Soviet forces of the revolution.

Fred befriended many refugees upon their arrival and settlement in Australia and helped them integrate into the community. To this day, Fred continues to play an active role in the community. As advised, Fred is currently the president of the Ivanhoe RSL and has been so for some 30 years. He is a tireless worker and raises significant funds for the RSL and related charities.

Thank you, Fred, for your great contribution to the Victorian community and for receiving the Hungarian Hero of the Revolution award.

Native animals: injury management

Dr NAPTHINE (South-West Coast) — I raise concerns about the abdication of responsibility by the minister and the Department of Sustainability and Environment (DSE) and Parks Victoria for dealing with injured native wildlife that are in pain and suffering.

Residents in south-west Victoria are now forced to undertake a ridiculous round robin of phone calls to get somebody to address the matter of caring for injured animals. They have to ring DSE, which refers them to Parks Victoria, which refers them to the council or, if the animal is on the side of the road, to VicRoads, which refers them to the police, who then often refer them to the local vets or volunteers. It is the local vets who have complained to me about being called upon time and again to deal with injured kangaroos, emus or even seals because the government is abdicating its responsibility.

What we need is for the Minister for Environment and Climate Change to take action to have designated DSE and Parks Victoria officers deal with injured wildlife as quickly as possible.

Racing: jumps events

Dr NAPTHINE — I also wish to raise the importance of jumps racing to the racing industry and the Victorian economy and particularly highlight the importance of jumps racing in south-west Victoria. The three-day carnival in Warrnambool, with the Grand Annual and Galleywood steeplechases, is worth over $15 million a year to the Warrnambool district community.

I recognise the need to continually improve safety for both jumps jockeys and horses, but urge the Minister for Racing to support the continuation of jumps racing as a key component of the Victorian racing industry well into the future.

Bentleigh West Primary School: school award

Mr HUDSON (Bentleigh) — I would like to congratulate Bentleigh West Primary School on winning the 2008 Energy Smart School of the Year Award. The award recognises innovation and creativity in saving energy.

Bentleigh West students won the award for the research they did on alternative and renewable energy sources for a number of different sports, entertainment and tourist venues. These venues included the Melbourne Cricket Ground, Melbourne Zoo, the Melbourne Sports and Aquatic Centre, Dreamland, the Eureka Tower, Southland and the yet-to-be-built Glen Eira sports and aquatic centre.

The students constructed three-dimensional models of the venues, showing alternative energy sources, such as solar power panels, wind turbines and geothermal and methane gas. The students then emailed ideas on how to establish environmentally sustainable practices to the chief executive officers of these venues. In addition, the students conducted a series of green living community forums for their local communities, advising how best to reduce their energy use.

The students have also turned their attention to their own school and audited each other's classrooms. Together they have saved around 1.3 million tonnes of greenhouse gas emissions by switching off lights and shutting down appliances during school holidays, walking to school and handing out compact fluorescent globes.

I congratulate the students of Bentleigh West Primary School who have a fine record of achievement in environmental sustainability and have conducted projects in water and energy saving initiatives in the school such as through the creation of wetlands in the school grounds.

Economy: performance

Mr WELLS (Scoresby) — This statement condemns the Brumby state Labor government for nine long, dark years of policy neglect and the lack of real commitment to supporting the Victorian economy, businesses and families.

The government's economic incompetence was reinforced yet again last week with the release by the Australian Bureau of Statistics (ABS) of two significant sets of economic data that sadly indicate that the Victorian economy is in for continuing deeply troubled times under state Labor. The first set showed that private capital investment in Victoria hit the skids in the September quarter, hitting a new record low share of total national investment.

Total private capital expenditure in Victoria in the year fell by 5.1 per cent compared to a national increase of 15.9 per cent, and was the worst result of any state. In fact, Victoria was the only state to have seen investment contract in the last year. Consequently, Victoria's share of national total private capital investment has fallen again to just 17.1 per cent in the quarter, the lowest share on record, and compares badly to the 25.2 per cent share Victoria had in 1999.

Victoria's 9.1 per cent decline in new dwellings approved in the September quarter was the worst result of any state or territory and compares to a 6.9 per cent increase nationally. Even the so-called basket case — the New South Wales economy — recorded a 4 per cent increase in new dwelling approvals. Quite disturbingly, new dwelling approvals for Victoria have now decreased by 16.9 per cent since the December 2007 quarter compared to a 6.4 per cent increase nationally.

Ascot Vale Special School: Premier's reading challenge

Mrs MADDIGAN (Essendon) — Yesterday I had the great pleasure of attending Ascot Vale Special School to hand out the Premier's reading challenge certificates. The Ascot Vale Special School is terrific, and it has now been part of the Premier's reading challenge for three years. The students have taken to it with great enthusiasm. I was most impressed by the enthusiasm of the students for reading, and the enjoyment they got from receiving their certificates yesterday.

I would particularly like to congratulate four students who read the most books in their class: Michael Di Benedetto, Valentina Klajic, Daniel Di Stefano and Jarden Gregory received special prizes — obviously, books! — to show how well they had done in the Premier's reading challenge.

Ascot Vale Special School is an excellent school in my electorate, and when I go there I am always most impressed by the dedication of the staff and the great enjoyment and pleasure that the children and young adults at that school show in this learning; I think it is a school that we can be very proud of. I would also like to congratulate the principal and all the staff and the many parents who were there yesterday on the great support they give to the school.

Water: desalination plant

Mr K. SMITH (Bass) — I was delighted to see that the federal Labor government had reached an agreement with the antidesalination group Your Water Your Say on court-awarded costs, but I cannot say the same about the Brumby Labor government, which is holding above the heads of the members of Your Water Your Say a financial threat to stop their legal and legitimate right to take action against the government for the undemocratic way it has handled the Wonthaggi desalination process.

All the group has ever said — and I agree with its members — is that there are other alternatives that should have been considered before the financial and environmental disaster called the desal plant.

There should have been recycling of water from the eastern and western treatment plants, not for drinking but for the big users of potable water. It could be used for industry, horticulture, agriculture, for cooling towers in the Latrobe Valley, to provide water for the paper mills and for parks, gardens, domestic toilets, laundries and suburban gardens.

Third pipe systems should have been installed in all of the new estates and real subsidies should have been provided for residential and industrial water tanks. Stormwater could have been collected. I could go on and on in regard to the alternatives to the desalination plant but this desperate government and water minister think it is better to impose a power-guzzling desalination plant on the pristine coast at Wonthaggi. What a stupid decision by a stupid government that has manipulated the system!

Japanese Film Festival

Mr HERBERT (Eltham) — Last Thursday I had the pleasure of speaking at the opening of the 2008 Japanese film festival, which played over five nights at ACMI (Australian Centre for the Moving Image), Melbourne's world-class culture and film centre. The Japanese film festival has a long history in Australia, running annually for 12 years, but this year was special.

For the first time, Melbourne welcomed the new expanded format of 14 of Japan's best movies, and what a great festival it was. It presented not only some of the best Japanese movies in the world but it brought together people from all walks of life who share a passion for outstanding Japanese cinema.

I was lucky enough to see two movies. The opening feature, *After School*, was an Australian premiere. It was a terrific movie about three teenagers caught in a web of deceit involving Japan's notorious mafia, the Yakuza. I also saw the closing night movie *Departures*, a moving story which won one of the highest honours at the Montréal World Film Festival. Some are even tipping that it will do well at the academy awards.

The festival was proudly presented by the Japan Foundation with the support of the Consul-General of Japan in Melbourne. It was also strongly supported by ACMI as one of the 12 film festivals presented there every year. I would like to express my support for the Japan Foundation and for the Japanese Consul-General in Melbourne.

All associated with the festival did a terrific job, and I believe the Japanese film festival will quickly be added to Melbourne's must-see list in future years. Finally I congratulate Mr Masa-fumi, festival director, and Mr Nay-oki, festival producer. They did a great job.

Gaming: licences

Dr SYKES (Benalla) — Community clubs in the electorate of Benalla are extremely concerned about the Brumby government's proposals to put poker machine licences up for auction to the highest bidder. I am currently meeting with representatives from community clubs to listen to their concerns and to support their calls for the government to recognise their important role in country communities. Last week I met with representatives from the Benalla Bowls Club, the Benalla Golf Club and the Myrtleford Savoy Club. I will also be talking with representatives from the Mount Beauty Country Club and the Mansfield Golf Club.

These clubs provide many benefits to their local communities, including the provision of sporting and social facilities for a wide range of community groups and individuals. Community clubs also make generous donations to a wide range of local fundraising activities and provide considerable employment in small communities. Club representatives are unnerved by the lack of certainty about their future and the possibility that the cost of licence fees will be pushed out of their reach by wealthy metropolitan interests.

They also have concerns about how future profits will be distributed. Clubs Victoria has proposed to the government that it make 60 per cent of existing poker machines available to the clubs at a reasonable price in return for the clubs accelerating the upgrading of machines.

I call on the government to listen to the community clubs and address their concerns so that they can have an assured future and be able to continue to provide outstanding services to local communities.

Benalla Bowls Club

Dr SYKES — Also, well done to the Benalla Bowls Club, which won the Sports Club of the Year award at the Clubs Victoria Achievement Awards for 2008.

Local government: elections

Ms LOBATO (Gembrook) — Today I wish to advise the house of the successful and inspirational election of several people to the City of Casey council. The residents of the city of Casey concluded that drastic change was long overdue to improve the function and reputation of the City of Casey and have elected proud Labor Party members Daniel Mulino, Simon Curtis and Karen Baxter. Daniel, Simon and Karen are hardworking, passionate local community advocates, determined to ensure effective representation for the City of Casey.

Berwick people have enjoyed Labor representation at a state level for many years and have now realised they need true grassroots advocacy at the local level. Berwick is Liberal Party heartland no more.

Other terrific additions to the City of Casey council are Sam Aziz, Amanda Stapledon, Lynette Keleher and Shar Balmes. I congratulate them and look forward to working with them.

I also wish to congratulate Collin Ross on his election to the Cardinia Shire Council. Collin, another proud Labor Party member, is a tireless worker for families throughout Cardinia and Gippsland.

I am also very pleased with the election of Chris Templer to the O'Shannassy ward in the Shire of Yarra Ranges. Chris is a long-time local in the Upper Yarra area who will be an accessible and effective councillor for the residents of that area. I congratulate all of these new councillors on their success and congratulate the voters for participating in our democratic system to ensure effective representation for municipalities within the electorate of Gembrook.

Rosemary Muller

Mr MULDER (Polwarth) — Recently I attended the Powercor Colac-Otway Business Awards for 2008 at the Colac Performing Arts Centre. These awards were established in 1990 by a group of local business identities, and I was fortunate to have been one of the founding members. The awards have stood the test of time and have come a long way from the early days when they were delivered by a slide projector.

These events rise or fall on the back of the people who run them. Colac was fortunate to have a lady by the name of Rosemary Muller involved in the first business awards, and Rosemary was there again this year. Recently Rosemary announced that she would be stepping down from the role, and it is fitting that she be acknowledged as the constant factor in the awards over many years. Without Rosemary I doubt that this annual event would be the success it is today. She has committed thousands of hours over the years in putting it together. She has been a tireless worker whose passion for the success of business in Colac has never flagged.

In country towns things just do not happen without the impetus provided by groups or special people. Rosemary Muller is one of those very special people, and the business people of Colac say thank you. We wish her good luck with whatever she pursues in the future. Cheerio!

Bay FM Bethany Giving Tree Appeal

Mr TREZISE (Geelong) — On Friday, 21 November I had the pleasure of launching the 2008 Bay FM Bethany Giving Tree Appeal. Also attending and providing his support was the member for South Barwon.

For the information of the house, the giving tree appeal has been operating in Geelong for seven years and provides donated gifts to needy families and children in our community. Since the appeal was originally launched, more than 8000 gifts have been distributed to those in need. This year 2000 presents will be distributed; those 2000 gifts will light up Christmas for many families in 2008.

This year there are a record 73 collection points, with the gifts being distributed through 10 local community organisations. These agencies are the Bethany Community Support, Barwon Domestic Violence and Outreach Service, Barwon Youth Accommodation Service, Community Connections, Glastonbury Child and Family Services, MacKillop Family Services, the Salvation Army, the Brotherhood of St Laurence, Time For Youth and the Wathaurong Aboriginal Cooperative.

I take this opportunity to commend all those agencies and the dozens of businesses involved in this year's appeal. The giving tree appeal is a terrific partnership between local Geelong businesses and community organisations within the region. I also take this opportunity to commend Bay FM and Bethany for their integral involvement in the appeal. Of course I also congratulate Bethany — its chair, Dr Sarah Leach, its new chief executive officer, Grant Boyd, and their team — for not only its efforts in the giving tree appeal but also the range of important family services it provides to the Geelong region. The Bay FM Bethany Giving Tree Appeal is a great initiative — one that really goes a long way to assist needy families. I wish the appeal all success for 2008 and beyond.

Gaming: licences

Mr O'BRIEN (Malvern) — In April this year the Brumby government decided to radically change the structure for the operation of electronic gaming machines from 2012. That is the government's right. However, the government's failure to provide information on the operation of its new structure is causing serious damage to many clubs and pubs today. That is the government's responsibility.

Clubs and pubs do not know how the new pokies licenses will be issued and at what price, and what tax rates will apply. They do not know what proportion of net gaming revenue the government will demand or what regulatory and licensing requirements will need to be met.

Clubs and pubs cannot plan for the future in the absence of such fundamental information. I have spoken with the president of one RSL sub-branch in regional Victoria whose club had secured a loan facility from a local bank for major renovations to the club. However, following the government's announcement the bank withdrew the loan. The uncertainty created by the government means the bank is not satisfied that the club can service the loan after 2012 if the club loses its pokies. As a consequence the club's renovations have now had to be scrapped, and the very viability of the club is in the balance.

Clubs and pubs are in trouble in this state today because of the government's failure to prepare for the transition to its new gaming structure in 2012. While the Minister for Gaming fiddles, the industry risks burning. The minister needs to stop hiding from the industry for which he is responsible and give it the information it needs and the certainty it deserves.

Aurora School: alphabet day

Ms MARSHALL (Forest Hill) — On Wednesday 19 November I was absolutely thrilled to attend alphabet day at Aurora School in the Forest Hill electorate. Alphabet day was no ordinary day, but then again this is no ordinary school. It is headed by the wonderful principal, Sue Izard. My previous visit to Aurora was to witness members of the staff signing the replica calico petition in celebration of 100 years of women's suffrage. Ever enthusiastic, all members of staff are an absolute joy to watch and never more so than when there is a special event.

Aurora was formed through the amalgamation of Princess Elizabeth Junior School for Deaf Children, the Monnington Centre and Carronbank School for Deaf-Blind Children. The school has three main programs: the early intervention program, the early education program and the deaf-blind education program. But what should not be underestimated are the unique ideas that the highly qualified staff bring to the school curriculum. Periodically a teacher takes on the responsibility of creating an entire day's educational program with a theme, and one such day this year was alphabet day. I was presented with my own costume, and for the benefit of members I can inform them that I was the letter K. The costume is now on display in my electorate office window. Following a tour of the classroom activities we all sat down and sang the alphabet song in Auslan. To showcase their extraordinary skills, the students then sang it in reverse, which was most impressive.

I found the day uplifting, inspiring and personally rewarding. I cannot begin to explain how proud I am of every member of the Aurora team, including the parents and volunteers, for the work they do in changing these children's lives for the better every day. I thank them for inviting me to join in, and I look forward to many more occasions such as this.

Barmah State Forest: cattle grazing

Mr WELLER (Rodney) — I rise today to express my disappointment at the Department of Sustainability and Environment's (DSE) ban on cattle grazing in the Barmah forest. The decision is based on unsubstantiated ecological grounds and is putting the entire forest area, including the Barmah township, at serious fire risk. The chest-high grass along the river means that the health and safety of firefighters, campers, residents and nearby land-holders is in jeopardy. DSE has not undertaken any fire-prevention works in this area of the forest, and neither has it indicated that it intends to do so. The high fuel loads and the state government's unwillingness to act on the advice and expertise of the local community are a disgrace.

On Monday the law-abiding citizens of Barmah were forced to take matters into their own hands by driving 35 head of cattle into the Barmah forest to graze the dense vegetation on Barmah Island, which adjoins Barmah township. This is an extreme action, but members of the community have seen the pain inflicted on other communities through poor fire-management decisions and felt they had no option but to protect their own town from the risk of fire. I ask the minister to immediately overturn DSE's decision and to grant approval for short-term controlled grazing on Barmah Island to provide a localised fire protection benefit for the forest — —

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

Mordialloc electorate: achievements

Ms MUNT (Mordialloc) — I would like to congratulate those responsible for three achievements in my electorate. Firstly, maths whiz Kelvin. Kelvin, who attends Parktone Primary School, recently achieved the highest mark for grade 3 in Victoria in the 2008 international competitions and assessments for schools mathematics contests run by the University of New South Wales. Kelvin won a gold medal for his achievement. Well done, Kelvin.

Secondly, I congratulate the Australian Over 60s Cricket Association, chaired by Mr Noel Pullen, a member for the former Higinbotham Province in another place, and the Mentone Cricket Club for organising and holding a great test match between the Australian and England over 60s teams starting on 16 November and running over a number of days. Ian Meckiff, a former Australian opening bowler, tossed the coin for the match. It was a great day enjoyed by all. Well done.

Thirdly, I would like to congratulate St Augustine's Anglican Church, Mentone, on the occasion of its 120th anniversary. It held a celebratory service on 23 November and a community lunch on the same day. The Anglican Archbishop of Melbourne, the Most Reverend Philip Freier and the Reverend Eden-Elizabeth Nicholls officiated. St Augustine's has provided pastoral care to the local community for all of those 120 years. Well done.

Police: Warrandyte electorate

Mr R. SMITH (Warrandyte) — Police rosters recently shown to the opposition prove that despite the government's assertions that stations are fully manned there are actually large gaps in the numbers of operational police. The Brumby government's paying lip-service to ensuring our police stations are adequately staffed is nothing short of appalling.

In my own electorate, where the police do an amazing job with the resources that they have, we find that the Brumby government continues to let our police and community down. At Ringwood police station, a station whose full complement should be 83, we find that there were only 64 operational members at the end of last year. Of the eight members who were supposed to be at Warrandyte police station we had only four.

Police rosters show us that when police are unavailable due to long service leave, sick leave or for other reasons, there are rarely any replacements for those staff, placing those on duty under increased pressure to fulfil their roles. When replacements are made available it is too often a case of robbing Peter to pay Paul, with the government inflicting staff shortages on one station to fill the gaps at others.

Into the mix we add the fact that many members are being taken from their stations to perform non-core police roles. There is a sergeant in my electorate who is spending days at a time looking after a lockup at a station that is not even in his region. All of this is happening in an environment where violent crime is spiralling out of control. Only last weekend we again saw further violence in our city, with six people taken to hospital with stab wounds and head injuries.

The Premier and his do-nothing police minister need to back up their spin with action and ensure our stations are manned with sufficient staff instead of increasing the pressure on our hardworking, committed police members.

Elections: campaign funding

Mr SCOTT (Preston) — I rise today to discuss campaign financing. This is an important issue which should have the attention of all members of Parliament, as the way our campaigns are financed determines who has power within our society.

Approaches to this important issue are often defined by what the two principles underlying liberal democracy emphasise: firstly, the right of individual citizens to freely participate in society, and secondly, the democratic principle of equality in decision making. Those who support a libertarian view obviously emphasise the right of individuals to give money and the right of people to free speech and to express their view in whatever way they see fit, whereas those who emphasise democracy seek to avoid a plutocracy, where government is decided by money and the amount of money that can be provided to candidates.

It is an important issue that requires the further attention of this Parliament, and I think the focus has to be on who has power in our society — a question that is not asked often enough within our community and our Parliament. While it is important to protect rights, and I would not like to see a situation where people cannot give money or freely participate in society, we must consider deeply how that power is exercised and who exercises it in reality as well as in theory. Those who give money should have their actions made freely available to scrutiny and public discourse as this is an important area of our society which has shaped how decisions are made. Free disclosure also helps avoid — —

The ACTING SPEAKER (Mr K. Smith) — Order! The member's time has expired. The member for Cranbourne has 8 seconds.

Cranbourne Turf Club: Trade Union Family Race Day

Mr PERERA (Cranbourne) — Last weekend I represented the Deputy Premier at the annual Trade Union Family Race Day at the Cranbourne Turf Club.

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

FUNDRAISING APPEALS AND CONSUMER ACTS AMENDMENT BILL

Second reading

Debate resumed from 9 October; motion of Mr ROBINSON (Minister for Consumer Affairs).

Mr O'BRIEN (Malvern) — It is a pleasure to rise to speak on the Fundraising Appeals and Consumer Acts Amendment Bill 2008. It is unfortunate to note at the outset that a clear and obvious typographical error which was in the original print of the explanatory memorandum to this bill circulated to members some weeks ago remains in the print which was just circulated to honourable members. This error has remained notwithstanding the fact that I pointed it out to the minister's staff and the departmental advisers at the briefing. Members will see that clause 2 of the explanatory memorandum refers to what happens if sections of this bill are not proclaimed before 1 November 1999. I would have thought that was something which would hopefully leap out and be corrected, and given that I specifically drew the attention of the minister's office to this at the briefing, it is disappointing that the minister's staff have not seen fit to do so. But I must say that it is pretty typical of the sloppiness of the Brumby Labor government when it comes to these matters, and I will get into some of that sloppiness as we progress further through discussion of this bill.

This is an omnibus bill which covers three distinct subjects. First, it introduces changes to the regulation of fundraising in the state through amendments to the Fundraising Appeals Act following a public review of that legislation conducted by the member for Narre Warren North. Second, it amends the Goods Act 1958 and the Warehousemen's Liens Act 1958 to clarify the legal position of suppliers and purchasers of bulk goods. Third, it makes relatively minor amendments to a range of other acts, one of which relates to the imposition of requirements for the testing of security cameras at licensed premises.

Commencing with the most significant aspect of the bill, which is the clauses relating to amending the Fundraising Appeals Act 1998, clause 4 of the bill changes the title of the principal act to the Fundraising Act 1998. This was a recommendation made by the member for Narre Warren North following the public review he conducted of the act. I would like to congratulate the member for Narre Warren North because, having read through the paperwork of the initial discussion paper and then the subsequent proposals that he presented to the government, I have to say that some very good work was performed. It does appear, though, that the government has dropped the ball in relation to some of the good work that the member for Narre Warren North did. Again, I will discuss this later on. If the member for Narre Warren North were in his place and listening, he might have heard a few words of praise. He will not get too many from this side of the house, so he should not miss this opportunity!

Mr Donnellan — I was listening.

Mr O'BRIEN — Clause 5 of the bill inserts a new section 2A into the principal act which sets out the objects of the act. The bill inserts new objects which include:

> (a) transparency and public confidence in the fundraising industry and in not-for-profit organisations that conduct fundraising …
>
> …
>
> (c) the protection of the public interest in relation to fundraising

This was not actually the wording that was used by the member for Narre Warren North in his proposal. The member said in his proposal 3 that there should be a new purposes clause inserted in the act to, among other things, ensure that fundraisers engage in fair practices and promote the efficient use of funds raised through public fundraising to support beneficiaries. They are two very important objects, and the government has completely missed them in this bill. I think the member for Narre Warren North was right when he said that it is important that the object of the act be to ensure that fundraisers engage in fair practices and also that the act promote the efficient use of funds raised through public fundraising to support beneficiaries.

One of the great mischiefs that underlies the regulations in this area is the concern that the public and its generosity and willing spirit to give will be taken advantage of by people and organisations. That not only hurts those individuals who have been duped but also hurts all those genuine charitable and like organisations, because to some extent when members of the public perceive they have been ripped off by people collecting on behalf of charities it affects all charities. That is why it is so essential that the regulation of this area be directed to ensuring that the public has that sense of confidence that will encourage them to give to those

worthy causes and organisations that rely so much on public support.

I do not understand why the government has failed to adopt the recommendations of the member for Narre Warren North in relation to the objects clause of this bill. There is no explanation for it in the second-reading speech. There is no explanation for it in the government's response to the member for Narre Warren North's proposals. If the department or the minister has some clever idea as to why those proposals by the member should be dropped off, they owe it to the house to share it with us, because it appears to be something that weakens the bill and makes it not as good as it should be.

Clause 6 is very interesting because it amends the meaning of the term 'fundraising appeal' to include a person who solicits or receives money or a benefit and does so as an ongoing activity or in relation to a particular period of time. This is a sensible provision that I think is supported by a number of fundraising organisations in the community. It clarifies the fact that a fundraising appeal is not necessarily something that happens in one instance but can be an ongoing activity. In fact many organisations rely on ongoing fundraising to sustain their activities. It is a very sensible move to make that clear.

Interestingly, this was a recommendation of the member for Narre Warren North in his review of the act. However, when you look at the response to that review, which was published in August 2008, you see that it states:

> The proposal to amend the definition of 'fundraising appeal' is not supported as the current definition in section 5 of the act is broad enough to refer to both individual appeals and ongoing fundraising activity.

In my view the member for Narre Warren North has got it right and the government in its response has got it wrong. The government said that the current definition is fine and, 'We do not need to amend it'. Lo and behold, when the government introduced the bill in this house without so much as a word, it was clear it had flip-flopped. It has reversed its position and now says, 'We do need to amend the definition of "fundraising appeal"'. There is not a word in either the explanatory memorandum or the second-reading speech as to why the government has done a backflip on its response issued in August this year saying that the definition did not need to be amended. It is incumbent on the government and the minister to explain to this house why the government has backflipped on its own response. Did it not study the recommendations of the member for Narre Warren North properly in the first place or has it had a change of heart; and if so, why? The house is entitled to these answers.

Clause 7 clarifies that registration of fundraisers is required irrespective of whether the commercial fundraiser is an agent of another person. This is picking up recommendation 7 of the member's report and appears to be quite sensible.

Clause 8 is concerning in a number of ways depending on how it is to be applied. Clause 8 inserts new sections 12A and 12B into the act, which are designed to increase disclosure requirements for fundraisers in circumstances where the fundraiser represents that a portion of money received in return for goods or services is to be applied for fundraising purposes. Section 12A requires the dollar or percentage amount of funds to be clearly disclosed to the donor. The disclosure must be made in writing to the person to whom the goods or services are to be supplied and has to be done before the contract in relation to that supply is entered into. Significant penalties attach to a breach of this section. A maximum penalty applies of 240 penalty units for a corporation and 120 penalty units in any other case. Section 12B provides that the director of consumer affairs may impose a condition on a fundraiser's registration specifying the manner in which a disclosure required by the preceding section is to be made.

I have consulted widely in the community, particularly with the fundraising industry and beneficiaries of the fundraising industry, in relation to this bill, and a number of concerns have been raised with me regarding these provisions. Under section 12A it is a dollar amount or a percentage amount of the money that is to be supplied for the charitable purpose that is required to be disclosed. Concerns have been raised by the Fundraising Institute of Australia about whether this is a legitimate measure of whether a fundraising activity is genuine, if I can use that term.

The FIA has raised with me that newly established fundraising organisations will find it harder to comply with this provision than established organisations. Newly established fundraising organisations have a lot of set-up costs and do not necessarily have the databases or the established branding of more established fundraising organisations. Certainly in the early years of a new fundraising organisation it may appear that it is providing less benefit than established organisations to its beneficiaries, and the FIA makes the point that it is not possible to amortise the establishment costs of fundraising organisations over time.

A fundraising organisation may spend a lot of money on a direct mail campaign, attempting to attract donors to its cause; if it succeeds with a donor, the chances are that people who donate once are likely to continue donating. However, all the costs of attracting those people is borne up-front in year 1, whereas the benefits to the charitable organisation are received over a period of time. The legitimate concern raised with me by the FIA is that it is possible that the disclosure requirements may in some cases lead to a bit of a skewed view as to the genuineness or the merits of particular fundraising organisations.

A concern expressed to me by the Australian Conservation Foundation (ACF) is that it is unclear about whether or not the requirements of proposed sections 12A and 12B apply to commercial fundraisers or to traders only. It gives the example of commercial fundraisers who do not provide goods or services to consumers but only provide fundraising services to charities. In my experience, I recall that at university one of the many part-time jobs I went through was rattling a tin on a street corner on behalf of a charitable organisation, for which I was paid. I am not sure that the people pulling up their cars at the intersection and getting bothered by me were aware that I was getting paid the princely sum of about $11.50 an hour for doing that.

Where an organisation is raising money just by sticking a tin out, no services are provided to the donor. It is not clear in that circumstance whether or not the requirements of proposed sections 12A or 12B would apply. Is there a need for a fundraising organisation to disclose to a donor — who is only giving money and not getting any goods or services in return — what percentage of donations are passed on to the charitable organisation that is the ultimate beneficiary?

The ACF has also raised a concern about whether or not the disclosure of funds should be related to beneficial or benevolent purposes or to the charitable organisation. The bill at the moment uses the phrase ‘beneficial or benevolent purposes’ but there is a concern that many charitable organisations may have their own overheads or other costs which may not fit the definition of beneficial or benevolent purposes.

For example, if funds are raised and some of those funds are directed towards maintaining the head office of a charitable organisation, should that be regarded as funds for beneficial or benevolent purposes? In that case, that would increase the relative percentage which would be seen to go to the charitable organisation. But if those administration costs are not seen as being for that purpose, that would decrease the relative percentage which is seen to be passed on to the organisation. The ACF has made a fair point, and it deserves clarification by the government.

An important issue was raised with me by the Surf Life Saving Foundation, and the government needs to listen very carefully to its concerns, because this could provide great problems. Proposed section 12A requires disclosure in writing. How does this relate to telephone sales? Fundraisers of many charitable organisations raise money for charities through telephone sales; usually it seems to be at dinnertime or when you are trying to put the kids to sleep the phone rings and someone will be there at the other end trying to sell you something or other on behalf of a charitable or benevolent organisation.

If there is a requirement that disclosure of funds to be passed on for a beneficial or benevolent purpose be made in writing prior to the entry into the sale, how does that apply when I am asked to give my credit card number over the telephone to purchase pens, raffle tickets or something else? This bill could overnight potentially drive out of business the fundraising that is undertaken by charitable organisations over the telephone.

If that is the government’s intent, it should come in here and tell us and tell those organisations it is planning to cut out from that line of fundraising overnight. On the advice of one significant community-based charitable organisation in this state, that is exactly what the bill would do. There is nothing about that in the second-reading speech nor in the explanatory memorandum, so has the government just stuffed it up, has it got it wrong? Is it going to cut out a significant aspect of charitable fundraising in Victoria overnight through a legislative oversight, or is it going to fix it?

That is the question I put to the minister. Charitable organisations in this state are too important to be left swinging in the breeze because this government cannot get the detail of its own legislation right. It does not know what year it is on the explanatory memorandum, and here is an issue which could overnight conceivably cut out a whole arm of fundraising for a lot of charitable organisations in this state. The government owes it to the community to get this legislation right.

One other concern I have about clause 8 which inserts sections 12A and 12B is this: how would the disclosure in writing requirement apply to your average op shops? I have a lot of op shops in my electorate; a number of them are run by MECWA, which originally stood for Malvern Elderly Citizens Welfare Association. This excellent organisation provides a range of services to

people not just in my electorate but in a number of electorates across Victoria. Some of its fundraising comes through the running of op shops; there is one a few doors down from my electorate office.

If this proposed section requires the disclosure in writing of dollars or percentage amounts of funds that will be ultimately passed on to the charitable organisation prior to the point of sale, how will that apply to an op shop which has hundreds or even thousands of items? Does this mean that every single item in an op shop has to have its own price tag — say, $20 for a suit, of which $16.34 will be passed on to the charitable organisation? Is it sufficient to have a sign at the counter saying that 85 per cent of the funds raised through the shop will be passed on to MECWA? It is just not clear.

This provision could be an absolute bureaucratic nightmare. Imagine telling every single op shop volunteer across Victoria, 'You are going to have to not only price every item in your shop but you have to have a second price tag to disclose in writing what percentage of the sale price is going to be passed on to the charitable organisation'. It could drive op shops out of business overnight and send volunteers packing. I do not doubt that the government has the best of intentions with this legislation, but once again the detail is so important when it comes to passing laws in this place. This bill has so many loopholes in it and question marks over it that it could hurt far more than it helps. The government owes it to the community to get this right and to explain how these issues are going to be overcome.

By including clause 9 in the bill the government has accepted the recommendation of the member for Narre Warren North to repeal the requirement that specific records have to be kept in relation to clothing bins. There was an anomalous situation where a higher level of disclosure and regulation applied to clothing bins for charitable organisations than applied to clothing bins run by commercial operators. This is a very sensible move.

Clause 10 of the bill inserts new section 15A in the principal act, which provides that where direct debit deduction forms are used in relation to a fundraising appeal the form must be easily legible, must be in a minimum 10-point font when typed and must be clearly expressed. A concern has been raised with me by the Australian Conservation Foundation that this could lead to far longer forms. A form which is currently one page long might wind up being four pages long and potentially could be more confusing. Having noted that concern by the ACF, I think legibility of forms which allow people to commit financially to a charity is important. People should know what they are signing and what they are entering into in terms of financial commitments, so while noting the ACF's concern, the opposition will not oppose that provision.

Skipping to clause 13, the bill increases the duration of the period of registration for fundraisers from 12 months to 3 years. This would seem to be a very sensible measure. To require fundraising organisations to re-register every 12 months seems to be overly bureaucratic, and given the power of the director of Consumer Affairs Victoria to reduce the registration of a fundraising organisation in certain circumstances, the opposition believes this is a sensible measure. I notice that while not part of the member for Narre Warren North's review, that recommendation arose out of a proposal in the Victorian government action plan.

A number of proposals that were made by the member for Narre Warren North do not appear to have been acted on so far. Proposal 11 states:

> A review of the current registration procedures should be conducted to identify how the registration process could be made more accessible and streamlined, including online registration options.

When I had my briefing with the minister's office and the department I asked who was conducting this review and when it was going to be reported. The answer was that it is being conducted internally. They could not say by whom it was being conducted or when it was going to report, only that it is being conducted internally. It does not instil a lot of confidence when the department is not able to inform the opposition who is conducting the review and when it is going to be done. It seems to be very sensible that these sorts of registration procedures should be reviewed. Again I find myself in furious agreement with the honourable member for Narre Warren North. Even at the end of the year you can find yourself having new experiences. I do not understand why the government is not being more transparent about the conduct of this review.

Clause 16 of the bill amends section 33J of the act to enable a person to apply to the Victorian Civil and Administrative Tribunal for review of the director's decision to impose conditions concerning the manner of disclosure of funds raised under new section 12B or to reduce the duration of a person's registration as a fundraiser. It is pleasing to see that the government obviously has some level of confidence that VCAT is an appropriate body to review the director's decisions, because as we all know occasionally even bureaucrats can get it wrong. People who are affected by decisions of bureaucrats should be entitled to raise their concerns

in the appropriate court or tribunal, such as VCAT. I can only contrast the provision in this bill, which is very sensible, with the disgraceful provision that was debated in this place in the last sitting week during the debate on the Liquor Control Reform Amendment Bill, which seeks to put the director of liquor licensing above the law by not allowing any appeals against her decisions to impose lockouts. The government has got it right on this occasion. VCAT is an appropriate body to review a decision by the director.

In the brief time remaining to me I turn quickly to the other two aspects of this bill. The first is the amendment of the Goods Act and the Warehousemen's Liens Act to clarify the legal position of suppliers and purchasers of bulk goods. I am informed by the department that the genesis of this provision was a legal dispute that occurred in New South Wales which saw a number of farmers contribute grain to a grain store, and through intervening circumstances there was a legal dispute as to who was the legal owner of these grains which had co-mingled in the storage facility. I understand this matter did not ultimately result in a court decision because the matter was settled privately between the parties. However, it very clearly indicates that this is a live legal issue, and it is better for all concerned to put the matter beyond doubt. The effect of new section 25A in the Goods Act is that as soon as the bulk from which the goods are purchased is identified and the goods paid for, the purchaser becomes an owner in common of the whole of that bulk with a share that is equivalent to what they have paid for.

Similarly new section 10A of the Warehousemen's Liens Act provides that the owner of goods that are deposited in a warehouse and become intermingled with other goods becomes an owner in common of that bulk with a share that is equivalent to the quantity that he or she has deposited. This would seem to be a very equitable way of dealing with this issue and hopefully will avoid any nasty legal issues arising for our farmers and other people in that industry.

While there are a number of other relatively minor amendments to other acts, I will mention clause 29, which amends the Liquor Control Reform Act 1998. It creates a power to make regulations about how security cameras are to be tested, including a power to prescribe who is to carry out the tests. A number of licensed premises in Victoria are required to have security cameras, and it is very important that these cameras operate properly, because they are very useful not only as a deterrent to people who might otherwise be inclined to engage in antisocial behaviour but also because such security footage can be very useful as evidence and in subsequent legal proceedings. Footage can also be very useful for the police in attempting to identify offenders.

This can often extend to such footage being made public. The better the quality of the footage, the more useful it will be in a court case or when it is used by police and the public when attempting to identify potential offenders. While this bill inserts the power to provide for testing of security cameras in accordance with prescribed standards, the opposition hopes that power is used sensibly.

Security cameras are a cost to licensed businesses and a necessary part of certain licensed businesses that might be regarded as of higher risk, but there is a need to balance the additional costs that higher standards of testing and operation will place on licensees with the need to make sure that security camera footage can be used and is useful both for legal proceedings and for use by police and others to identify potential offenders.

I have identified some very serious concerns the opposition has with the operation of this act. I hope the government can deal with these concerns before we get to a vote. At this stage opposition members do not oppose the bill, but we will be listening very carefully to the government to see whether it can answer the very serious issues I have raised.

Debate adjourned on motion of Mr STENSHOLT (Burwood).

Debate adjourned until later this day.

SALARIES LEGISLATION AMENDMENT (SALARY SACRIFICE) BILL

Second reading

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

Mr WELLS (Scoresby) — I rise to speak on the Salaries Legislation Amendment (Salary Sacrifice) Bill and declare that I have an interest in salary sacrifice. The purpose of the bill is to place beyond doubt and preserve the existing entitlements of a range of statutory and elected office-holders to enter into effective salary sacrifice arrangements.

The affected office-holders include: judges, acting judges and masters of the Supreme Court and the County Court; magistrates; members of VCAT (the Victorian Civil and Administrative Tribunal); members of Parliament; the Solicitor-General; the Chief Crown

Prosecutor, acting Chief Crown Prosecutor and associate Crown prosecutor; Crown counsel and other office-holders as defined in the bill.

The bill amends the relevant acts to allow an office-holder to receive the whole or part of his or her remuneration as non-salary benefits of an equivalent value. Notification of such an arrangement must be provided in writing to the relevant minister, or Clerk in the case of members of Parliament, specifying the date from which the arrangement is to apply.

Office-holders may revoke or vary an arrangement by notice in writing to the relevant minister. Non-salary benefits are defined as those available to executive members of the Victorian public service and contributions to the complying superannuation funds. The bill provides that any salary sacrifice arrangement entered into before the passage of the bill is deemed to have had and always has had full effect according to its tenor; and it amends the relevant acts to ensure that where special appropriations are used to pay the salary of an office-holder, the appropriation includes any non-salary benefits.

The opposition is not opposing this bill. We are taking on face value and in good faith that what the government has told us in briefings will fix this problem 100 per cent. We are taking the position of not opposing the bill on the premise that the government has got this right once and for all.

One issue we would like to highlight is that the essential characteristic of an effective salary sacrifice arrangement is that a person agrees to reduce their salary before they become entitled to receive it and instead, receive a non-salary benefit. The concern has arisen on two fronts within the Department of Treasury and Finance and the Australian Tax Office as to the validity of salary sacrifice arrangements that may have been entered into by office-holders.

The first issue is about the capacity for an office-holder to agree to reduce their salary for the purpose of salary sacrifice. The second issue is about the capacity for an office-holder to enter into a salary sacrifice arrangement before they become entitled to the salary.

Salaries for office-holders are fixed by acts of Parliament, instrument or appointment, Governor in Council or the relevant minister. For many statutory officers the relevant act provides that the salary for the office-holder may not be reduced. This has raised doubts as to whether the office-holder has the capacity to accept a lower salary than specified in the act in order to enter into an effective salary sacrifice arrangement.

The bill addresses this, and, as I said, we are taking the government on face value that a member of Parliament — or a County Court judge or a chief Crown prosecutor — is able to nominate to reduce their salary to accept a salary sacrifice.

The second issue we raise is a little more complex. A salary sacrifice arrangement is only effective for tax purposes if it is entered into before the office-holder becomes entitled to receive their salary. The office-holders receive their salary, not by virtue of performing their duties but rather by virtue of holding office. Thus an office-holder is entitled to receive their salary as soon as they are elected or appointed. Consequently any salary sacrifice arrangement may only be valid if it is entered into prior to the office-holder assuming office.

The issue that we also raise — and I think it was covered in the second-reading speech — is that the same concern exists with respect to salary sacrifice arrangements which may be entered into by the Auditor-General or the Director of Public Prosecutions. Those concerns can only be addressed by amending the relevant sections of the Constitution Act 1975. However, as a consequence of changes introduced by the Bracks Labor government in 2002, my understanding is that changes to salary sacrifice arrangements for the Auditor-General or the DPP can only be made by referendum.

Amendments will also be required with respect to salary sacrifice arrangements which may have been entered into by the Governor. This will be done through separate legislation next year, requiring a special majority in both houses.

On that note, as I said, the opposition is not opposing this bill. We take government at face value, and we take in good faith that the government has fixed the issue 100 per cent. We wish the bill a speedy passage.

Motion agreed to.

Read second time; by leave, proceeded to third reading.

Third reading

The ACTING SPEAKER (Mr K. Smith) — Order! I am of the opinion that the third reading of this bill requires to be passed by an absolute majority. As there is not an absolute majority of the members of the house present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

Motion agreed to by absolute majority.

Read third time.

FUNDRAISING APPEALS AND CONSUMER ACTS AMENDMENT BILL

Second reading

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

Mr DONNELLAN (Narre Warren North) — In relation to some issues raised by the member for Malvern, specifically in relation to opportunity shops, the part of the act referred to by the member for Malvern is new section 12A, and it only applies to commercial operations. It does not apply to charitable not-for-profit op shops so it is very much a common-sense application of the act.

Separately the member raised concerns on behalf of Fundraising Institute Australia. Having spent many months with both Jeremy Walsh and Sue-Anne Wallace, who at the time were the office-holders, the greatest concern of the institute was applying a specific ratio to fundraising — in other words, a maximum ratio of costs versus money given to beneficiaries. That was the concern of the institute more than anything else because it might affect some groups such as the Epilepsy Foundation, of which Jeremy Walsh was formerly the chair, and which organisations spend a lot of money building their donor database. It does this because it is not necessarily a cause that attracts a lot of community attention in comparison to the Royal Children's Hospital.

That institution would spend a lot of money and have a high level of costs relative to the amount of money it is raising for beneficiaries, but that is the way it finds it can do it. It is very difficult for those causes that do not primarily involve children or have something with which they can pull at the heartstrings of the community.

There was a suggestion that surf lifesaving might be caught by the commercial parts of proposed section 12A again, but surf lifesaving is not a commercial organisation, so again the surf lifesaving association will not be caught, as was mentioned in the minister's second-reading speech.

This is a good bill. It further enhances community and donor confidence in fundraising, it increases transparency in the way fundraisers go about it and that community confidence is vital so that the community gives generously to fundraising organisations and the maximum amount of money will go to the beneficiaries. If people did not have confidence they would not be giving. That would have a serious detrimental effect on many causes in this state.

As mentioned, currently fundraising is governed by the Fundraising Appeals Act 1998, and the director of consumer affairs maintains a public register of persons and bodies that conduct fundraising appeals. Now the register will be allowed to store details of what groups intend to give to fundraisers or what they have actually donated in monetary terms.

The bill also clarifies some sections of the act such as a fundraising appeal which could be considered a one-off event versus ongoing fundraising. It introduces the increased disclosure requirements which I have just mentioned so that if people wish to look up what an organisation donates to a particular group they can do so on the register, and it improves the administrative powers of the director.

First and foremost, the bill changes the name of the principal act to the Fundraising Act 1998 and says it is not a single event and not limited to a certain period of time but can be an ongoing activity. It clarifies those who need to register, including commercial fundraisers and their agents, which is very important as it does not give the director of consumer affairs more powers but encourages Consumer Affairs Victoria to publish further guidelines to facilitate the understanding of the fundraising conditions.

When I was undertaking the review I had one of the very large, well-known community groups come before me, and I think they thought it was the Spanish Inquisition. They had their solicitor and their chairman there; everyone was there, because some of their individual entities had not registered for fundraising. As I explained at the time, it was just a review of how they saw the Fundraising Act; it was not the Spanish Inquisition being run by the department, with me as the lead inquisitor or the Dominican — as probably would have been the case at the time.

Theirs was a very reputable organisation which was run very well, but unfortunately at the end of the day it was not aware that its individual entities also had to register for their fundraising endeavours, because they were done separately from the peak organisation.

The bill also deals with the issue of bequests, because waiting for someone hopefully to donate some funds in their will has become a very popular form of fundraising for many groups in trying to build their funds in the long term. There is no reason for this to be considered anything but fundraising for a charitable organisation, and it is important that the act deals with it.

Probably the most important thing I found when I was doing the review was that people were never really certain how much money was going to the beneficiaries. This act deals with that issue above all else. Fundraisers must disclose details of the total amounts of proceeds they estimate they will pass on to beneficiaries, and the director at his discretion can have this posted on the public register. That is important so that people know how much of what they are giving is actually going to the beneficiaries.

Secondly, the bill now requires fundraisers to clearly disclose the exact dollar or percentage amount of funds that will be passed on to the beneficiaries of the donor when obtaining donations as part of the supply of goods or services. There are many groups which have — probably innocently — given their name to a professional organisation that has gone out and sold pens, or whatever the case may be, around train stations and so forth and said, 'We are raising money for a particular charitable, good and honourable organisation'. Unfortunately a lot of the time there is no great certainty as to what proportion of the cost of that pen, or whatever it may be, will actually go to the beneficiaries. Many people who raised these issues with me said they were not very confident buying these things because there was no great certainty about how much money was going to the beneficiaries. The act deals with that issue and specifically says that when people are selling pens or whatever at a train station for a charitable organisation they have to indicate the amount that will be going to the beneficiaries.

The bill also deals with clothing bins. It was very difficult to try to work out what to do with clothing bins, but we have removed from charitable fundraisers the burden of record-keeping and labelling requirements for clothing bins because, to be honest, they did not improve confidence in the community and they did not provide a whole lot of certainty.

The director now has the ability to register organisations for more than one year, which makes a lot of sense. The Royal Children's Hospital appeal, which people have great confidence in, does not come under the act because it is dealt with separately, but there are many organisations that run very well-known public appeals which each year have to re-register. The director is now able to register them for three years, which makes more sense.

There was another section that I thought was very important. The bill provides that a person conducting a fundraising appeal using direct debit deduction forms must ensure that the wording of the form is legible and clear. It is very important that people know what they are signing up for and where they are going.

Mr Jasper interjected.

Mr DONNELLAN — Yes, exactly. We like to know with our direct debits who is receiving them and who is not.

This legislation will, hopefully, move us in the long run towards something we tried to push for initially when we did the review with other states and the federal government — that is, a national fundraising act or national guidelines for fundraisers. All the states have different legislation dealing with fundraising, and often it is very contrary and inconsistent. New South Wales has a ratio method, which probably would not work for a lot of our very good fundraisers here in Victoria. As I said, we hope this legislation will move us towards national fundraising legislation in the future. I commend the bill to the house.

Mr JASPER (Murray Valley) — A key element of the legislation before the house applies to a specific area of fundraising in the state of Victoria. It is interesting when we have a look at the professional fundraisers within Victoria to see that there are over 1000 registered organisations controlled by Consumer Affairs Victoria. I note that in the second-reading speech the minister indicated that on 1 July 2008 there were 1073 professional fundraisers registered within the state of Victoria.

The bill is the result of a public review process and seeks to enhance community and donor confidence in fundraising and of course to increase transparency. I listened with a great deal of interest to the comments of the members for Malvern and Narre Warren North. I think it is also important to put on record that volunteer fundraising organisations that raise under $10 000 are not affected by this bill.

Generally the legislation before the house makes no change to the act, although it makes a change to the name by removing the word 'Appeals' from it and making it the Fundraising Act. Some 80 per cent of organisations involved in fundraising are exempt from the legislation, including churches, schools, charities and various other organisations. It is also worth noting

that lotteries and raffles come under the control of the Victorian Commission for Gambling Regulation, and raffles that raise under $5000 are exempt from that control. It is important to mention those organisations that are exempt from control, because there are very many small organisations — and service organisations as well — raising funds, and I think it needs to be clear that they are exempt from this legislation and also from the lotteries and raffles requirements under the gambling regulations.

I thank the Minister for Gaming for making available representatives from the department to discuss the legislation and provide additional information to me; I certainly appreciated that. The bill inserts new objects, including clarification of the requirements for commercial fundraisers. The bill also provides for increased disclosure and transparency for fundraisers. I note the comment made by previous speakers that bequests used for fundraising are no longer exempt from the provisions of the act. This, of course, will ensure that fundraisers using bequests come under the control of the act. I also note the comments made about the need for greater control over those organisations using bank debit forms to prevent people from giving their details inappropriately.

It is also interesting to note the information that is required to be disclosed on clothing bins that are used for the collection of goods. There is a section in the bill removing the need for particular commercial information to be disclosed on the bins, making the organisations much more transparent in their operations.

I note also that the director can reduce the time of registration for organisations that are not meeting the guidelines under the legislation. This bill provides for an extension of the registration period from 12 months to three years. It also provides additional information to strengthen fundraising activities, including the provisions of guidelines for registration. We on this side of the house support the clarification of the objects of the act and the provisions in relation to the director being able to deal with people who are not meeting the absolute guidelines as they apply.

Clause 19 removes the requirement to comply with certain regulations, and I think that is a move in the right direction. As a member of the Scrutiny of Acts and Regulations Committee and as chair of the regulation review committee I note that clause 19 states:

> Section 71(1)(c) of the Principal Act is repealed.

I think that is a move in the right direction, because we are seeing far too much regulation applying to lots of areas where I think we could reduce regulation and reduce the bureaucratic need for regulation across the state of Victoria.

I note the concern mentioned by the member for Malvern relating to op shops and the need for additional information to be provided by these fundraising organisations in the form of the percentages and the actual amounts of money being provided in particular areas. This information must be clearly indicated through the director to the Minister for Consumer Affairs. I mention that in passing because I think it is important that whilst we want to make sure we are not overregulating in this area, we also want to improve the operations of organisations in the fundraising area and provide for absolute transparency in those operations.

A separate issue which is dealt with in the legislation relates to the Goods Act and the Warehousemen's Liens Act. The Victorian Farmers Federation (VFF) has been actively making representations to the government on the need for change. This was brought about by a situation in New South Wales concerning the bulk delivery of grain to receivable storages and the need for clarification of the ownership. We applaud the fact that this bill makes amendments that are supported by the VFF. It makes it clear that a grower who puts grain into a warehouse, a silo or other receivable area has a share of the whole of the grain in that storage area. We support the amendments, and the VFF grains group supports the grains portion of the bill. The indication in the information provided to me is that the legislative changes will clarify the transfer of the title to that grain.

I think it is also worth noting that the amendments included in part 3 of the bill in clauses 27, 28 and 32 refer particularly to the co-mingling of grain supplied into storages in country areas, an issue we are concerned about. I understand the amendments are based on concerns that have been expressed not only in New South Wales but also in the United Kingdom, where problems have arisen.

As far as I am concerned the legislation is good legislation in its effect on fundraising organisations and in the provision of clarification in relation to their operations, but it applies to only a small section of people who are involved in these fundraising activities. As indicated, there were 1073 registrations on 1 July 2008. However, importantly the bill contains amendments that will clarify the position of the ownership of grain held in storages in country Victoria. On those grounds the bill is certainly supported by me and The Nationals.

Mr STENSHOLT (Burwood) — I rise to support the Fundraising Appeals and Consumer Acts Amendment Bill. As previous speakers have mentioned, a number of amendments have been put forward regarding fundraising appeals in particular, and I commend the member for Narre Warren North on his work in conducting the review and also the department for the subsequent work it has done in coming up with its paper and subsequently the government's response. We now have a bill that is being considered on the floor of the house today which implements a range of matters raised in the fundraising review, including the new objects clause and clarification that commercial fundraisers, as defined in the act, must register. It also removes the existing exemption on the solicitation of bequests. Bequests can be a source of income to certain charities or fundraising organisations and should therefore be properly recorded. They can often be quite large, and so it has been determined, particularly through this review, that there is no reason to exempt them in the future.

Under this bill the director has the capacity to issue guidelines relating to registration and conditions, but I am very pleased that a three-year period of registration is provided for, and I commend the minister for that in particular because it is cutting red tape. This is a government that cuts red tape. We have clear objectives in terms of cutting red tape, and we are very much proceeding along that path. It may be a debate for another day, but I understand we are well and truly ahead of our targets in cutting red tape. In this particular case, the default period of registration will not be 12 months, as it has been in the past, but will now be 3 years. I am sure that will be commended by other members of the house.

The bill provides for a range of other things, and I want to mention a couple of them. I commend the minister on what he said in the second-reading speech, and the member for Narre Warren North in relation to opportunity shops. I was a bit disturbed about the fear campaign started by the member for Malvern. I know the MECWA (Malvern Elderly Citizens Welfare Association) shop is just a couple of doors down from his office. I would not want the good people of MECWA to be disturbed, nor would I want people in the animal welfare shops to be disturbed. There is one in Burwood and one in Through Road, Camberwell. The people who work in opportunity shops do a marvellous job. The Lions clubs have an opportunity shop in Wattle Park. It used to be run by the Bennettswood Lions Club, of which I was a member. Unfortunately the membership went down a bit so it had to fold, and the shop is now run by the Boroondara Lions Club. People who operate opportunity shops do a wonderful job, so I am very pleased that clarification has been provided and that the fear campaign can be put to an end. I also add my voice to those of others and reassure the previous speaker that the provisions in question do not apply to opportunity shops. The government will be writing to established opportunity shops to confirm the above.

We are disappointed that there has been this fear campaign because Vinnies has a store in Ashburton and does a wonderful job, as does the Salvation Army. I know Ashburton Support Services has a terrific opportunity shop just next to the station in Ashburton, where the old high school used to be many years ago. The shop raises well over $100 000 a year — and it is nearly up to $200 000. That money goes to do things like running and helping to subsidise Meals on Wheels. I know the people involved there. Hal Hobbs is the chairman of Ashburton Support Services. We are working together and will be looking in the future to try to develop an overnight respite centre, particularly for elderly people with dementia and their carers. It is a new project, and Ashburton Support Services is doing a terrific job. Many years ago it was involved in establishing a residential villa for senior Victorians and then went on to develop an aged-care centre. This is what opportunity shops can do. They are leaders in the community. They do wonderful work. The Ashburton Support Services opportunity shop is still there. I would not want the people working there to be in fear because of what the member for Malvern is saying.

Also, Amaroo neighbourhood house in Chadstone is a great neighbourhood house. The Waverley literacy people are there as well. The opportunity shop there helps look after people that really need looking after. I have been in there many times and have spoken to the people there. I go in there and buy the odd raffle ticket to help them out. They do a terrific job as well. I think I am due to go to their Christmas party in about a week's time. These people are the salt of the earth. These are the people in our local community who are working hard in our opportunity shops. As the minister has said, and it has been determined, these provisions do not apply to opportunity shops. It is common sense. The provisions apply to commercial providers where some of the funds they raise go to charity. We want that clearly disclosed.

The other thing that was mentioned — the previous speaker mentioned it — is that we are repealing section 13 of the Fundraising Appeals Act, which prescribes that specific records be kept in relation to clothing bins. I am not sure how long to speak on clothing bins, but sometimes the bins are the scourge of our community. I have often rung up when someone

has lit a fire in clothes left beside a clothing bin. We had some in the Burwood village shops. It took us two or three years but eventually the council was very kind, and the local councillor, Heinz Kreutz — he got re-elected last Saturday, and I want to congratulate him on being re-elected because he is a good man — was very active, along with me and the traders association, in getting rid of the clothing bins in that spot. People just dumped stuff all over the place, which was very unfortunate and led to vandalism and people lighting fires, which was very dangerous.

I also commend the Boroondara City Council, which introduced a new process for dealing with clothing bins. The bins are kept at the council offices and people can go to a number of offices throughout Boroondara to deposit clothing. I think the funds raised from those clothing bins go to Foundation Boroondara.

I can see the member for Doncaster in the house, and I am sure she would appreciate the work of Foundation Boroondara, a fundraising organisation for our community, because she used to be on its board. Recently we both mourned the passing of Ben Bodna, who was the chair of that foundation. We are sad about his passing, but it reminds us that there are many ways of raising funds in our community, and clothing bins are a way of doing that. However, this needs to be properly organised so that the bins do not become, as I said before, a scourge on our community. For example, there are some clothing bins at the Burwood railway station and people often just litter the space around them, particularly at Christmastime.

I urge members of the community who are having a clean out of household items on Boxing Day not to just go down the street and dump it all near the clothing bins. They should exercise a bit more care and responsibility. I hope the people responsible for these clothing bins have a few people working in the week after Christmas to clear the bins at that time. I know this is not exactly on the bill, but it does deal with clothing bins, which are a very important part of our community. We need to recycle used clothing.

I know from talking to my kids that the clothing in op shops is quite a fad at the moment. I am sure that the Acting Speaker's daughter dresses herself with clothes from an op shop. They are important and they raise a lot of money. I want to use this opportunity to commend all the people working in op shops in my community. More strength to their arm! They perform a valuable role and the funds they raise really help us right throughout our community, and I note that this bill improves things in terms of fundraising appeals.

In the 30 seconds I have left I note that the bill amends the Warehousemen's Liens Act, and I am sure the member for Mildura would be able to help us out in terms of demonstrating the effect of similar legislation in New South Wales which has guided the drafting of this bill. I hope he will be speaking on this legislation. I commend the bill to the house.

The ACTING SPEAKER (Ms Munt) — Order! I advise the member for Burwood that it is called vintage clothing — and it is hot!

Mr BLACKWOOD (Narracan) — I rise to speak on the Fundraising Appeals and Consumer Acts Amendment Bill. The purpose of this bill is to amend the Fundraising Appeals Act 1998, the Goods Act 1958 and the Warehousemen's Liens Act 1958.

The bill introduces disclosure requirements for fundraisers to increase transparency for the donating public. It is intended to reduce the regulatory burden on fundraisers and seeks to improve the administrative power of the director of Consumer Affairs Victoria.

The main provisions in the bill change the name of the act by removing the word 'Appeals' and inserting an object provision, as well as clarifying that all commercial fundraisers are required to register with Consumer Affairs Victoria. Where a fundraiser represents that a portion of money received for goods or services is to be applied for fundraising purposes, the dollar or percentage amount of funds raised must be disclosed in writing before the contract is entered into.

The bill increases the default period of registration for fundraisers from 12 months to three years and empowers the director of Consumer Affairs Victoria to reduce the duration of registration for a fundraiser as an alternative to cancellation. Such a decision may be reviewed by the Victorian Civil and Administrative Tribunal. The bill also provides that the public register maintained by Consumer Affairs Victoria may include total proceeds raised and the percentage of those proceeds that have been or it is estimated will be distributed to the beneficiaries.

In addition, the bill deals with the legal position when goods deposited in a warehouse become intermingled with other goods — for example, grain in a grain store. This follows a New South Wales court case. The amendments seek to set out the legal rights and responsibilities of owners and warehousemen. The bill also provides for the power to make regulations for the testing of security cameras at licensed premises in accordance with prescribed standards.

While in principle I support the changes and updates in the Fundraising Appeals and Consumer Acts Amendment Bill, I feel that again it has fallen well short of making it easier for small rural community groups to conduct fundraising events. Of particular concern are two features of the bill regarding disclosure requirements that must be met under the legislation. There is a danger that the new sections of the bill regarding disclosure of the portion of funds from goods and services directed to fundraising will become more of a constraint to the fundraising efforts of small community groups and not-for-profit retail outlets such as op shops.

Opportunity shops are volunteer driven, and these new regulations will require unnecessary extra administration in the running of their community benefit businesses. They will have to calculate the percentage of money that goes to charity on each item in the shop and disclose this in writing. It is of concern that the policing of compliance with the new legislation may be carried out in a manner that is going to discourage small country community groups from running raffles and fundraising events.

A recent incident in my electorate of Narracan concerns a raffle conducted by the Neerim Adult Equestrian Club which became the subject of an illegal gambling investigation by the Victorian Commission for Gambling Regulation (VCGR). This small rural group of 40 or so members was not aware of the rules and regulations regarding the conduct of raffles and fundraising activities. Its members were completely bewildered by the approach taken towards them by the VCGR. An advertisement placed in a local paper was picked up by the VCGR and deemed to be for a raffle that was not authorised.

While the group was not aware of any wrongdoing and was understandably shocked at the action it was threatened with, most disconcerting was its apparent treatment by the VCGR and the heavy-handed approach taken towards the group during the investigation.

Rather than taking an educational approach, which was clearly needed in this circumstance as the group's mistake stemmed from a lack of knowledge regarding the legislation governing its conduct, inappropriate verbal enforcement was instead pursued. Letters to the Neerim Adult Equestrian Club from the VCGR supplied to me by the club used words such as 'investigation' rather than 'review' and 'prosecution' rather than 'education', clearly giving the impression that it was dealing with criminals rather than with a volunteer community group that was more than willing to comply with any direction from the VCGR.

The situation I have outlined clearly demonstrates why this bill needs to provide clarity and transparency for not-for-profit groups and those responsible for regulating these groups. I am concerned at the way this legislation is going to be administered and the impact this will have on the ability and keenness of small community groups to engage in fundraising activities in the future.

On behalf of the Neerim Adult Equestrian Club I wrote to the Minister for Consumer Affairs and highlighted the totally inappropriate manner in which this group was treated by the VCGR. The response I received was very weak. It did nothing to put the concerns of the club to rest and nothing to assure them that the future conduct of raffles can be carried out without the fear of prosecution. It referred to nothing which will facilitate education and assistance for these small rural community groups, to give them the confidence to keep up the good work they already do.

I am concerned that it will just get too hard for these groups to operate and will bring an end to the extremely valuable contribution they make in their communities. I will not be opposing this legislation. However, I ask the government to consider the impact that these amendments could potentially have on smaller, volunteer-based community groups that rely on fundraising for their financial viability.

Mr TREZISE (Geelong) — I am pleased to be speaking in support of this important bill before the house this afternoon, because it reflects the Brumby government's commitment to the thousands of community organisations and charitable organisations within our communities which rely on fundraising in providing their important services throughout Victoria — whether it be a sporting club, church or any other community or charitable organisation.

The bill also reflects the government's commitment to transparency in ensuring that the general public, or in this case the donating public, knows clearly where their donations are actually going when they donate their hard-earned dollars. This is an important bill because as members know, most community organisations and charitable organisations rely on the funds they raise to provide important services in our communities.

Within my electorate of Geelong, as with all other communities throughout Victoria, we rely heavily on our volunteers in community organisations. I often think what would happen to the fabric of Geelong or

what would happen to the vulnerable in the community — the young or the elderly — if a charitable organisation failed to exist. As you are well aware, Acting Speaker, it is not too hard to imagine that many thousands, if not an entire community, would suffer intolerably if those charities failed to exist. Thus it is imperative that this Brumby government supports these groups through its bill. This bill supports those groups.

I, probably like most members, have spent many hours raising funds for a local sporting club, a local community organisation, and I have also raised many thousands of dollars for charity organisations in our community. I know all too well the hard work and long hours that people put in when raising those important funds. Thus it is important that we provide further support or further clarification in assisting to raise those funds. This bill does that in an important way.

I also take the opportunity to congratulate the member for Narre Warren for his work in conducting the public review — I think it was three or four years ago — into fundraising in Victoria, which has led to a number of amendments contained in this bill.

A number of individual constituents from within my electorate contributed to the review, and one gentleman in particular took great interest in the review that was conducted by the member for Narre Warren North. He was pleased and impressed with the genuine interest that the member took in considering my constituent's views.

I will mention a concern raised by a constituent from my electorate. When working with him I knew he was particularly concerned about the percentage of donated funds that were actually flowing through to an intended beneficiary. His concern was: what amount was actually going into the pockets of professional fundraisers, generally interstate-based professional fundraisers, and what percentage was going into the pockets or the coffers of a particular club or organisation, under which the fundraising was occurring, and what amount eventually flowed through to the advertised charity or to the advertised beneficiaries? His concern was that a large percentage went into the pockets of the professional fundraisers, which in that case were based in Queensland.

I am pleased to note that the bill addresses this issue in detail. In raising funds, fundraisers now must estimate and disclose publicly what percentage of the funds will actually go to the nominated beneficiaries. It will provide to those prepared to donate their hard-earned dollars a clear indication of where the funds are actually going and what percentage is going into the pockets of the fundraisers.

Importantly, the bill also eases the regulatory burden on fundraisers by eliminating the need for charitable organisations like the Salvation Army, or the Brotherhood of St Laurence in my electorate, to label and keep records on clothing bins. Charitable organisations looking to raise funds through the sale of donated clothing are competing with commercial bin operators, and they are at a disadvantage because of the current recording requirements that they keep. This bill eliminates this disadvantage, and therefore I support this amending bill, because it is in turn supporting our local charitable organisations, which do a great job.

This is important legislation. It is supportive of the important work that community organisations, sporting clubs and charitable organisations do in their fundraising, whilst making fundraising more transparent for people who are prepared to donate. With those few words, I wish the bill a speedy passage through this house.

Mr WELLER (Rodney) — I rise tonight to speak about the Fundraising Appeals and Consumer Acts Amendment Bill 2008. The purpose of the bill is to amend the Fundraising Appeals Act 1998, to insert an objective provision to require the disclosure of the proportion of funds directed to fundraising that are received from the supply of goods or services, to enable the director of consumer affairs to reduce the duration of a fundraiser's registration, to amend the Goods Act 1958 and the Warehousemen's Liens Act 1958 relating to contracts of sale for goods forming part of a bulk quantity where such goods are deposited with warehousemen and to provide for prescription of standards for the testing of security cameras in licensed premises et cetera.

This is a very important bill for my electorate in northern Victoria which has been subject to ongoing drought for many years now — people say the drought goes as far back as 1994. Churches and charities such as St Luke's and now Vinnies have been raising money through their op shops and supporting families of the entire district who need support through these tough times. It is important that we get this bill right and do not undermine the ability of those charities to provide substantial support to local communities through tough times.

It goes further. The Cohuna historical museum has an op shop that trades in vintage goods. People go there and the money raised is used to develop the museum which shows the rich history of that area, including the

old logging mills and what happened when irrigation came to that district. The museum has benefited substantially from the raising of money from the op shop.

We also have many churches in our area which support a lot of families through these tough times, and we all know the remarkable job that churches do in supporting needy people in the community.

Indeed there are other fundraising roles in the electorate of Rodney. The Kyabram hospital is currently running a fundraiser to raise $1.5 million for extensions to the hospital in the aged care area. That $1.5 million would take the amount the hospital has raised up to something like $14 million, which has been spent over the last 10 years on the development of hospital services for that community. The hospital is very proud of its fundraising.

We do not want to get the provisions of this bill wrong so that the Kyabram hospital's fundraising is affected. We have to make sure the bill is right. The member for Burwood has assured us that op shops are not going to be undermined by this legislation. I take it that the minister will indeed clarify that in his summing up of debate on the bill.

As I mentioned before, another part of this bill involves amendments to the Warehousemen's Liens Act 1958. This is a very important part. It stems from a case in New South Wales in 2005. Creasy Grain Enterprises went into receivership and the liquidators relied on the provisions within the then New South Wales legislation, which were similar to those in Victoria's current legislation, and claimed ownership of the warehouse grain. We do not want to have this being repeated here in Victoria, so I support the amendments in the bill when it comes to the stored grain. The only problem is that the case was back in 2005 and if I am not mistaken we are now in December 2008. Why have we let this go for so long?

I note in the second-reading speech that the minister says:

> The amendments are consistent with broader Victorian government policy for strengthening regional Victoria.
>
> They provide legal certainty for grain growers and other rural producers of commingled and bulk goods concerning their title in those goods in the event of insolvency of a bulk storage operator.

This is all well and good, but why is it that we have waited since 2005 to give those grain growers certainty? Why is it that the government has said, 'Well, the grain growers can go onto the backburner until we get through all the other problems'? Obviously they are not a priority for this government and have been put to the back of the queue and unnecessarily been left exposed for the last three years.

If strengthening regional Victoria is a priority, why was this not done in 2006? We hear quite often in this house that we benchmark ourselves against other states, so why did we not introduce legislation in December 2006 like New South Wales did? New South Wales put legislation through to secure grain growers' ownership of commingled products in December 2006. Yet here in Victoria we have had to wait until December 2008 for similar legislation to be brought into the Parliament. I think this just shows the government's contempt and lack of priorities for country Victoria.

We have talked about op shops and the member for Burwood has given assurances, but we need to have the minister in his summing up give assurances that op shops will not be affected in a detrimental way. Op shops are most important to all of the towns and communities of my electorate.

As I have said, I support the amendments to the Warehousemen's Liens Act, and I will not oppose the bill, but we want to make sure that the minister, in his summing up, clarifies that there is indeed no downside for the charities that operate in my electorate.

Mr HERBERT (Eltham) — It is a great pleasure to speak today on the Fundraising Appeals and Consumer Acts Amendment Bill 2008. Following on from the contribution of the member opposite, I have absolute confidence that the very hardworking volunteers in our op shops — I have got a few op shops in Eltham, and I think all of us have quite a few in our electorates — will in no way be disadvantaged by this bill and will continue to operate and provide a fantastic service as they have done for many decades. They will be doing it long into the future. My children buy a lot of their clothing from op shops. They certainly wear those clothes by choice, not by necessity. They would have nothing to do with any disadvantage to op shops.

This bill is designed to enhance community and donor confidence in fundraising and transparency in fundraising activities. Transparency is something that is important because anyone who watches the programs after the news on our popular TV stations will note there is always some scandal about a fundraising activity. Some of them are beat-ups, but the issue comes down to transparency so people know when they give money that they can have every confidence that a fair and reasonable percentage of it will go to the charity.

The bill also amends the Warehousemen's Liens Act 1958 and the Goods Act 1958 to protect suppliers and purchasers of commingled goods. This is particularly important when bulk storage operators go into liquidation, with the difficulties that can exist regarding the ownership of those goods.

This bill comes to the Parliament following extensive consultation with a broad range of stakeholders. It is a classic example of the way this government goes about building legislation and change in the community. We do not just rush bills like this into the Parliament but we consult, think, act and listen — and then bring reasonable legislation, which has community support, to the Parliament.

This legislation comes after an excellent public review led by the member for Narre Warren North in 2004. It led in July 2004 to a broadbased discussion paper which was released for public consultation — there was nothing secret there. In response to the feedback received on that discussion paper, a more definitive paper — with more details after we had listened to what people had to say — was canvassed with specific reforms and was released in December 2005.

That was followed by further rounds of stakeholder consultation and feedback, which was concluded in February 2006. Over 90 submissions were received in response to the two public discussion papers. The groups involved included Fundraising Institute Australia, the Salvation Army, the Smith Family, Wesley Mission Melbourne, the World Wildlife Fund Australia, the Shane Warne Foundation, the National Breast Cancer Foundation, the National Heart Foundation of Australia and the RSPCA (Royal Society for the Prevention of Cruelty to Animals). All the major stakeholders had a say in what they thought should be in this bill to bring integrity into fundraising activity in this state. What we now see in the legislation is a direct result of what those organisations and individuals put to us.

The bill clarifies that commercial fundraisers as defined in the act must be registered, and removes existing exemptions for the solicitation of bequests. It allows the director of consumer affairs to issue guidelines related to registration conditions, and importantly, it ensures that where a commercial for-profit entity represents that it will distribute a proportion or portion of funds raised in a commercial transaction for fundraising purposes, the percentage of funds or the exact amount be clearly disclosed to the donor.

How crucial is that? If someone says, 'We are doing this. If you buy a car, the money will go to charity'. Let it be clear that it is not going to be just two bob but the exact amount. That is the most important part of the act. It will tell you clearly and specifically when you make a donation and when you engage in that contract how much will go to charity.

The bill also protects the donor from unethical behaviour in other ways. It enables the director to reduce the period of registration of a fundraiser where the fundraiser is in breach of the act or a condition imposed upon the registration — that is, if you are going to be dodgy, they will crack down and get rid of your registration. That is more than fair, and I am sure most people would agree with that.

The bill will ensure that a person who conducts a fundraising appeal using direct debit deduction forms must ensure that the form is easily legible, uses a minimum 10-point font and is clearly expressed. That is important to many people, such as me, who do not always look at the fine print when doing those things. It is no good signing up to something and paying for it with your credit card. We all know that some people will take advantage of any legal loophole for their own financial advantage.

Likewise, there are those out there who donate to charity but who have unrealistic expectations of what it actually costs to raise funds for charity. The level of transparency we have in legislation about the money, where it goes and how it is clarified is important, not just for the donor but for the protection of the fundraiser.

This is an important bill. I conclude my contribution by saying that the Eltham electorate is made up of people of great generosity. It is a fairly affluent electorate but people have their own bills to pay and families to look after; yet time and time again hundreds if not thousands of people volunteer to give their services for the benefit of other organisations.

I note that near where I live, at the major intersection of Bridge Street and Main Road, nearly every week people are rattling cans for sports clubs, charities, the environment, the state emergency service, the Country Fire Authority and many other organisations. A whole host of people are out there giving up their day and rattling their cans to get some money for charity. That is fantastic and ought to be commended, and I hope the bill strengthens that process.

There is no greater example of the generosity of people not just in my electorate but right across Victoria than the Good Friday appeal. I doubt there would be anyone in Victoria who has not donated, gone to a function,

been to a pub where an auction has been held, been to some event, gone past a person rattling a can or had someone knock on their door raising money for that appeal. It raises hundreds of thousands of dollars each year and it does a great job for the children's hospital; no-one ever quibbles about it. Everyone kicks in a few bob or a few dollars, partakes in the auction and gives money.

That is the sort of spirit we have in Victoria. That is the sort of spirit this legislation protects and is designed to protect, and will do a lot more to help those organisations with their transparency and their raising of extra funds. I commend the bill to the house.

Sitting suspended 6.30 p.m. until 8.03 p.m.

Mr CRISP (Mildura) — I rise today to speak on the Fundraising Appeals and Consumer Acts Amendment Bill 2008. Much has been said on the fundraising aspect of the bill, and I will open very quickly by paying tribute to those many organisations involved in fundraising in my electorate, particularly the Salvation Army, the Red Cross and all those others who run our numerous op shops and so on. Much has been said about that, and I think the people of Mildura will welcome the transparency in the fundraising section of this bill. They will welcome knowing just where the money they give is going to go and who is getting how much of the fees involved in relevant services.

The second part of this bill is very interesting. It will amend the Goods Act 1958 and the Warehousemen's Liens Act 1958 relating to contracts of sale for goods forming part of a bulk quantity where such goods are deposited with warehousemen. That is the area that is very important to my electorate, and we very much welcome the focus of this bill on the position where goods deposited in a warehouse become intermingled with other goods, for example grain in a grain store. Following a New South Wales court case, the amendments seek to set out legal rights and responsibilities of owners and warehousemen.

The bill also provides the power to make regulations for testing of the security cameras in licensed premises, but that is not the area I want to focus on. I want to focus on the importance of this legislation to grain growers in my electorate. Currently a grain crop is being harvested in northern Victoria. We are in a drought sequence, and the yields are lower, but there is still significant — —

Honourable members interjecting.

The ACTING SPEAKER (Dr Sykes) — Order! Can we please give the member for Mildura the opportunity to speak with much less audible noise?

Mr CRISP — The grain crop in northern Victoria will be significant to Victoria's needs and perhaps even significant to the world's needs, so even though we are in a drought sequence, we have grain to offer. However, currently prices for grain are lower than one would expect in a drought sequence, and they are lower than they were this time last year. This is causing some difficulties and stress amongst grain growers, so they are looking for risk management strategies in order to maximise the return for their grain. If they are going to sow next autumn — and hopefully the rain will be good enough next autumn to allow that — they will need to receive the maximum possible income to do so.

With low prices, the question is what risk strategies are available to go about supplying a hungry world in a post-single-desk environment that has no buyer of last resort available to prop up the market. Thus many growers are choosing to warehouse. This is a risk management strategy additional to storing grain on a grower's property. Most people who have travelled in the country would have seen the silos in which grain is stored on farms. Also when people are travelling and see large white sausages in a paddock, they are seeing another new method of storing grain on farms. The warehousing is a new strategy that forms part of growers' risk management, and the bill addresses one of those risks, and it is an important one. No grower in a drought sequence can afford the experience that has occurred elsewhere, so this is a welcome amendment. To minimise that risk, warehousing is important.

There are other risks, however, that growers need to be able to manage. With transport in particular, wherever the grain is warehoused it needs to be moved economically as part of that warehousing process. Effective warehousing is dependent on being able to freight your grain from the warehouse. I have met recently with some grain growers concerned about the availability of that transport. Over a couple of Sunday afternoons at Murrayville I met with some grain growers who were sitting down working out their risks. They were looking at on-farm storage and at warehousing and were trying to work out the best way to go about things.

The problem up there is that we have a rail line that is scheduled for repair and upgrade, yet we do not have a timetable for that. What would make assessing the warehousing risk much more manageable for the growers in northern Victoria would be to have a timetable from the Minister for Public Transport so they would know when the rail will be available to move their crop out of northern Victoria. They could make a warehousing decision for Murrayville at the end of the line, or to pay now to truck the grain to another

warehouse in order to try to manage these risks. The rail line upgrade announced by the minister, and which was welcomed in the Murrayville region, is now vitally important in managing a risk strategy for warehousing.

Also the amendments to the Warehousemen's Liens Act in the bill have been supported by the Victorian Farmers Federation. It has taken time to contact me and my colleagues to talk about the importance of this, because it too, within the grains group, recognises the importance of an effective warehousing strategy.

Because of the importance of this strategy and of having effective transport out of the warehousing facilities in northern Victoria, The Nationals in coalition support the bill.

Mr WALSH (Swan Hill) — I would like to make a short contribution on the Fundraising Appeals and Consumer Acts Amendment Bill. Like the previous speaker, the member for Mildura, I do not want to make much of a contribution on the fundraising side, but I would like to put on the record, as he did, the great effort that quite a few organisations in my electorate make. Particularly the St Vincent de Paul Society — now known as Vinnies — St Luke's and the Salvos do a great job for the communities there through fundraising.

The bill is not aimed at what they do; rather it is aimed at some of the other fundraising organisations that take a large percentage out of what they actually raise. The bill is about making sure there is some transparency, so if there is an official fundraiser out there, people know how much money is being taken out of it for administrative costs.

I want to focus particularly on the changes to the Goods Act and the Warehousemen's Liens Act. It is interesting that the bill is introduced into the house by a Labor government, and later I will talk about the time frame it has taken to get here, but if you look back in the recent history of the grains industry, we have had statutory marketing authorities when there was probably not the need for this sort of legislation previously.

Most grain was acquired by the statutory marketing authorities, whether it be through ABB Grain or the Australian Barley Board, as it used to be called, or AWB, which used to be known as the Australian Wheat Board. Both those organisations served a very useful purpose for the grains industry over a period of some 50 years. It was disappointing when a number of years ago this same Labor government deregulated the barley industry in Victoria, and the now Premier was one of the driving forces behind doing that.

At the time I do not think logic had anything to do with the decision that was made; it was very much about politics, which was very sad for the grain growers. At the time a poll was conducted of the barley growers in Victoria; something like 80 per cent of the growers who replied to the poll said they wanted to keep some form of statutory marketing for the barley industry in Victoria. That happened in the barley industry.

We all know the sad tale of what the Rudd federal Labor government has done to AWB. The Australian Wheat Board has been a proud icon of grain marketing right around the world for Australia and has made sure that Australian growers have got the best possible returns in a corrupt international grain market. One of the things I cannot understand is that when you have multiple buyers in the countries that you are trying to sell to or you have statutory buying authorities in those countries, why we would want to make sure we have multiple sellers out of Australia.

The model that we had with AWB, and the wheat board before that, served us very well; it maximised the price for Australian growers. If you have multiple sellers out of Australia and you have a single buyer in some particularly controlled economy countries or you have multiple buyers in those countries, they will bid down the price as to what the Australian growers will receive. What happened with AWB in getting some collective marketing and the best possible price for Australian growers was a very sad day.

The other advantage of it, as the member for Mildura said, was that AWB was the buyer of last resort. When things were difficult, AWB would always buy the grain, and it would be pooled. AWB could average it over a period of time and manage the financial risk and the currency risk in grain trading. Those who have followed how AWB operated in more recent years will know it actually made more out of its currency transactions than it did out of handling grain, because it was able to manage that risk.

Last year quite a few wheat growers were significantly financially disadvantaged because they took on the role of trying to manage their risk, both with currency and with grain price, and they took out contracts. As we all know, because of the devastating drought a lot of growers were unable to fill those contracts and were left with bills of hundreds of thousands of dollars, which put significant financial strain on quite a few growers across Victoria but particularly in my electorate, where the drought has probably been at its worst for the last couple of years.

We have gone from having three generations of farmers who have grown up with statutory marketing and relied on the statutory marketing authorities to manage that risk to farmers now trying to manage their own risk in a very sophisticated market that they do not necessarily understand all that well.

This change to the Warehousemen's Liens Act makes sure that when a grain grower warehouses his grain with a particular business and he is of the belief that it has not changed hands, he can get it back again in the event that the business goes bankrupt. There was a case in New South Wales involving a bulk handler called Creasy's Grain Enterprises which went bankrupt. It had attempted to use stored grain as collateral to keep its business afloat, and the growers who had grain in there ended up being unsecured creditors of that business through no fault of their own. They believed the grain in that warehouse was still their grain. When that business went bankrupt they found out that it was not their grain and joined the queue of unsecured creditors of the business, which I assume was very long. I am not sure how many cents in the dollar they were paid, if anything, but no doubt they did most of their money.

These amendments make sure that there are some rules around a grain grower storing their grain in warehousing and knowing that if that warehousing company goes broke, they will get their grain back. That is something the Victorian Farmers Federation grain group raised with the coalition a few weeks ago. It was quite firm that it would like to see these amendments passed, because it believes it is one of the important and necessary steps in a deregulated market.

It is very sad that we have to come to this, because we have lost the statutory marketing authorities we had in the past in the grains industry. Unfortunately life has moved on, and we need to make sure that there are risk management tools around the grains industry that will protect grain growers from a company going bankrupt. There are some other issues where we would like protection for grain growers about managing some other risks with price and currency, but unfortunately that opportunity has gone. We have seen a particular instance of that this year. At sowing time we had very high prices for grain, but because grain growers had their fingers burnt last year they were very hesitant to take out forward hedge contracts. But coming up to harvest we have seen a substantial reduction in the price of grain, one that is probably unexplained because we have a low production year. Unfortunately grain prices have dipped significantly at harvest, and people are now having to store their grain to try to get a better price later on. This piece of legislation is one of the tools that is now going to be in place so that when growers warehouse their grain and that warehouser goes broke, they know they will get that grain back again.

Debate adjourned on motion of Mr LANGDON (Ivanhoe).

Debate adjourned until later this day.

HEALTH SERVICES LEGISLATION AMENDMENT BILL

Second reading

Debate resumed from 29 October; motion of Mr ANDREWS (Minister for Health).

Mrs SHARDEY (Caulfield) — I rise to speak on the Health Services Legislation Amendment Bill. This bill does three things. It amends the Health Services (Conciliation and Review) Act 1987 to provide that members of the Health Services Review Council are appointed for a term of up to three years and for a maximum of nine consecutive years. Secondly, the bill provides for the annual general meeting of a multipurpose service to be held between 1 July and 31 December, as distinct from the end of October.

Thirdly, and probably most importantly, this bill will provide a new regulatory framework for community health centres. This is the most important element of this piece of legislation, which the opposition will support not because it is an inspired piece of legislation but more because the government, and in particular the previous health minister, failed to take appropriate action in relation to the Australian Taxation Office (ATO) interpretation of these organisations and the government's control over them.

The previous Parliamentary Secretary for Health, who is now the Minister for Health, failed to take appropriate action both then and as minister until this time. This issue has gone on for a number of years, and there was ample opportunity to take appropriate action and give some certainty to community health services, which provide very necessary services.

By way of background I will firstly discuss briefly the Health Services Review Council, which is being amended in terms of appointments. The council was established in 1998, at the same time as the Health Services (Conciliation and Review) Act 1987 was passed. It provides for 11 council members to be appointed by the Minister for Health to advise the minister on the health complaints system and the operation of the health services commissioner, who

plays a very important role in providing a means by which those who have concerns in relation to the operation of the health system are able to lodge complaints. Currently a person is appointed for a fixed three-year term but is eligible for reappointment.

The bill also affects multipurpose services (MPSs) that form a subset of small rural health services which already operate under an integrated funding and accountability model across various service types. They are very important organisations in country Victoria. The aim of the multipurpose service program is to improve the provision of services in small rural and remote areas by simplifying funding and accountability mechanisms and by providing a more flexible, coordinated and cost-effective framework for the delivery of service. The concept involves the pooling of state and commonwealth program funds for health and aged services, and this allows the community to reconfigure services to better meet their health needs and to provide staff with flexible work settings and options across a range of services. I have been to a number of MPSs and appreciate and understand that this capacity to pool moneys and then distribute them across a range of services gives enormous flexibility and is very necessary for the provision of services in country Victoria.

The main area of this legislation is to do with community health services. In Victoria these services are used to deliver a wide range of community-based services and are, by and large, funded by the state government and have been for many years. Victoria has 100 community health centres (CHCs) operating from some 400 sites. About 60 per cent of these organisations operate in association with or as part of hospitals or health services. There are about 39 independent or stand-alone services which are currently incorporated under the Associations Incorporation Act. All that is about to change. These CHCs, as I will refer to them, had been recognised as public benevolent institutions or health-promoting charities for the purpose of taxation benefits, which enabled an exemption from the fringe benefits tax of around $30 000 for each staff member and therefore allowed for salary packaging.

The equivalent exemption for hospital staff is around $17 500 per annum. According to government documents, following the implementation of the national tax reform agenda in the year 2000 the Australian Taxation Office reviewed the endorsement of public sector health providers as charities, applying legal definitions and tests. One of these tests was to ascertain whether the body was a government entity or was relevantly controlled by government itself.

The current government was aware of this review and the fact that the ATO expressed a view that it considered stand-alone community health centres to be government entities because of the level of government control over CHCs as a result of legislation passed by the Victorian Labor government when David White was the health minister in 1988. That meant that if the ATO were to bring down a ruling on this issue, it would mean the removal of this tax exemption.

I would like to briefly refer to a bulletin by the peak body, the Victorian Healthcare Association (VHA). This goes back some two and a half years, to June 2006, when this issue was discussed, so it is by no means a new issue. The bulletin states:

> The issue surrounding the PBI —

public benevolent institution —

> status of CHCs arose following an ATO decision to review the tax status of CHS.

CHS stands for community health services. The bulletin continues:

> The ATO has questioned whether CHS PBI status is correct given the legislative regime set out in the Health Services Act 1988 which governs the operations of CHS, particularly given government controls within this legislation.
>
> …
>
> In October 2005 VHA submitted the proposal to the Minister for Health, the Honourable Bronwyn Pike, that suggests changes to the status of CHS such that their charitable status can be maintained.

In the letter dated 25 October 2005 to the minister the VHA highlighted the negative impact a loss of PBI status would have for CHS and the urgency of the matter. To expand on that a little, the second paragraph of the letter written to Minister Pike states:

> A steering group from Community Health Victoria, as the peak body for community health centres, has taken the matter up with the ATO and has obtained legal advice that suggests that community health centres are at risk of losing their charitable status as a result of controls in the Health Services Act. This will have serious financial impact and raises urgent workforce issues. We believe that these matters need to be addressed as a matter of urgency as the financial implications of losing charitable status will have a serious financial impact and workforce losses.

The letter goes on to say:

> The ATO argues that, even though these community health centres are incorporated under the Associations Incorporation Act 1981, because there are controls in the Health Services Act 1988 (such as the power of the secretary of DHS to approve their rules, approve their chief executive officer, appoint an administrator et cetera), then these community

> health centres are under the 'control' of the government and cannot be either public benevolent institutions or health-promoting charities.

And further:

> In addition to losing fringe benefits tax exemption and the imposition of state taxes and local government charges, community health centres will no longer be able to attract donations or bequests as they will lose their deductible gift recipient status.

The letter goes on to say some other things, including:

> We have formulated a proposal and sought comment …

Basically the VHA proposed back then that it was no longer necessary to control or regulate the community health sector through the Health Services Act. It proposed that the secretary should undeclare community health centres under section 45 of the act. I understand and appreciate that the government subsequently received legal advice that undeclaring these organisations would not have solved the problem, but in any event I am trying to point out the fact that the government did understand the problem, and the letter from the VHA exemplified the issues. The letter goes on to say:

> If there are any additional requirements —

apart from the suggestions it had made —

> of DHS we are prepared to work constructively to obtain a solution that will see community health centres retain their charitable status.
>
> …
>
> In summary … Community health centres cannot compete with NGOs and public hospitals to recruit and retain staff in a playing field with such huge differences.

The VHA was proposing what it thought was a simple solution, which in fact was not a solution that was going to work. In any event it was the VHA telling government back in 2005 that there was a serious problem and it needed to be addressed, and it bothered to make some suggestions as to how the government should do this. The VHA got little response from the government over this period of time. The current health minister, who was the parliamentary secretary at the time, was appointed to head up the stand-alone community health centre working group to address the issue, but failed to come up with a solution, even though the Victorian Healthcare Association, as I have suggested, had written a proposal at least trying to deal with the problem.

In April 2007, after the tax office had made its situation very clear, the government informed the Australian Tax Office that it would not be amending the Health Services Act 1988 to remove government controls. The ATO had completed its final review of the issue and wrote to CHCs on 29 February this year informing them of its decision that the final review decision would be effective from 31 March 2008. That is when the crisis and the panic set in. I quote briefly from that letter, which was written on 29 February. The ATO says:

> … we postponed completing our review of the status of the CHCs pending the outcome of approaches to the Minister for Health —

that is, the Victorian Minister for Health —

> to review the legislative controls on the CHCs and agree to necessary amendments to the Health Services Act 1988. Following receipt of advice that the minister had been unwilling to make any such amendments, our comprehensive high-level review has now been completed.
>
> It is our view that the CHCs are governmental organisations, and therefore not entitled to endorsement as tax concession charities … or deductible gift recipient endorsement as public benevolent institutions … or health promotion charities …

I quote briefly from paragraph 50 of the ruling:

> Purely government bodies performing the accepted functions of government operate to promote the welfare of the community generally and are unlikely to be public benevolent institutions. Even where they provide direct relief to those in need, it will be merely incidental to the performance of governmental functions and not public benevolence.

And:

> We consider that the extent of government control of the community health centres provided by the Health Services Act 1988 characterises them as governmental organisations, and neither charitable institutions nor public benevolent institutions.

That letter was written in February this year, and of course that is what accelerated the issue so we have this legislation before us today. That decision confirmed that the ATO viewed CHCs as government organisations and as not being entitled to the exemptions. This meant that as of 31 March CHC employees would lose their fringe benefits tax exemptions, but in addition CHCs would not be eligible for commonwealth funding in the form of special grants to run certain programs, such as homeless programs et cetera.

Some time last year I visited the community health centre at Rosebud, where this issue was raised. The centre was in the process of being taken over and merged with the health centre at Frankston Hospital, and that process has been completed. But the specific effect on employees losing their fringe benefits tax

exemption meant they would not be eligible for salary packaging of some $30 000. Many staff had used this packaging to finance their homes and loans on their cars, so they were going to face some serious problems. It would mean that the sector would face significant staffing losses, probably to hospitals, which retained their exemption of some $17 500 fringe benefits tax exemption. I believe the effect on the community would have been enormous, particularly as community health centres provide a large range of services to the most disadvantaged groups and low-income groups in our community, and really are necessary.

The Brumby government was forced during this period to request a delay. I believe the minister visited the assistant Treasurer at the federal level to ask for the decision not to be implemented to give the Victorian government time to deal with the situation. In the end the Brumby government has been forced to amend its legislation to reduce the level of state government control over community health centres.

In pursuing its agenda, a discussion paper, which detailed three options, was made available on 5 June this year — even though the sector had only something like 15 days to respond to the paper; replies had to be made by 20 June. Nevertheless the discussion paper offered three options.

The first one was a new legislative model, which we are seeing here today — that is, to become registered community health services; the second was that charitable non-government organisations not register under the Health Services Act and not be eligible to receive primary and dental services funding; and the third option was an amalgamation with public hospitals.

The main provisions of the bill, which are to bring about the implementation mostly of model 1, remove the existing controls over community health centres contained within the 1988 act. Specifically, the second reading states:

> The bill removes existing legislative controls over community health centres contained in the Health Services Act 1988.

This is addressed in the bill in part 3, clause 6, under 'Definitions' in subclauses (1)(a), (b) and (c), and (2) and (3). This means that the definition of 'Community health centre' is repealed and replaced by the definition of 'Registered community health centre'. It is referring to a community health centre registered under division 6 of part 3.

The second-reading speech states:

> … the government will no longer be involved in appointing community health board members or the CEO. It will no longer have the ability to direct the registered community health service to do certain things such as alter its constitution or amalgamate with another registered funded agency.

This is addressing the bill under clause 8 in part 3, where it states:

> For Division 6 of Part 3 of the Health Services Act 1988 substitute —
>
> Division 6 — Registered community health centres.

Proposed sections 45 to 57D in new division 6, concerning registered community health centres, details all those areas that will now control community health centres. That will apply from the application for registration, the registration criteria, the conditions for registration, the reasons why there would be a refusal for registration, the minister's ability to determine performance standards, the ability of the secretary to give directions, issues to do with the failure to comply with the secretary's direction, the secretary's ability to revoke registration, the appointment of an administrator, the cancellation of registration, the application for review of many of these things to VCAT (Victorian Civil and Administrative Tribunal), voluntary amalgamations, annual meetings and so on.

In summary, the bill provides for the voluntary registration of organisations that provide government-funded community health services. CHCs that register will be eligible for funding for community health and dental health services subject to this new monitoring regime and governance framework that involves registration, which will be a one-off process. The secretary of the department will have the power to revoke registration, as I have mentioned, under certain circumstances, which are mainly related to performance.

The Department of Human Services (DHS) will manage the registration system against registration criteria outlined in the act, as I have said, with an appeal process to VCAT for a refusal to register. Agencies must now be companies limited by guarantee. Finally, an administrator can be appointed by the minister if there is a failure to meet performance standards.

In general terms I have outlined the new regime that has been introduced by this piece of legislation. Some concerns are still being raised with me, and I go back to the fact that this issue should not have been allowed to get to this point. There is still some concern. The Victorian Healthcare Association is seeking from the minister confirmation that the bill has been discussed with the Australian Taxation Office, and that there is some confidence that the dialogue that has occurred means that these arrangements and this new legislation

will in fact do the job; that the ATO is satisfied that the changes in the legislation will remove any doubt about the status of these organisations, and that their salary packaging and their fringe benefit tax exemption will continue.

The VHA also notes the absence of a proclamation date, and it is concerned that proclamation be scheduled on a date prior to the end of the current FBT year, which is 31 March 2009, to enable CHCs to transition within the current taxation year.

While I understand we are probably not going into the consideration-in-detail stage on this piece of legislation, I do ask that the minister, in summarising, address those two issues to give some confidence to those who are asking the questions.

In relation to multipurpose services, clause 10 of the bill allows such services to hold their annual general meetings before 31 December rather than 31 October, as applies to public hospitals and public health services, and I suppose the one question I would ask — and maybe the minister can give me a commitment here — is that we will never see the situation where annual reports will be held over until annual general meetings have occurred.

I think he gets the point that in 2010, when an election will be held in November, it is most important that annual reports be tabled prior to that election taking place; then those reports will be available for consideration by the community at large and other parties. Therefore I ask the minister for that commitment.

In relation to the Health Services Review Council, clauses 4 and 5 of the bill provide for the insertion of two subsections into the Health Services (Conciliation and Review) Act 1987. New sections 12(6) and 12(6A) clarify that the minister may appoint a member for a specified three-year period and the member may be reappointed but not for a period exceeding nine consecutive years. It seems a very small change, but I am told it will offer flexibility. Therefore we support this change.

In summary, generally speaking the coalition supports the bill, but the reason for our support on this occasion is not because it is such an inspired piece of legislation but because we strongly support community health centres. We believe they have been dragged through a very difficult process — one that they should not have had to endure.

The process put the services and the jobs of people working in those organisations at risk, and certainly all the community health centres I have visited over the time I have been shadow minister, and previously, have convinced me that they have a very strong role to play in providing much-needed services in our community.

Of course there are times when we raise concerns in relation to the funding of some of those services, particularly dental services, and that issue continues with not only very long waiting lists but long waiting times. I believe there are many issues to be addressed in relation to the funding of these services, but we hope that some surety will now be put in place so that the funding of these services can be maintained and improved and that the community can rely upon community health centres for the services which have served them to date. With those comments, I wish the bill a speedy passage.

Mr SCOTT (Preston) — I am greatly pleased to rise to support the Health Services Legislation Amendment Bill 2008. This is a subject close to my heart, as prior to entering Parliament I was lucky enough to serve on the board of the Darebin community health centre. The centre is a fine organisation that has served many members of the community, particularly those who are disadvantaged.

In my brief contribution I will focus on the amendments to the Health Services Act that provide for a new regulatory framework for community health centres. Obviously, as was mentioned by the previous speaker, significant issues have arisen as a result of rulings by the ATO (Australian Taxation Office) stemming from the governance arrangements for community health centres, in particular the involvement of the government in the appointment of at least two board members by the Governor in Council, the requirement for the approval of the Secretary of the Department of Human Services for the appointment of community health centre chief executive officers and the provisions allowing the Governor in Council to remove a member of a board of a community health centre or make a number of other changes.

The ATO review sought to remove the charitable status of independent community health centres for tax purposes. This was a very serious issue for health services, and as a former treasurer of a community health centre I know it was an issue that impacted quite seriously on staffing arrangements in particular. As has been previously indicated, community health centres rely upon salary sacrificing arrangements in order to fund staffing of allied health professionals in particular and others whose salaries are subsidised through that process. As was stated previously, without that charitable status and that exemption from fringe

benefits tax of up to $30 000 there would be a serious impact on the ability of community health services to provide the services they do in our community.

It is useful to touch upon the Darebin Community Health Service as an example of a community health centre that provides a range of services, such as chronic disease management; counselling and casework; dental services, which are the biggest single service item provided at the Darebin Community Health Service; diabetes education; health promotion; medical promotion; mental health services; needle exchange; and nutrition. There was a particular focus on chronic disease management and prevention activities. This was a wonderful service provided to the community, particularly to those disadvantaged members of my electorate in the East Preston area, where one of the centres of the Darebin Community Health Service was located.

Just as an aside on this bill, I take the opportunity to pay tribute to Ralph Muir, who passed away a few years ago. Ralph provided 32 years of service to community health at the East Preston community health centre and later the Darebin Community Health Service. Those sorts of people would see the benefit of this legislation. I noted the comments of the previous speaker about the minister. I must say in conclusion that the minister is someone who is deeply committed to community health, and this bill demonstrates that commitment amply. I commend the bill to the house.

Mr CRISP (Mildura) — I rise to speak on the Health Services Legislation Amendment Bill. The purpose of the bill is to change the structure of community health centres to enable them to continue to maintain their favourable federal tax determinations. The minister will no longer appoint community health service boards and chief executive officers. Registration of community health services with the Department of Human Services will be required in order for them to continue to receive government funding. The minister will retain the right to appoint an administrator. Community health services will become companies limited by guarantee, which have higher reporting responsibilities than the current incorporated associations. Multipurpose services will be allowed to hold their annual general meetings by 30 December rather than 31 October, to be consistent with other health organisations and to provide appointment flexibility for the Health Services Review Council.

I am going to focus very much on the two areas of particular interest to me — community health services and multipurpose services. Community health services are a very important part of rural health. They provide a huge number of services to our rural communities throughout Victoria. Victoria has around 100 community health centres operating at 400 sites. Sixty per cent of those operate in association with or as part of hospitals and health services, and 38 are independent or stand-alone centres incorporated under the Associations Incorporation Act. Sunraysia Community Health Services is one such centre, and that is the primary service within my electorate.

Community health services have been recognised as public benevolent institutions or health-promoting charities for the purposes of taxation benefits, which enables them to claim an exemption from FBT (fringe benefits tax) of $30 000 for each staff member. The equivalent exemption for hospital staff is about $17 500. These organisations have had some difficulties since the Australian Taxation Office announced it would bring down a ruling on this issue which would mean the removal of that tax exemption. The ATO completed its final review of this issue and wrote to community health services on 29 February 2008 informing them of its decision, which was to be effective from 31 March 2008. That certainly got things going. That is when the file on this issue at my office suddenly became very thick. Community health services started to involve not only their local members but also their peak bodies, including the Victorian Healthcare Association. It too started writing to various members supported by documentation from the community health centres.

In my electorate Sunraysia Community Health Services was quite quick off the mark, and I received its letter in February. The letter states:

> The revocation by the ATO of the DGR, PBI, TCC and HPC —

deductible gift recipient, public benevolent institution, tax concession charities and health promotion charities —

> status of CHCs —

community health centres —

> removes the access that CHCs have to fringe benefits tax exemptions. The loss of the capped FBT exemption will significantly impact current staff retention capacity …

That is what was really important: the threat to country areas was the loss of those valuable staff. By way of indication, the staff were to lose around a $5000 to $8000 after-tax benefit and around 60 staff at Mildura were going to be affected.

Where to from there? In my experience the best staff you have is the one you have already got, so the government needed to act. As part of the lobbying process the concerns were well laid out, including the loss of income for a large number of people working in our electorates and the individual hardship that would cause as people left and moved to other jobs. Sunraysia Community Health Services went through a large number of services that it offers, and it pointed out that the Victorian service is unique in Australian health care and that reform was required.

That reform has been undertaken, and here we are today. Naturally it would have been better if it had been done more quickly, but it has been done and our health services have been preserved. At this juncture I would like to pay tribute to Sunraysia Community Health Services. It does a marvellous job for a large part of the community. It has a building program which is very ambitious and which I am always anxious to lobby for. The Minister for Health and I have had discussions as that program has moved along, and I am very pleased there will shortly be a start made on the new building, which will centralise administration and dentistry for an organisation that is spread out across a half a dozen sites. That is very welcome news for Mildura.

Now I will move to the concept of multipurpose services (MPS), which is also extremely important. Multipurpose services are a subset of small rural health services that operate under integrated funding and accountability models across service types. The aim of the MPS program is to improve the provision of services in rural and remote areas by simplifying the funding and accountability mechanisms and providing a more flexible, coordinated and cost-effective framework for service delivery. The concept involves pooling of state and commonwealth programs for health and aged services. This allows the community to reconfigure the services to best meet the needs of staff and to set community goals.

My experience with multipurpose services goes back to around 1992, when I was involved in the development of a model in another state. These services have been extremely important to rural communities, particularly in Victoria. Communities work together with multipurpose services, and an excellent example of a community working together in my electorate is at Robinvale. It is vital for small communities to be able to continue to provide health services and to overcome the silo mentality in the delivery of services. It is in that context that multipurpose services have shone through. Local priorities can be identified and met by multipurpose services. An example of the pooling together of commonwealth and state funding has occurred at Robinvale. That has given the community some flexibility to meet the changing needs for dialysis, for example. When dialysis is required, it can be supplied; when it is not required, that money can be diverted to aged care or even to some very creative maternity services. Robinvale is an excellent example of the way multipurpose services provide some security in a community. The observation has been made that multipurpose services are extremely difficult to get organised. The complexity of asking the commonwealth, the state and the community to get together and hammer out an agreement is not be underestimated. However, it is as difficult to undo as it is to do, so once it is done you have enormous security for your community. Also, with that involvement of the local community you are building skills by utilising people from your local community to act in an advisory capacity in these roles. They are generally very well managed and meet the peaks and troughs of their communities needs while at the same time building up the skill base of people within the community so they can accept responsible roles and understand all the issues that come with delivering services.

The arrangements are only a small change to the reporting requirements, but the change takes away the problems of annual reports having to be rushed or delayed depending on the requirement. Again, I put on the record that the Robinvale service is an outstanding multipurpose service and that what has been achieved for that community is quite remarkable. With those words, I advise that we will be supporting the bill and wish it a speedy passage.

Mr HERBERT (Eltham) — I am pleased to speak on the Health Services Legislation Amendment Bill 2008. I will keep my comments fairly brief, given the time of the evening and the excellent contributions that have been made so far. Essentially the bill enables community health centres to become companies limited by guarantee. It gives them greater flexibility in the structure and appointment of their boards — and the government will no longer be involved in the appointment of boards and chief executive officers. The legislation also improves accountability to the community and introduces a voluntary registration scheme and performance standards to ensure quality of services. These are great initiatives and are a good framework for the way our community health centres should operate.

The genesis of this legislation goes back a little bit to when the commonwealth was reviewing its taxation treatment of employees of community health centres. Like most of the members here, I venture to guess, I was lobbied fairly hard by my local community health

centre — in my case it is the Nillumbik community health centre — about what the impact on it of the commonwealth's proposed changes in taxation treatment to their staff would be. Essentially it would have made it extremely difficult for the centre to continue to attract nurses, dentists, doctors and a whole range of other professionals.

The commonwealth's position seemed to be — and there is no great clarity on this — that it did not view the centres as charitable services, so the taxation treatment benefits of staff of charitable services were going to be withdrawn. That would have had an enormous impact on their staff. Community health centre staff perhaps do not enjoy the high salaries of some other areas of the professions, and the taxation treatment is fairly important for them in attracting high-quality staff. This legislation clearly addresses the commonwealth government's concerns about the independent status of many of the community health centres and should resolve that taxation issue and give greater certainty to the community.

I will not say much more except that, like most members — and I was just talking to the minister about this earlier — I believe community health centres provide an invaluable service to our community. They provide good value for money. They are cost-effective services. They provide fantastic preventive health services across a range of areas and to many people in the community who simply do not have a lot of money to spend on health care. Community health services are in many cases instrumental in extending people's lives and the quality of their lives. Essentially as a government we spend about $250 million a year on community health centres, and that is money really well spent. It is great value for money because it provides a huge amount of help to millions of people across this state. This bill should enable centres to ensure not only that that money is well spent but that they can continue to attract the staff they need and that there is a guarantee for the community that the services they provide will be of a very high quality. I do not wish to say any more except to commend this bill to the house and wish it a speedy passage.

Mr DIXON (Nepean) — As has been indicated, the opposition is supporting this bill. We support it because those in the community health sector think it is great for them. They have lobbied us and spoken to us about this matter, and we think it is well worth supporting.

I will in my contribution say a couple of general things about the sector and about my local community health service in particular. I think the concept of community health services is an excellent one, because it is about health education. Most importantly it is about preventive medicine, preventive treatment and preventive education as well. It is also about affordable health care with a community focus. When you go to your local community health service you see people there who perhaps cannot afford a lot of preventive health treatment and who just get treatment there, but you also see that it has that community focus. People feel welcome there. There are volunteers there and a friendly atmosphere. People who go there know they are valued. They know they are not just a number that is going to be pushed through for a Medicare payment, and that they are there because somebody cares about their health.

Preventive education — whether it be men's health or stroke classes; all the sorts of services that are not readily available from general practitioners — can be accessed at community health services. It is, as I said initially, a wonderful concept. The concept and the sector need to be encouraged and developed, and as the community's needs change and the community changes our community health services should reflect that change.

It has always been interesting — it was one of the things that intrigued me when I first became a member of Parliament — that there is a real preoccupation by Labor Party members with being on boards and running community health services. There were people out getting lists of voters from the neighbours. I saw lists of the members of local community health services, and they were all people living in a street and there were all these groups of family names. I could not work out what the preoccupation was with getting on the boards of community health services. It seemed to be a Labor badge of honour to be a member of one, and if there was anyone that was not one of the family, the numbers were stacked and they were tossed out. I wondered what their real preoccupation was with community health services. I wondered whether it had to do with having that bit of power. But it has always intrigued me, and I have always found it quite amusing.

Putting that aside, it was interesting how to a certain extent that affected my local Peninsula Community Health Service, where the board, which included many Labor activists in my area, did not manage the service well. There was rampant signing of blank cheques which were given to the chief executive officer of the board, who mismanaged that money and spent it. She had a gambling addiction, and the service lost a lot of money. However, it was the mismanagement of the service that really put a hole in the delivery of services there. In the end the board had to resign. That needed to happen, but it was a real blot on the landscape. It put an

end to what had been happening in the local area with regard to the stacking of boards.

When the service had just recovered from that, a proposal was put forward that it merge with Peninsula Health, the local health care network. There was a lot of discussion about that. The staff overwhelmingly thought that it should not happen, the volunteers overwhelmingly did not want that to happen; the clients certainly did not want that to happen and the general community did not want that to happen. Representatives of the staff, the volunteers and the clients had a meeting with the minister and put the case. We were listened to but, as I said, even though not one single person was in favour of it, that enforced merger has taken place.

I pay tribute to those involved in the transition. It is an indication of how wonderful the volunteers are and of their approach to the community that they considered the job to be more important than the structure. The staff and the volunteers had a job to do. They had a vision of what they needed to do and said, 'Right. What is done is done, so let us work to our new future'. They have been working well in the transition period. On top of all that, and in the middle of the transition, the major campus at Rosebud — the Rosebud campus obviously served an area of great poverty; an area with the oldest age profile in Victoria — was burnt down by a firebug.

The Peninsula Community Health Service has had a chequered past, but the volunteers and staff have persevered and worked well with Peninsula Health to set up a new system. There are a lot of ad hoc arrangements at the moment because of the lack of premises, and there are quite large cultural changes to be made, but they are working together to do that. This legislation will give some security and certainty to the staff — the people who are so important in the provision of services through our local community health service. Therefore I welcome what this bill will do, I pay tribute to the staff of the community health service, and I wish them a successful future under the new arrangements.

Ms MUNT (Mordialloc) — I rise to speak in support of the Health Services Legislation Amendment Bill, which has been eagerly awaited by the health service in my electorate, the Central Bayside Community Health Service. I would like to make a few brief comments in support of this bill and explain what it will mean to that service.

Central Bayside Community Health Service at one time was Mordialloc Hospital. It was closed by the previous government and is now our community health service, which does a fantastic job. It has grown from a tiny little service that was commenced in the back room of former Legislative Assembly MP Peter Spyker's electorate office. It later moved to what was basically a derelict building, and then moved to Mordialloc Hospital. It is now one of the state's major providers and one of the largest community health services in Victoria.

There was great alarm, and I had a lot of contact from Chris Fox, the chief executive officer of Central Bayside Community Health Service, when it was mooted that the service would lose its charitable status, because that would have had a devastating effect on its budget. It was worried about having enough money, once it had paid its overhead costs, to pay its staff to keep providing the services it provided so well. Mr Fox contacted me on a number of occasions, and I spoke with the board.

In my contribution to the debate this evening I would like to pay tribute to the Minister for Health because he worked through that process with members and with the health service to try to find some resolution that would mean the service could keep providing all of the services it has been providing.

Central Bayside Community Health Service is central to my community. It provides dental services, diabetes management, a GP and a range of other services. I was speaking to a young woman who lives near me, who had previously been living on the street and needed extensive dental work. She went to the Central Bayside Community Health Service and was provided with that work at no charge. They are the sorts of poor and disadvantaged local residents who can access those sorts of services through that health service.

The board governance will be under its own constitution, and it must register with the Department of Human Services to be eligible to receive government funding. The minister and the department will oversee performance standards and the quality of services so these changes will not mean a dilution of the services that are currently provided to all local residents; they will still be of the very best quality.

I know it will be a great relief to Central Bayside Community Health Service to know that it can continue providing the services it provides so well without the threat of problems with its tax arrangements. I commend the bill to the house.

Mr NORTHE (Morwell) — It gives me great pleasure to make a contribution to the debate on the Health Services Legislation Amendment Bill. As has

been pointed out by a number of previous speakers, this bill changes the structure of community health centres to enable them to continue to maintain favourable federal tax determinations. That means the Minister for Health will no longer appoint community health centre boards and chief executive officers.

Registration of community health centres with the Department of Human Services will be required in order for them to continue receiving government funding. I know from a local perspective that Latrobe Community Health Service is one of the community health services in Victoria that has had some concern about the impact of the Australian Tax Office (ATO) ruling on their operation and business.

This bill will also ensure that the minister retains the right to appoint an administrator. Community health centres will now become companies limited by a guarantee which has higher reporting responsibilities than the current incorporated associations. It will also allow multipurpose services (MPSs) to hold their annual general meetings by 31 December rather than 31 October, to be consistent with other health organisations. On this aspect of the bill, I make the point that Latrobe Community Health Service and a number of community health services across the state want to see this legislation passed through Parliament as quickly as possible.

I am not sure what the government or the minister intend to do in this regard, but I am sure the community health centres would much prefer to have this legislation passed prior to Christmas. If they are forced to wait until it is passed in February next year, it will be almost 12 months since this issue arose. I know that a number of community health centres are very keen to have this legislation passed through Parliament before then.

Another purpose of the bill is to ensure more flexibility in the appointment of members to the health services review council. In my area the Latrobe Community Health Service has its own issues, particularly with fringe benefits tax. A particular example is dental care: it has always been hard for regional areas to attract dental practitioners. Examples of this are in Churchill in my electorate, and Moe in the electorate of Narracan. Some time ago general public-care waiting time for dental practitioners was in the vicinity of 65 months, which is just extraordinary. One of the impediments, or factors, they had to contend with was ensuring they were able to offer substantial rewards to dentists. That is always one of the impediments that regional areas have to contend with, so with the legislation that is before us now it is imperative that we make sure health professionals in regional areas have the option of accessing fringe benefits tax.

Previously a number of members of Parliament, including me, have raised this issue before the house. In March last year the member for Shepparton raised the impact of the Australian Taxation Office ruling on community health centres across Victoria, particularly in regional areas, and the public benevolent institution status that had applied and how it had impacted on the ability to ensure that community health centres were not only able to provide appropriate services but also attract and retain health professionals in their regions.

I notice the Minister for Health is at the table. I want to commend the government, and I hope he listens. In Latrobe we have a redevelopment of the Latrobe Community Health Service to the tune of $21 million, which I supported. That will benefit our region greatly. But it is imperative that this legislation form part of that; if it were not so we would be in real strife. That comes from being able to attract and retain professionals in our region. It is okay to have a great facility in our community which will benefit the Latrobe Valley community greatly, but we have to ensure that we have the right professionals and staff in those areas to provide the appropriate services.

I have had conversations and discussions with not only the management but also the staff of the Latrobe Community Health Service. They have grave concerns about the impact of the ATO ruling on this piece of legislation. At the same time, the staff and the management are very much looking forward to entering those new facilities and delivering great outcomes for the Latrobe Valley community. Unfortunately the statistics from the burden-of-disease study have shown that Latrobe Valley residents have much graver outlooks in terms of health outcomes; life expectancy is much shorter than in other areas. So it is imperative and important that we have appropriate community health services in our region. This legislation is one step in the right direction for our local community health service.

At the same time, as I have said, the community health centres in our region want to see this legislation passed immediately and have grave concerns about that. February next year is far too late for them. I spoke earlier in my address about the appointment of the board and so forth. It will leave them with little lead time to enter into those discussions without this legislation being passed. I know there is a burden upon the Legislative Council this week; however, I hope the minister and the government will seriously consider giving this legislation to the Legislative Council this week so it can be passed for the benefit of community

health centres not only in my electorate but across the board.

In July of this year the Treasurer was in the area and had discussions with the chief executive officer of Latrobe Community Health Services, Ben Leigh; they discussed the Australian Taxation Office ruling. At the time Mr Leigh made very well known to the Treasurer his concerns about the impacts that the ruling had not only on Latrobe Community Health Services but also on its employees and the local community, which possibly had to contend with having fewer services provided in the region.

I have raised this issue with the minister and the government on previous occasions — that is, that they ensure this proposed legislation be passed as quickly as possible so as to give the community health centres some surety and certainty as they move into 2009. From a reasonable perspective it is ensuring that not only does the community have access to appropriate community health services but also that employees of community health centres get their right entitlements, and that there are attractions so that community health centres in Victoria can attract and retain professionals in their regions, to deliver the services they need.

As I mentioned earlier about dental health services, we have an abhorrent waiting list in regional Victoria, particularly in Morwell and Churchill, where we have had general care waiting up to 65 months, which is in excess of five years. That is simply not good enough.

To attract and retain these types of professionals into our regions, there is no doubt that this legislation is a step in the right direction. It is supported by the community health centres across Victoria generally. However, I ask the government to ensure that this legislation is passed immediately.

Mrs MADDIGAN (Essendon) — I am very pleased to rise and support the Health Services Legislation Amendment Bill 2008. As were the health services in the electorates of other members, the community health service in Doutta Galla, in my electorate, was very alarmed at the ruling of the Australian Taxation Office (ATO). I think the action taken by the minister and staff to resolve the concerns raised by that ruling have been greeted very warmly by the staff at the community health centres. We have extremely good staff in our community health centres, and I think the ATO's ruling would certainly have had a significant impact on those staff and their retention at community health services.

I would just like to take the opportunity to pay tribute to the Doutta Galla Community Health Service. The chair of the board is Marlene Shanahan, and she has an excellent board. The chief executive officer, Caz Healy, and her staff work extremely hard to assist the residents of Moonee Valley and the city of Melbourne, and they are extremely highly regarded by residents for the services they provide.

If you reflect on community health services, you realise they were set up with a very strong preventive health role. That was cut back significantly during the Kennett government years when it cut most of the funding for preventive health programs, but I am glad to say that community health centres are now, through the funding models that the current state government has in place, able to increase the provision of preventive health services again. Doutta Galla Community Health Service has done excellent work with some of the newer citizens in the area, particularly African women and youth as well as some of the Middle Eastern people who are now moving into the area.

I think Doutta Galla Community Health Service is an excellent service, and I am glad to have the opportunity to pay tribute to the people involved. The bill before the house will overcome the concerns that were raised by the Australian Taxation Office. I am glad it is being supported by the opposition, and I look forward to its speedy passage through the house.

Mr WAKELING (Ferntree Gully) — It gives me pleasure to rise to speak on the Health Services Legislation Amendment Bill 2008. The bill seeks to do a number of things, including amending the Health Services (Conciliation and Review) Act 1987 to provide that members of the Health Services Review Council are appointed for a term of up to three years and for a maximum of nine consecutive years.

But more importantly, the bill seeks to provide a new regulatory framework for community health centres, and this will obviously deal with the issue of the Australian Taxation Office's ruling in regard to the recognition of community health services vis-a-vis their relationship with state government. I know that many members, particularly on this side of the house, have been very concerned about the way that this government has handled this very important issue. I know the member for Scoresby, who is sitting at the table, shares my concern with respect to the operation of the Knox Community Health Service. As the member for Scoresby would know, it is a fantastic service that provides wonderful services for residents in Knox, and he would also understand that it was deeply concerned about the way in which this government handled the ATO ruling.

The history in relation to this ruling is a sorry and sordid tale, and it dates back almost eight years to when the Australian Taxation Office indicated that as part of a review process it would determine whether community health centres had charity status or were linked to state governments.

The government was aware of the review and the fact that the ATO had expressed the concern that community health services should be stand-alone entities given the fact that the government had direct control over them and that Victoria had legislation in place that provided for that. If the taxation office were to bring down its ruling, it would result in a tax exemption of up to $30 000 per staff member being removed. As honourable members could well understand, that would be deeply concerning to any community health centre, but more particularly it is of great concern to the Knox Community Health Service and my community.

As the member for Morwell pointed out before, there are great problems with the provision of quality staff in rural areas, but there are also great difficulties with the provision of adequate staff in the eastern suburbs of Melbourne. One of the major incentives to provide for quality staff at the Knox Community Health Service was linked to the provision of this FBT (fringe benefits tax) status. There was deep concern about the fact that the government was dragging its feet, and in fact I received delegations from the board and, more importantly, from the then chief executive officer of the organisation, Anne Lyon, on this very important issue.

Through her working parties, organisations and like bodies she had raised this issue with the government without any success. On behalf of the Knox Community Health Service I, too, raised this issue with the government many months ago. But, as has been the experience of most members in this house, those calls fell on deaf ears, and it is only now, after many years of the government being dragged kicking and screaming, that we finally see it actually doing something about this issue.

The current health minister, who is at the table, in his former role as a parliamentary secretary to the then Minister for Health headed up a committee, a working group, to look at this very issue. In April 2007 the government informed the ATO that it would not be amending the Health Services Act to remove government controls.

Mr Andrews interjected.

Mr WAKELING — I thank the minister for his insistent listening, but in fact I alluded to the fact that he was involved in the working party in his former role of parliamentary secretary.

The ATO completed its final review of the issue and wrote to community health centres on 29 February 2008 informing them of its decision and saying that the final review decision would be effective from 31 March 2008. The decision effectively meant that community health centres would no longer be afforded their status as charities and accordingly would lose this benefit in terms of payments for staff. As members can appreciate, this was of great concern to health centres across the state and, as I said, of great concern to the health centres that provide services for residents in my community.

While we acknowledge and accept the fact that finally the government has actually done something in regard to this issue, it has been a long time coming. This is not an issue that has just popped up recently; this has been on the table for many years. The government clearly understood the issues and what was required. The government clearly understood what actions needed to be taken to remedy the situation.

Clearly the present Minister for Health was involved in this issue in his former role as health parliamentary secretary. I would have expected the government to have at least acted on this issue a lot earlier. In fact the member for Mordialloc highlighted the fact that her community health centre was deeply concerned about the situation and had raised its concerns with her.

It was not just opposition members who were raising these issues; they were being raised by members of the government. I would have thought government backbench members would have acted to ensure the minister implemented the necessary changes speedily to ensure these problems were overcome. They should have ensured that community health centres did not have to go through the heartache they are now going through. While we are pleased to see the minister has decided to act, his action has been a long time coming. If this is a government that has health as a major priority, why has it taken it upwards of eight years to act? I understand from interjections opposite that it takes this government many years to act on important issues such as health. Let me tell the house that the Victorian community does not believe eight years is an appropriate length of time for the government to take before it acts. Those opposite may sit there comforted by the actions of their ministers; they may be comforted by the delays of this government, but I can tell the

house that the Victorian community is not heartened by the actions of the government.

Board members of community health centres are clearly not happy with the actions of the government. People employed by community health centres, who have been waiting for this issue to be resolved, and the constituents of my electorate and other electorates serviced by community health centres such as the Knox Community Health Centre, are not pleased by the way in which this government has handled this issue.

The government can apply as much spin and rhetoric and massage it as much as it likes, but the reality is this government has sat on its hands. It understood what the implications were; it understood what options were available, but it chose to do nothing about it. Now it has been dragged here kicking and screaming.

I understand that those opposite try to defend the indefensible, but at least we have finally seen some action. Those opposite may be happy with an eight-year wait, but we on this side of the house are not happy with the fact that this government has taken eight years to act on this important issue. We will continue to raise these issues to force those opposite to understand the problems that beset the community and ensure that the government puts in place legislation that ensures good, hardworking organisations such as community health centres can operate in an environment that provides stability and surety and, more importantly, that it provides it in a way that delivers the best health service for the Victorian community.

Mr ANDREWS (Minister for Health) — I am pleased to provide some concluding remarks in the debate on this important bill. I begin by thanking the members for Caulfield, Preston, Mildura, Eltham, Nepean, Mordialloc, Morwell, Essendon and Ferntree Gully for their contributions to debate on this important bill. That is an important set of arrangements that in my judgement and the judgement of the Department of Human Services will give stand-alone community health services throughout our state the statutory certainty that they need and, in turn, the Australian Taxation Office the certainty and comfort it needs to ensure that the important beneficial tax status enjoyed by those stand-alone or independent community health services can be enduring.

I want to make a couple of comments about community health. I have had the great privilege in my role as parliamentary secretary and since then as the Minister for Health — and indeed, in my role as the Minister for Gaming and Minister for Consumer Affairs — to visit many of the 39 stand-alone community health services and see firsthand the great work those dedicated health professionals and managers do in providing service and support, often to some of the most vulnerable members of the Victorian community.

I have nothing but the highest regard for the work of our community health services, and that is why I am very pleased to be able to put forward the result of a proper process that was conducted this year to review these arrangements; and to put this bill before the Parliament to give stand-alone community health services and the dedicated clinicians, staff and clients who rely those services the certainty they need.

I simply say that all the indications to my department from the Australian Taxation Office are that the bill and the arrangements before the house will meet the requirements for community health centres to maintain their charitable status, if they register and become companies limited by guarantee. That assurance was sought, and I am pleased to provide that.

I have made my support for this sector clear, and I believe all honourable members have been very supportive in their contributions of the role independent community health and auspiced health services play in our health system. This will be an increasingly important part of our health system as we move towards giving patients greater ambulatory care, care in the community that they live in, and care in acute settings.

This will be an increasingly important platform for the delivery of relevant care — the right care in the right place at the right time. Just as we have supported community health services, we as a government will continue to provide them with the funding they need and the legislative support they need around these and other issues.

A couple of other matters were raised about multipurpose services. I am not quite sure what the member for Caulfield was driving at with those issues. The bill before the house and the amendments put before honourable members deal with statutory provisions around the conduct of annual general meetings. They do not impact upon the tabling of annual reports in this Parliament, so I am not quite sure what the member is driving at.

On balance I am grateful for the support of all parties. This is a sensible set of arrangements to give the community health service sector, which plays such a pivotal role in our health system and to which so many vulnerable clients turn each and every day, the certainty it needs in relation to its taxation status. This is a

sensible set of amendments, and I commend them to all honourable members.

Motion agreed to.

Read second time; by leave, proceeded to third reading.

Third reading

Motion agreed to.

Read third time.

PROSTITUTION CONTROL AND OTHER MATTERS AMENDMENT BILL

Council's amendments

Returned from Council with message relating to amendments.

Ordered to be considered next day.

SHERIFF BILL

Second reading

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

Mr CLARK (Box Hill) — The Sheriff Bill is a bill to consolidate with amendments into a new Sheriff Act the law relating to the appointment, powers and functions of the sheriff and the sheriff's office. The moves to produce a consolidated act are worthwhile. However, the bill falls far short of what is needed to repair the significant damage to the functioning and standing of the office of the sheriff in Victoria that has been allowed to develop under the current Attorney-General. A series of problems were highlighted by a powerful series of articles in the *Sunday Age* newspaper last year. Problems were also brought before this house by the member for Bulleen, who highlighted one incident in particular which forced the Attorney-General to order an inquiry into the way the sheriff's office was conducting itself.

The office of sheriff has a long and distinguished history dating back to the laws of Wessex in the 8th century according to a very useful paper written by Jonathan Ward and published by the Victorian Government Solicitor's Office. It states:

> The word 'sheriff' comes from an Anglo-Saxon word 'scir-gerefa' or 'shire-reeve', meaning the bailiff or manager of the shire.

Notwithstanding that one shire-reeve, that of Nottingham, disgraced the title of sheriff and has earnt infamy as a result, the office of shire-reeve and sheriff has continued to have a generally distinguished history over the centuries.

Peter Archer, in the 1968 second edition of his book *The Queen's Courts*, described the status of the office of sheriff in the United Kingdom at that time as follows:

> The sheriff of modern days is a far remove from his medieval predecessor. His role is largely a social one, including entertaining the visiting judges at Assizes. But he still retains certain executive functions, concerned chiefly with enforcing the judgements of the High Court. This is a function which ought perhaps, logically, to be performed by the police. But the healthy mistrust of the police force which seems to have surrounded that institution from its inception, and which arises from the traditional antipathy of the British to the concentration of power in the hands of a single group of officials, has led to the retention of the task by the officer who centuries ago numbered it among the less important of his duties.
>
> The work is actually performed by a lawyer who holds the title of under-sheriff. It is chiefly an executive rather than a judicial nature …

He went on to say:

> The duties include sending the bailiffs to execute judgements of the High Court, summoning juries for the Assizes in his country, supervising execution of the death sentence and controlling parliamentary elections. But one of the duties may properly be termed judicial.
>
> When land is compulsorily acquired under certain powers and there is a dispute relating to compensation, the matter may be referred to the sheriff, who summons a jury for the purpose. But this method is rarely used.

It can be seen from that passage that the role of the office of sheriff in Victoria has diverged somewhat from that in the UK, and the role of the sheriff in the wild west of the United States has gone down a different route yet again.

Mr Jasper — Six guns!

Mr CLARK — With six guns blazing, as the member for Murray Valley points out.

In Victoria the sheriff's principal functions, as Jonathan Ward's article points out, include the execution and return of warrants and other processes that the sheriff is directed to execute and a range of duties required by common law. The office of sheriff in Victoria has, however, come into disrepute. Serious issues have been raised about the functioning of that office, particularly, as I indicated, in a series of articles published by the *Sunday Age* last year. They started with an article of

13 May 2007 entitled 'Former top cop called in to reform sheriffs'. It disclosed that former police chief, Neil Comrie, had been hired under what the paper described as:

> … a secret deal to overhaul the sheriff's office after it had failed to catch more than 500 000 fine defaulters owing more than $700 million.

Under freedom of information laws the *Sunday Age* was able to disclose that Mr Comrie and former Assistant Commissioner Bill Severino were appointed to carry out a review of the office. There was no public announcement of the review, and it took place at a cost of $43 340 without going to public tender. The article disclosed that the office was continuing to be flooded with thousands of letters from people hoping to avoid paying parking and speeding fines by sending them back unopened and marked 'Return to sender'. The article also highlighted the issue raised by the member for Bulleen that the Attorney-General had been forced to order an inquiry into the claims of a Templestowe father that he had been restrained face down on the ground by sheriff's officers before they repeatedly hit him with a baton over a $288 outstanding debt and that a subsequent internal departmental inquiry identified the need for a complete review of sheriff's office's operating procedures.

Subsequently the *Sunday Age*, in an article dated 20 May and entitled 'What a fine mess — Vics owe the sheriffs $1 billion', pointed out that leaked justice department documents revealed that thousands of people were refusing to pay a huge backlog of speeding, parking and tollway fines and that the amount owed by fine defaulters had jumped from about $40 million 20 years ago to more than $1 billion in 2007. The total was $177 million more at the end of February 2007 than it was at the same time in 2006. The article also reported that the state government was expected to write off more than half a billion dollars classed as doubtful debts because the sheriff saw little hope of ever recovering the money.

The article went on to provide a further breakdown of the sources of the debt, a lot of which related to outstanding speed camera fines, on-the-spot police fines and speeding tickets. Naturally that is not all the fault of the sheriff, because as the *Sunday Age* also indicates, there have been a range of disputes about the appropriateness of a number of the fines that were issued, and that has been highlighted by my colleague the shadow Minister for Public Transport. On this side of the house we have repeatedly raised concerns as to whether or not the government is using traffic and speeding fines as a revenue-raising device rather than as a bona fide safety device.

Clearly that level of community disquiet about the way the government is handling that issue is likely to have led to a degree of community resistance to paying what many members of the community would consider to be illegitimately levied fines. Despite that. there seem to be very serious difficulties in the sheriff's office in terms of carrying out sheriff's officer duties. One has to say it must be quite a thankless task most of the time to work in an office such as that of the sheriff in seeking to recover fines and execute other warrants, both civil and criminal. One must express appreciation for the work that dedicated sheriff's officers do on behalf of the community in carrying out that very important function.

It is quite clear that the whole judicial system will break down if there is not an effective method of enforcing the law and enforcing the judgements of the courts in both criminal and civil matters. If one is a civil litigant who has a judgement awarded in one's favour, that counts for naught unless the defendant pays up, and if the defendant refuses to pay up voluntarily, the sheriff needs to be called upon to enforce the law and achieve justice for the citizen concerned. That is a very important role of the sheriff, and it is important that the office operate properly and effectively. It is yet another example of the lack of attention by the current Attorney-General to the practical issues of justice rather than to the theoretical ones that preoccupy him that the sheriff's office has been allowed to fall into such disarray during his term as the responsible minister.

In an article dated 3 June 2007 the *Sunday Age* reported under the heading 'State acts over $1 billion of unpaid fines' that the Attorney-General had commissioned a review of the office of the sheriff and was going to 'overhaul' it, in the words of the article, following the exposure of the office's shortcomings that had been reported in the *Sunday Age*. The point is worth making that in bringing this bill to the house the Attorney-General has offered no explanation or assessment of what the reviews of the office found — either what the Comrie review found or what the internal investigation, or the so-called overhaul of the sheriff's office that gave rise to this bill, found. As far as I know, the Comrie report still remains secret, so this Parliament is being asked to make a decision almost in the dark as to the merits of this bill without the government's report, which was paid for at taxpayers expense.

Last year, according to the *Sunday Age*, the Attorney-General claimed:

> … while Mr Comrie did not identify significant shortcomings in the office's operating guidelines and procedures, he did

> find areas that needed improvement, particularly in relation to training, development and support of supervisors. He said the sheriff's office had already started adopting new practices, including undertaking joint sting operations with Victoria Police, improved use of data and technology to target outstanding infringements, and exploring ways to educate the public on their obligations when they infringe traffic and other laws.

We got no account of that when the bill was introduced, and I will wait with interest to see whether government speakers on the bill or the Attorney-General himself in closing the debate are prepared to be more forthcoming than the Attorney-General has been so far about what has been done to remedy the serious problems that have developed within the office of the sheriff. It seems highly unlikely that a mere consolidation of the relevant pieces of legislation as contained in this bill is going to overcome those problems, albeit that in principle having a single consolidated act may be worthwhile.

The bill contains a series of provisions, including provisions for the appointment, functions, powers and duties of the sheriff as set out in clauses 6 and 7. It provides for a deputy sheriff in clause 10 and for sheriff's officers in clause 11. In clauses 8 and 9 the bill enables delegation to authorised persons, and in clause 12 it allows sheriff's officers to be appointed as bailiffs. The bill consolidates the sheriff's powers to arrest in clause 15, to restrain in clause 16, to serve documents in clause 17, to enter and search in clauses 18 and 19, to demand and receive property in clauses 26 to 28, to seize property in clauses 20 and 23, to deal with seized property in clauses 24 and 25, to request names and addresses in clause 29 and to give directions at roadblocks in clause 30.

Amongst those is a range of new procedures which include execution of warrants in electronic form, as provided in clause 14; the power to temporarily restrain persons hindering the execution of a warrant, as set out in clause 16; the ability to accept payment from a third party, as set out in clauses 27 and 28; and the power to enter premises subject to various conditions using such force as is reasonably necessary in order to execute civil warrants, which is a power in addition to the existing power to use reasonable force of entry in relation to criminal warrants. Clause 31 of the bill also gives power to the sheriff to direct persons in the course of exercising the sheriff's powers.

Clauses 52 to 55 contain provisions that compel Victorian government agencies to provide address information to the sheriff's office in certain circumstances. Clause 32 enables the sheriff to recover reasonable and necessary costs of execution of warrants, and part 4 of the bill provides for some quite complex procedures as to the processes to be followed when multiple warrants are to be executed and as to the priority in which the proceeds gained from the execution of those warrants is to be applied to the satisfaction of the various debts concerned. In addition clauses 47 to 51 consolidate and amend offences against the sheriff and authorised officers of the sheriff.

A number of these provisions deserve particular comment. Firstly, in relation to the power of the sheriff to require various Victorian government agencies to provide address information, the logic for this provision is understandable inasmuch as there are times when the sheriff needs to be able to ascertain the address of a particular person. As has been seen from the various reports that I referred to earlier, a large number of people have been returning fine notices and other correspondence marked 'Not known at this address' or similarly attempting to bluff or deceive the sheriff into thinking that they are no longer at their address. Clearly the sheriff needs access to address information in order to carry out his or her functions. Clearly also there will be a range of government agencies that will hold address information on various individuals, so the bill allows the sheriff to, as the bill says, request — but in fact require — the provision of certain information by those bodies. In fact the sheriff may make a request in writing to what is defined as a specified agency, which is a public sector body or a council.

A 'public sector body' has the same meaning as in the Public Administration Act 2004, so it covers a very wide range of public sector entities in Victoria. If such a request is made, it must be complied with by the agency, subject to limited exceptions, including that the specified agency is a law enforcement agency or that the public sector body head or chief executive officer of the council certifies in writing that exceptional circumstances apply. It will be voluntary for a law enforcement agency to comply. This is a very sweeping provision. While one can understand its logic, as I described earlier, one has to ask how this sits with normal principles of privacy and confidentiality of information and how the case for making exceptions to normal principles applies in relation to the sheriff when it might not be considered to be justified for this information to be required to be disclosed by agencies to other bodies. In other words, the sheriff's office is being given a degree of access to this information that many other entities that might have a claim to seek to access it are denied.

In introducing the bill the Attorney-General is completely silent on this point. Again, it is something that needs to be addressed during the course of the debate, and we will be looking for the government's

response on it. We will also be asking what the view of the privacy commissioner has been on this aspect of the legislation. Has the commissioner been consulted? If so, what response has been given?

In relation to clause 32 of the bill and the power given to the sheriff to recover the reasonable and necessary costs of the execution of warrants, we had some concern that this was a very open-ended power that basically enabled the costs of the sheriff's office to be, in effect, passed on with limited justification or scrutiny, to civil litigants who could have massive running costs deducted from the amounts that were recovered by the sheriff on their behalf. However, we were assured by the departmental officers in the course of the briefing with which we were provided, which was very helpful, that in fact that is not intended. A reference to recovering costs and expenses was not intended to extend to the salaries or other operating costs of the sheriff. Rather, it was intended to extend to out-of-pocket expenses that might have been incurred at the time — for example, in repairing breakages, or other costs that had been incurred in gaining access. On the basis of those assurances that this is a very limited provision, it seems to be acceptable.

I wish to raise a further issue in relation to the bill which again reflects poorly on the Attorney-General's administration of this area and confirms the concerns that he has not been on the ball at all in terms of the problems that have emerged in the sheriff's office. This issue arises from the report of the Scrutiny of Acts and Regulations Committee, which has been diligent in looking at this bill, as it has been with most bills. While there are times when one might not agree with what the committee says or sometimes fails to say, one has to acknowledge that the committee and its staff apply themselves diligently to their work and come up with some worthwhile matters in the course of their reports.

In relation to the Sheriff Bill the committee highlighted the fact that there was a delayed commencement provision. I quote from *Alert Digest* No. 13 of this year, which states:

> The committee refers to its practice note no. 1 concerning delayed commencement provisions exceeding one year from their introduction in the Parliament. In such circumstances the committee will seek to ensure that Parliament has sufficient information to determine whether a delay in commencement is justified. The committee will seek further information from the Attorney-General.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The ACTING SPEAKER (Mrs Fyffe) — Order! The question is:

> That the house do now adjourn.

Electricity: infrastructure

Mr CLARK (Box Hill) — I raise with the Minister for Energy and Resources the issue of the security of Victoria's electricity generators and transmission and distribution system against attacks from environmental extremists. I ask the minister to take action to ensure that Victoria's generating plant and other facilities are properly protected against such attacks.

In Australia in recent years there have been a series of invasions of power facilities by environmental extremists. On 3 September last year protesters invaded the Loy Yang power station and chained themselves to a conveyor belt. The power station had to reduce electricity output for several hours.

On 6 November protesters invaded the Hazelwood power station, chained themselves to a coal conveyor belt and stopped the supply of coal to the station. It has been fortunate that to date no protester or plant worker has been killed or seriously injured, due in large part to the prompt and effective response by workers, and that there have been no blackouts or other power shortages. However, power plants and other facilities are dangerous places for people who do not know what they are doing, and invasion has a significant risk not only of injury or death to protesters or workers but also of causing or requiring plant shutdowns that could lead to widespread blackouts or forced shutdowns across the state.

These are not isolated events; invasions of other power plants around Australia have occurred in the past two years at Munmorah, Eraring, Swanbank B, Bayswater, Collie and Tarong. It is clear these invasions are part of an orchestrated campaign by environmental extremists that is likely to continue. Not only generating plant but also substations and other transmission and distribution infrastructure could be the subject of such invasions, as well as trespass by copper thieves and others. Recent blackouts show the urgent need for upgrades of such infrastructure. The power companies need to know these facilities can be securely protected before undertaking the expenditure of millions of dollars of planned upgrade works.

When the government introduced the Terrorism (Community Protection) Bill in 2003 the then Premier promised the government would assist owners and

operators of essential service infrastructure. However, there has been minimal help from the government and infrastructure operators feel highly vulnerable to future invasions and feel they are lacking in support from state government. In at least one case the minister's office is reportedly trying to delay important security upgrades.

People have the right to peaceful and lawful protest, but they do not have the right to us

e violence to attack other people's property and put electricity supply at risk for tens of thousands of households, as well as businesses, schools, hospitals, traffic lights and other vital equipment. If people take one unauthorised step into a security area at an airport they are liable to swift and severe consequences. The security of our electricity supplies is also vital, and yet so far protesters have been charged only with trespass and received only fines of a few hundred dollars or had no convictions recorded.

As well as government action I am requesting of the minister to help and support the industry, including helping to develop and implement standard security measures and procedures, I believe the government also needs to look at creating clear offences with tough penalties for those who invade vital infrastructure and put the safety of workers and the security of the state's power supplies at risk.

Bundoora Park: all-abilities playground

Mr BROOKS (Bundoora) — I wish to raise a matter for the attention of the Minister for Sport, Recreation and Youth Affairs, and the specific action I seek is that he commission the funding for a playground for all abilities in Bundoora Park. I understand that Darebin City Council has applied for funding to contribute towards an all-abilities playground, proposed to be constructed in Bundoora Park, which is a large regional park in my electorate. The project would involve the construction of a specially designed play space for people with a disability, to be located in Bundoora Park, which already attracts 750 000 visitors per year. Obviously the project, being located in Bundoora Park, would be available and accessible at no cost to the public.

The project would benefit all adults and children with or without disabilities, not only in the city of Darebin but also the surrounding municipalities of Banyule, Whittlesea, Hume, Moreland, Yarra and even as far away as Boroondara, Manningham, Nillumbik and the city of Melbourne.

The play facility would provide a wide range of play equipment and play experiences to cater for people with a range of disabilities, including physical, mental and sight impairment, and people from other disadvantaged groups in all age brackets. The proposed establishment of an all-abilities playground in Bundoora Park is in response to a significant community consultation process undertaken by Darebin City Council. I have been able to attend one of the consultation sessions that Darebin ran at the visitors centre at Bundoora Park. I note that the Minister for Gaming has been to Bundoora Park to visit a couple of horse graves at the site, but I am probably getting off the topic here.

Mr Robinson — Shadow King !

Mr BROOKS — Shadow King, that is right, yes. I cannot think of the name of the other horse, though. Bundoora Park is a fantastic location, and the all-abilities playground is part of a master plan that was developed by Darebin City Council in consultation with the Friends of Bundoora Park, and I should put on the record that I am a member of the Friends of Bundoora Park.

I congratulate Darebin City Council on the consultative process it has taken in working this project up. The total project cost would be around $630 000 — a significant amount of funding. It has indicated that it would consider funding $420 000 of that amount in next year's council budget, and it is seeking $210 000 from the state government. I urge the minister to seriously consider funding this project because it will be of great benefit to the people in my area.

Schools: building contracts

Mr DELAHUNTY (Lowan) — I wish to raise a matter for the attention of the Minister for Education, whom I briefed on this matter this afternoon. The action I request from the minister is that she review her department's expression of interest criteria and amend the section covering a tenderer's previous performance and service delivery.

This issue came to my attention when I was contacted by a couple of western Victorian building contractors who put in an expression of interest to tender for the construction of the Horsham West-Haven Primary School. This new school, costing approximately $2 million, will replace a relocatable building that the students, staff and parents have had to endure for many years. I am informed that 13 expressions of interest from builders were submitted by the end of October this year, but only 5 were selected: 2 from Melbourne and 3

from Ballarat — approximately 200 kilometres from the school project!

The ones that were not selected were not informed. They had to ring to find out. This is not good enough. When rang they were informed they had not built enough schools. I believe this discriminates against country builders. Walters Builders and Locks Constructions are both highly regarded building contractors in western Victoria, who have completed construction work on aged-care facilities, hospitals, police stations, schools — both government and private projects. They were told they did not meet the criteria because they had not built enough schools or had not built government schools in the last year or so. I considered it to be discrimination against country builders and knew that something had to be done about it. It means that many western Victorian building contractors will never be invited to tender for government school projects.

They have missed out on this school, but there are others to be renovated or constructed. These include the Horsham Special School, Horsham College, Horsham North Primary School, Dimboola Memorial Secondary College and Baimbridge College in Hamilton. All those schools are proposed for redevelopment. The reality is that the local building contractors are doing a great deal of good work and have had no problems, but they are being discriminated against because they have not built enough schools, according to the architects; and as the member for Polwarth says, they are from the country so people do not like them. These people have good credentials. They meet all the other criteria.

The action I seek from the minister is that she change the expression of interest contract, particularly the area covering the tenderer's previous performance and service delivery so that it allows for country builders to have the opportunity to tender. They are not worried about being beaten for price but are very upset that they have been discriminated against under the current criteria.

Princes Highway, Beaconsfield: noise barriers

Ms GRALEY (Narre Warren South) — I would like to raise a matter for the attention of the Minister for Roads and Ports. The action I seek is a positive response with regard to the request from Beaconsfield residents for the installation of noise walls.

During the election campaign and numerous times since then I have been in contact with the Beaconsfield residents to discuss their urgent need for the installation of noise walls near their homes. The member for Gembrook, Tammy Lobato, has over a long time been a strident advocate for the noise walls, and Johan Scheffer, a member for Eastern Victoria Region in the other place, has also been working with the residents following the concerns raised by Steve Dodds and Colin Ross from the Gippsland Trades and Labor Council. Well done! I am most appreciative of their assistance and that of the minister for his time to have meetings with me and at other times with my colleagues Johan Scheffer and Tammy Lobato.

This is a longstanding issue. The residents are deeply disappointed with the original developer and with the City of Casey which, as the responsible body, has run full pelt from this issue. It has left the residents in the lurch. It is a bit rich to read in the local papers that the Casey council has called for the state government to respond. Anyone who knows anything about this issue knows that the reason for the long-term suffering is that the Casey council, true to its form on many issues, has abrogated its responsibility to community members and again — no surprises — has sought to pass the buck to the state government. It is an appalling way to treat the residents of Beaconsfield, but I have come to expect such irresponsible and insensitive responses from Casey council. Casey ratepayers and Beaconsfield residents deserve better. Hopefully with a new council things will change for the better at Casey.

Having visited the site numerous times one cannot help but empathise with the residents. It is noisy; it makes for a lot of discomfort and is most unpleasant. I have made this known to VicRoads and the Minister for Roads and Ports whenever possible, and I have been reassured by the minister's real interest in finding a solution to this inherited problem. Ray Fleming from the Beaconsfield in Casey Residents Action Group has been tireless in his pursuit of the issue. It has resulted in some strained conversations at times, but I applaud his resoluteness. Like most of us, except for maybe the Casey council, he has moved past blame and just wants the problem fixed, and as everybody else has walked away from the Beaconsfield community, including the opposition, I am calling on the Minister for Roads and Ports to take the necessary action for the installation of noise walls in Beaconsfield.

Country Fire Authority: Deans Marsh bore water

Mr MULDER (Polwarth) — The matter I wish to raise is for the Minister for Police and Emergency Services and concerns the unsuccessful efforts by the Deans Marsh fire brigade to have essential rehabilitation works carried out on the Deans Marsh bore prior to the 2008–09 fire season.

With a fire season almost upon us and this source of water at a limited capacity I ask for the minister's urgent intervention in this matter by directing that a meeting of key stakeholders be convened with a view to progressing these rehabilitation works so that adequate water is available to the brigade for firefighting purposes and also for the supply of water to the local school and the recreation centre.

In December 2006 a report by consultants URS into the status of the bore and its potential for rehabilitation was received by the Surf Coast shire recommending that a new bore be drilled close to the existing site. The estimated cost for this work was between $60 000 and $80 000, which is not a lot of money when you think that this particular work could stop a serious fire.

This report was submitted to Southern Rural Water with a request for the works to be done in January 2007. Southern Rural Water requested further information from Surf Coast shire, in particular information on rural emergency demand. Southern Rural Water advised that on receipt of this information it would reassess the shire's request for funding through the municipal drought relief bore fund. The shire resubmitted its application to Southern Rural Water and was subsequently advised in April this year that the application was unsuccessful.

The Deans Marsh rural fire brigade again contacted the Surf Coast shire requesting its assistance in rehabilitating the bore and raising a number of questions relating to its failed funding application. Surf Coast shire has responded advising that Southern Rural Water rejected the funding application as it felt the cost of the works was excessively high. This is to stop a bushfire running from Deans Marsh to Lorne! That is absolutely outrageous. It also advised that the shire will not be actively seeking quotations for the works and that the Country Fire Authority can continue to seek quotes directly and enter into discussions with contractors. However, no works can be undertaken on site without council approval as the bore is located on council land. What a bureaucratic nightmare. At this point council has not listed the project as a priority.

Given that we are currently being warned that this summer could be one of the worst for bushfires, I fail to see how this cannot be a priority, as surely the Deans Marsh community has a right to expect that all possible resources will be available in the event of a fire in its area. It is therefore imperative that the minister intervene to ensure that these works proceed. The most horrendous fire I have ever seen in the Otways started just on the outskirts of Deans Marsh and travelled through the Otways right to the outskirts of Lorne with loss of life, and yet we have the Deans Marsh fire brigade with a bore that does not supply it with adequate water.

Mining: regional and rural employment

Mr HOWARD (Ballarat East) — I wish to raise a matter for the attention of the Minister for Energy and Resources. I ask the minister to take action to assist in stimulating new jobs in my electorate as well as in other parts of regional Victoria by investing in new resource exploration. Certainly the Brumby Labor government has worked very hard since it was elected to support employment opportunities and support jobs in my electorate, as it has across regional Victoria. The movement of the State Revenue Office out of Melbourne to Ballarat and the establishment of the technology park at the University of Ballarat are two very specific examples. We have seen many other jobs created at the technology park, strongly supported by our government. We have seen jobs created through tourism with support from other industries.

Across Ballarat, across the Hepburn and Moorabool shires and across the Macedon Ranges — across all parts of my electorate — we have seen some significant and positive opportunities to create more jobs to ensure that we have a prosperous region. Earlier this month the Brumby government's strategy to boost Victoria's workforce participation rates and skill base was launched by the Minister for Skills and Workforce Participation. That certainly marks another direction this government is taking to support a skill upgrade and to support further jobs for the future and sound economic development.

In these tough economic times, though, we know that jobs are under threat and that the government needs to do more to generate further job opportunities. We know that many parts of my electorate are literally sitting on a goldfield. Ballarat Goldfields has worked well over a number of years to re-establish access to the gold resources under Ballarat. It is progressing very well, but we know there are many other areas across my electorate where there is understood to be gold but where further work needs to be done. Exploration is risky work, but with support from this government I am sure we can do further work in regard to that exploration to open up job opportunities in a number of smaller regional towns across my region. I certainly trust that the minister will act to support opportunities for further resource exploration not just in my electorate but across the state. It is very important to assist regional Victoria by providing opportunities to create new jobs and to gain more economic benefit for our

region. I trust the minister will be taking further action to support this particular area.

Autism: student funding

Mr THOMPSON (Sandringham) — I wish to raise a matter with the Minister for Education, who at question time earlier today promoted the virtue of all Victorian students being looked after in the education sector. It has been drawn to my attention that there is one student who is not being looked after in the Victorian education sector. I call upon the government to better address the education needs of all Victorian students, especially in the circumstance where the state acknowledges a failure or an inability to meet specific needs.

A constituent who has a 14-year-old son with an autism spectrum disorder recently made a submission as part of the consultation process of the national disability strategy. The family has been unable to access appropriate services within the state school system. However, with the assistance of the child and adolescent mental health service, otherwise known as CAMHS, the family has sourced a private educational facility which has accepted their son. Two government schools rejected his application for enrolment. The mother wrote:

> Our son has experienced much disadvantage via the state education system. He has been subject to discriminatory practices, bullying …

Often the requisite skill set to deal with his circumstance has not been present within the system, albeit as I understand it best endeavours have been exercised. These issues have been barriers to his furthering his educational development. My constituent further noted:

> The state is obligated to provide our son with an education. They —

the state —

> have disclosed that they do not have a means to do this within their own sector but will not meet their obligation to meet his ongoing education costs outside of the state sector.

The mother understandably wrote that this position is totally unacceptable.

Rather than the minister adopting a doctrinaire approach to state education, I call upon her to ensure that the government provide an appropriate educational pathway for my constituent's son, especially in the light of the acknowledgement by senior state education experts that the state can do no more.

Cycling: Belmont criterium circuit

Mr CRUTCHFIELD (South Barwon) — My issue is for the attention of the Minister for Sport, Recreation and Youth Affairs. The action I seek is that the minister support the application by the City of Greater Geelong for a major community facilities application grant for stage 1 of the regional criterium circuit at Belmont Common — or Belmont Island — slap-bang in my electorate. The council is seeking $500 000 from the state government for a $1.7 million project on Belmont Island. The minister has certainly visited Belmont Island. He was there only a few months ago looking at that particular facility and at Belmont Bowls Club. He is well aware of that area, and I urge him to consider favourably the application of the City of Greater Geelong.

We have a number of good stories about cycling, as people would be well aware from the recent Tour de France. Even in the last two years in the Tour de France we have had Cadel Evans, who is a Barwon Heads boy.

Mr Robinson interjected.

Mr CRUTCHFIELD — We claim him as a Barwon Heads boy — you are quite right. We will claim him. He is a former mountain bike champion, and this particular facility is a multi-use facility. Stages 2 and 3 are designed to attract additional areas of the cycling fraternity. Cadel Evans was a recent mountain bike champion, and certainly the cycling fraternity is strong and alive in Geelong. Geelong will hold the 2010 world triathlon championships, and we hold a number of quality cycling championships in the city.

This proposal is a significant part of the cycling strategy that the City of Greater Geelong has put forward on behalf of the Barwon Regional Bicycle Council. A number of cyclists ride past my place on their long rides, but this is a criterium event, which is a localised event down at the Belmont Common.

The closest major regional criterium circuit is some 2 hours away; and indeed, as the Acting Speaker will be well aware, there is a small facility at Melton that is the closest that we can attend, so stage 1 of that proposal consists of that criterium circuit at Belmont Common. It is a great fit; it is an ideal location. We have a number of developers potentially trying to do some rather obscene developments there, and, as council have I think wisely done, this is a great fit for Belmont Common, particularly with the landscaping and additional car parking. I urge the minister to support this application.

Mooroolbark: pedestrian crossings

Mr HODGETT (Kilsyth) — I raise a matter for the Minister for Roads and Ports. The matter I raise concerns the appalling state of affairs in relation to pedestrian access in and around the Mooroolbark area. I ask the minister to urgently fund pedestrian crossings in and around the Mooroolbark area.

I remind the Minister for Roads and Ports that just because pedestrian access is not mentioned in his portfolio description does not mean he should be bypassing the issue altogether. I call on the minister to devote funding to improving the torrid state of pedestrian access and services in the Mooroolbark area. Time and time again I have raised the issue in this house, yet the minister insists on ignoring the safety issues facing my constituents or drowns their cries out with rhetorical blather.

In May this year I explained to the minister in a members statement in this place the dangers associated with leaving the five-ways roundabout without pedestrian access, following the removal of all crossings after the Mooroolbark Primary School was closed. This was after I had raised in October last year the issue of the inherent need for pedestrian lights at the intersection of Brice Avenue and Hull Road, Mooroolbark. It seems that even from the front row of the chamber, the minister was unable to hear me, as 12 months later, the intersection is still as dangerous as ever.

Tragically, the minister's deaf ears have had dire consequences. On 21 October this year, over a year after I stressed to the minister the urgent need to install pedestrian lights at that exact intersection, a 15-year-old boy was hit by a car while attempting to cross the road. Thankfully, apart from a broken ankle and some head injuries, the boy was otherwise unharmed, but this was one accident that not only could have but certainly should have been avoided, if not for the refusal of the minister to act on what has long been a very serious safety issue for the residents of Mooroolbark.

As yet, the minister has shown absolutely no care for the safety of those in my electorate. Perhaps the minister would care to hold hands with my constituents and safely walk them across some of Mooroolbark's perilous intersections.

These intersections have long been a ticking time bomb just waiting for accidents to happen, yet the minister has continued to ignore my requests to address the issue or replied to my inquiries with puff pieces about road spending and priorities. When it comes to priorities I would have thought the safety of Victorians would have been at the top of the list. Luckily, the tragic accident on 21 October did not take a life, but next time — if the minister does not hurry up and address the issue, there will be a 'next time' — someone may not be so lucky.

It is time the minister took some responsibility for the safety of pedestrians when crossing roads. I call on the government to step up to the kerb and deal with the problem of Mooroolbark's horrible pedestrian access. The time to act is now. This is a matter of great urgency. Sadly, up until this point the minister has been all too happily silent. When it comes to pedestrian crossings in Mooroolbark, the minister has certainly stopped, but tragically, it seems he is unwilling to look or listen.

Clyde Road, Berwick: duplication

Ms LOBATO (Gembrook) — I raise a matter for the Minister for Roads and Ports. The action I seek is for the minister to prioritise detailed planning that is needed to be conducted for the duplication of Clyde Road in Berwick. Clyde Road has been the cause of major traffic congestion and chaos for many years. It is a major road in Berwick connecting the north and south; it is used by residents to access shops, schools, health facilities and other services.

An honourable member interjected.

Ms LOBATO — Probably only because you got lost! From Clyde Road, access and egress is made to and from the Berwick bypass on the Monash Freeway. Monash University and Chisholm Institute are also located on Clyde Road. The intersection of Kangan Drive with Clyde Road is a major one, and people use that road to access many services such as at Casey Hospital and Beacon Hills College. At peak times motorists experience unacceptable delays, which also creates congestion throughout other intersecting streets.

The most dangerous aspect is the intersection of Clyde Road with Enterprise Avenue. The member for Narre Warren South and I felt that, for the safety of motorists, traffic lights had to be installed at that intersection, and we were delighted a few months ago to turn on the lights. The $2 million installation provided much-needed safety but did not ease the congestion, and therefore the member for Narre Warren South and I remain committed to the grade separation and road duplication that is vital for the adequate functioning of Clyde Road.

Clyde Road to the south has received an enormous amount of funding — in fact, more than $30 million

over recent years — for duplication, and it only makes sense that if the least travelled end is duplicated, the busiest section must also be remedied.

During the previous federal election campaign the Labor Party committed $30 million to the road duplication and grade separation. In order for the state government to contribute to this major project, VicRoads needs to undertake detailed planning to ascertain the most appropriate course of action that will then determine the exact cost of this project. In closing I reiterate my request for the Minister for Roads and Ports to assist in prioritising detailed planning for Clyde Road to commence as soon as possible.

Mr Hodgett — On a point of order, Acting Speaker, there are two adjournment items in my name relating to car parking at Mooroolbark railway station and government housing in the eastern suburbs, which have been outstanding for 56 days and 106 days respectively. Will the minister provide an explanation for the items that continue to be outstanding and give an indication — —

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

Responses

Mr BATCHELOR (Minister for Energy and Resources) — I want to respond, firstly, to the member for Ballarat East. I thank the member for his action call for investment and jobs in his electorate. I know that the member for Ballarat East is continually working with the government to ensure that investment and jobs take place in his electorate. He is a real champion for regional Victoria. The member for Ballarat East is correct in identifying the importance of employment in his area particularly in these tough economic times. He is really accurate when he identifies the amount of employment generated in his area from the energy and resources sector.

Earlier this year I spoke in the house about announcements in the state's south-west regarding new jobs. Residents in the south-west are very appreciative of the energy and the resources action that has taken place in the area. They remember that not one single power station was built during the Liberal years of government, and subsequently that no direct or indirect jobs were created by the previous government. But times have changed. Jobs have become more important, and those dark old days have long gone.

Members may have read that the Warrnambool *Standard* has recently had headlines such as 'Power surge' and 'Rich pickings', and describes the region as 'Our green energy hot spot'. Just last week I visited Warrnambool to launch a major 3D study of the region and other parts of Victoria which will make onshore and offshore exploration of the vast Otway Basin for oil, gas and geothermal energy much easier.

This was again warmly received in the local paper and on WIN TV. Press such as this has developed a healthy competition between different areas of regional Victoria who have all been vying for investment and employment that is going to be generated in regional Victoria by the energy and resources industry.

Ballarat and its surrounds is a great example of one of these regions. That is because of not only its natural resources in mineral resources but also its natural resources in the form of the member for Ballarat East! Just last week in the Ballarat *Courier* there was an article entitled 'Grant to help explore in the west', which demonstrated the importance of the resources industry to Ballarat.

This article explained that Ballarat Goldfields recently received a $94 000 grant to help its gold exploration in Ballarat West, and other grants of some $56 000 and $66 000 were received by GBM Resources to assist its searches in Lake Bolac and Malmsbury. These were 3 of 11 Victorian exploration companies that were offered grants as part of round 2 of the Brumby Labor government's Rediscover Victoria drilling project.

Rediscover Victoria grants are important. They are one of the many ways in which the Victorian government is taking action to stimulate job creation in regional Victoria, both in terms of resources and energy. This initiative will continue to make places like Ballarat East a great place to live, work, raise a family and undertake resource exploration activity, and I know the member for Ballarat East fully supports it.

The member for Box Hill raised an important issue with me. It was, as he described it, the threat to the security of Victoria's power supply by environmental extremists. He made some valid points in his contribution to the adjournment debate tonight but he also made a number of claims that went a step too far. In particular he claimed that the government was delaying security upgrades.

Let me say from the outset that the member for Box Hill is wrong on that point; he could not be further from the truth. His hyperbole, his exaggeration, his rush of blood and his over-excitement led him to make claims that were not true. If he has any proof of this claim, all I say to him is that he should bring it forward, let me see

it, let me substantiate it, and we will take it up. Claims like this are arrant nonsense, and the member for Box Hill should not use the Parliament to make those sorts of claims.

Putting that issue to one side, in another part of his contribution the member for Box Hill raised an important issue. It concerned protesters or environmental extremists, as he referred to them, taking individual action by invading power stations, mine sites and other energy locations. I say to the member for Box Hill and to the people who are engaged in this activity that it is wrong, it is dangerous and it is unlawful. This government does not support it, the member for Box Hill does not support it, and I am sure there would not be many people in this Parliament or in the Latrobe Valley who would support it, either.

We call on the legal system and on the power companies to use the full force of the legal resources available to them — the full force of criminal and civil laws — against people who undertake the activity of invading workplaces such as mine sites and power stations. Why do we say this? It is because this sort of activity is not only a threat to the power supplies of Victoria, as described by the member for Box Hill;\, it is also a threat to the people who work in those places.

It is a threat to the power and energy infrastructure of the state, and it is also a threat to the protesters themselves. We do not believe the political point they are trying to make justifies this sort of activity. If they want to make a political point, they can do it in a number of other ways, but they should not make their point in such a reckless and dangerous way. We call on the legal system and the power companies to use the full force of both criminal and civil law to resist the irresponsible and reckless behaviour of these protesters.

I have already raised this issue with the power companies. I would be happy to raise it with them again and to advise them that the member for Box Hill has raised the issue with me and wants to lift the action of those power companies. He wants to put heat on them to lift their game and say they have a responsibility in circumstances where people invade their private property to take action against such people.

I would be happy to raise the issue with the power companies on behalf of the member for Box Hill, and I reiterate that if he has any evidence whatsoever of this government forcing the power companies not to take action to improve security, I would be happy to hear from him, and I will await his production of that evidence.

Mr ROBINSON (Minister for Consumer Affairs) — The member for Gembrook raised an issue for the attention of the Minister for Roads and Ports in relation to planning for the duplication of Clyde Road in Berwick, and I will pass that matter on.

The member for Kilsyth also raised an issue for that minister in relation to pedestrian crossings in Mooroolbark, and that will be passed on.

The member for Narre Warren South also raised an issue for the attention of the Minister for Roads and Ports in relation to the installation of noise walls in Beaconsfield, and that matter will be passed on.

The member for South Barwon raised an issue for the attention of the Minister for Sport, Recreation and Youth Affairs in relation to the application by the City of Greater Geelong for stage 1 of the criterium circuit at Belmont Island, and that matter will be passed on.

The member for Sandringham raised an issue for the attention of the Minister for Education relating to the needs of a 14-year-old student in his electorate who has been diagnosed with an autism spectrum condition, and that matter will be passed on.

The member for Polwarth raised an issue for the attention of the Minister for Police and Emergency Services in relation to the Deans Marsh fire brigade and rehabilitation works on a local water bore, and that will be passed on. The member for Lowan raised an issue for the attention of the Minister for Education relating to the expressions of interest criteria for school building programs. He mentioned the Dimboola Memorial Secondary College, which I had the pleasure of attending recently. It is a very good school that is very well led. He and I would concur on the quality of the leadership there.

Finally, the member for Bundoora raised a matter for the attention of the Minister for Sport, Recreation and Youth Affairs in relation to funding that is being sought for a Bundoora Park facility. In raising the issue the member was kind enough to allude to the fact that last year I had been out to the Bundoora Homestead, which in the 1990s I think was going to be sold off by the Kennett government — an appalling misjudgement — but which was preserved and has been done up as an art gallery. But more to the point — and I am glad that members have waited for this little history lesson — the Bundoora Homestead was owned for many years by the Smith family and for years was the pre-eminent thoroughbred breeding establishment in Australia.

The prize stallion out there was called Wallace, which was the best-credentialled son of Carbine, the horse

which is arguably the most famous winner of the Melbourne Cup and which later went on and did great things overseas. The other great point about Wallace, who is buried out on the site, is that he is buried alongside Shadow King. Some members of this house would understand that Shadow King ran in more Melbourne Cups than any other horse. He ran in six Melbourne Cups, and he ran two seconds, two thirds, a fourth and a sixth. He ran second to Phar Lap, which was no mean effort, and I think he ran second to Peter Pan.

Honourable members interjecting.

Mr ROBINSON — There is another Peter Pan opposite; that is why I thought of Peter Pan. Shadow King later became a very well-known police horse. The old Bundoora police paddocks are next door, and Shadow King is buried next to Wallace out there at Bundoora Homestead. It is a great location, and anyone interested in a little bit of Melbourne racing history should take the time at some stage to get out to Bundoora Park and locate those graves. They are a real feature.

The member for Bundoora has sought funding for additional facilities at Bundoora Park, and I cannot think of anything better than what he has proposed to augment what is already out there. As I said, it is a great feature of Australian racing history, something that some of us in this chamber have a great interest in. I will have great pleasure in passing that matter on to the Minister for Sport, Recreation and Youth Affairs.

The ACTING SPEAKER (Mr Lupton) — Order! The house is now adjourned.

House adjourned 10.43 p.m.