PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Wednesday, 20 August 2008

(Extract from book 11)

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By authority of the Victorian Government Printer

The Governor

Professor DAVID de KRETSER, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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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
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Barker, Ms Ann Patricia	Oakleigh	ALP	Maddigan, Mrs Judith Marilyn	Essendon	ALP
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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

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WEDNESDAY, 20 AUGUST 2008

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Wednesday, 20 August 2008

The SPEAKER (Hon. Jenny Lindell) took the chair at 9.34 a.m. and read the prayer.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I advise the house that under standing order 144 notices of motion 77 to 79 and 190 to 201 will be removed from the notice paper on the next sitting day. A member who requires the notice standing in his or her name to be continued must advise the Clerk in writing before 6.00 p.m. today.

NOTICES OF MOTION

Notices of motion given.

Ms MUNT having given notice of motion:

The SPEAKER — Order! I suggest to the member for Mordialloc that that notice of motion would have been more appropriately made as a members statement.

Further notices of motion given.

Dr SYKES having given notice of motion:

The SPEAKER — Order! I suggest to the member for Benalla that while longer, the notice of motion he has just given today is very similar to the notices of motion that were given yesterday. As I said yesterday, I believe notices of motion are being abused by all parties in this house, and action will be taken.

Dr Sykes — Speaker, on a point of order and on your ruling, my issue was in relation to consultation — —

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

Further notice of motion given.

PETITIONS

Following petitions presented to house:

Abortion: legislation

To the Legislative Assembly of Victoria:

We the undersigned draw to the attention of the Assembly, terminating a pregnancy must be a woman's right alone. Abortion itself must be removed from Victoria's criminal code and made freely available through the health care system. The denial of abortion on demand will force women into illegal backyard terminations, risking their health and their lives.

Your petitioners therefore request the Assembly to support:

unconditional recognition of every woman's right to make her own reproductive choices;

removal of all reference to abortion, including the offence of 'child destruction' from Victoria's Crime Act 1958;

making abortion available at all stages of pregnancy, free of charge and on demand through the public health care system;

resourcing the health system with the funds and staffing required to make abortion services readily available throughout Victoria.

By Mr CARLI (Brunswick) (697 signatures)

Rail: Stony Point line

To the Legislative Assembly of the Parliament of Victoria:

The long-standing safety issues surrounding level crossings on the Stony Point–Frankston line have led to numerous accidents and fatalities. Petitioners feel the installation of boom gates is urgently required to prevent further accidents at level crossings on this line.

We, the undersigned concerned citizens of Victoria, ask the Legislative Assembly of Victoria to request the Victorian government to install boom gates on all crossings on this line that currently do not have them fitted as a matter of priority.

By Mr BURGESS (Hastings) (18 signatures)

Hastings: jetty

To the Legislative Assembly of Victoria:

We the undersigned citizens of Victoria draw the attention of the house to community concerns regarding the state government's plan to demolish part of the iconic Hastings jetty.

The Hastings jetty was built in 1864 and over the ensuing 144 years has become a very important part of the lives of Hastings families and culture of the Hastings township. The jetty is a very popular fishing and general leisure destination for locals and visitors.

The condition of the jetty has deteriorated and therefore areas of it are now in need of repair. The state government proposes to replace a substantial part of the jetty with a floating pontoon.

We strongly object to the failure of the state government to properly consult with the community regarding its plans to demolish sections of the Hastings jetty.

We, the undersigned concerned citizens of Victoria, therefore ask the Legislative Assembly of Victoria to request that the Victorian government:

1. properly consults with the Hastings community immediately, regarding the need for repairs to the Hastings jetty and what form those repairs should take; and

2. ensures that the wishes of the community are accurately reflected by any repairs undertaken on the jetty; and

3. ensures that any repairs carried out on the jetty, preserve the integrity of the jetty and properly reflect the iconic and cherished status of this landmark for future generations.

By Mr BURGESS (Hastings) (73 signatures)

Baxter-Tooradin Road, Baxter: pedestrian safety

To the Legislative Assembly of Victoria:

We the undersigned citizens of Victoria draw to the attention of the house, community safety concerns with the lack of a pedestrian crossing in Baxter-Tooradin Road, Baxter, adjacent to the new Baxter shopping centre.

We, the undersigned concerned citizens of Victoria, therefore ask the Legislative Assembly of Victoria to request the Victorian government to instruct VicRoads to urgently install a pedestrian crossing in Baxter-Tooradin Road, Baxter, adjacent to the new Baxter shopping centre.

By Mr BURGESS (Hastings) (223 signatures)

Walpeup research station: future

To the Legislative Assembly of Victoria:

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

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

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

By Mr CRISP (Mildura) (166 signatures)

Port Phillip Bay: channel deepening

To the Legislative Assembly of Victoria:

The petition of the citizens of Victoria points out to the house that:

> We oppose the proposed dumping of over 2 million cubic metres of dredged toxic waste from Port Melbourne channel, Yarra River and Williamstown channels into the proposed toxic dump site in the bay. The toxic dump proposal in our bay by the authorities is very foolhardy and certainly not hole-proof to toxic leakage in our waters. Such a proposal is unacceptable.
>
> There is no EPA approval for the Port Phillip dump site. The Port of Melbourne Authority has no authority to dump hazardous waste in Port Phillip Bay, and has no approval to acquire the land for the site.

The petitioners request that the Legislative Assembly of Victoria oppose the proposed dump site project in our bay.

By Mr DIXON (Nepean) (198 signatures)

Tabled.

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

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

Ordered that petitions presented by honourable member for Hastings be considered next day on motion of Mr BURGESS (Hastings).

ROAD SAFETY COMMITTEE

Vehicle safety

Mr EREN (Lara) presented report, together with appendices and transcripts of evidence.

Tabled.

Ordered that report and appendices be printed.

DOCUMENT

Tabled by Clerk:

Ombudsman — Investigation into Probity controls in public hospitals for the procurement of non-clinical goods and services — Ordered to be printed.

DRUGS AND CRIME PREVENTION COMMITTEE

Justice and crime strategies in high-volume crime

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

That the resolution of the house of 1 March 2007 and amended on 30 July 2008 providing that the Drugs and Crime Prevention Committee be required to present its report on justice and crime strategies in high-volume crimes to

Parliament no later than 30 November 2009 be amended as follows:

(1) omit the expression 'breaking and entering' and insert 'theft and property-related offences'; and

(2) omit paragraphs (a) and (b).

Motion agreed to.

MEMBERS STATEMENTS

Kilsyth Lady Cobras: achievements

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — I rise to congratulate the outstanding performance of the Kilsyth Lady Cobras basketball team, which is the 2008 South East Australian Basketball League champion after defeating Nunawading 90 to 73 in the recent grand final. Winning the club's third women's championship was a remarkable effort by the team which went into the finals series in fourth position and was written off by many.

The victory was a great tribute to Hugh McMenamin, a pillar of Kilsyth basketball who passed away in April. With Hugh's daughter Erica leading the way on court, the Lady Cobras developed a self-belief and spirit that proved unbreakable. It has been a privilege being the club's no. 1 ticket-holder this year, and I look forward to watching the team compete in the Australian Club Championship national finals this weekend. Congratulations to coach Jason Knight, the entire playing list, Ben Turner and all those who work tirelessly for the club.

Upwey High School: volleyball team

Mr MERLINO — I would also like to congratulate the Upwey High School year 9 girls volleyball team, which recently claimed the scalp of the Brumby government volleyball team. The girls had a 2 to 0 sets victory over the government side, which included the Premier; the Minister for Public Transport; a member for Eastern Region, Shaun Leane; the member for Yan Yean; the member for Williamstown; and me.

While the government side was very competitive, the parochial full house at Upwey High School got the girls over the line. The fact that they are the reigning national champions helped as well. On behalf of my colleagues, thanks to Upwey's volleyball head coach Peter Bundy, principal Tom Daly, and the entire team for putting on a great event.

Boronia Heights Primary School: Ride2School

Mr MERLINO — Congratulations to Boronia Heights Primary School which has been recognised as one of the state's top performers in the Ride2School program. This is a credit to the school's strong bicycle education focus, which is actively embraced by many students.

Rail: Warrnambool line

Mr MULDER (Polwarth) — I wish to draw the attention of the house to the way in which the Minister for Public Transport has allowed government-owned V/Line and VicTrack to destroy vital railway infrastructure between Marshall and Warrnambool and make life very difficult for new rail freight operator, El Zorro Transport. I call on the minister to reuse the points and rails from the broad gauge crossing loop at Bowser. This loop was never commissioned and will be removed when the broad gauge line is standardised. These points and rails should be reused to restore the crossing loop at Colac.

In October 2007 I was alerted to plans to remove the fixed signals and some sidings at Colac. Ten months later, it is no longer possible for trains to pass each other at Colac as the points at the Warrnambool end of the Colac platform which formerly joined the main line and the second track have been removed. The points at the Colac end of Winchelsea station have now also been removed, rendering Winchelsea unavailable as a station where trains could pass each other or be overtaken.

The Minister for Public Transport is currently paying a subsidy of $100 per container moved by rail from Warrnambool, yet the crossing loop at Camperdown, the only loop between Marshall and Warrnambool, is only 320 metres long, limiting the length of the El Zorro train which must pass the early morning V/Line passenger train from Warrnambool at Camperdown. If El Zorro's freight train is late, it cannot leave Geelong for hours because V/Line trains are using the single line beyond Marshall. The minister must ensure that another passing loop is made available between Marshall and Warrnambool.

Water: Plug the Pipe group

Ms ALLAN (Minister for Skills and Workforce Participation) — Plug the Pipe's presence in Bendigo this Friday will only serve to remind Bendigo's people that this anti-Bendigo group opposed Bendigo's vital super-pipe. This group's true agenda in Bendigo is to cut off Bendigo's water supply. It pretends to be on

Bendigo's side but it wants to pull the plug on Bendigo's super-pipe and hang the city out to dry. The true agenda of this Liberal-National party front organisation was made clear by its spokeswoman, Eril Rathjen, who said she always opposed Bendigo's super-pipe. She talked about Bendigo purchasing water from the Goulburn system, and she described it as theft.

The super-pipe has been vital to Bendigo's water supply, and if it were not for the Brumby government's water plan to provide water security for the whole of the state, Bendigo would not have had the water security last summer that it needs to continue as a city. Businesses and residences would not have had the water they need if it were not for the vital super-pipe. However, the Plug the Pipe group opposes the super-pipe; it ran a candidate at the last federal election, but Bendigo blew its candidate away and it only secured 2 per cent of the vote.

I will not legitimise this anti-Bendigo attack that Plug the Pipe is planning on Friday. The Liberal Party and The Nationals might be happy to bring it to Bendigo. The Liberal Party and The Nationals might be happy to stand up and join it at its rally, but I will not betray Bendigo by speaking at this rally and legitimising its anti-Bendigo stance opposing the super-pipe.

Driver Education Centre of Australia: Careful Cobber program

Mrs POWELL (Shepparton) — I rise to condemn the Brumby government's decision to cease funding at the end of this year for a very important driver education program at the Driver Education Centre of Australia (DECA) in Shepparton.

The Careful Cobber program began in 1981 and has provided practical traffic safety education to over 250 000 students from around Victoria and southern New South Wales. About 150 schools each year send their students to DECA to help them develop an understanding of road rules and the need to abide by them and to create awareness of the need to display a courteous and responsible attitude to driving or cycling on roads.

VicRoads, the Transport Accident Commission and Victoria Police say constant repetition for younger road users and supervised experience within the real traffic system are the most effective traffic safety education approaches for students. The students get this experience as they drive the Careful Cobber cars around a specially designed track and are educated in traffic safety and road rules by trained staff.

Schools received a letter from the Department of Education and Early Childhood Development saying that this highly commendable program will be replaced by a school-based curriculum program. A number of schools have advised me of their disappointment at the axing of this important program. I received an email from the principal of the Pearcedale Primary School telling me the program is fantastic and his school wants to see it retained.

All the evidence suggests that children learn by doing, and with this program the children actually drive. A driver's point of view is something children have difficulty understanding without practical demonstration. After a day at DECA driving the Careful Cobber cars the children are more aware of the responsibilities of car drivers. I call on the government to reinstate the program.

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

Sussex Heights Primary School, Mount Waverley: rebuilding

Ms BARKER (Oakleigh) — In the early hours of Saturday, 12 July, a senseless act of arson in Mount Waverley resulted in fire destroying completely some sections of Sussex Heights Primary School, with smoke and water damage to the remaining buildings. Sussex Heights Primary School is under the excellent leadership of principal Michael Cormick and his competent and caring staff. Their efforts since that night to support the children and the school community have been outstanding.

I thank the Department of Education and Early Childhood Development's eastern metropolitan region staff who were on site on the morning of the fire not only in a facilities capacity but in a team approach to attend to all the needs of the staff, students and school community. I particularly thank the manager of facilities for eastern region, Phil Dawkins, who in his usual efficient manner moved swiftly to secure the site, assess the damage, get portables on site and arrange for construction work to fit out the portables so that the school could get back on site as quickly as possible.

That quick return to the site would also not have been possible without the good work of project managers, Sinclair Knight Merz, and particularly the committed work program of the contractors, Chirinello Building Services, and I thank them for their hard work.

A special thanks to Essex Heights Primary School, which very quickly provided space for the staff and

students of Sussex Heights Primary School. Everything was organised so well that on the Tuesday following the fire, all students and staff were on the bus to Essex Heights Primary School and back into their routine.

The school returned to site on Monday, 4 August, and work is under way to rebuild the section of the school which was damaged internally but remained structurally sound, and we will now design and rebuild the remainder of the school.

Sussex Heights Primary School is an integral and vital part of our local community, and the staff, students and school community will continue to have my full support.

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

Bulleen Road, Templestowe: safety

Mr KOTSIRAS (Bulleen) — I stand to condemn this uncaring and heartless government for refusing to listen to and act on the concerns of residents. Bulleen Road between the Eastern Freeway and Templestowe Road is a very dangerous stretch of road, and a solution needs to be found before someone gets hurt or killed. Crossing a number of T-intersections along this stretch of road is about as easy as nailing jelly to a tree.

There are a number of dangerous T-intersections. The first one is near Marcellin College, the second problem spot is at the Bulleen Road and Golden Way intersection, and the third is at the Bulleen Road and Bridge Street intersection. In a letter to me from the principal of Marcellin College, Mark Merry, he said he wanted to:

> … bring to your attention the increasing problem of access into Marcellin due to heavy traffic flows both along Bulleen Road and from Bulleen Road to Heidelberg.

Another letter from a grandparent says:

> … when people exit from the school and the park from footy practice it is impossible to turn right without taking your life into your own hands … I watched the most terrible incident about three weeks ago … Bulleen Road exit has been bad for 30 years …

The Templestowe Road reference panel said in a media release:

> … numerous attempts to address the urgent vehicle centre turning and pedestrian safety issues put forward … to VicRoads have been responded to with the usual VicRoads spin …

I now call upon this government to get off its hands, investigate and come up with a plan and strategies that will fix these problems. A freeway link is not and should not be an option as this will make the problem worse. What is needed is a government that has vision and foresight — this government has neither.

Book Week

Dr HARKNESS (Frankston) — Monday marked the beginning of Book Week, which in 2008 celebrates its 63rd birthday. Organised by the Children's Book Council of Australia, it is now the oldest children's festival in the country and, I believe, one of the most important.

The significance of children's literacy cannot be overstated. The better our children develop their reading skills, the better they will do later in life. The research in this area is well known, but it is so striking that it is worth restating. What the research tells us is that a child who has good literacy skills at the age of five or six is far more likely to achieve well in high school, in tertiary education and in the workplace. By the time a child is in year 2, their life prospects have already been heavily influenced by their reading and writing skills up to that point.

With this in mind, the theme for Book Week, 'Fuel Your Mind;, is entirely appropriate. But it is important not to talk about the importance of reading in purely governmental or economic terms. First and foremost, reading is an inherently enjoyable activity: an end in itself rather than a means towards long-term policy goals. For all that is said about the time spent nowadays in front of the TV on the computer, I know that the kids in the preschools, the primary schools and the secondary schools of Frankston continue to be avid readers. Book Week is an important opportunity to celebrate this. I congratulate the volunteers at the Children's Book Council for all their efforts.

I was pleased on Monday to visit the Bayside Christian College, which each year celebrates Book Week with enthusiasm, flair and pizazz. The week culminates in a parade of students dressed as their favourite book characters on Friday. Congratulations to all the students at the Bayside Christian College and to all of the other schools in Frankston for their enthusiastic reading and enjoyment of books and literature.

Rosebud: pier

Mr DIXON (Nepean) — Last week I met with a large group of disgruntled fishermen at the end of Rosebud pier — in fact, it was not at the end of the pier, because that has been closed for over 12 months. Yes,

one of the most popular piers on Port Phillip Bay has been closed for over a year due to its poor condition.

Last year the Brumby government promised that repairs will be carried out to enable it to be open for the summer season, but that promise was broken. Then we were told that major repairs would be carried out this calendar year — that promise has been broken. The latest version from the government is that repairs would be completed by the first half of 2009, therefore the last quarter of the pier will remain closed for the second summer in a row, causing great stress to anglers, tourists and locals alike. This is happening at the same time that the Brumby government has announced it is looking at spending an obscene amount, tens of millions of dollars, on St Kilda Pier — incidentally, in a Labor electorate. The barbwire-fenced, half-demolished, rotten and 'No trespassing'-signed Rosebud pier is a fitting tribute to this closed, rotten and barricaded government.

Community One, Mount Martha: funding

Mr DIXON — On another matter the Victorian government's decree that students must stay at school until they are 16 years of age has threatened the future of a special class operated by Community One at Mount Martha. For 13 years Community One has conducted a special class for students, titled 'Certificate I in general education'. The result is that from the start of this year they have had students who have not received any funding.

Community One can enrol 15 year olds under a memorandum of understanding with individual schools, but the department of education has made it difficult to access funds to which the organisation is entitled. If this matter is not resolved quickly, Community One will have to reluctantly end the class. This government should not place a community organisation or students at such risk.

Eltham electorate: primary school youth forum

Mr HERBERT (Eltham) — I rise to thank the local primary schools which, on Wednesday, 6 August, attended a primary school youth forum held in my office. The forum proved to be a terrific event. I was grateful for the effort the schools made to attend. Staff and students at Eltham East Primary School, Eltham College, Greenhills Primary School, Our Lady of Perpetual Help Primary School, Montmorency South Primary School, Lower Plenty Primary School, Holy Trinity Catholic Primary School, and Eltham and Research primary schools are to be commended on their preparation for the forum and their insightful contributions.

These 11 schools, represented by 54 students, not only participated in a democratic forum but also enjoyed a sausage sizzle, where they had the opportunity to have an informal chat amongst themselves and with me about issues of interest to them. I must say, however, the football was a hot topic on the day. More importantly, the forum provided me with an opportunity to discuss matters of real importance with local primary school children. I might say that the children did not disappoint. Eltham is renowned for its terrific schools. The primary school youth forum was yet more evidence that this reputation is well deserved.

It is important that we as parliamentarians work to engage young people in democratic processes and ensure that future generations have a more positive approach to government than many in the present generation. This will only be achieved if young people have a real say in the future of their community. I once again commend the students for their insightful contributions and look forward to getting back to them on the issues they raised.

Wild pigs: control

Mr INGRAM (Gippsland East) — The concern I raise is about the increasing number of wild pigs that have spread through some of the northern areas of my electorate, the upper Snowy and areas around Omeo and Benambra over recent years. I have personally witnessed the extreme damage that a small number of wild pigs can do in some of the more pristine upper catchment areas of the Alpine National Park and the Snowy River National Park. The number of pigs spreading further south is of great concern to many land-holders as they spread into private land.

There have been populations of wild pigs in New South Wales for many years, but it is only more recently that they have spread in larger numbers into Victoria. In Victoria wild dog controllers are not allowed to trap wild pigs, even though they trap dogs in the same areas as the pigs are found. Only one specialist wild pig controller operates in Gippsland. He operates out of Omeo in the north-east of my electorate, and he has caught 20 pigs in one week. It is important that we have the capacity to deal with this pest as it really is doing an enormous amount of damage to areas in East Gippsland.

St Andrews: community hall

Mr HARDMAN (Seymour) — I rise to congratulate the many community members from St Andrews and the Nillumbik shire on their fantastic refurbishment of St Andrews community hall, which was opened on Sunday, 17 August. The hall is set in a reserve where the famous St Andrews market is held. The area has been upgraded with native plantings and pathways to make it look great at all times. Both of these projects have been supported significantly with state government grants but were really driven by local community members with great assistance from the shire, both administratively and practically, as we witnessed at the opening ceremony.

The refurbishment of St Andrews hall has turned it into a place that the community wants to use for local and family celebrations. The hall now has a modern kitchen and disabled toilet facilities and access, which will increase the number of people and who will be able to use it for functions in the future. As well, it has created a wonderful space, with glass doors and windows that open onto a wide deck, which not only is very aesthetic but covers rainwater tanks which are capturing the water that is used in the landscaping around the building. It is a very practical outcome.

The community and the shire have achieved all this while creating a sustainable building with insulation and landscaping that respects the wonderful environment. I congratulate them on their fantastic work, and I am sure they are going to enjoy the new St Andrews hall in the future.

Government: performance

Mr K. SMITH (Bass) — Today I wish to raise an issue that has concerned me for some time. This Labor socialist government has been in power for nearly 10 years, and over that time we have seen the manipulation of boards and authorities by the government putting its Trades Hall Labor commo mates into positions of power so they can influence the decisions of the so-called independent state authorities and boards.

One only has to look at the gaming industry here in Victoria; it is now in meltdown because of the changes made at the behest of this government's Labor lobbyist mates. The three codes of the racing industry are in absolute turmoil. The Labor government putting its mates into place has ruined what was once a great and clean industry here in Victoria. We are now the laughing stock of racing across Australia. By its actions the government has allowed corruption and crooks to run rife here in Victoria.

One then only has to look at the Lewis report to confirm what I have said. This government has manipulated the appointments of magistrates and judges to the Victorian Civil and Administrative Tribunal and to the higher courts, filling the benches with left-wing-leaning, bleeding-heart, socialist libertarians who do not reflect the will of the people in their handing out of sentences that reflect the gravity of crimes committed. When paedophiles and rapists walk away with a slap on the wrist, the system has fallen apart. We must hold the Attorney-General responsible for this.

Western Health: funding

Ms KAIROUZ (Kororoit) — Together with the member for Footscray and the member for Williamstown I visited the Western Hospital with the Minister for Health. While visiting the hospital, the minister announced that the Brumby government has provided Western Health with a budget of $347.92 million this year, a staggering increase of $27.49 million on what it was given last year. The minister also announced that Western Health had received $1.81 million to replace important medical equipment such as the mobile image intensifier and three operating rooms at the hospital.

While we were there we also inspected new infrastructure works, and I was pleased to see that the construction of the new substation and plant room has commenced. Congratulations to the chief executive officer and staff of the hospital. The people of Kororoit use this hospital, and it is under the Brumby government that excellent health services are provided for the people of the west. This is a continuation of the investment by the Brumby Labor government at Western Health, especially at the Sunshine Hospital campus. It is important that the people of the west are not left behind, as they were under the Kennett government.

My residents and I are looking forward to the construction of the new radiation bunkers which are being developed in conjunction with the Peter MacCallum Cancer Centre. Cancer services are very important to the community, and that means that people will now gain local access to radiation services, whereas in the past they have been left behind and have had to travel into the city or elsewhere for treatment. I am pleased that the Brumby government — —

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

Rail: Lardners Track level crossing

Mr BLACKWOOD (Narracan) — I again raise an issue that I have previously brought before this house on two occasions. Unfortunately the Brumby government, in particular the Minister for Public Transport, has still not bothered to address this issue or respond in any way. The Lardners Track level crossing in my electorate of Narracan is a death trap and of real concern to my community. It angers me and angers my constituents to see on prime-time television each night the many tens of thousands of dollars this government is spending on advertising the fact that it is making all dangerous level crossings safer by installing rumble strips and boom gates.

The Lardners Track level crossing is at the intersection of a road which carries a large amount of traffic with a fast train line but does not have boom gates. All level crossings on the fast train line in Gippsland, other than the Lardners Track crossing, have had boom gates installed, and the reason is that the cost of installing boom gates and traffic lights at Lardners Track is too great. This is not good enough. The government has been warned of the dangers of this intersection and of the near misses that have occurred. I have provided the Minister for Roads and Ports and the Minister for Public Transport with DVD footage of this dangerous level crossing in my electorate.

It is now 12 months since I first raised this issue in this house. I have written to both Minister Pallas and Minister Kosky. Minister Pallas's staff assure me that it is now solely in the hands of Minister Kosky, who has not bothered to respond in any way, shape or form. I urge the minister to address this issue urgently, and to stop fobbing off the people of Narracan and leaving them exposed to the dangers of this level crossing.

Tucker Road Primary School, Bentleigh: Premier's reading challenge

Mr HUDSON (Bentleigh) — Recently I visited Tucker Road Primary School in my electorate as part of the Premier's reading challenge. The challenge, now in its fourth year, asks all students in years 3 to 10 to read 15 books or more by 31 August. For students in prep, year 1 and year 2 the challenge is to read or experience 30 books. Students at the Tucker Road school have embraced the challenge set by the Premier to read more books with gusto. So far, 221 students at Tucker Road, or just over 50 per cent, have participated in the Premier's reading challenge, and 70 have already finished it, with more to come.

Accompanying me on the visit was one of the Premier's reading challenge ambassadors, award-winning Australian children's author, Carole Wilkinson. Carole has written such best-selling books as the *Dragon Keeper* trilogy and has sold over 200 000 children's books. Carole Wilkinson's *Ned Kelly's Jerilderie Letter* has been short-listed for a prize in Book Week. Ms Wilkinson told the children that reading a book is better than going to the movies because with books you get to direct the movie in your head. Ms Wilkinson told them that you can create the scenes and the characters, and even put yourself in the place of the hero.

There is no doubt that no matter what you do later in life, reading is the key to success. The Tucker Road students demonstrated through their questions that they are not only avid readers but are developing skills that are central to good writing. Tucker Road students have an enviable record in achievement in sport, but they are now showing that they are great readers.

Kyabram research centre: future

Mr WELLER (Rodney) — I rise today to voice my opposition to the state government's proposed restructure of the Department of Primary Industries. Labor's decision to close the Kyabram research centre, along with four other research sites across Victoria, is yet further evidence of this government's arrogance and blatant disregard for country Victoria. As part of what is becoming a worrying trend with the current government, this decision was made without any consultation with the people, industries or communities that stand to lose the most.

The Kyabram Department of Primary Industries site is a centre of excellence in dairy production research, and its importance to the rich agricultural region in northern Victoria cannot be underestimated.

It is now more vital than ever to retain the research facility at Kyabram, given the enormous challenges facing the dairy industry in northern Victoria. The ramifications of losing a facility like this are not only disastrous for families of the staff at the centre but also the farmers, the businesses, the schools, the services and the environment.

I urge the Brumby government to scrap its plans to restructure the Department of Primary Industries and guarantee the dairy industry and the people of Kyabram and surrounding districts that the Kyabram research

centre will be retained in the town as a fully funded, functional DPI facility.

Cockatoo Primary School: funding

Ms LOBATO (Gembrook) — I wish to congratulate Cockatoo Primary School on its receiving funding of $500 000 through the Better Schools Today program. The Minister for Education came to Cockatoo last week to visit Cockatoo Primary School and inform them of their success that will soon see some old facilities transformed into modern learning spaces.

The minister was very impressed as we were presented with various displays of activities undertaken by students. After the minister left the school, an excited principal, Darrelyn Boucher, got on the PA system and announced the great news to the entire school. Well done to Cockatoo Primary School for yet another success.

Gembrook: Avenue of Honour

Ms LOBATO — On Sunday I had the pleasure of attending and speaking at the rededication of the Gembrook Avenue of Honour. The avenue was originally planted 60 years ago and was recently rejuvenated to ensure its survival long into the future, to enable the community to remember and to give thanks to our local World War I veterans and soldiers who participated in subsequent conflicts.

Together with other community organisations, I had the privilege of planting some young oak trees that have now replaced some unsustainable older ones. I was assisted with the planting by my daughter Ashleigh while my son Archie represented Gembrook Primary School, together with other students and the principal, Kym Peterson. Many thanks to the subcommittee of the Gembrook township committee for their work in this project.

Fifteen Restaurant

Ms LOBATO — Congratulations to Tobie Puttock of the Melbourne restaurant Fifteen, who now joins 150 other Australian chefs who have declared that they will not serve genetically modified food.

Ambulance services: south-eastern suburbs

Mr BURGESS (Hastings) — Earlier this month I received a letter from one of my constituents, a 78-year-old woman, asking me to pressure the government to reverse its decision to diminish the MICA (mobile intensive care ambulance) service in our area. My constituent described her distress on having to rely on a service that has been cut down to a price instead of built up to a standard.

I also received a letter in late July from the MICA team based in Frankston. In part, this letter stated:

> We will also be forced to work in less than optimal conditions in the back of an ambulance not set up for intensive care, but using portable equipment from our sedan, and as such believe patients will be ultimately worse off.

With a government that extracts more taxes out of Victorians pockets than any Victorian government in history why must Victorians be forced to accept second-class services, particularly when it comes to emergency health? Victorians deserve better than this government delivers, particularly the elderly and vulnerable who, through no fault of their own, grow more dependent on it daily.

Does the minister think he knows better than the MICA experts and is he able to guarantee that no lives will be lost because of the reduction in these services? Victorians deserve the best. I ask the minister to immediately reinstate the two-person MICA crews.

Fishing: Western Port commercial licences

Mr BURGESS — There is no longer an argument about whether commercial fishing should be allowed in Western Port. Without consultation that decision was made just days before the last state election by then Premier Steve Bracks. The only issues remaining are whether the families who had their livelihoods stripped from them should be properly compensated for that loss and whether this Labor government can be trusted to do what it says.

The fishermen were led to believe that the compensation they were being provided with for the loss of their livelihoods was to be tax free, but because of the way the compensation package was drafted, a very large percentage is to be lost in tax. There has been a simple drafting problem on the part of the government, but the fishermen have suffered a devastating loss of their livelihood and the tradition built up through generations of their families.

Braybrook and Maidstone: neighbourhood renewal volunteers

Ms THOMSON (Footscray) — On 9 August I attended a Braybrook and Maidstone neighbourhood association event where I presented 23 certificates to volunteers for the work they do in Braybrook and Maidstone. Braybrook and Maidstone is a neighbourhood renewal area. It is one of the most disadvantaged areas in Victoria and the community that

makes up that area is absolutely fantastic. The work they do to contribute back to their community to make a difference is fantastic. To the 23 people who were presented with certificates and who were really quite overwhelmed by the fact that they were being recognised: you are really giving back to your community in spades.

It is a fantastic community, and I am pleased to be able to represent and work with them to improve conditions in the area for them, for their children and for the community at large. It is a highly multicultural community. It has an old Australian community as well that supports it. It has great plans for the future, and those are now being driven by the various agencies as part of the renewal program that is certainly being driven by the residents within Braybrook and Maidstone.

It was a wonderful day on 9 August; the sun was actually shining while we were at the event. There was music playing, there was food and there were a whole lot of activities for families and kids. The whole of the neighbourhood drifted in and out of the neighbourhood house. Congratulations to all.

Geelong: ministerial visits

Mr EREN (Lara) — I just wanted to share with members of the house some good news stories in relation to my electorate of Lara. How wrong are those cynics in Geelong who say that ministers only visit Geelong when there is an election? Recently, in the last three to four weeks, we have had more than seven ministers visit Geelong. I shall start with the most recent minister to visit, the Minister for Sport, Recreation and Youth Affairs, who is also the Minister Assisting the Premier on Multicultural Affairs, who was in Geelong at the Corio Bay Senior College handing out some funding in relation to positive body image grants to various organisations. From there we attended the D. W. Hope Centre, which is also in my electorate; it is a multicultural centre which the organisation Diversitat is involved with. We handed over some $50 000 to that organisation to assist with its operations.

The Minister for Health also visited Geelong in relation to an ambulance station which will be built right next to our brand-new fire station. We also had the Minister for Housing, the Minister for Children and Early Childhood Development, the Minister for Planning, the Minister for Energy and Resources — —

The DEPUTY SPEAKER — Order! The member's time has expired. The time to make members statements has now concluded.

MATTER OF PUBLIC IMPORTANCE

Climate change: government initiatives

The DEPUTY SPEAKER — Order! The Speaker has accepted a statement from the member for Thomastown proposing the following matter of public importance for discussion:

> That this house congratulates the Brumby Labor government on its national leadership in taking action to deal with climate change.

Mr BATCHELOR (Minister for Energy and Resources) — I propose that as a matter of public importance this house congratulates the Brumby Labor government on its national leadership in taking action to deal with climate change.

This proposal sums up the acknowledgement and respect this government has achieved, not only nationally but internationally, for being prepared to take action — positive and early action — on climate change. There is no doubt that it is acknowledged by all — whether it be within Australia, at the international level or at the United Nations — that the prevailing wisdom in terms of scientific investigation is that human activity has had a huge impact on the climate of the world and that unless we take early action now, it will have a disastrous effect on our planet. It is the only planet we have got, and we have to take decisive action.

Mr Ryan interjected.

Mr BATCHELOR — The Leader of The Nationals acknowledges that we have only one planet, and it is a good point that we should look after it. That is what this government has sought to do.

Since its inception at being elected, the government has recognised that this is a problem and has systematically taken steps to ensure that we can be positioned as a community, as a state and as a part of the Australian nation to be able to make collective and individual responses to make sure we reduce the impact of climate change. One of the major ways of doing that is through the portfolio response or approach that this government has taken in dealing with climate change. In the energy sector we have taken leadership of policy development and action delivery to make sure that that reduction happens. We believe that there are a significant number of steps that can be taken, but we believe that there is

no single or one solution. We need to have a suite of initiatives to tackle this all-embracing and enduring problem, and we need to have a portfolio approach.

The sorts of things that this government is doing and delivering upon include support for renewable energy, support for low-carbon technology, support for energy efficiency and support for an emission trading scheme at a national level.

We are not newcomers to any of these. We have been putting our policy and our money where our commitments are, and we have been doing that for a number of years. We were even doing it during the dark old days of the Howard government, when its scepticism and inconsistency on climate change ruled the national agenda. Here in Victoria we recognised there was a need for a national concerted early action, and we worked with other state jurisdictions prior to the election of the Rudd government to develop plans and structures for a national emission trading scheme, all designed to reduce our carbon emissions and to protect the environment.

Clearly the old Howard government was out of touch with what the people thought, with the reality and with the needs of the environment. Notwithstanding that, the various state governments got together to develop a proposal over a couple of years that was formulated in NETS, the national emission trading scheme, which went on to lay the foundations of the new federal government's carbon pollution reduction scheme, its version of an emission trading scheme. During this process the Brumby government here in Victoria was recognised as a leader, a provider of the intellectual stimulus for the development of this scheme. That early and thorough work has proven to be very useful, because it has in effect laid the foundations for the new commonwealth scheme, and the carbon pollution reduction scheme announced in the commonwealth's green paper picks up many of the elements of the previous state-based NETS. That is important to acknowledge.

It is not only through our support for an emission trading scheme that Victoria has made a worthwhile and substantial contribution. Victoria has supported and continues to support the use of renewable energy. We need to change our energy mix. We need to provide a greater source of energy here in Victoria, and renewable energy is an important component of that. We have supported renewable energy through the Victorian renewable energy target, which has been in operation for almost two years and is helping to reduce carbon emissions because of the more environmentally friendly way of producing electricity that is inherent in renewable energy.

Under that Victorian renewable energy target, VRET, we have required that a minimum of 10 per cent of renewable energy must be supplied by electricity retailers by 2016. That will be up from the current level of about 4 per cent, so in an institutional way we are doing our bit to support renewable energy and reduce greenhouse gas emissions.

We have not only put effort into and relied upon renewable energy but have also provided leadership through energy efficiency. The Victorian energy efficiency target, VEET, will help families reduce greenhouse gas emissions, and it will also help them cut their power bills. As I have said on many occasions before, the cheapest and cleanest power station is the one you do not have to build. You can achieve efficiency measures in individual households right across the state and the nation. It is a positive and constructive way of reducing greenhouse gas emissions. It is estimated that the first phase of VEET will save some 8.1 million tonnes of greenhouse gas emissions. That is the equivalent of making around 675 000 households carbon neutral for a year. This also provides a way for the members of individual households to take steps within their own homes to get ready for the emission trading scheme, to play their part in reducing their own personal carbon footprints and of course to reduce the cost of their electricity, which will be all important in the years ahead.

The VEET scheme will play a role in achieving the government's target of reducing, by the year 2050, Victoria's overall emissions to 60 per cent below the level it was in the year 2000. It sets a target for energy savings, initially in the residential sector, and requires energy retailers to meet their own targets through energy efficiency activities, such as providing households with energy-saving products and services at little or no cost. The scheme will commence next year and will be administered by the Essential Services Commission. It is a scheme being looked at by other jurisdictions around Australia as a positive and constructive way of making a contribution to meeting the climate change challenge. We think that is important, because climate change needs a positive, long-running and enduring response, both from the industrial sector and also from individual households. VEET provides households with a vehicle to do that.

It is important to understand the recognition that has been given to Victoria's leadership here by a range of business groups. Whether they are business groups at a national level, business groups at a state level or

individual enterprises, they have been overwhelmingly supportive of either Victoria's role or the role of a national emission trading scheme. In support of that statement I would like to provide a number of quotes which reflect it.

A significant statement has been made by Mr Greg Gailey, president of the Business Council of Australia, who said in a keynote address to the Committee for Economic Development of Australia in Sydney in July 2008:

> Let me say at the outset that the Business Council of Australia … is wholly supportive of the government's plans to introduce an emissions trading scheme.

You can see at the national level that business organisations are coming in behind it. At the state level VECCI has also been supportive. In a press release of 17 July 2008 Wayne Kayler-Thomson, said:

> Many of the components of the plan —

and here he was talking about the carbon pollution reduction scheme —

> are consistent with VECCI's preferred position on emissions trading, including its proposed broad coverage, assistance to trade exposed, energy intensive industries, transitional support for electricity generators, and compensation for low income households and individuals.

At the enterprise level Nick Harford from Visy said on 31 May 2007 on the ABC program *AM*:

> Visy supports a carbon price signal of some form. We also support the setting of targets, both short and long-term, to enable that certainty for industry investment.

You can see there is very wide support in industry. It is disappointing, however, to note that the same level of support does not come from the coalition at the national level or at the state level. We hear today that the leader of the coalition at the national level wants to introduce nuclear power. Here in Victoria we have a history of the coalition being quite at odds with the reality, which you see, for example, if you look at what the Leader of the Opposition was quoted as saying in a *Sunday Age* article of September 2006, under the heading 'Doubting Ted fuels green rage':

> I think there is climate change about us …I am not wise enough to conclude as to what causes the climate change.
>
> Some say that we had a period of climate change for the last 50 years that was unusual and we have just reverted back to normal patterns — and I am not in a position to judge that one way or another.

But he is not alone; he is not the lone sceptic in the coalition. On 31 August this year a member for Western Metropolitan Region in the Council, Bernie Finn, said — —

Mr Ryan interjected.

Mr BATCHELOR — This year, yes.

Mr Ryan interjected.

Mr BATCHELOR — July! Thank you, yes — July of this year.

Mr Ryan — I'm here to help.

Mr BATCHELOR — You do help, and Bernie Finn needs a lot of help because what he said was:

> …those same old lefties are scaring little kids and the gullible with the threat of so-called global warming. Overwhelming scientific evidence shows global warming ended a decade ago, but the Left has never let the facts get in the way of a good story.

The Nationals are in that bunch of sceptics. In their policy directions paper of 2006 The Nationals declared:

> While there is still uncertainty about the extent and cause of climate change, if the forecasts prove correct, Victorians can anticipate a hotter and more unstable climate.

I would just like to know what they think about the drought, the water shortages and the storm events. It is quite clear that The Nationals are in that bunch of sceptics.

You can see, Deputy Speaker, that the Labor government in Victoria has had a plan for a long time. We understand the need for action and for maintaining long-term action on climate change. It is supported by the population at large, it is supported by industry, and it is supported by national and international observers. It is extremely disappointing that there exist not only within this chamber but within the opposition at a national level a whole host of sceptics who do not believe that climate change is here, who are not prepared to put their shoulders to the wheel, but are prepared to see the environment damaged by a failure to respond.

Mr RYAN (Leader of The Nationals) — I want to start with a quiz question. Who said the following:

> Government leadership is required to signal the importance of incorporating environmental sustainability in the government's business processes. To date this has not been evident. The lack of commitment has hindered more effective implementation support being established and individual agencies taking action.

The answer to that rhetorical question is Dr Ian McPhail, the commissioner for environmental

sustainability. It is interesting that the energy minister, who is at the table, laughs in the face of this proposition, which that well-respected gentleman, Dr McPhail, said in his report earlier this year.

It really sets the scene because we have had all the usual rhetoric from the Labor Party today, particularly in relation to the power industry. This is the same party that was absolutely and trenchantly opposed to the privatisation of the power industry — and much of the force of that opposition was contributed by the present minister.

This is the same party which stands here today, in the form of the minister, talking about the efficiency that can be gained through the way in which power operations are conducted these days, when in fact the greatest efficiency that Victoria has seen has been the efficiency that has been achieved through the privatisation process, which effectively has built us a power station for nothing because the efficiency rates in the industry have gone from about 70 per cent pre-privatisation to about 96 per cent today.

Private enterprise does a fabulous job. Leave aside the fact that the $23 billion or thereabouts which was gleaned from that privatisation process all went down to the bank to pay off Labor's debt. Leave aside the fact that up in New South Wales as we speak John Robinson and the troglodytes of the union movement are trying to stop New South Wales privatising its power industry.

Mr Batchelor interjected.

Mr RYAN — 'Correct', says the minister with a smile — and why would he not smile, because he well knows that all the rubbish we heard from him and his mates over the years of the former government has turned out to be worth absolutely nought. He can well smile about what is occurring in New South Wales as he sees the loss of about $25 billion worth of benefit the state would otherwise have got up there, plus the efficiencies about which he is prepared to lecture us.

This is the point of this government. It is very good at lecturing everybody else. It is very good at the spin; it is a master at it. It is very good at all of that, but in fact in actually delivering the outcomes that Victoria needs in relation to this all-important issue, it is a different thing again because in fact our own backyard is a mess under this government in relation to this all-important issue.

I want to illustrate that commentary by referring to two particular areas of concern. The first is the one the minister referred to — that is, the emission trading scheme (ETS). I pause to say that everybody on all sides of politics agrees that we are going to have an emission trading scheme in Australia. It is coming at us like a train through a tunnel. I support such a scheme in Australia. The question is how we are going to design it and apply it in a manner that does justice to the situation here. Let us give it a context. Australia is responsible for about 1.4 per cent of global emissions. In the Latrobe Valley we have a power generation capacity of about 8500 megawatts. China adds about 1000 megawatts of generation capacity a week. Australia's total generating capacity is about 32 000 megawatts. China replicates that about every eight or nine months, and India is hard on its heels. We have those issues to contend with here in Australia; they are the practical realities.

What is the Victorian government doing by way of providing practical assistance and leadership to the population of this great state, and what are its thoughts in relation to an ETS? I think those questions stand. The government should tell Victorians precisely what its position is with regard to the structure of an ETS, and particularly its impact on our power generating industries, apart from anything else. The industry itself recently produced a report which stated that if the federal government's current proposals with regard to an ETS were to be adopted, it would probably mean the imminent closure of four of the five generating facilities in the Latrobe Valley. I would like to know what the Victorian government says about this.

To its credit the New South Wales government has undertaken a study as to the likely impact on its economy of establishing an ETS. Interestingly when that study was released recently, New South Wales concluded that if the current model proposed by the federal government leading into the last election were adopted in this state it would cost the Victorian economy $358 million dollars on the bottom line. What I want to know from this government today is what it says to Victorians about these all-important issues? Has it undertaken a study of the likely impact of an ETS on Victorians and on the state's economic position, and of all the factors that are relevant to it?

We support clean coal technology; of course we do. We support carbon capture and storage; of course we do. I have said it before, and I will say it again: we support developing a new power station in the Latrobe Valley based on the new technologies that are emerging around clean coal. We think that is very important. We support renewable energy as long as the government gets the planning constraints right. But it is vital that Victorians know what this government is actually proposing, what the cost will be to our state, how it will impact on all our businesses, and how it will impact

upon the many families who are, as the Premier would have it, grappling with some of the most difficult times that we have seen in the past 15 years. What is going to be the cost impost for those people on power to run their homes and businesses? These are the sorts of things we are entitled to be told about by this government, but these are the things it does not talk about in terms of this all-important issue of the impact of climate change, including the question of how an ETS should be framed and the way in which it ought apply in a Victorian context.

The government has proposed this matter of public importance. These are legitimate questions in relation to just one aspect of it that I am focusing on — that is, the question of the ETS. The minister spoke about a portfolio response. Here is a chance for someone with responsibility in that portfolio to stand up and tell the Parliament and Victorians what the government's position is with regard to that range of critical issues.

I will give another example. Recently the Victorian Civil and Administrative Tribunal (VCAT) made a decision with regard to some land at Toora, which is in the electorate I am very proud to represent in this Parliament. That decision was in regard to planning permits and building permits. It concerned two fundamental questions: firstly, the interpretation of farm zones, and secondly, the question of climate change. It happened because the Gippsland Coastal Board launched an appeal at VCAT against six permits that had been granted by the Gippsland Shire Council to enable houses to be built on particular allotments down near Toora. No expert evidence was called during the course of the tribunal hearing, although the tribunal did have available to it some material which arose from a CSIRO report that had been provided to the Gippsland Coastal Board.

I have the judgement in front of me. I should say the hearing was on 30 May, and the date of the orders is 20 July. In paragraph 35 under the heading 'Is sea level rise a valid consideration?', it says:

> The specific consideration of sea level rises, coastal inundation and the effects of climate change are not set out within the Victorian planning provisions.

Paragraph 36 states:

> In this matter, we have neither the benefit of specific planning provisions or policy relating to coastal recession or sea level rise.

I put it to the minister, and I put it to the government, that if there is a portfolio response, as the minister proffered this morning, where is the planning minister? The Victorian government is running a state planning policy which has no provisions in relation to climate change. This self-congratulatory crew who have proposed this matter of public importance we have before the house this morning is in charge of a planning scheme which says nothing about the issue of climate change. What happens in the vacuum that exists in such a situation is that you get gross confusion. What also happens is that VCAT enters at stage left. It has now filled the vacuum by making this decision in relation to the blocks of land down at Toora. In the course of its determination it examined the question of climate change as well as the farm zone issues. It says that the issue of climate change and its impact on tidal surges and the like is all emerging science.

At paragraph 39 the judgement says:

> We do not have the benefit of expert evidence other than the CSIRO reports.

It refers to those reports, but VCAT did not actually adopt them. Indeed at paragraph 40 it is stated:

> It is not our intention to adopt these findings.

That is what VCAT said about the CSIRO report. It went on to say that it had been urged to adopt what is called the 'precautionary approach', and it details that at the bottom of page 12. Basically, if I might summarise it, the precautionary approach is that you do not do anything unless you are absolutely certain that nothing is going to go wrong, and that is what VCAT has determined it will do in relation to this issue, as I read the judgement.

At paragraph 47 the judgement goes on to say, and this is critically important:

> The relevance of climate change to the planning decision-making process is still in an evolutionary phase. Each case concerning the possible impacts of climate change will turn on its own facts and circumstances.

VCAT proceeded to set aside the planning permits. We have a position where along the coastal fringes of Victoria communities are in absolute disarray about what is to happen with regard to the development of their respective areas, because this government has walked off centre stage on the issue of climate change and just left the thing vacant. Where is the government on this? Where is this minister's proposal for a portfolio response from the planning minister? Why do we not have a response from the government at large in relation to this issue? It is a disgraceful state of affairs that this situation should have been allowed to develop and that we have now got all this uncertainty.

Owners of properties in my electorate, which covers about 400 kilometres of the Victorian coastline, are coming to me and saying, 'What are we to do? What do we do now?'. The value of land is plunging. Numerous submissions are put to me by estate agents about offers that had been made in relation to blocks of land only two weeks or four weeks ago now being slashed, because the people who are trying to sell them cannot get the value that they would otherwise expect, particularly given this issue of climate change. How can the government have allowed this situation to occur? Yet we still have not heard boo from the government with regard to this.

There is another element of this which has got people in my electorate angry in the extreme. It is not only the issue of the coastal impact of this around the Gippsland Lakes, what about the good burghers down in Williamstown? What if the Bracks family wants to put an extension on the back of its house? It has to get a building permit. I am telling the Bracks's they should look out. What is going to happen with this? If you are in Frankston or if you live near the Elwood Canal for example, what are you supposed to do now in the face of VCAT having made this determination and the government having left this whole thing vacant? What are people to do? I say it is a disgraceful state of affairs.

But a further disgrace is that about 100 kilometres as the seagull flies from Toora, where the land I referred to was the object of these applications, we have the prospect of having a desalination plant built. Funnily enough we think this is going to involve at least $3 billion or maybe $4 billion of taxpayers money — but who would know, because the government will not tell us; it says it is cabinet in confidence — to fund the development of a desalination plant on a site which is around about 800 metres behind the sand dunes adjacent to Wonthaggi.

How does the government reconcile on the one hand having the poor burghers of Toora stitched up and the rest of the coastal communities now worried about what is going to happen with all of this and on the other hand blithely going ahead, as it would have it, with developing this desalination plant on an area of land which is of approximately the same standing in terms of Australian height datum levels as the land at Toora, which is about 1.4 kilometres away from the ocean? How can that conceivably be right?

This could have calamitous consequences. We could end up with a desalination plant under 3 metres of water. We could have people coming along to work at the plant and not getting a bus to work but getting a boat to work. We could well have the situation where you do not bring your lunch in a brown paper bag, you bring along an aqualung and a spear gun and you self-serve. What you are going to have is a desalination plant — if the basis of this VCAT decision does turn out to be the case — that will be under water.

How do this minister and the portfolio response to which he refers conceivably rationalise the situation? First, we have an extraordinary contrast in circumstances between these two closely located coastal positions, and second, and more particularly in the context of this matter of public importance we are debating today, how can it possibly be that the government is silent about this? I think the last word rests with Dr Ian McPhail, who said:

> In the context of climate change and worsening water scarcity, the community can reasonably expect stronger action in government's own operations while it demands behaviour change from industry and the community.

That sums it up well.

Ms GREEN (Yan Yean) — It gives me great pleasure to join the debate on this matter of public importance, which I think should be shared by everyone in this community who is concerned about climate change. I think there is a great deal of evidence that the community across the board has these concerns. It is very interesting to follow a speaker from The Nationals. They claim to represent primary producing families and to have concerns for them, but I think that farmers are the first ones to notice the impact of climate change, and they expect governments and the community to take action to address that.

The scientific community is now united on the consequences of climate change.

> Warming of the climate system is unequivocal, as is now evident from observations in increases in global average air and ocean temperatures, widespread melting of snow and ice and rising global average sea level.

That is a quote from the fourth assessment report of the Intergovernmental Panel on Climate Change, which was published in 2007.

Gabrielle Walker and Sir David King, the former UK chief scientist, also contended this year:

> All of this evidence points to the same thing. The recent heating up of planet earth has carbon dioxide's fingerprints all over it … Human activity is to blame for the rise in temperature over recent decades, and will be responsible for more changes in the future … If anybody tells you differently they either have a vested interest in ignoring the scientific arguments or they are fools.

That is an absolute warning from experts who know.

Dr Barrie Pittock, a senior research scientist at the well-respected CSIRO for over 30 years, said three years ago:

> … the overwhelming body of evidence from relevant scientists is that there is a high probability that human-induced climate change, with associated changes in other climatic conditions, is happening.

Graeme Pearman, the former chief of CSIRO atmospheric research, also said in 2005:

> The best available evidence indicates that global warming is already occurring and that it will continue throughout this century as a consequence of the human production of greenhouse gases.

Both those quotes date back to 2005. We have been in power since 1999 and have been taking steps from the earliest point of our government, but at that time the leadership of the Howard federal government still had not even acknowledged the science, despite the strength of opinion from all the best experts. It was refusing to recognise what the scientific community has known for a very long time and was refusing to take any action.

As the Minister for Energy and Resources said earlier in his contribution, it was very fortunate that we here in Victoria, along with the other states, took some leadership and started looking at this problem and establishing an emission trading system, which has now formed the basis for the Rudd government's policy. Thank goodness the community had the good sense with respect to the future of our climate to bring about a change of government and elect to the government benches a party that would actually take this problem seriously.

As I said, the scientific evidence goes back some years, but coalition members in this state keep making excuses for doing nothing. I quote from a recent article:

> … global carbon emissions could be addressed only through agreement by the largest economies like the USA and China.

Who said that? It was Mr Rich-Phillips, a member for South Eastern Metropolitan Region in the other place, as paraphrased in an article entitled 'Carbon trade "to hit working families"' published only last month in the Dandenong *Journal*. Likewise, Mr Finn, a member for Western Metropolitan Region in the other place, said in a members statement only last month:

> An emissions trading scheme has the potential to plunge this nation into a depression the likes of which we have never known. What it could do to the western suburbs of Melbourne fills me with horror. There will be mass bankruptcy with bigger companies fleeing offshore to escape the ideological lunacy coming from Canberra, and the resultant unemployment and social misery are all on the cards if we continue down this track.

What this shows is either abject cynicism and an attempt to politicise this issue for short-term gain, which we often see from those on the other side, or it is absolute idiocy and demonstrates ignorance of the facts.

The Brumby government has taken early national and international leadership on climate change. We have made systematic efforts to promote and support, both at an individual level and a collective level, efforts to deal with the potentially catastrophic effects of climate change, and to support the reduction of carbon emissions. This has been undertaken through the emission trading scheme, support for alternative energy and the expansion of the natural gas network.

The natural gas network is also something that has assisted with the reduction in fossil fuel burning. I am pleased that that has occurred in my electorate. In Hurstbridge, for example, you can really see that, with less wood fires burning, the local environment is improving. That is an example of doing something in a small area that can have a larger long-term effect.

We all have to play our part. It is really instructive that the lead speaker from the coalition was the Leader of The Nationals. In the 1970s when I was growing up the Liberals in this state rightly had a proud leadership history and record of support for the environment. Many were concerned that when the Liberals and The Nationals returned to coalition the climate change naysayers in The Nationals would be running the environmental policy. As the lead speaker today for the coalition, The Leader of The Nationals said, 'It is not in my backyard. Until China does something, we will not do anything; we will not, as a developed nation, take any responsibility for what is occurring'.

At every turn this government is trying to take action, whether it is the target of support for renewable energy or the 10 per cent by 2016. What happened in the 1990s was a complete cut-off of funding, of any support, for renewable energy, and what we are seeing now in the attempts to expand the wind energy industry is that the Liberals and The Nationals have opposed and frustrated the wind energy industry at every turn. 'Not in my backyard' is their call.

At every turn, when we are trying to take action on water, you will hear The Nationals bleating and — actually, correctly — saying that the people it represents are suffering due to the long-term drought, which is a result of climate change. But will it support any action on that and improvement in management of

water resources? No, it fiddles while Rome burns; it ignores the inevitable.

I can say, as someone with some responsibility in emergency services and also someone who is a volunteer in emergency services, that we know absolutely the impact of climate change is here to stay. The evidence is the fact that we have had two catastrophic, mega fires in this state this century and have actually seen large flood events. The government has responded by doubling the funding in this area and importantly supporting our volunteers and our staff in those efforts. Climate change makes our environment more fire prone, with more flood events, because climate change means we are hotter and drier, and there is increased occurrence of fire and its impact.

In short, I absolutely support the efforts this government is making on climate change. I support this matter of public importance, as does the majority of the community that I represent. Only today in the paper we read that Nillumbik is one of the most livable places; in order to keep it a livable community its members expect us to take action on climate change to preserve that lifestyle. I commend this matter of public importance to the house.

Ms ASHER (Brighton) — I, too, am pleased to participate in the debate on this matter of public importance — another self-congratulatory matter of public importance. Following the contribution by the member for Yan Yean — incidentally I could point out to the member that our shadow minister for the environment is in the upper house if she is worried about who is the lead speaker — I would have thought that the matter before the house related to whether or not the Brumby government had national leadership on this issue, not necessarily about policies to address climate change. I contend that the Brumby Labor government has not taken a leadership role on this issue, and I propose to direct my remarks in that direction in the matter of the MPI.

The MPI is spin; this government is renowned for its spin. It is all about the government saying it has assumed a leadership role. I remind members of the government that there is a lot more to leadership on climate change than the Premier simply going to Bali with the Prime Minister. The leadership role should centre around what this government is actually doing.

In the first instance I will look at the government's blueprint on the environment and climate change. It is a document which I expect the government hopes we have all forgotten about; it is called *Our Environment Our Future — Sustainability Action Statement 2006*. That was yet again another colour magazine printed by the government indicating what it will do.

There was a statement from then Premier Steve Bracks — as there always was in these glossies — in which he said:

> We are acting now to prepare for the unavoidable impacts of climate change …
>
> We are acting now to have healthy and productive land, forests and ecosystems …
>
> We are acting now to have enough water to meet our future population growth …

What a joke that is! This is yet another piece of hot air from the government, if you like, rather than actually looking at what action it will take itself. Indeed, in that document there is a section on 'Government leadership' and again the actions that the government proposed to take in 2006 which are, to be flattering to the government, extremely limited. For example, in that section at page 5 it claims that it will:

> Green the government car fleet by purchasing 150 hybrid cars and using ethanol fuel

If government members say that is leadership in the area right across the Victorian government, they would have to be kidding.

I will briefly run through what the government said it would do in 2006 in terms of clean, greenhouse-friendly energy. It said it would support a Victorian renewable energy target. It said it would provide support for renewable energy technology; support for emission trading; support for reporting of — not acting on — greenhouse gas emissions; support for cleaner coal, which I support; and support for improving existing generators. In action 2, headed 'Improving our energy efficiency', it said it would support green communities by showing how leading communities can cut their emissions.

The government said it would support large resource users through audits — not a lot of action happening here; I guess members have picked up this theme. It said it would support smart metering; we will wait for that to happen. It said it would support smarter energy pricing — I love this government's spin — which means price increases for businesses and consumers. It said it would support greener appliances. It said it would support energy-smart businesses to demonstrate how people could be smarter with energy. It said it would support better billing, which would allow people to compare data from similar households to see how much energy they were using. The government said it would support the energy efficiency industry; again, I

would urge it to do more in that area. The government went on and on with what it would actually do. In action 3, headed 'Adapting to the impacts of climate change', it said it would set up a research centre. It said it would assess the climate change vulnerabilities of every region and keep communities in the picture. It does not seem to me that communities have been kept in the picture.

That was the government's blueprint for what it would do about climate change. If you read through that document, you will see there is nothing about what the government will do itself. If the government is going to claim leadership, the government needs to do something itself. I, too, would like to look at the *Strategic Audit of Victorian Government Agencies' Environmental Management Systems*, a report from the commissioner for environmental sustainability dated 2008. First of all I need to point out to the government that in terms of its own environmental management reporting, it is extremely limited. The organisations reporting here are 12 agencies — that is, 10 departments, the Environment Protection Authority and Sustainability Victoria. Five agencies voluntarily added themselves to that. The commissioner makes the point that the Victorian government's environmental performance reporting remains limited to 12 agencies. These agencies represent approximately 4 per cent of the government's agencies. It reports on what 4 per cent of its own agencies do.

As the previous speaker pointed out, Dr Ian McPhail, the commissioner for environmental sustainability, made the following telling observation and criticism of government:

> Government leadership is required to signal the importance of incorporating environmental sustainability into government's business processes. To date this has not been evident.

The government's own commissioner has basically said that the limited area of government that is part of his regime is not performing well and that the government needs to perform better in terms of its own leadership. It is interesting to note the government's response to that particular report. Basically the minister for the environment bagged the commissioner when he was, I believe, reporting factually.

In terms of the government's own action on climate change I draw members' attention to page 242 of budget paper 3, which details what the government wants to do in regard to climate change in 2008–09. For $77.6 million the government wants to do three things to assist in preventing climate change. What might these things be? 'Is it to reduce its own greenhouse gas emissions?', I thought as I picked up this document. No, it is not. For example, the government's first key performance indicator (KPI) is to complete seven major policy papers, strategy reviews or research papers. There are only three key performance indicators on climate change, and what is this government going to do? It is going to have seven research papers.

I looked at the second action expecting that there might be something of substance, some 'leadership' from this government, as the matter of public importance says. I see here the target is that it wants 62 councils participating in the Victorian Local Sustainability Accord. Again, that does not include the government itself, and it does not even include all the councils.

Then I looked at action 3 — surely this would be the killer. Surely the government would say, 'Let's reduce our own greenhouse gas emissions if we are going to show leadership', as the minister for energy has said it would. I see here that the KPI is 95 per cent of 'Greenhouse response actions managed and administered' — that is, of the ones it is prepared to put up. This is what government is going to do about climate change, according to the budget documents: it is going to do a policy paper, it is going to ask councils to do something and it is going to manage 95 per cent of actions that it designated.

The fact of the matter is that this government has done very little. The fact of the matter is that Victoria emitted 120.3 megatons of carbon dioxide-equivalent greenhouse gases in 2006. The Victorian government represents broadly 10 per cent of the Victorian economy. If this government wishes to claim a leadership position, as it has posited it has done in this matter of public importance, it needs to do something. It needs to do more than have member after member come in here and say, 'Climate change is important and we need to do something'. The government itself needs to do something. So far it has been deficient.

Mr HERBERT (Eltham) — It is a pleasure to speak on this matter of public importance:

> That this house congratulates the Brumby Labor government on its national leadership in taking action to deal with climate change.

The substance of this matter is far from spin, as the member for Brighton would have it. It is a clear-cut acknowledgement of this government's actions in this state since 1999. I have been listening carefully to the contributions of members opposite, and whilst we heard a lot about the problems and a lot of bleating about the inadequacy of actions, what I did not hear was any positive contribution on how to reduce climate change, although I acknowledge that the member for Brighton

spoke positively about the local government accord, which is doing terrific work, funded by this government.

I am happy to acknowledge the achievements of the Victorian government. On this side of the house we clearly understand just how pressing the need for action on climate change is if we are going to avoid the catastrophic temperature rises that have been predicted internationally around the globe. The Victorian government's track record is impeccable, showing it certainly is a national leader. We have been totally committed to the battle on climate change, as should be expected from a state with such a large industrial base and a small population in a relatively small area.

We are spending money to help householders become far more energy efficient. We have invested heavily in large energy users like hospitals and schools to make them energy efficient. We are providing massive amounts of funding to support research into cleaner, more efficient energy production such as clean coal industries, CO_2 sequestration, major solar energy stations, geothermal, wind and a whole range of other technologies which will produce cleaner, cheaper, more cost-effective power and help meet our targets on carbon emissions.

We do this not because it is a simple and nice thing to do; we do it because we recognise that we have to make sure our economy is cost effective in a new environment. Whilst many on the other side of the house and in the Liberal Party in particular have argued that the cost of strong action is too great and will reduce the economic future of Australia and of trading states such as Victoria, Henry Derwent, the head of the International Emissions Trading Association, points out in today's *Age* that the economic costs of no action are far higher, and it is worth quoting him. The article says:

> First, remember that climate change is, over time, a killer for Australian growth. Even for those indifferent to the massive impacts on irrigated agriculture … and tourism, and indifferent to the health impacts and the sort of country that Australia's children will inherit, consider the indirect impacts of the much worse position of major export markets.

That is, if we do not act. The article goes on:

> Cleaning up typhoons, depopulating inhabited coastal areas and building flood defences is going to seriously divert the growth of Indonesia, Vietnam and China on which much of Australia's recent prosperity has depended.

That is pretty clear. This is not just an Australian thing, but if we do not act nationally and if we do not act internationally, it will not just be our economy that goes down the gurgler — it will be economies right around the world. As the member for Yan Yean has pointed out, scientists around the world have pointed unequivocally to evidence that a climate change calamity will happen if we do not reduce carbon emissions. There are still some ill-informed people who do not believe that, but hopefully they are changing their tune.

In Australia, however, we are fortunate that since the recent federal election we have had a government that is acknowledging the science on climate change and is agreeing nationally in terms of the measures that need to be taken to reduce our emissions. It followed Victoria's lead and worked with Victoria in the lead-up to the last election.

We know the previous government was a climate change sceptic. It saw it as some sort of voodoo. Even today we see in the Liberal Party nationally a split between those who want to support emission trading and those who want to oppose it wholeheartedly. It is a split that goes to the leadership of the Liberal Party and a split that divides it from the Australian and world communities which want to see unequivocal action. It is only 10 months since the Howard government was rejected by the electorate on its environmental climate change agenda, and in 10 months we have seen some major action in terms of the battle by the Rudd government to fight climate change, the battle that will define this generation. It is a fierce battle and a battle that might be fought rapidly if we are going to start clawing back from the excesses of the past.

Let us have a look at what has happened in the short 10 months since the government took over. Firstly, it has ratified Kyoto. We remember the decades of debate and that the previous government would not ratify it. It was all going to be doom and gloom, and the world was going to come to an end. Prime Minister Rudd comes in and ratifies Kyoto, and what has happened? The world has not ended!

Mr Walsh — It hasn't started either.

Mr HERBERT — The government has stuck steadfast, despite the critics on the other side, to its emission trading scheme deadlines and is intent on implementing them. It has set aside $500 million to help our car manufacturing industry to develop greener, more environmentally friendly cars through the Green Car Innovation Fund. We have recently seen the Bracks report into the car industry that advocates even more money to make our car industry, a very important industry for Victoria, far more sustainable in the future. It is about not just the cars being green but the process that makes them green and our being industry leaders.

We continue to work with the federal government in tandem to reduce carbon emissions, but it is not just at a federal or state levels that we need to act on climate change. Looking at local government, as the member for Yan Yean pointed out, local government understands it needs to act too. The shire of Nillumbik is probably one of the most livable areas in Victoria and Australia. Recently I was absolutely delighted to be there when the Nillumbik Shire Council announced a pilot program, partly funded by the state government, to change the globes in the streetlights of the entire shire from high-energy-using 80-watt globes to low-emission, low-energy-using 14-watt globes. This measure alone will save something like 28 000 tonnes of CO_2 or about 68 per cent of the total council output. That is a lot of black balloons.

We must move beyond local government to what is happening in houses and particularly what is happening in our schools, which are crucial. Eltham North Primary School in my electorate has just become a 5-star accredited sustainable school. It has embarked on a mission to save waste, save water and use less power, and has just been awarded an Energy Smart schools award for Victoria because of its efforts in sustainability. It is great stuff, and it is happening in schools right across my electorate and right across Victoria. What is pleasing about this is that when members of today's young generation become leaders, embedded in their minds will be the need to have a more sustainable and low-energy but positive future.

In the short time remaining to me I would like to again quote Henry Derwent in terms of what the future will hold for those children and for us if we do not act strongly. On emission trading he writes:

> Carbon pricing is meant to be a cold bath — a shock to the economic system. Not such as to induce heart failure, so it must be eased in to some degree. But when the complaints really start flying, the government — and those who can see that a low-carbon revolution offers as many opportunities as the digital revolution — must keep its nerve, because all the alternatives, including making sure the price is so low that it has no real effect for many years, are worse.

I leave this debate on this point: that we must act and continue to act. We must move away from rhetoric into real actions, and whether it be support for wind power, for emission trading regimes, for improved power generation, for increased biodiversity or initiatives in schools, houses and even in buildings like this, hopefully all in this chamber will support those initiatives.

Mr WALSH (Swan Hill) — I rise to make a contribution on behalf of the opposition to the matter of public importance proposed by the member for Thomastown, which is that this house congratulates the Brumby Labor government on its national leadership in taking action to deal with climate change. The only thing I think the Brumby government has taken national leadership on is making political spin an art form and making significant contributions to the likes of Shannon's Way along the way to make sure that its coffers are very well replenished so it can make great contributions to progressive business to keep funding the Labor Party.

When it comes to the issue of climate change no-one argues that there will not be an emission trading system here in Australia; both sides of politics agree on that. Whether the Prime Minister will brand it with a different name to make it sound different and more sexy, we do not know. There will be an emission trading scheme in Australia, and we need certainty around that so that business knows what it has to deal with and will not be disadvantaged in the future. But most importantly, we need certainty for individuals in Australia so that household budgets are not destroyed by what costs may be put into the system through an emission trading scheme.

If this government were showing national leadership on climate change I would have thought we would have heard a contribution from it today that would have given some certainty to business and, particularly, to households. But from the speakers so far we have not heard anything; all we have heard is empty rhetoric. When it comes to climate change, as with a whole range of other issues, it is deeds that are done by the government, not words, that are most important. In some ways what has been reinforced to me today by the speakers we have heard is that the government is fiddling while Rome burns; it is all about strategies, about discussion papers, about this and about that, but it is not actually about what it is really going to do.

The three areas I want to touch on today are what should be done with transport, particularly freight transport; the issues around agriculture and its involvement in this whole issue; and finally, the issue of water.

The issue of transport is a major contributor to carbon production and greenhouse gases. What is the most efficient way of transporting freight around Victoria? It is rail. To move a tonne of freight around Victoria on rail takes something like a seventh of the energy that it takes to move it on road. What has the government done? It had the Fischer inquiry, which was very trendy at the time. It came out with some ratings for the railway lines around platinum, gold, silver and bronze, in line with the Commonwealth Games — a very

imaginative rating of those lines. But the key thing that is needed is for the government, if it is serious about climate change and about reducing the cost of transporting freight around Victoria, particularly bulk freight and containerised freight, to invest a significant amount of money into making sure the Victorian rail system is up to scratch so it can actually compete with road transport and can become the option for the future when it comes to shifting freight. We have seen some limited investment in rail freight, but we need a major investment from the government. It has talked about it for nine years now. It continually blames the previous government, but after nine years it needs to take some responsibility for it itself.

The Murrayville line is now closed. The grain from out west of Ouyen will now have to be shipped by road to wherever it may be going. The government is now saying that the railway lines north of Dimboola and north of Warracknabeal will not be used this year — with more trucks on the road. For every grain train that was previously run on those rail tracks, now 50 B-doubles will be required to shift the same amount of grain, so a lot more energy will be consumed there.

The classic of all classics is the Benalla to Oaklands line. It is great that the line between Benalla and Wodonga is going to be standardised, but what has it done? It has left a whole area of Victoria now without a rail freight service, and hundreds and hundreds of trucks will now be on the road to cart the grain out of that area. The bridge at Yarrawonga and Mulwala will be put under a lot of stress, and it will need replacing one day. I will remind the member for Murray Valley after the Swan Hill bridge is done, not before. That bridge will now have hundreds and hundreds of trucks going over it because there will be no train service there.

The other issue I would like to touch on — and I am glad the Minister for Agriculture is at the table — is agriculture's involvement in this whole climate change debate. Research drives industries, and research will drive a lot of things that we do to deal with the issue of climate change. What is the response by the Department of Primary Industries? What is the response by the Minister for Agriculture? To sack 70 staff. The department actually says that by sacking 70 staff it will 'modernise and improve the delivery of services to Victorian farmers' and that 'services to key farm sectors will increase'. It says that by sacking 70 staff and closing facilities it will actually increase services to farmers. That just does not make sense to me.

Mr Helper — Yes, it does.

Mr WALSH — But it may make — —

Mr Helper — That quote, as it is, is misleading. There is no such quote.

Mr WALSH — It is in the documentation. It is in the press release from the department.

Mr Helper — Then it is quoted incorrectly.

Mr WALSH — It says that the restructure will 'modernise and improve the delivery of services to Victorian farmers' and services to key farm sectors will improve. If you link the two together, sacking 70 staff will achieve those things.

I can see a bright future for agriculture around the whole issue of sequestration of carbon in the soil, and we need research to do that. I think there is a real opportunity there for agriculture in Victoria and agriculture in Australia. But to do that we need research. How do you achieve research? You actually employ scientists. You do not sack 50 scientists if you are going to do research on soil sequestration.

The last issue I would like to touch on is the issue of water. The government says it is showing leadership on water. There are a range of reports out now, particularly the CSIRO reports into the Goulburn and Murray catchments. In an extreme climate change scenario: by 2030 the end-of-system flow of the Goulburn River at McCoys Bridge will be reduced by 62 per cent. If the last 10 years is the norm for into the future, and we desperately hope that it is not, surface water availability in the Goulburn will be reduced by 41 per cent. In the Murray there will be a 30 per cent reduction in water availability if the last 10 years is the norm, and the end-of-system flow, based on a dry extreme, will be reduced by 50 per cent. So we have some real issues to confront if this is to be the norm for the future. We all hope that the lower end of climate change predictions, rather than the worst, will be the reality, but we have to plan for the worst.

What is the government doing in this planning scenario? Melbourne needs water into the future, and the government is planning on the last three years as being the norm for into the future for Melbourne's water needs. But what is it doing for northern Victoria? It is saying, 'We have 115 years of modelling; that is the norm, and that is how we are going to plan'. It is planning for northern Victoria by saying, 'An average of the last 115 years is what happens in the north, and out of that we are going to build a pipe from the north to bring water to Melbourne. Melbourne has a three-year scenario — we have to be very careful about Melbourne — but the north has a 115-year scenario.

We are going to take water from the north to the south to provide for Melbourne'. What we have to realise in this house — and I think everyone does, but people put different slants on it — is that the water is needed for all of life in Victoria, but it is particularly needed for the production of food here in Victoria, and we need to make sure that we keep our productive areas with water. On the issue of climate change and caring for the environment I would put it that the farmers and other people in northern Victoria are great carers for the environment — they live in it, and they understand the issues up there — compared to some of the do-gooders in Melbourne who want to impose their will on it.

What will the government do with its north–south pipeline? From the year 2010 or 2011 every megalitre of water that comes to Melbourne will be taken away from the environment. If you look at the food bowl report, you will see that table 7.1, I think it is, sets out very clearly how the water coming down the north-south pipeline for Melbourne from 2010 will be achieved. It is about taking water away from savings projects that were destined for the Snowy River and destined for the Living Murray and from the Eildon water quality reserve. The three planks of what the government has supposedly been doing on water for the environment will be taken away, and the water will be sent to Melbourne. If this government is showing leadership on climate change, I would hate to see it if it were not doing anything.

I would like to finish on what the commissioner for environmental sustainability said about this government. He said:

> Government leadership is required to signal the importance of incorporating environmental sustainability into government's business processes. To date this has not been evident.

Our own independent commissioner for environmental sustainability has said that this government has not proven itself on climate change.

Mr HOWARD (Ballarat East) — This government has been a government of leadership, and there are no examples that are more clear than our record in regard to acting to address the greenhouse challenge. Unlike the conservative parties at both state and federal levels, that are full of climate change sceptics, we have said we cannot ignore the views and evidence presented by the vast majority of respected scientists around the world. We cannot ignore these calls from across our communities in Victoria, more broadly around Australia, and of course around the world, and we need to show real leadership to implement schemes that address the significant greenhouse challenge before us. Yes, it certainly is going to take time. It is like turning around a large ship, so it can be frustrating that it will take time to get the changes in place across our communities and around the world, to see greenhouse gas emissions come down let alone holding those emissions to present levels and not seeing them continue to increase.

The actions taken by this state government show a substantial contrast from what we have seen at the federal level over recent years, until the election of the Rudd federal Labor government. Under the former Howard government, the climate sceptics ran riot. They would not accept any role in the international community; they would not sign the Kyoto accord and put Australia into the international community discussions about how we should work together to address this issue. They simply held back and said, 'No, we can't do it. We don't need to do it', or whatever, but at least it is pleasing to see that with the election of the Rudd federal government, we are seeing Australia now taking a serious part in those important international discussions.

Going back to state level issues, where we have been able to show leadership through that negative federal period, I guess at the top of the list one would have to say the VRET(Victorian renewable energy target) scheme has to be one of the leading projects we have put forward. We said to our energy retailers that 10 per cent of their power must be created by renewable energy sources by the year 2010, and that will slash greenhouse gas emissions by 27 million tonnes when we get to 2010.

That proposal has been looked at by other states, and we will see this initiative enacted not only in other states of Australia but around the world as a very sensible and very sound way in which governments can act to push on energy retailers to recognise the need to look at alternative energy sources.

Certainly the VRET scheme has been very important to us, and we can see the effects of that. I see its effects every time I look out of my house at the moment because, living near Waubra, I live in the vicinity of a wind farm which is going to have 128 wind turbines. Something like half of them have now been constructed, so I look at the broad sweep of wind towers when I step out of my back door and my front door, and I am very pleased to see that the vast majority of the members of the Waubra community, as does the broader community, recognise that they are doing their part in dealing with greenhouse gas emissions by not opposing this wind farm. They recognise that they have

a community responsibility to work together to address greenhouse gas emissions.

This Waubra wind farm would not have happened without the VRET scheme; we would not have seen that development of wind technology happen in our state. It is unfortunate that some members of our community still cannot see the need to accept wind towers, and they have some legitimate concerns in regard to wind power, but most of those are being addressed. I am quite confident that, for example, when the Waubra wind farm is in place, most community members will see this as being a very beneficial project, and a lot of those negatives which the negativists want to focus on will be shown to be fallacies and to be not real issues to be concerned about at all.

There are other schemes that this state has put in place. We should recognise the $187 million energy technology innovation strategy that this government has put in place, where it is facilitating the construction of one of the world's most advanced solar-powered stations in northern Victoria, bringing this new high technology into the country. It is good that this construction is being supported by the federal government. This will be a great project.

We are supporting a great many initiatives through this scheme, and I am pleased to see that ETIS II, the energy technology innovation strategy, was launched in April 2008 with a further $72 million to put towards new technologies that will lead us forward into alternative energy production. These are all terrific projects, and we can see great progress being made towards them already. However, I cannot help reflect on some of the projects that are supported on a smaller scale in my electorate, where a terrific number of people are looking to see what they as a community or as industries can do to address the greenhouse challenge.

I was very pleased, for example, to be out at Daylesford recently where the first-ever community wind farm model was launched formally by former environment minister John Thwaites. When he was minister, as part of the state government's proposals to promote alternative energy challenges and get new initiatives up and running, we provided over $800 000 to the Hepburn community wind farm to help them further develop their model and see that it could become a reality. This is providing strong support for those many community members who are working together to see this project take off and become an example for similar projects across the state and across the country.

I was recently at Damascus College with the environment minister, Gavin Jennings, where we saw the efforts of the school students from that college. They have been part of a solar energy challenge in recent years. They have developed energy efficient vehicles and have been involved in a number of challenges around Australia. Most recently this year they drove their solar-powered car from Sydney back to Ballarat and gained significant state funding assistance for that project as they were promoting the black balloon program and the need to look at serious alternatives to save energy. When the minister went out this year to visit the team and to try out their latest vehicle, he presented them with another $20 000 to support their ongoing work. They are preparing to drive their newest vehicle from Darwin to Ballarat next year.

We have a great program group in Ballarat called BREAZE — Ballarat renewable energy and zero emissions — which is a community group looking to see what it can do to accelerate understanding of solar and other energy alternatives, water alternatives and energy efficiency activities that can be taken up by householders across Ballarat. I was pleased that I was able to announce this government's support — another $152 000 — towards further development of their activities and the ongoing development of a community model that will see this further implemented.

We have shown leadership in government through our government sustainable energy targets program, where we have taken on leadership as a government. We have said, 'We are going to purchase 10 per cent of our energy and create energy efficiency of 15 per cent, saving 230 tonnes of CO_2 and $17.5 million', so there is money saved by taxpayers in implementing these schemes too. Now we have achieved that, we aim to have 25 per cent green power and 20 per cent energy efficiency by 2010. We have also established the issue of supporting Green Fleet through our cars in the government fleet, which is a substantial fleet, and we are showing leadership wherever possible as a government again to try to address this issue.

It is great to see that our public transport has been upgraded. So many people from my region regard using the regional fast rail service to Melbourne as a serious alternative to driving. This government keeps acting, acting, acting, and we have done a great job already. There is lots more to do, as I have identified, but this government has leadership which has been looked at around the country and around the world, and I speak very much in support of this matter of public importance.

Mr MORRIS (Mornington) — I am pleased to join the debate on this alleged matter of public importance (MPI). I say 'alleged' not because climate change is not of considerable public importance, but what I think is of dubious quality is the suggestion that we should be congratulating the Brumby government for taking any action at all, let alone taking any action in terms of its national leadership.

There is unfortunately an apparent trend in this segment of the parliamentary week set by the government. As the member for Brighton mentioned, this matter of public importance topic is particularly thin, but if you look at the last three government MPIs, you see that in February we were treated to a statement congratulating the government for:

> … rebuilding and revitalising rural and regional Victoria …

That MPI was put forward by the Minister for Regional and Rural Victoria. In April we were treated to an MPI from the member for Yan Yean, which proposed that the house:

> … congratulates the Brumby government for ensuring that Victoria is the best place to live, work and raise a family …

The MPI from the Minister for Water in June probably required the most gall. It proposed that the house:

> … congratulates the Brumby government for the biggest investment ever made in the Goulburn region …

That is saying quite something considering the impact of that proposal on the productive capacity of that region.

We could be talking about things that are relevant to the electors of this state and perhaps responding to the financial crisis that we are seeing flowing from the difficulties in the international financial markets; we could be responding to the growing stench coming from public life in Victoria. Last week there was an example of this in racing, and there are also crime statistics, a lack of police on the streets and the manipulation of and spin around those figures, which should cause concern.

On this matter of public importance we could be talking about real solutions to climate change. We could be talking about fixing the public transport crisis and getting more people onto public transport. We could be talking about doing something to solve the water problems of this state, not just simply stealing water from the citizens of the north of the state, perhaps fatally impacting on capacity there and substantially reducing the capacity of the food bowl to grow more food. Those sorts of things are genuine matters of public importance, whereas the sort of nonsense we have been presented with in this morning's MPI is not.

Today the house will spend 2 hours debating this matter, yet we have nine bills on the week's program that we will struggle to get through and deal with seriously. If the government cannot come up with something decent to talk about, why not at least cede that time and put it back into debate on bills listed on the government business program? As I said, at the least it is self-indulgent.

Moving on to the subject at hand, climate change is important; the issue is not just about words. That is one thing that concerns me, because it seems that the government's view is that the issue is about words and spin. As we know, climate change has significant implications for the future of the state. We know that there are going to be changes. If I pick out a few examples, we know we are at least going to have a great many more hot days, we know we are going to have fewer frosts and that arising from the rise in temperatures we will face far more extreme fire danger days and greater instability in the weather.

Flowing from that instability, we will face a substantial increase in the potential for catastrophic weather events. All those things are of great significance to the future of the state, not least because the state of Victoria has always been balanced, somewhat precariously, on the fringe of a generally inhospitable continent. Despite that, we have been blessed with a temperate climate and genuinely productive country.

Any change, no matter how small, and even if it were on the lower end of the scale, would be significant. The potential for change is obviously at the higher end of the scale. Even if we just look at the four rivers that flow into the Port Phillip and Western Port catchments — the Yarra River, the Werribee River, the Maribyrnong River and the Bunyip River — we see that the projections are that a reduction in the flows of those rivers will be between 5 and 30 per cent — even 5 per cent is significant. Because of the fragility of our environment, that is probably going to have a greater effect.

These are serious issues. There are potentially catastrophic consequences for agriculture and other land-based industries, for country communities, for the lower-lying coastal strips the Leader of The Nationals spoke about earlier in the debate, and clearly for biodiversity in all its facets.

We have established that climate change is a serious concern, but what is the government doing about it?

Clearly it is doing precious little. It has acknowledged the challenge in yet another glossy brochure which reads:

> The uncertainty over the precise scale and timing of climate change impacts should not be an excuse for postponing action. A precautionary approach is needed.

There is clearly a contrast between the marketing spin and the public statements which talk about how important the issue is and what is actually happening. The Leader of The Nationals and the member for Swan Hill quoted part of the recent report by Ian McPhail, the commissioner for environmental sustainability. I will not repeat the quote, but I think it highlights the difficulties of sustaining the proposition that the Brumby government has done anything at all in the area of climate change that needs congratulation.

Dr McPhail's report highlights the holes in the government's ability to assess its own performance and the exact impact of its footprint. The whole process of environmental performance reporting covers only 4 per cent of government agencies and, I believe, 21 per cent of government employees, excluding schools. Perhaps it might have been better if schools were included in that percentage, even though it would bump up the number, given the often excellent environmental performance of school communities, students and teachers. Perhaps the government may wish to take this issue up.

There are some other significant issues. The commissioner's foreword in his recent report is worth repeating in part, as it says:

> … even the current office-based reporting is, in some aspects, unrepresentative of these agencies' —

and we are talking about the 4 per cent —

> consumption.

The commissioner then said there are difficulties in measuring water use, with waste audits and, particularly, with a lack of confidence in the reported waste data. Further on the report states:

> … waste data continues to be an area for reassessment for baseline data.

That is really just a polite way of moving the goalposts, or, to put it another way, of saying, 'We don't like the result we're achieving on this ground, so we'll change the playing surface'. That is all that is happening here.

Once again it is spin giving the appearance of results. We have seen it with police numbers, we have seen it with funds management practices, we have seen it with water policy, and now we are seeing it with these claims as well. The people of Victoria expect action, and all they are getting is spin. It is clear there is no way the government can know what its own performance is, and given that the government constitutes 10 per cent of the Victorian economy, it is a significant player and a significant leader. As I said, there is no way the government can know exactly what its performance is. At a minimum there is a need to establish what the government is doing. At the moment only a tiny proportion is measured.

I turn very quickly to the emission trading scheme. As has been said, a scheme is inevitable — and indeed it was a bipartisan commitment given by the federal parties going into the election in 2007. It is perhaps a bigger issue in Victoria than in some other parts of the nation, although I do not profess to speak for those places. However, Victoria is extraordinarily dependent on brown coal, and there is no doubt that there is potential for enormous damage to the state economy if we do not get it right and if these very necessary adjustments to the way we do business are not made. Based on the government's own approach to measuring its performance and providing leadership, quite frankly I have no faith at all that we will get a system that does not do serious damage to industry, to jobs and to household budgets. That would be perhaps as catastrophic as the climate change impact, although clearly not as long term. At least it can be fixed if it is got wrong the first time.

In conclusion, the challenges of the next 20 to 30 years are undoubtedly substantial. We need a government that is prepared to buckle down and do the hard work, do the hard yards, not one that is more concerned about putting out statements and making itself look good for 2010. That is what this is all about. There should be real performance and real leadership, not the nonsense we have seen this morning.

Ms DUNCAN (Macedon) — It is always a pleasure to rise in support of a government-proposed matter of public importance (MPI). To say that sitting in this chamber for the last hour listening to contributions from Liberal and Nationals members is character building would be an understatement, yet it is always interesting to hear their views. What is also interesting is to hear the stark contradictions between the Liberal Party and The Nationals in their policy and personal positions on climate change.

The Leader of The Nationals was the first coalition speaker on this MPI. I acknowledge that there are spokespersons in the other house, but to let The Nationals lead the debate on a matter of public

importance on climate change in this chamber is a bit like leaving Dracula in charge of the blood bank. We know there is absolutely no commitment from The Nationals on this policy. There is little from the Liberals but even less from The Nationals, so the fact that the Leader of The Nationals was the lead speaker on this typifies the position this coalition takes in regard to climate change.

I find it ironic — and the irony was reaffirmed in the contributions of the member for Mornington and others — that a number of coalition members have quoted Dr McPhail, the Victorian commissioner for environmental sustainability, yet The Nationals would abolish his office. Coalition members are happy to quote the commissioner and refer to his targets, yet The Nationals would remove all targets and remove the commissioner. When it suits them to quote from his report they do, yet at the same time — and they do not say this in their contributions — they would just abolish the position. We have heard that in a number of contributions made by members of The Nationals.

Again highlighting the contradiction between the Liberal Party and The Nationals on climate change, on the one hand we have David Davis, a member for Southern Metropolitan Region in the other place, making a statement in the Council on 13 March on a report by the environmental sustainability commissioner, in which Mr Davis said:

> I commend this report to the house.

As I said, opposition members like to quote Dr McPhail's reports. Mr Davis also said:

> It is an extraordinary read in the sense that it is a sincere attempt by Dr McPhail who, as the commissioner for environmental sustainability, is making a very strong effort to lift the performance with respect to environmental sustainability across government.

On the other hand we have The Nationals, who do not support targets because they do not believe in targets, or the monitoring of government performance, because they do not believe in that either. Further, organisations The Nationals intend to disband 'will include' the 'commissioner for environmental sustainability'. The source of that quote is — and this is an oxymoron — the *Victorian Nationals Plan to Manage the Environment for all Victorians*. I shudder at the thought! I will provide a further quote from the plan. We talk about targets — The Nationals and the Liberal Party have referred to targets — yet we have this quote from The Nationals policy:

> … no-one will waste their day measuring the water consumed in DSE — Department of Sustainability and Environment —
>
> office toilets or counting the number of employees who use public transport to commute to work.

I can see that you can reduce things to that sort of level, but we know that setting targets and monitoring performance against those targets is the only way that you will achieve substantial change in this state. Members of The Nationals will refer to targets when it suits them, yet they oppose targets and, going by the quote I have just given, oppose any form of monitoring as well. I suppose if you do not have targets and you do not have monitoring, you have nothing to compare yourself to, and you can never fail.

Also on the contribution of the Leader of The Nationals to this debate — I presume it was in defence of The Nationals position on climate change and potentially to prove their credentials — his first point was to highlight The Nationals support for the privatisation of Victoria's electricity industry. That was it. That was the first point he made in The Nationals contribution to responding to climate change — they privatised the electricity industry. I am absolutely sure that when The Nationals and the Liberal Party privatised the electricity industry climate change was uppermost in their minds — absolutely not! Yet here, some years later, the Leader of The Nationals suggests that that was part of their contribution to this debate.

The Nationals also talk about support for wind energy, but it seems they support it so long as it does not result in any wind turbines being erected. We heard from the Deputy Leader of The Nationals, the member for Swan Hill, who I am pleased is in the chamber. He continues to repeat assertions that he put to water experts just on Monday during briefings that we had as a committee, assertions that were repeatedly refuted. But he stood here again today and said it again as if it were the first time he had ever said it and as if it were a matter of fact. It does not matter how many times it is explained to him, he will still stand here and repeat assertions that suggest that the way in which water security is modelled in rural Victoria somehow differs from the way it is modelled in relation to the urban water supply for cities in Victoria. He continues to repeat these assertions despite his having been walked through it step by step and having had explained at great length to him where he is wrong. I suspect that the member for Swan Hill has his ears painted on, because he is surely not listening.

It is only The Nationals in coalition with the Liberal Party who think that you can divide water management in this state between urban water and rural water. They have a shadow spokesperson on rural water and a

shadow spokesperson on urban water. Talk about changing your position depending on your audience! I have never seen a more blatant example of it than having two water spokespersons. It absolutely throws out the window world best practice on the whole-of-catchment approach to water management. It is completely lost on The Nationals. It is frightening to think of that.

As I said, there are huge differences between the positions of the Liberals and The Nationals. They are now in coalition, and it is quite frightening to think about how they will manage their positions on climate change and a range of other policies. For example, we have seen the stated position of the Liberal Party to abolish the Victorian renewable energy target. They talk about having targets, but if you actually set one they will abolish it or continue to change it. I quote Philip Davis, a member for Eastern Victoria Region in the other place:

> I confirm, as I have said a number of times in other places, that the Liberal Party will repeal the proposed Victorian Renewable Energy Act when it is in a position to do so simply because it does not believe this is good policy for the community.

Again, to highlight some of the positions and comments in this climate change debate, we have the former executive director of Environment Victoria, Marcus Godinho, who is quoted as saying:

> I would question what environmental credibility they have at all — they are going to scrap the Victorian renewable energy target and they are offering nothing on climate change.

He went on to say that there is not a lot of confidence that the environment would be better under a Liberal government, but that in fact it would probably take us back decades. Imagine how much worse the Liberals would be now they are in coalition with the greatest climate change sceptics — that is, The Nationals. No doubt the coalition would have, as it does with water, a spokesperson on urban climate change and a spokesperson on rural climate change, because that would make as much sense as the division it has created in regard to its water management policies.

We know that the Liberal Party has many sceptics in it. I think someone perhaps needs to speak to Mr Finn, a member for Western Victoria Region in the other place. We have the Deputy Leader of the Liberal Party saying this house supports the introduction of a national emission trading scheme to reduce Australia's greenhouse gas emissions, which contribute to global warming and climate change. I think that Mr Finn needs to read a little bit more *Hansard*, because some 12 months later he is quoted as saying the thought of it fills him with horror. We know how many contradictions there are and how much conflict there is within the Liberal Party and between individual members of the Liberal Party, and of course we know the Liberals are in coalition with The Nationals. The two are completely irreconcilable, and their policies will look more like a camel than a horse.

Mr HODGETT (Kilsyth) — I rise to speak on the matter of public importance submitted by the member for Thomastown. It states:

> That this house congratulates the Brumby Labor government on its national leadership in taking action to deal with climate change.

What an absolute load of bulltish. The Brumby Labor government has not shown any leadership in any area, let alone in action to deal with climate change. I have grave concerns for the sanity of the member for Thomastown for submitting this distortion of the facts. The facts show that the Brumby government is failing dismally in taking action to deal with climate change. The member for Thomastown is delusional if he honestly thinks the Brumby Labor government's environmental performance is good. The member for Thomastown obviously subscribes to the theory of never letting the facts get in the way of a good story. This is not a good story. The Brumby Labor government is achieving an F for fail on its environmental performance, especially on greenhouse emissions.

No wonder corruption is rearing its ugly head in this state. This is the government's own form of corruption. Brumby government members believe if they tell enough lies, distort the truth, ignore the facts and cover up the bad news, then sooner or later people will believe they are doing okay on tackling climate change. This statement by the member for Thomastown, who is the Minister for Energy and Resources, is a complete misrepresentation of the truth. It is dishonest, fraudulent and deceitful. The member for Thomastown should have the guts to put forward a matter of public importance which states, acknowledges and admits that the government is failing in its efforts to address climate change and asks how we in this house can do better, so that when we look back in the years ahead we will actually have some achievements to be proud of in relation to environmental performance.

I turn to the facts. Who could we look to as an authority to assess the Brumby government' s environmental performance? We look to the document entitled *Strategic Audit of Victorian Government Agencies' Environment Management Systems*. We look to the comments made by the commissioner for

environmental sustainability, Dr Ian McPhail, who has been mentioned and quoted by a number of previous speakers.

Let us first set the scene here. This is the government-appointed person, the independent commissioner, who is impartial and objective, who stands apart from the Brumby government, the independent commissioner for environmental sustainability — a decent, honest and highly respected person. And what does Dr Ian McPhail, the independent commissioner for environmental sustainability say? He says:

> Government leadership is required to signal the importance of incorporating environmental sustainability into government's business processes. To date this has not been evident. The lack of commitment has hindered more effective implementation support being established and individual agencies taking action.

This is a damning report on the greenhouse gas performance of Victoria's central government agencies. The government's efforts are a drop in the ocean, and the member for Thomastown should hang his head in shame. What does the Minister for Environment and Climate Change, Gavin Jennings, have to say about this? Remember, Dr McPhail said:

> To date this has not been evident. The lack of commitment has hindered more effective implementation —

and so forth. The response of Gavin Jennings, the Minister for Environment and Climate Change, was reported in the *Age* of the following day, 13 March 2008, as follows:

> Mr Jennings congratulated Dr McPhail for his passion but suggested he might have 'slightly diverged' from his professional role when writing his report.

Minister Jennings does not like bad news, so he brushes off the truth and suggests that the independent commissioner for environmental sustainability might have slightly diverged from his professional role when writing his report. In other words, the minister does not want to hear the facts — the truth that the Brumby government is failing to show any leadership in tackling climate change. Dr McPhail delivers the truth, hands down his report, and the minister responsible gives him a whack. I say, 'No, sorry, Minister. He is the independent commissioner, and this is what he is reporting'.

I want to put on the record that we on this side of the house are in favour of practical, sensible solutions and actions to deal with climate change. This is not a time for other government members and the member for Thomastown to be backslapping each other, basking in the glow of self-congratulation and thinking they have achieved national leadership and taken the action to deal with climate change.

Let us examine Victorian greenhouse emissions under the Bracks and Brumby Labor governments. In 2002 Labor committed to reducing greenhouse emissions. Labor's 2002 election policy The Sustainable State — Labor's Plan for a Greener Victoria had the goal of reducing greenhouse gas emissions by up to 8.3 million tonnes of carbon dioxide. The most recent data available from the federal government's set of documents known as Australia's national greenhouse accounts shows that in 2005 Victoria's greenhouse emissions were 121.9 megatons, up from 120 megatons in 2002. Between 2002 and 2005 an additional 6.9 million tonnes of CO_2-equivalent greenhouse gas were emitted in Victoria. There was hardly the reduction of 8.3 million tonnes promised by Labor.

I table a document and seek leave for it to be incorporated into *Hansard*.

Leave granted; see graph page 3137.

Mr HODGETT — You can see here, Acting Speaker, that the trend is clearly up and clearly on the rise. The fact is that emissions have gone up under this government, and it continues to pump them out. The plan was to reduce greenhouse gas emissions by up to 8.3 million tonnes of carbon dioxide, but emissions have actually gone up. The Brumby government has stuffed up, and its own independent commissioner has reported it. This clearly shows that the Premier is not serious about reducing greenhouse emissions. This is about the Premier's lack of leadership on this issue. The government is now behind. Not only has the Premier failed to reduce emissions by 8.3 million tonnes, the government has gone backwards. The government now has make-up work to do, and this lazy Labor government does not like to do hard work. The government's own people have given it the thumbs down. There have been 10 years of failure under this government.

In the time left to me I will just look at what else the independent commissioner for environmental sustainability said in his report. Let us remember that this report by Dr Ian McPhail is a high-level independent assessment of government's performance in reducing the environmental impacts of its operations. Dr McPhail said:

> To date … agencies have generally been left to interpret individually the ESF —

environmental sustainability framework —

> integration policy requirement. This has generated a perception of a lack of clear ownership and accountabilities. Agencies discussed the lack of signalling from government about the policy and its priority.

He went on to say:

> For the policy to be successfully implemented —

note that it has not yet been successfully implemented —

> there is a need to establish the environment more centrally within common whole-of-government decision-making processes, particularly cabinet, budget and project funding allocation and approval processes.

Finally, Dr McPhail said:

> In the context of climate change and worsening water scarcity, the community can reasonably expect stronger action in government's own operations while it demands behaviour change from industry and the community.

That is hardly what I would call an acknowledgement of leadership from the government.

The Brumby government ministers trumpet the phrase — they are always in here trumpeting the phrase — 'There is more to be done'. I say there is a lot more to be done, and the Brumby government must, as a matter of urgency, and as a matter of public importance, get on with it.

Mr Crutchfield — And do what?

Mr HODGETT — Get on with it. Labor's greenhouse record in Victoria to date has been poor, and Labor has failed to show any leadership through reducing the government's own greenhouse gas emissions. In summary, Victoria's independent commissioner for environmental sustainability, Dr Ian McPhail, described the Victorian government's attitude as showing a lack of commitment. We have had plenty of rhetoric from the Victorian Labor government about climate change, but a lack of timely effective action will soon add to the price Victorians will have to pay for climate change adjustment. Again, this matter of public importance does not show any leadership from the government, and the member for Thomastown should try and look at more important things he can back up.

Mr R. Smith — He should resign.

Mr HODGETT — Yes, he should resign, or at least get on with tackling climate change.

Mr CRUTCHFIELD (South Barwon) — It is rather incongruous for opposition members to be suggesting there is a lack of commitment on this side of the house, given the glaring anomalies in both their policy position and the spoken words which a number of members here have articulated.

We are certainly not concerned about criticisms from people like Ian McPhail. In fact, my memory is that members opposite want to abandon his office. Certainly we do not abuse people that we put in positions of responsibility and who are in them to review government policy. I speak about positions like those of the Auditor-General and the environmental commissioner. They are both positions that we will commit to continue.

People will have seen Saturday's *Age* and the article about David Karoly, who is heading up the Brumby government's climate change review. The Premier should be congratulated for appointing an individual who has a fiercely independent view. People may have read some of his rather elaborate potential criticisms of the state government, but certainly the Premier should be congratulated for bringing in a person of such intellectual note to review and advise the government.

In that article he says about some of the sceptics, who are becoming fewer and fewer:

> It is amazing to me that, rather than going to CSIRO, the National Academy of Sciences in the US, the Australian Academy of Sciences or other scientific organisations from around the world that are all consistently providing the same evidence, a significant proportion of the (federal) shadow cabinet and many others in the Liberal Party and National Party and other interest groups are collecting information not from reputable sources, but from websites which may or may not be funded by a right-wing lobby group or a fossil fuel company which says there is a conspiracy. But I'm not surprised — people like to hear information that confirms their underlying beliefs.

In December I was lucky enough to go with the Premier to the Conference of the Parties. At that conference, both the ICLEI (International Council for Local Environmental Initiatives) and the climate change group were rather congratulatory of the state government's policies. I am not here to go over the policies; other members of the government have talked about them, whether it be the Victorian renewable energy target or the energy technology innovation strategy, but certainly at one of the forums the Premier spoke to a number of heads of states and provinces, including ones from America and Canada.

Those states and provinces had gone ahead and forged quite dramatic responses to the issue of climate change and CO_2 levels regardless of the fact that they were governed by extremely conservative federal governments. The Canadian government is

conservative, the current US government is very conservative and our previous federal government was also a conservative government. A number of those states and provinces were conservative constituencies, but we spoke as one. Even though the current state government is certainly not a conservative constituency, we were as one in refuting the policy responses of our respective federal governments in that particular forum. The conference was particularly interested to hear what the Premier had to say in response to some of our educational and policy initiatives; they were very well received.

If I can draw some parallels in respect of that, members opposite may be interested in reading Guy Pearse's book titled, in part, *High and Dry*. If you Google 'Guy Pearse' you will come up with a 27-page summary of his book, which contains some illuminating quotes. I am here to talk about members of the opposition in terms of their rather confused responses; certainly they have not been coherent responses. I want to quote from Guy Pearse's book. For members opposite, he is a frustrated Liberal Party member.

Of Andrew Robb, who I think is still the federal member for Goldstein, it says:

> … vocational minister, reckons the science is unproven, the warming we're seeing mostly natural. He dismisses climate change as a cause celebre that lefties seized on after the fall of communism.

Of Fran Bailey, the federal member for McEwen, the book says she suggested shade cloth as a way to save the Great Barrier Reef from climate change but now says wind power is a fraud that belongs in the Northern Hemisphere, not here.

Of Russell Broadbent, the federal member for McMillan, the book says he was the sceptic former Prime Minister John Howard put in charge of the intergovernmental panel on climate change. It says of his views:

> … climate change is a 'scam', and even suggesting those in charge of the IPCC should be jailed, presumably along with the Nobel Peace prizes they now share with Al Gore.

Finally, of the comments of the former federal member for Deakin — thankfully! — Phil Barresi, the book says:

> … cast serious doubt on whether he even knows the difference between climate change and ozone depletion. When asked why he paid no attention to global warming in Parliament he pointed to a speech he made on the Montreal protocol.

Of course, that protocol has nothing to do with global warming.

What do those people have in common? They are all Victorians. They are all sceptics and former members of the Howard Liberal government that spent 11 years fiddling while Australia burnt. Those who saw *Australian Story* on the ABC on Monday night would recognise the words of Bill McHarg, who is a former employee of Colliers International, a property company. He spent $200 000 of his own money campaigning against John Howard in the electorate of Bennelong, entirely on the issue of climate change and the former Prime Minister's lack of response to it. One of his campaign slogans was 'Planet first, Howard last'.

In respect of the current views of the Victorian Liberal Party it is interesting that the Leader of the Opposition is not in the chamber. This is the second time we have had the pleasure of discussing climate change, and again the Leader of the Opposition is not in the house to put his views. We all know why the Leader of the Opposition is a sceptic. In an article in the *Sunday Age* of 17 September 2006 he is quoted as saying:

> I think there is climate change about us … I am not wise enough to conclude what causes the climate change. Some say that we had a period of climate change for the last 50 years that was unusual and we have just reverted back to normal patterns. I am not in a position to judge that one way or another.

The Nationals are not the doyens of environmental advancement either. Peter Hall, who is a member for Eastern Victoria Region in the Council, has confirmed that. In Parliament he has said:

> In my mind and in the mind of The Nationals there is no doubt that global temperatures are increasing. That is an indisputable fact, and there is no argument about that. It is debatable whether this is due to a natural cyclic pattern of global warming and cooling or due to the influence of man.

We sent a rocket to the far-flung celestial areas of outer space and found a member of The Nationals who seems to support the view that humans are indeed having an effect on our climate and are the main causes of global warming. At the end of that rocket we found the member for Swan Hill, who said in this place:

> I want to put on the record for a start that humans are having an impact on the world's climate. I do not think there is any doubt about that as we go forward.

He continued:

> I believe that whatever is happening with climate change is linked with whatever is happening with rainfall patterns in Australia. There is no doubt about that.

I am glad the Deputy Leader of the Opposition is here, because she is not singing from the same psalm book as the Leader of the Opposition either. She also seems to have some views on climate change. She has said:

> … we acknowledge the significant scientific opinion that leads to this conclusion, both by the CSIRO in previous reports I have had the opportunity of looking at and indeed from an international perspective.

I welcome the comments of at least two members of the coalition acknowledging that global warming is real, that it is affected by man's actions, and that we need to do something about it. Their position stands in stark contrast to that of other members of the coalition. One of the things said by members of the provinces at the conference was that opposition parties need to acknowledge that global warming has political consequences. I think the federal government is well aware of that. The federal opposition is now aware of it, and it is about time the state opposition was aware of it too.

The ACTING SPEAKER (Ms Beattie) — Order! The time set aside for the matter of public importance has expired.

STATEMENTS ON REPORTS

Family and Community Development Committee: involvement of small and medium size business in corporate social responsibility

Mr PERERA (Cranbourne) — I wish to speak on the Family and Community Development Committee report entitled *Inquiry on the Involvement of Small and Medium Size Business in Corporate Social Responsibility*. As the chair of the committee I would like to thank the individuals and organisations who made written submissions to the committee and who participated in the public hearings and forums we conducted. I also acknowledge the contributions of my fellow committee members: the deputy chair, the member for Shepparton; the member for Doncaster; the member for Williamstown; as well as members from the other place, Johan Scheffer, Adem Somyurek and Bernie Finn. I also acknowledge the considerable work of the Family and Community Development Committee secretariat, Mr Paul Bourke, Dr Tanya Caulfield and Ms Lara Howe. I give credit to the members of the committee for working cooperatively and cohesively.

The committee received 15 submissions, both oral and written, including a submission from the state government of Victoria. The committee also conducted a public forum in Dandenong. Based on the evidence that was made available to us and the consideration of it, although there was a range of broad and diverse political views, everyone unanimously supported the recommendations in the report. In my view that certainly improves the quality of the report. I hope there will be such bipartisan support in future inquiries as well. This is good news for Victoria. The recommendations reflect the need for the Victorian state government as well as business associations to encourage corporate social responsibility (CSR) in small to medium size businesses.

At the outset of the inquiry the committee struggled to find a definition of CSR as it applied to small and medium size enterprises. Many studies have been conducted involving large corporations, but very few have discussed small and medium size enterprises. The committee is of the view that the term 'corporate social responsibility' has limited relevance for small and medium size enterprises. All small businesses and many medium businesses would not see themselves as corporate bodies. Therefore the committee recommended canvassing for alternative terminology. It was argued that the term CSR involves not just community philanthropy but an array of other things, including environmental responsibility, good occupational health and safety practices and equal opportunity at the workplace. In my view, climate control measures such as assessment of carbon dioxide emissions would place environmental responsibility at the top of the CSR agenda of organisations in the future.

The government submission highlighted the role businesses could play in government initiatives such as community renewal programs, community building initiatives in small rural towns in regional areas, metropolitan fringe and growth areas, and neighbourhood renewal projects. The evidence also suggested that acting in the best interests of a corporation is not necessarily the same thing as achieving the highest rate of return and highest dividends for the shareholders. It is quite conceivable that the directors of a company can take action to establish CSR practices in the best long-term interests of the survival and viability of the company, even though it may not produce the highest or most immediate rates of return.

Small and medium size enterprises are restricted by specific business preconditions that limit their involvement with CSR. Such factors range from time, money and capacity to implement socially responsible programs to inappropriate educational and consultative tools with which to be guided. Most businesses and

academics suggested that a non-regulatory approach be taken, with the government promoting and supporting CSR initiatives, particularly in small and medium size enterprises. I am sure that members of the house will find this report informative and useful. I commend the report to the house.

Rural and Regional Committee: rural and regional tourism

Ms ASHER (Brighton) — I rise to make some comments on the Rural and Regional Committee report entitled *Inquiry into Rural and Regional Tourism — Final Report, July 2008*. At the outset I would like to point to the membership of this committee, because I think it has escaped the notice of the minister. The committee is chaired by Damian Drum, Deputy Leader of The Nationals in the Council. Wendy Lovell and John Vogels from the other place are also on the committee, as is the member for Morwell. There are also Labor members of Parliament on the committee. They are Gayle Tierney and Kaye Darveniza from the other place and the member for Forest Hill. It is very important to acknowledge that there were Labor members who worked very hard alongside coalition MPs, which is what committee work is meant to be about.

This committee came up with 39 recommendations to assist regional tourism, and a number of them were particularly important. For example, there was a recommendation regarding Tourism Victoria and the need to provide leadership in this area for regional tourism. This is an important recommendation. The committee found that VicRoads needs to upgrade its efforts on signage, which is an area of constant complaint from the tourism industry. The committee also found that planning laws, particularly in relation to the development of tourist infrastructure, need to be improved. The committee looked at tourism data and a range of other issues.

On reflection, I think it is a very good report, and I am prepared to commend all members from all political parties — as I usually do with these committee reports — who were involved in this committee. It was therefore a major surprise to me to see a press release issued by the Minister for Tourism and Major Events on 30 July 2008, which was basically an attack on the committee and presumably an attack on his own party. However, I note in passing that he said:

> The jigsaw campaign was recently described by the peak industry body Tourism and Transport Forum as 'the most successful domestic tourism campaign the country has ever seen' …

I note that the minister was prepared to heap praise on the previous government, and that is justified in terms of that campaign, which was started by the former Deputy Premier. However, the minister was also prepared to attack the current committee, including members of his party. I find that quite extraordinary.

The government then issued a regional tourism action plan, and I am well aware of the fact that the minister agreed to hold off on the issue of this draft plan as part of the agreement with the committee, but I would imagine that attacking the committee was not actually part of the agreement. Much to my surprise, after the attack on the committee's report, I see that there are similar recommendations in the *Regional Tourism Action Plan* for 2008 at page 11, in particular in relation to infrastructure planning and tourism signage, which has always been a vexed issue in the tourism industry. I see some distinct parallels between the very good work of the committee and the action plan of the minister, even though the minister attacked the committee's work.

I also want to make reference to a further press release put out by the Minister for Tourism and Major Events on the committee's report and on the plan. It is dated 13 August and says:

> Mr Holding said further input from business operators, local councils and individuals would help with the development of the final plan due to be released later this year.

Consultation is extremely important but it raises the issue of why the minister initially agreed to have the committee provide input on this — and, as I said, the Labor committee members also provided good input — and why a separate, almost parallel or perhaps subsequent period of consultation is taking place? I urge the minister to read the report and take note of the recommendations which seem alarmingly similar to his.

Tourism is a very serious business. It is a great economic driver in Victoria, it is a great economic driver for the regions. I note that the member for Dandenong who was a previous tourism minister is at the table; he knows and appreciates what a great driver tourism is for regional Victoria.

I urge the Minister for Tourism and Major Events to stop his political nonsense, stop reflecting on the committee's work as 'Blah, blah, blah' and note that many of his recommendations are similar to or the same as the recommendations in this report. I expect there to be a greater appreciation of committee work in this place.

Road Safety Committee: vehicle safety

Mr EREN (Lara) — As chair of the Road Safety Committee and on behalf of the committee, I was pleased to table the report on vehicle safety today.

Mr Weller interjected.

Mr EREN — It is a very good report. I will not get into the nitty-gritty of the report, but I mention that after careful consideration of all the complexities involved with this report, particularly in relation to the sensitivities about the current manufacturing sector, the committee decided to make 37 recommendations, which we believe are in the best interests of road safety in Victoria.

In my foreword as chair, I say that buying a car is a very important decision that people make in their lives and could be a matter of life and death. Those words are very true, because we have seen the evidence provided to the committee during its investigation about the technologies that are available which can be implemented in cars and which go a long way towards making sure that your chances of surviving a crash are a lot higher than if you did not have those technologies on board.

I also mention the old adage, 'I will buy an old bomb, a lemon, for a start. I will purchase that vehicle. If it gets scratched or damaged, that is okay because it was not that expensive. I can save some money and then buy an expensive car'. That view was once prevalent in the community. I am not sure whether it still exists, but hopefully that view has changed because getting into an older car with no safety technology on board is obviously a very unsafe situation to be in when driving on the road. I suggest that those views should change and that the cars people drive should as a minimum have an airbag and an anti-lock braking system (ABS). Buying a car is very important, and I do not make these assertions lightly.

The committee identified two key technologies identified by the committee which we believe would go a long way towards making people safer in their vehicles. The Victorian government decided to mandate the two key technologies, which are electronic stability control and side and curtain airbags. As chair of the Road Safety Committee, I was very pleased to see that the government has taken this initiative and taken the lead nationally by mandating this decision that at a certain date, every new car registered in Victoria must have these two technologies.

There are other technologies that could be implemented which would make vehicles a lot safer. Two recommendations of the committee were for pre-emptive brake assistance to be fitted to all cars and heavy vehicles by 2015 and for anti-lock braking systems to be fitted to motorcycles by 2011.

As I said, I do not wish to get into the nitty-gritty of the whole report, there were some 37 recommendations made. I thank the members of the Road Safety Committee, yet again, for their cooperation and hard work in producing this report in the true tradition of this committee, having a bipartisan approach when it comes to road safety matters. I thank the members of this very important committee — namely, in this house, the members for Ivanhoe, Rodney, and Polwarth; and in the other house, deputy chair David Koch and Shaun Leane. I thank all those members for their dedication to road safety and to the committee.

I also thank the dedicated staff who have done a great job in preparing this report — namely, executive officer Alexandra Douglas, research officer David Baker, and office managers Georgia Ng and Kate Woodland.

Environment and Natural Resources Committee: impact of public land management practices on bushfires in Victoria

Mr WALSH (Swan Hill) — I would like to make a statement on the report of the Environment and Natural Resources Committee, *Inquiry into the Impact of Public Land Management Practices on Bushfires in Victoria.* As we went about the state holding this inquiry it was interesting to see how the language of the department changed and how the actions of the department started to evolve as we got further into the inquiry. It was particularly pleasing to see that the Secretary of the Department of Sustainability and Environment (DSE), World Health Organisation I think saw the committee as a threat at the start of the process, realised that this was parliamentary democracy at work and that the work we were doing was actually of advantage to his department.

I would particularly like to thank the hundreds of people who made the effort to make submissions to the committee and the 202 witnesses, representing something like 139 organisations, who appeared at the 17 public hearings we held around the state. The government has six months to respond to this report from the time it was tabled. With the fire season approaching very quickly, I would like to see the government respond sooner rather than later, particularly to some of the recommendations which I will now talk about.

Recommendation 2.2 talks about lifting the annual prescribed burning target from the current 130 000 hectares to 385 000 hectares; that would actually be a rolling target. If for climatic conditions or other reasons in a particular year it is not met, it is rolled into the subsequent years, to be caught up. I think that significant lift in target numbers was something that was well received by the wider community. Another recommendation was that the funding for that particular target be on a five-year rolling basis so that there is certainty for the department in how it manages its prescribed burns into the future. We do not want to find that a budget not spent in one year goes back into consolidated revenue and a new budget bid has to be made.

One of the other significant recommendations around this issue of increasing the prescribed burn target is recommendation 2.7, which suggests there be funding to increase the regionally based, permanent or long-tenured staff to carry out these particular prescribed burning programs. At the moment a lot of the staff are employed by the department on only a short-term fire season contract. They have to then find other employment through the winter. They cannot live like that forever; they have to go and find a permanent job.

You find that the departments are training people, getting them up to the skill level needed to do this particular work but are not able to keep them because they have to find permanent employment elsewhere. Recommendation 2.7 is about making sure we give more security of tenure to staff who have been trained by the department so that they stay with the department into the future.

Recommendation 4.1 is a very good one in that people whose water has been taken from domestic or commercial-use dams to fight fires on public land would have it replaced or compensation paid. The current government policy is for critical needs water to be replaced. But what you find now, particularly with catchment dams — if a person has a winery, for argument's sake — is that that water is taken from the property. That has a financial impact on the business in that particular year. The committee realises that it is totally impractical to replace such a large amount of water, but there is compensation for loss of production either for that year or for subsequent years if there is long-term damage. That should be provided by the government.

A recommendation that has attracted a lot of interest is recommendation 6.7 about the cost of replacing fencing after a fire. I think that has been a very vexed issue for a long time. We have seen ad hoc responses from the government in the past, where some fires attract some support for fencing. In some particular cases that money was not totally spent, but in a subsequent fire the government made the decision that money could not be rolled out and that it actually had to go back into consolidated revenue. I would encourage the government to accept recommendation 6.7 in its entirety to give some certainty into the future.

Finally, I would like to particularly thank the staff who assisted with this inquiry. I think it was a very steep learning curve for all of us, particularly around the language and the methodologies that are used in the prescribed burning categories. I also thank the chair of the committee, who is currently at the table and who will also make some comments on this report, for how he guided the committee through some very tough and contentious debates at times and the fact that we had a unanimous report on all the recommendations.

Environment and Natural Resources Committee: impact of public land management practices on bushfires in Victoria

Mr PANDAZOPOULOS (Dandenong) — I very much thank the member for Swan Hill for his endorsement. I would also like to talk about the same report into public land management as it relates to bushfires in Victoria.

I spoke briefly during the last sittings about the report, so I want to continue that. One of the key controversies about the report concerns the recommendation to triple the amount of prescribed burning going on in the state. It is a very difficult challenge for all of us in government. That decision was not made lightly by the committee.

Since that time I have had the opportunity to look at some coverage of the report from different agencies. I was particularly concerned at the Victorian National Parks Association newsletter of July-August 2008 and comments about the report. Having a previously been a member of the VNPA, Environment Victoria and the Australian Conservation Foundation, and only having resigned those positions when I got into the ministry, I was, it is fair to say, very disappointed with the lack of quality submissions received by the parliamentary inquiry from the environmental groups. I would have thought much more thorough thought would have been given as part of the challenges of how we manage public land so as to minimise the impact of bushfires and to lead to growth, regeneration and protecting biodiversity.

I was particularly disappointed when I read various comments that the association made in its newsletter. I quote from it:

> The proposed level of burning appears to derive at least in part from flawed information from the Department of Sustainability and Environment (DSE), which was based on papers about computer simulations of fire behaviour in Tasmania and USA.

That is simply wrong. I am not aware whether the department actually agrees with our recommendations yet. Government has yet to decide on that. Certainly there was no submission from DSE to suggest the level of burning that the committee has recommended. This is the committee's recommendation, based on different evidence and advice that we have had from a range of different agencies about the amount of fuel load that is there in our public lands because of the lack of burning off, in effect, for the last three or more decades.

Further it says:

> To achieve such a dramatic increase in burning in Victoria, DSE repeatedly suggested to the parliamentary inquiry that large areas should be shut off from the public for 2–3 months while extensive 'landscape-scale mosaic burns' were undertaken.

Whilst we and the department have supported mosaic burning, which is about protecting biodiversity so that different burning regimes are done on different types of ecological species across different areas, I am not aware of the department saying places should be locked up for two or three months for these things to happen. Mosaic burning and large-scale burning will be difficult, and we just have to work through the process if this is the way the department and the government want to go, but it is unfair to criticise the department, saying in effect that it was lobbying for shutting places down for three months to allow for burning to go on. I do not know whether this is an attempt to mislead people who love to go out in the environment, particularly in the autumn and spring seasons when prescribed burns are done. I would be disappointed if it is. In defence of the department, it certainly was not telling us to go and do that. The newsletter goes on to say:

> The conclusion does not take into account the large areas already recently burnt in Victoria. When wildfires are added to prescribed burns, burning in the last five years in fact is about 10 per cent of total public land …

The reality is we did take into account large-scale burning. What this article says is that 'there is instead a need to wind back burning in many areas'. We did not find that at all. We think that is the wrong way to go. Obviously it is taken into account that a burn has already occurred in areas that have been burnt, but the reality is that a hot burn, an uncontrolled burn, is much more damaging than a planned controlled burn, which is what in effect we are recommending. The VNPA also says:

> The report lacks credibility, as do its claims that its recommendations will assist the preservation of biodiversity.

As someone who is a strong environmental supporter I could not disagree more with the VNPA's comments about this report. The quality of its submission and its backup were very poor. The reality is that it was very rare that we saw environment groups, unlike other stakeholders, appearing regularly to hear the evidence and other submissions that were being made to help inform their own submissions and debates. The VNPA simply came in, gave its submission, left straight after and did not hear anyone else's point of view. I am disappointed in that, because I do not think it does the environmental movement any good. A lot of people support the environmental movement financially and expect these organisations to be professional in their work.

Public Accounts and Estimates Committee: budget estimates 2008–09 (part 1)

Mr WELLS (Scoresby) — I rise to speak on the Public Accounts and Estimates Committee report on the 2008–09 budget estimates, part 1, which was brought down in May. This report came after a long and thorough process by the Public Accounts and Estimates Committee bringing all ministers before it. The sessions lasted anything from 1 hour to 3 hours. Having sat through the hearings and heard the evidence, I have seen that some ministers are very succinct and they answer questions, others have absolutely no idea and others waffle, and there are other ministers who just want to give the scantiest answers possible and get out of there.

I have noticed over the last few days the police commissioner and the police minister bleating that Victoria is the safest state in Australia. I refer the house to the evidence of the Minister for Police and Emergency Services on page 25 of the transcript where the minister claimed that Victoria is the safest state. What you would think would happen if you were comparing states would be that you would line up the number of assaults in your state against those in New South Wales, Tasmania and South Australia, then you would line up the murder rates in your state against New South Wales, Tasmania and South Australia, and then you would go on to compare the number of rapes and so on. You would line up the figures recorded by

Victoria Police against those of other states. That is the assumption that most people would make.

Mr Nardella — The raw figures?

Mr WELLS — Raw figures, or rates per 100 000, to make sure there is consistency. But that does not happen. After questioning, the minister declared that Australian Bureau of Statistics data is relied on and not Victoria Police recorded crime figures. When we got a little bit further into the investigation we found out that the minister was not talking about Victoria Police recorded crime figures but those from a victimisation survey. Delving even further we found out that this victimisation survey was based only on a sample. So it was a sample victimisation survey which specifically said that the information should not be compared to other states. When the minister got himself into one hell of a knot, he had to defer to the chief commissioner, who stated very clearly:

> There are two major sources of data. One is the study conducted across Australia by the Australian Bureau of Statistics, and it is a victimisation study. It is a sample, but it is a statistically significant sample. It is done on a range of households across Australia, and it is called the victimisation study. They actually asked people, whether or not they reported to police, what their victimisation rates were, and that is the study the minister is referring to. What you are referring to is really reported crime …

and then I interjected and said, 'Yes, the real crime'. It is an extraordinary admission by the chief commissioner and the minister for police that they do not even use their own recorded crime figures to compare with other states, yet they rely on a sample survey by the ABS that specifically says not to use the survey to compare with other states because there are different methodologies.

In the 30 seconds I have left I want to say that we asked the Treasurer, John Lenders, a simple question: will the level of debt be increased or decreased over the forward estimates? It was a very straightforward question about whether he could guarantee the debt levels in the forward estimates. We received more waffle than you could poke a stick at but could not get any answer. We have not even received anything back on notice in writing. It is just a disgrace.

MEDICAL RESEARCH INSTITUTES REPEAL BILL

Statement of compatibility

Ms ALLAN (Minister for Regional and Rural Development) 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 Medical Research Institutes Repeal Bill 2008.
>
> In my opinion, the Medical Research Institutes Repeal 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 bill**
>
> The bill repeals the Baker Medical Research Institute Act 1980 and the Prince Henry's Institute of Medical Research Act 1988 as part of this government's commitment to regulatory reform and more efficient government. The Baker Medical Research Institute and Prince Henry's Institute of Medical Research will continue as new corporate entities established under the Corporations Act 2001.
>
> **Human rights issues**
>
> ***1. Human rights protected by the charter that are relevant to the bill***
>
> This bill does not raise any human rights issues. The bill does not expressly seek to affect any person's existing rights, privileges, obligations or liabilities, but simply to repeal the acts specified and transfer all existing property, rights, liabilities and staff of the Baker Medical Research Institute and the Prince Henry's Institute of Medical Research to new bodies which are to be the successors in law of the respective institutes.
>
> The bill acts to preserve the entitlements of employees transferred from the Baker Medical Research Institute and the Prince Henry's Institute of Medical Research to the new bodies.
>
> ***2. Consideration of reasonable limitations — section 7(2)***
>
> As the bill does not raise any human rights issues, it does not limit any human right 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 of Human Rights and Responsibilities because it does not raise a human rights issue.
>
> Jacinta Allan, MP
> MINISTER

Second reading

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

> That this bill be now read a second time.

The bill calls for the repeal of the Baker Medical Research Institute Act 1980 and the Prince Henry's Institute of Medical Research Act 1988 and for the

transfer of all property, rights, liabilities and staff of the Baker Medical Research Institute and the Prince Henry's Institute of Medical Research to new bodies.

The Baker Medical Research Institute Act 1980 was enacted to establish a body corporate known as the Baker Medical Research Institute.

The Prince Henry's Institute of Medical Research Act 1988 was enacted to establish a body corporate known as the Prince Henry's Institute of Medical Research.

As part of the state's commitment to regulatory reform and more efficient government, the Baker Medical Research Institute Act 1980 and the Prince Henry's Institute of Medical Research Act 1988 are to be repealed and all property, rights and liabilities held, and staff employed, by the Baker Medical Research Institute and the Prince Henry's Institute of Medical Research are to be transferred to new companies, limited by guarantee, incorporated under the Corporations Act 2001, that are to be the successors in law of those institutes.

Baker IDI Heart and Diabetes Institute Holdings Ltd (ACN 131 762 948), and Prince Henry's Institute of Medical Research (ACN 132 025 024), have been registered with the Australian Securities and Investments Commission for that purpose.

The Baker Medical Research Institute Act 1980 and the Prince Henry's Institute of Medical Research Act 1988 are the remaining two Victorian acts governing medical research institutes.

Being incorporated under their own act (as opposed to incorporation under Corporations Law) provides no apparent advantage for the affected institutes in pursuit of their operational, research or commercial activities.

The Medical Research Institutes (Repeal) Bill 2008 will assist in reducing regulatory burden in Victoria and facilitate the continued operation of the institutes in the field of medical research.

The Baker Medical Research Institute and the Prince Henry's Institute of Medical Research have been fully consulted and are supportive of the repeals.

I commend the bill to the house.

Debate adjourned on motion of Mr KOTSIRAS (Bulleen).

Debate adjourned until Wednesday, 3 September.

COURTS LEGISLATION AMENDMENT (COSTS COURT AND OTHER MATTERS) BILL

Statement of compatibility

Mr HULLS (Attorney-General) 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 Courts Legislation Amendment (Costs Court and Other Matters) Bill 2008.

In my opinion, the Courts Legislation Amendment (Costs Court and Other Matters) 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 bill

The bill contains amendments to the Supreme Court Act 1986, the County Court Act 1958, the Magistrates' Court Act 1989, the Victorian Civil and Administrative Tribunal Act 1998 and the Legal Profession Act 2004.

The bill will amend provisions in these acts to implement the recommendations contained in Crown Counsel's *Report to the Attorney-General — Office of Master/Costs Office* (March 2007) to establish the Costs Court in the Supreme Court.

The Costs Court will have jurisdiction to hear and determine the assessment, settling and taxation of costs in proceedings in the courts and Victorian Civil and Administrative Tribunal (VCAT).

The Costs Court will perform the functions currently performed by the taxing master and by the registrars of the County Court, Magistrates Court and VCAT with regard to the taxation of costs.

The Costs Court will be established within the Trial Division of the Supreme Court. The amending provisions are included in the Supreme Court Act 1986 and not the Constitution Act 1975 since the VCC will not be performing the court's constitutional functions.

The Costs Court will be presided over by an associate judge, appointed by the chief justice to be called the costs judge. The chief justice will determine the duration of the costs judge's appointment.

The bill aims to give Victorians more opportunities to resolve legal disputes at less cost by establishing a single office with responsibility for assessing and resolving costs disputes across each of the three Victorian courts and VCAT and disputes arising under the Legal Profession Act 2004. A single costs office will:

promote consistency in the determination of assessments and the resolution of disputes;

provide opportunities for the more efficient determination of assessments and the resolution of disputes; and

potentially reduce the cost of determinations and resolutions for litigants.

Human rights issues

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

Clause 5 establishes the Costs Court within the Trial Division of the Supreme Court.

Section 24(1) of the charter provides that a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and impartial hearing.

The purpose of the right is to ensure the proper administration of justice. This right is concerned with procedural fairness.

The bill engages the right because it affects the venue and manner in which costs are taxed. The provisions establishing and governing the Costs Court are consistent with the right because a person will have a proceeding decided by a competent, independent and impartial court after a fair and public hearing.

Conclusion

I consider that the bill is compatible with the charter.

ROB HULLS, MP
Attorney-General

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

The bill builds on a range of initiatives in the justice system to ensure that our courts and tribunals deliver justice in a fair and efficient manner. It complements the government's jurisdictional and civil procedure reforms in the courts system in recent years and the development of case-flow management processes by the courts themselves.

This bill and the Courts Legislation Amendment (Associate Judges) Act 2008 together will assist the courts to streamline case management.

In 2005 I commissioned a review of the Office of Master and Costs Office. Crown counsel Dr John Lynch prepared an Issues Paper concerning the functions and governance arrangements of masters and a proposal to establish a costs office. The paper was circulated to each of the courts and VCAT and to the Law Institute and the Victorian Bar and was also published on the Department of Justice website. Dr Lynch conducted further consultations and presented a final report to me in March 2007, recommending, amongst other things, the replacement of 'specialist' masters with the office of associate judge and establishment of the Victorian Costs Court.

The reforms to the office of master recommended in Crown counsel's report will be implemented through the Courts Legislation Amendment (Associate Judges) Act 2008, which was passed by the Parliament earlier this year. This act will be proclaimed when the bill receives royal assent.

This bill implements the remainder of Dr Lynch's report by establishing a VCC (Victorian Costs Court).

The Law Institute of Victoria originally proposed the idea of a costs office in 2003. The Law Institute submitted that it would be more efficient if the courts were relieved of the function of taxing costs and if this function was passed to a single office to service all three courts. Such an office would facilitate the application of uniform principles of taxation and uniformity of procedure across all jurisdictions, facilitate the appointment of specialist and expert personnel, relieve magistrates of the burden of undertaking taxations and create greater efficiencies within the courts.

Crown counsel's consultation on this issue indicated strong support for the proposal. In addition to the arguments for the proposal raised by the Law Institute, the increase in the civil jurisdiction of the Magistrates Court in 2005 and the County Court in 2007, the development of new costs scales and the retirements of the previous taxing master and senior County Court taxation registrar were all factors which gave momentum to the proposal.

The bill creates the Victorian Costs Court as a division of the Supreme Court of Victoria. The Victorian Costs Court will carry out the functions currently performed by the taxing master in the Supreme Court and the registrars of the County Court, Magistrates Court and VCAT with regard to the taxation of costs.

The chief justice will appoint an associate judge known as the 'costs judge' to preside over the Victorian Costs Court. The chief justice will be able to appoint an associate judge as an acting costs judge as required. The VCC will be responsible for determining taxation matters and other costs disputes from within each of the courts and VCAT. It will also have jurisdiction over non-litigious costs disputes, including solicitor-client costs reviews under division 7 of part 3.4 of the Legal Profession Act 2004.

The court will be staffed by suitably qualified court registrars. Registrars' decisions may be appealed to the costs judge. Appeals from the decisions of the costs

judge will follow the same structure as for other associate judges and lie to a judge of the Supreme Court.

In combination with the Courts Legislation Amendment (Associate Judges) Act 2008 this bill will assist the courts and VCAT to more effectively apply their resources. For example, the costs judge will be able to delegate functions to registrars as appropriate and concentrate on complex matters and mediations.

The bill demonstrates the commitment of the government to ensure that justice is modern and delivered in an efficient and effective manner.

I commend the bill to the house.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until Wednesday, 3 September.

Sitting suspended 1.02 p.m. until 2.03 p.m.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Public sector: investments

Mr BAILLIEU (Leader of the Opposition) — My question is to the Minister for Health. I draw the minister's attention to a leaked email dated 8 November last year, from the manager of budget management and reporting in the Department of Human Services, which has been sent to at least 64 health institutions in Victoria. It advises:

> As a result of recent developments and media attention on the current nature of the investment market, we will be providing a briefing to the minister of any exposure to volatility in your investments. Can you please review your investments and advise what amounts are subject to volatility (where there is risk of a paper loss or a paper or actual loss has occurred), the amounts involved and who these investments are with?

I ask: given that the minister has refused since October 2007 to reveal details of financial exposure by these health institutions for which he is responsible, will he now release the full details of this briefing?

Mr ANDREWS (Minister for Health) — I thank the Leader of the Opposition for his question. I will go back to the points I made yesterday and the points I have made on any number of occasions in this place, that the proper management of investments by independent statutory authorities, in this case health services, is a matter for those health services. However, what I would also say is that there are frameworks in place under acts of this Parliament; there are frameworks in place also, can I say, in terms of — —

Mr Baillieu — On a point of order, Speaker, the minister is debating the question. If the government saw fit to get and receive a briefing, then surely the Parliament deserves a explanation of what occurred at that briefing.

The SPEAKER — Order! I do not uphold the point of order. The minister was being relevant to the question asked.

Mr O'Brien interjected.

The SPEAKER — Order! The member for Malvern might like to look at standing orders.

Mr ANDREWS — As I was saying, the proper management of investments and those decisions and that conduct are matters for the health services concerned or independent statutory authorities, whatever they may be. Various acts of this Parliament guide that, and what is more, a risk management framework released and signed off by the Department of Treasury and Finance also guides that and properly regulates that conduct. I am confident that health services are adhering to that, and it is my expectation that each and every health service would make investment decisions only against that framework.

Economy: performance

Mr HERBERT (Eltham) — My question is to the Premier. Can the Premier update the house on new evidence that shows Victoria is the best place to live, work and raise a family?

The SPEAKER — Order! The breadth of the question concerns me. I advise the Premier that I will be expecting new evidence in the answer.

Mr BRUMBY (Premier) — I thank the honourable member for his question, and I am delighted to say that I will be able to provide the house with new evidence. As you know, Speaker, our government has always set as its aspiration to make our state the best state in Australia in which to live, work, invest and raise a family. The BankWest quality of life index was reported on today in the Melbourne *Age* and the *Herald Sun*, and I am delighted to advise the house that that index has ranked Victoria as Australia's most livable state.

Of course the most livable area is Nillumbik, and the *Age* today reports:

> Victoria has the most areas in the index's top 10 per cent, boasting 21 of the 60 best.

Also today the *Herald Sun* in a story headed 'Melbourne capital idea' reports:

> Melbourne clinched the 'most livable' title with four municipalities in the … top 10 …

I am proud of this. It confirms the work we have been doing as a government.

Honourable members interjecting.

Mr BRUMBY — I know the opposition is not, but we are proud of the fact that Victoria is considered the best state in Australia in which to live, work, invest and raise a family.

The BankWest survey considered 10 measures. It looked at crime rates, health, home ownership and a range of other measures. When you go through all of those, you realise it is not surprising that it got the result it did. Crime rates have fallen again for the seventh consecutive year. Now crime in our state is 24.5 per cent lower than it was in 2000–01. If you look at health, we have the biggest capital works program anywhere in Australia worth $4.7 billion, including the new Royal Children's Hospital, the Casey Hospital and the Royal Women's Hospital, which has been completed.

We are the most affordable capital city on the eastern seaboard. Regional Victoria is the most affordable country region for first home buyers in Australia. I am also pleased to say for first home buyers that in June Victoria had the highest proportion of first home buyer activity anywhere in Australia with 31.2 per cent of all housing loans. These things indicate that all of the plans our Labor government is putting in place are making this state the best state in Australia in which to live, work, invest and raise a family. I repeat: we are proud of it.

This morning I was at North Melbourne railway station with the Minister for Public Transport to inspect progress there on what is close to a $40 million redevelopment project. During our visit we announced the patronage figures for the public transport system over the last financial year. We have carried 450 million passengers on our public transport system in Victoria. This is the largest number of people we have ever carried on the system.

On our train system this year we have carried 201 million people — that is 70 million more people than were carried at the maximum period under the former Kennett government. We are taking action — —

Honourable members interjecting.

The SPEAKER — Order! I ask for some cooperation from the member for Bass, from the member for Kilsyth and the member for Warrandyte.

Mr BRUMBY — Kenny, you are the past!

Honourable members interjecting.

Mr BRUMBY — It's true.

The SPEAKER — Order! I ask for some cooperation from the Premier also.

Mr BRUMBY — So at 201 million the rail system in Victoria has never carried so many passengers. We know that there are challenges in the system. We know the system is congested and that the state has had record population growth, but the actions we have been taking are making progress. This year we are carrying 25 million more passengers on our train system than previously — an all-time record high.

The initiatives we have taken, like the 300 additional weekly services, the early bird travel on the metropolitan train lines, the extension of the line to Craigieburn, the new stations at Roxburgh Park and Craigieburn, the new 401 bus route, which we saw today and which runs every 3 minutes — it now carries 2800 passengers a day who would otherwise spend an extra 45 minutes on the grid going through city loop, a fantastic service — the extra trains that we have purchased, and of course funding in this year's budget for track upgrades at Laverton, Craigieburn and Westall is all about further improvements to our public transport system.

The services we are providing in education, health, community services and public transport, and the 1400 additional police who are bringing down crime rates, are all contributing to making our state the best state in Australia.

Drought: government assistance

Mr RYAN (Leader of The Nationals) — My question is to the Minister for Agriculture. I refer the minister to the announcement of the federal Minister for Agriculture, Fisheries and Forestry, Tony Burke, that exceptional circumstances assistance will be extended across five regions of Victoria where 'drought is continuing to severely affect production'.

I ask: will the minister now commit to continuing the full suite of drought initiatives currently provided by the state government in these areas, including the

municipal rate subsidy, the rebate on fixed water charges and the catchment management authority drought employment program?

Mr Hodgett interjected.

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

Mr HELPER (Minister for Agriculture) — I thank the Leader of The Nationals for his question. Along with the whole government, I was very pleased to hear that my federal ministerial counterpart, Tony Burke, yesterday announced the extension of EC (exceptional circumstances) declarations for some parts of Victoria and across other states as well. We welcome that. It continues the fantastic relationship that we have with my federal counterpart in delivering drought services, and we can clearly see that that relationship will continue with this announcement.

I also point out to the house that the federal minister undertook to make the announcement ahead of the sunsetting of EC declarations for those areas, and he has kept that commitment by making the announcement some two weeks prior to the sunsetting of those declarations. Just to inform the house, the areas that this decision does not apply to are the south-west and west Gippsland. Declarations in respect of those areas are to sunset in March 2009.

The Brumby government is very proud of its record in responding to the needs of individual farmers, rural communities and rural industries in terms of the very difficult drought circumstances that people are facing. We will continue to respond to those needs in a timely and appropriate manner, taking all the circumstances into account. I look forward to working within government to ensure that our response is in keeping with the needs of those communities and individual farmers.

Mr Ryan — On a point of order, the minister is debating the question. All we want to know is if the answer is yes or no.

The SPEAKER — Order! The minister has concluded his answer.

Schools: leadership programs

Mr FOLEY (Albert Park) — My question is to the Minister for Education. I refer to the government's commitment to make Victoria the best place to live, raise a family and work. I ask: can the minister detail to the house how the Brumby government is taking action to develop educational leadership to ensure we give every child the best possible start in life?

Ms PIKE (Minister for Education) — I thank the member for Albert Park for his question. International research demonstrates that effective leadership is absolutely critical for school improvement, and that is why the government has been investing significant resources — a lot of extra funding — into school leadership initiatives. In fact a recent OECD — Organisation for Economic Cooperation and Development — report identified Victoria as one of the leading jurisdictions in the world in leading-edge initiatives for leadership development within schools. We have been doing a lot of very significant and good work in this space, but of course we do not intend to rest on our laurels. I am pleased to inform the house that the government has recently announced a number of new initiatives and strategies to help the capabilities of our school leaders.

On 1 August the Premier and I attended a terrific event called the Big Day Out. This is an annual professional development opportunity for all of our principals. Around 1600 principals attended. They gathered to hear world experts on school improvement strategies and to share their experiences with each other. At the conclusion of the day the Premier announced that this government would fund a new world-class $10 million learning institute to further help develop the capabilities of our school leadership.

I must say that the principals who were gathered at the event were absolutely — —

An honourable member — Ecstatic.

Ms PIKE — Ecstatic. They were overwhelmed at this initiative, because they recognise this government's commitment to a strong education system in Victoria and they know that this kind of direction is one that is going to be effective and will help to increase their professional capabilities.

The Victorian institute for educational leadership will provide professional development for existing and aspiring school leaders across Victoria in state-of-the-art learning facilities, and there will also be community facilities within the complex. Teachers, regional department staff, educational coaches, teaching support staff and members of the early childhood workforce will also benefit from the high-quality leadership programs that will be offered by the institute. This of course builds on the programs the government has already developed and that are already available within our education system to improve leadership.

I am also very pleased to inform the house that the internationally acclaimed expert on school improvement and Harvard University professor of education, Professor Richard Elmore, who has been doing some work here in Victoria on professional development, has agreed to work very closely with the board during the establishment of the institute to make sure that the programs we have here in Victoria are benchmarked against the very best programs around the world for leadership development within education.

We are also demonstrating action on how to make use of positive leadership opportunities. Alongside the announcement of the institute, one of Victoria's best principals has now been appointed to work in the Broadmeadows region as part of the regeneration of public education in Broadmeadows. He has already commenced work in that area. Glenn Proctor will move from the very successful Mount Waverley Secondary College, where he has been part of the leadership team for the past 11 years, to lead Hume Central Secondary College, one of the seven brand new schools this government is building in Broadmeadows — a complete regeneration of educational opportunities in one of the most disadvantaged communities in Victoria. It is happening under this government, a Labor government, because we are fundamentally committed to improving the quality of education for every single Victorian child.

This demonstrates our intention to attract and reward high-performing principals to lift school performance right across our state. It marks a new era in teaching and leadership within this jurisdiction, and it is part of the $71.4 million package that was announced in our recent budget which provides a much more targeted support to help lift performance.

Mr K. Smith — How much longer?

Ms PIKE — Speaker, I could just keep talking all day about our commitment to education, and it — —

The SPEAKER — Order! The minister!

Ms PIKE — It is a pity that others do not want to hear. It obviously means they do not share that commitment.

The SPEAKER — Order! I suggest to the minister that indeed she has been speaking for over 4 minutes, and I would like her to conclude her answer.

Ms PIKE — Education is this government's no. 1 priority. We stand up for our students and young people. We have strong plans and will provide substantial resourcing to make good these commitments to make Victoria the very best place to live, to work, to learn and to raise a family.

Racing: criminal activity

Dr NAPTHINE (South-West Coast) — My question without notice is to the Minister for Police and Emergency Services. I refer to the Australian Crime Commission report provided by Victoria Police to Judge Gordon Lewis which convinced him that criminal activity was rampant in Victorian racing, and I ask: when did Victoria Police first receive the ACC report and why did the government fail to act immediately to tackle this rampant criminal activity in Victorian racing?

Mr CAMERON (Minister for Police and Emergency Services) — I thank the honourable member for his question. The honourable member may have missed it, but when Judge Gordon Lewis made his report he referred to the very good work by the Purana task force in forming his view of the problem that existed within the industry. That essential work of Purana has very much formed the basis of his recommendations on what goes forward. The honourable member may not be aware that when the Australian Crime Commission delivers confidential reports to the police they are not something that the ACC comes and talks to me about. That is information that relates to operational police matters.

I will read a paragraph from a letter from Gordon Lewis to the Minister for Racing:

> As I believe that I had afforded any responsible person or body involved in racing the opportunity to assist me, I wrote to Dr Napthine immediately, asking him to provide me with the names and contact details of those persons or groups — —

Dr Napthine — On a point of order, Speaker, the minister is debating the issue. The question is: when did Victoria Police receive the ACC report and why did the government fail to act on it? That is the question, and I would ask you to bring the minister back to answering that question.

On a further point of order, I would ask that the minister table the document from which he is quoting.

The SPEAKER — Order! Is the minister prepared to make the document available to the house?

Mr CAMERON — After I have finished reading the paragraph.

The SPEAKER — Order! With regard to the first point of order on the matter of debating, the member for South-West Coast knows full well that a minister is

able to make a response to a question as long as it is relevant to the entirety of the question. My view is that the minister is being relevant to the question as asked.

Mr CAMERON — Judge Gordon Lewis went on to say:

> … I wrote to Dr Napthine immediately, asking him to provide me with the names and contact details of those persons or groups who had expressed dissatisfaction to him, so that I could make arrangements to meet them. Despite a follow-up letter to Dr Napthine, that information was never provided to me.

I table the letter.

Melbourne: City of Literature award

Mr STENSHOLT (Burwood) — My question is to the Minister for the Arts. I refer to the government's commitment and action to make Victoria the best and fairest place to live, work and raise a family, and I ask: given today's news that the United Nations Educational, Scientific and Cultural Organisation, has named Melbourne as a Creative Cities Network City of Literature, can the minister outline what the government is doing to reinforce Melbourne's status as the arts and cultural capital of Australia?

Ms KOSKY (Minister for the Arts) — I thank the member for his question and for his great interest in the arts right across Victoria. We were delighted with the announcement that UNESCO (United Nations Educational, Scientific and Cultural Organisation) has recognised Melbourne alongside Edinburgh as a City of Literature. It is an international coup for Victoria. This is a global endorsement of the government's investment in our cultural life, but also an endorsement of the work that is done right across Victoria by our many artists. With this recognition Melbourne now joins cities such as Bologna, Seville, Berlin, Buenos Aires and Montreal as a member of UNESCO's Creative Cities Network, so we are in very good company indeed.

This historic acknowledgement really confirms the arts and cultural credentials of our city and our state. It recognises the diversity of our culture and our creativity, which is central to Victoria's livability — the Premier has spoken about how our livability has been recognised worldwide. This award confirms our government's investment in the arts and in our cultural life, and it also confirms that it is unmatched across Australia. The award recognises that Victoria has produced many outstanding writers, including Peter Carey, Helen Garner, Elliot Perlman and Sonia Hartnett, and also that our publishing sector here in Melbourne is by far the largest in Australia. Melbourne is home to publishers such as Penguin, Lonely Planet, Text Publishing, Hardie Grant Publishing, Black Ink Press, Melbourne University Publishing and Scribe Publications. Victorians buy more books, newspapers and magazines than other Australians. Right across Victoria we purchase a lot of literature. We boast more bookshops per head of population than anywhere else in the country, and we have the highest concentration of community book clubs as well — and I know the Leader of the Opposition would be very supportive of those. We host many literary festivals, including the Melbourne Writers Festival, the Overload Poetry Festival, the Alfred Deakin Innovation Lectures and the Emerging Writers Festival.

The Centre for Books Writing and Ideas is the centrepiece of our bid to become a City of Literature and of course the awarding of that title. The centre will be a hub for Victoria's literary and publishing community and will link literary groups right across Victoria, including events such as the Queenscliff writers festival, the Dandenong WordFest, Hepburn's Words in Winter, the Mildura Writers Festival and the Gippsland Writers Festival. This list demonstrates that writing and reading and literature is a really critical part of our creativity and makes us the ideas capital of Australia.

I would like to take this opportunity to thank the Australian National Commission for UNESCO for endorsing our government's bid, and also the City of Literature bid committee, which did an enormous amount of work in helping us achieve this title and this status. Later this week the Melbourne Writers Festival kicks off with national and international guests including Germaine Greer, Nick Davies and Salman Rushdie, who is appearing via satellite and not in person. It will be a fantastic festival.

This award recognises the fact that the Brumby government really understands the importance — and invests in that importance — of arts and culture and believes it is critical to livability. It is not only the government that believes it is important and that Melbourne and Victoria enjoy such success across Australia, because the *Australian Financial Review* recently called Victoria Australia's cultural capital, and we certainly agree with that.

Racing: criminal activity

Dr NAPTHINE (South-West Coast) — My question is to the Minister for Police and Emergency Services. I refer to the Judge Lewis report, which highlights rampant criminal activity in Victorian racing,

and his key recommendation to reinstate the racing squad within Victoria Police. I ask: will the government act immediately on this key recommendation or will it continue to do nothing rather than tackle corruption and criminal activity in Victorian racing?

Honourable members interjecting.

The SPEAKER — Order! The members for Footscray, Burwood and Scoresby are warned!

Mr CAMERON (Minister for Police and Emergency Services) — It is a great pity that the honourable member believed he had information to provide but withheld that information.

Dr Napthine — On a point of order, I ask the minister to withdraw that imputation. After I received a letter from Judge Gordon Lewis I passed it on to a number of people who had contacted me and suggested they contact Gordon Lewis and provide him with that information. That is what I did, and I think the comments made by the minister should be withdrawn.

Honourable members interjecting.

Questions interrupted.

SUSPENSION OF MEMBER

The SPEAKER — Order! Standing orders allow me to ask the member for Eltham to depart the chamber for 30 minutes.

Honourable member for Eltham withdrew from chamber.

Questions resumed.

The SPEAKER — Order! The member for South-West Coast has taken offence to the remarks made by the Minister for Police and Emergency Services, and I ask him to withdraw those remarks.

Mr CAMERON — I withdraw.

Mr Eren interjected.

The SPEAKER — Order! The member for Lara! I have asked the Minister for Police and Emergency Services to withdraw. By now all members must be aware that for Hansard to record what is said in this chamber, the member's microphone needs to be on. I have asked the Minister for Police and Emergency Services to withdraw the remark that the member for South-West Coast found offensive.

Mr CAMERON — I withdraw for a second time. It is of some concern that Judge Gordon Lewis should have to report that despite a follow-up letter to the member for South-West Coast, that information was not provided to him.

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

Mr CAMERON — At the release of the report there was a press conference at which Superintendent Alan Burns of Victoria Police was present. As you may be aware, Speaker, there is a working group in relation to the recommendations which involve Victoria Police. These are operational matters that you may be aware, Speaker — —

An honourable member interjected.

Mr CAMERON — Here we go! The opposition says the government should not interfere with police matters — sometimes — and then it turns around and says it should.

The SPEAKER — Order! I ask for the cooperation of all members so that question time can continue in an orderly manner. I ask the minister to refrain from responding to interjections, and I ask those members of the opposition who seem to believe that interjection is entirely permissible to cease interjecting.

Mr CAMERON — Superintendent Burns is a member of that working party that will oversee the implementation of the reforms. At the media conference he said he did not believe the police had been tolerant of any criminal activity that was known to them and that he did not believe the racing industry, as an industry, is tolerant of criminal activity. He said Victoria Police had been aware of crime in the racing industry and had been addressing the issue. As we have previously discussed, the work of Piranha formed a part of the key work of Judge Gordon Lewis.

The judge also set out his belief that notwithstanding the problems within the industry, it was nevertheless the cleanest in Australia. It is important to remind people that if they have evidence of criminal offences — any person whether or not they are in the racing industry — they ought to come forward with that information.

Victoria Police is part of the working party. It makes operational decisions. Unfortunately on some days some people say they believe government should be in there making operational decisions and on other days say it should not be doing it — but that is what happens when you stand for nothing.

Energy: carbon emissions

Ms D'AMBROSIO (Mill Park) — My question is to the Minister for Energy and Resources. I refer to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister update the house as to how the Brumby government's energy technology innovation strategy is helping work towards a lower emissions energy future for Victoria?

Mr BATCHELOR (Minister for Energy and Resources) — I thank the member for Mill Park for her question about the implementation of our energy technology innovation strategy, or ETIS, as we call it. ETIS first began in 2005, and this government has committed more than $250 million to support the development of new clean energy technologies here in Victoria. This funding is designed to provide targeted financial assistance to support the energy sector to develop technology that the industry needs to cut greenhouse gas emissions and to do that much more quickly than might otherwise be the case. It is really critical to ensuring that we have a secure and sustainable supply of energy in Victoria not just for today but also for our future. It also positions Victoria as the home of clean energy innovation, and that is all because of the success of the ETIS program.

Last month I launched a series of industry forums to provide details of the latest round of ETIS funding to the industry. More than 200 companies attended those forums to hear about the additional $187 million in funding that was announced in this year's budget. That funding is to support large-scale demonstration projects. It was fantastic to see the high level of support from industry, and not just from Victorian or even Australian-based industry. The ETIS program is internationally respected, and I expect that there may well be international interest given the nature of this scheme.

A sum of $72 million will be available to secure Victoria's position as a world leader in renewable energy projects through the support of a large-scale sustainable energy demonstration project, which could be in solar energy, wave power, geothermal or biomass conversion. Another $110 million will be available for the large-scale demonstration of carbon capture and storage technologies, which will be an essential element in slashing the greenhouse gas emissions from brown coal-fired electricity generation — and brown coal is such an important resource for our electricity generation industry here in Victoria.

This latest round of funding builds on some of the major successes in solar and clean coal technology which have already been delivered since ETIS first began in 2005. An amount of $50 million is to be provided for a solar-concentrated power station, which will produce enough electricity from the sun to power 45 000 homes. We have also seen money provided for an integrated drying and gasification combined-cycle power station to be located in the Latrobe Valley, which will see substantial reductions in carbon dioxide emissions as well as substantial water savings.

These projects clearly position the Victorian government as a government of action when it comes to clean energy industries, especially those that deal with renewable energy and those that deal with clean coal technology.

Greyhound Racing Victoria: investigation

Dr NAPTHINE (South-West Coast) — My question is to the Minister for Racing. I refer to the recent termination of a senior staff member at Greyhound Racing Victoria after she stole Greyhound Racing Victoria funds to feed her gambling habit, and to her de facto relationship with the GRV director of racing, integrity and infrastructure, and I ask: given that Greyhound Racing Victoria is a statutory body, why did the minister agree to Greyhound Racing Victoria dealing with this significant issue in-house rather than involving Victoria Police, and will he now insist on this matter being referred to Victoria Police for a full independent investigation, particularly in light of the explosive findings in Judge Lewis's report?

Mr HULLS (Minister for Racing) — My understanding is that this matter to which the honourable member refers has been dealt with appropriately. As Judge Lewis said in his report, if anyone has information in relation to criminal activity, they ought to refer the matter to the police for appropriate investigation. I also understand that Judge Lewis gave the honourable member numerous opportunities to refer to him any matter he thought appropriate, and he failed to do so.

Olympic Games: Victorian athletes

Ms MARSHALL (Forest Hill) — My question is to the Minister for Sport, Recreation and Youth Affairs. I refer to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister inform the house how the Brumby government's investment in elite sport is paying dividends at the Olympics?

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — I thank the member for Forest Hill for her question. It has been hard to ignore the tremendous performance of the Australian Olympic team over the past 12 days: 11 gold, 12 silver and 12 bronze medals already. As a country of 21 million people, we sit fourth overall. We have achieved this despite a few heartbreaks and in a significantly greater competitive environment provided by nations such as China and Britain.

It gives me great pride to say that Victorians are leading the charge. Five Victorian Institute of Sport athletes have won gold, seven have claimed silver and four have claimed bronze, while non-VIS Victorians have won a further silver and three bronze medals. If Victoria was a country in its own right, this medal haul would put us in the top 12 countries overall, which is a remarkable feat.

This is a great return on the Brumby government's investment in elite sport. Since the Athens Olympics, we have invested $19.5 million towards the Victorian Institute of Sport and $280 million towards upgrading our elite venues to give our athletes the best facilities for training and competition. What we have seen in Beijing endorses this investment: Leisel Jones's world record in the 100-metre breaststroke, Bree Cole's silver in the 10-metre synchronised diving and Drew Ginn claiming his third gold medal rowing in the men's coxless pairs.

But it is not just about individuals. Following Athens, Labor has proudly delivered $5.4 million towards our state's sporting associations. This year alone 73 sports organisations were funded, from Softball Victoria to Yachting Victoria, Basketball Victoria and Hockey Victoria. All these organisations have representatives in Australian sides in strong medal contention over the coming days, so fingers crossed!

Why do we make this investment? Because the Brumby government knows that to inspire young and old alike to lead active and healthy lifestyles we need to have champion role models. It is why the Brumby government is already focused on Delhi in 2010 and London in 2012. In this year's budget we increased funding to the Victorian Institute of Sport by $6.7 million over four years. We will invest over $50 million into a world-class state athletics centre and new purpose-built Olympic training centre to house the VIS. We will continue our record level of investment in grassroots facilities so that the champions of tomorrow have the best facilities today.

How many Australian kids will be inspired to take up sport by the sheer courage of hurdler Sally Maclellan in the early hours this morning or the incredible cyclist Anna Meares last night. Only the Brumby government understands that what happens thousands of kilometres away in Beijing directly impacts in the backyards of Victorian families. That is why we will continue investing in sport, making Victoria the best place to live, work and raise a family.

WHISTLEBLOWERS PROTECTION AMENDMENT BILL

Second reading

Debate resumed from 31 July; motion of Mr CAMERON (Minister for Police and Emergency Services).

Mr CLARK (Box Hill) — The Whistleblowers Protection Amendment Bill 2008 is a bill to allow the Ombudsman to report to Parliament on a matter raised by a whistleblower in a way that is likely to identify the person against whom a whistleblower disclosure has been made. The bill is yet another piece of tinkering with the convoluted and inadequate provisions dealing with corruption and misuse of office that the Bracks and Brumby governments have insisted on perpetuating here in Victoria in order to prevent adequate scrutiny of abuse of office by them and their political cronies in government bodies and in local government.

The bill amends the Whistleblower Protection Act 2001 to remove the prohibition on the Ombudsman disclosing in a report to Parliament particulars that are likely to lead to the identification of the person against whom a protected disclosure is made. It also prohibits the Ombudsman from disclosing such particulars in the Ombudsman's annual report. It authorises the Ombudsman to disclose such particulars in a report to Parliament, other than the annual report, if the Ombudsman considers it is in the public interest to do so. It requires that a person who is subject to adverse comment in such a report must be provided with details sufficient for the person to put forward any defence that the person may wish to set out in the report. It applies the changes that it makes to any report given to the Parliament after the commencement of the changes, even if the disclosure was made or the investigations were commenced prior to the commencement of the amendments, unless a report on those disclosures has previously been given to the Parliament.

The second-reading speech informs the house that the Ombudsman is due to finalise an investigation that he has undertaken as the result of a disclosure made by a whistleblower. Given the high profile media coverage it

has received, the Ombudsman believes he will not be able to make that report without including details that would identify the individual or the individuals being investigated. The second-reading speech does not identify the particular investigation concerned. The government told the opposition in the very helpful briefing provided to us on the bill that the Ombudsman has not in fact informed the government what investigation is involved in the Ombudsman's request.

Looking at the history of the Whistleblower Protection Act 2001, it is unclear why the restriction was imposed in the first place on the Ombudsman disclosing the identity of a person against whom a disclosure was made. The point needs to be made, to avoid any misunderstanding, that this bill does not relate to disclosure of the identity of the whistleblower; it relates to the material in a report that may lead to the identification of the person against whom a disclosure is made.

As I alluded to in referring to the main provisions of the bill, the bill proposes that, if in future the Ombudsman makes a report containing information that may lead to the identification of that person, then the Ombudsman is required to give that person detail sufficient for them to put forward any defence that they may wish to have set out in the report. The legislation as it already stands requires that that defence be provided by the Ombudsman in the report that the Ombudsman makes.

As I said, there was no reference to and only a passing mention of this provision in the course of the debate on the Whistleblowers Protection Bill when it was before the house in 2001. It is difficult to see why it was considered necessary to impose that restriction.

Given the other provisions that I have mentioned regarding providing the person concerned with the opportunity to put forward their defence and given that it is entrusted to the Ombudsman to judge whether or not a disclosure of particulars that may lead to identification is in the public interest, the conclusion that the Liberal Party and The Nationals have reached is that the Parliament and the community needs to trust in the Ombudsman's judgement on this and, as to the necessity of disclosure, the Ombudsman's balancing of fairness to the person concerned with the public interest in reaching that decision, as well as in ensuring that there is a fair and adequate opportunity given to that person to provide a defence to the matters raised against them and to have that defence fairly and appropriately set out in the report that the Ombudsman provides to the Parliament.

For that reason the Liberal and National parties will not be opposing the bill. However, we believe that whistleblower provisions would be far better forming part of a legislative regime that included an independent broadbased anticorruption commission. At present we have a range of bodies that are supposed to be in place to prevent corruption and abuse of office, but those powers are overlapping and inadequate. We have the Ombudsman, but the Ombudsman's principal role is as a body to investigate maladministration by government departments and by local government. The Ombudsman also lacks the full range of inquisitorial and investigative powers that would be possessed by a broadbased independent anticorruption commission.

While the Ombudsman has been doing his best within the powers and responsibilities that he has, it is fair to say that the core historical role of the Ombudsman has been to ensure proper process and proper administration rather than being geared to conduct the probing and inquisitorial investigations that are needed to investigate corruption and malfeasance.

We also have the Office of Police Integrity. The government has had to be dragged, kicking and screaming, step by step, to provide in the end the OPI with most, if not all, of the powers of a standing commission. However, the OPI only has those powers in relation to police and matters connected with police. The OPI does not, as we have made clear to the house and elsewhere on numerous occasions, have authority to investigate possible corruption or malfeasance in relation to ministers, political advisers, public servants, boards of government authorities or local government.

We have the office of the Auditor-General which can certainly conduct probing investigations on finances, but the Auditor-General does not have either the mandate to tackle corruption generally nor the specialist anticorruption skills that are needed to do so, nor the full suite of powers that are needed.

Finally, I mentioned local government inspectors — and the Minister for Local Government is at the table. Local government inspectors are public servants.

Mr Wynne — Not always.

Mr CLARK — The minister intervenes to say 'Not always'. Certainly principally they are public servants, and a number of them are located within his department. The decisions based on their reports are ultimately decisions to be made by ministers. I think, with all due respect to the minister at the table, it is fair to say that under this government there seems to have been a far greater willingness on the part of ministers to

dismiss non-Labor councillors than to take action against Labor councillors.

The minister may dispute that, but we have a long list of allegations of corruption and misconduct raised against various local councils, including Geelong, Maribyrnong and Hume, as well as councillors at Whitehorse, Frankston and most recently in Brimbank. The actions that have been taken in respect of those allegations seem to be very selective indeed.

Mr Wynne — On a point of order, Acting Speaker, I do not wish to intercede in the member's contribution, I only counsel him to be cautious about his contribution here today in relation to a number of inquiries that are currently afoot within the purview of the Ombudsman and the Office of Local Government.

The ACTING SPEAKER (Ms Munt) — Order! There is no point of order.

Mr CLARK — In addition to allegations of corruption and misconduct in local government over recent years Victorians will be familiar with a long list of other allegations and the inadequate responses to them by government. I mention issues relating to the police law enforcement assistance program database, the leaking of sensitive police files, the making of decisions regarding the urban growth boundary and alterations to it, and the issuing of planning permits by the Minister for Planning without due process or contrary to government policy. We have seen no investigation of government MPs who have provided references for convicted and alleged drug dealers. We have seen no public accounting in relation to allegations of misconduct in the public tendering for gaming, ticketing and housing contracts. We have seen no investigation of the secret pre-election deal that was signed with the police union, notwithstanding the fact that anticorruption experts have consistently pointed to the serious problems that have in the past been seen to flow when governments of the day have direct dealings with police unions of the sort that took place in that secret pre-election deal.

We also had for many years denials of the existence of any links between police corruption and gangland killings, denials which were ultimately reversed with the admission by the police force and the government that in fact there were links. Last but certainly not least, we have had the disgraceful scandals and corruption that have recently been exposed in relation to the racing industry. Those are scandals and corruption that would not have come to public light had it not been for the persistent and diligent efforts of the honourable member for South-West Coast. It was certainly no thanks whatsoever to the government that those matters came to light. The Minister for Racing had to be dragged step by step into taking action, and had it not been for the persistence of the honourable member for South-West Coast it seems that the Minister for Racing would have been willing to allow these problems to simply continue to fester and remain exposed.

We have a very inadequate regime for the protection of the Victorian public against abuse of office and against corruption, and also a refusal by the government to even submit to proper accountability to Parliament. We have seen the contempt with which the government has treated a series of upper house inquiries, including an inquiry in relation to gaming licences, where documents have been withheld, invitations to appear have been rejected and public servants have been gagged. This is in complete defiance of all the traditions of Westminster democracy and accountability and contrary to very clear and senior legal advice that has pointed out that the government has been acting in breach of the law, in breach of tradition and in breach and defiance of the powers of the Parliament.

Corruption is a very important issue around the world. It can be corrosive of any democracy and can undermine freedom and prosperity. Around the world it is probably fair to say that it is the single greatest cause of human poverty. If we want to make poverty history, we need to make corruption history, and we in Victoria cannot afford to be complacent about where we stand in relation to corruption. It has taken at least 300 or 400 years of development and constant effort and improvement under the Westminster system, starting in Britain and coming to Australia with British settlement, to put in place institutions that protect us against corruption and malfeasance.

The point also needs to be reiterated that corruption and malfeasance do not consist simply of personal corruption in the sense of people seeking to solicit bribes, gifts or other personal aggrandisement. There can also be institutional corruption where people, for their own organisational ends, for the ends of bodies with which they are associated, subvert the institutions for which they have responsibility. This is an extraordinarily serious, long-term issue which we cannot afford to take lightly, and we need to have in place in Victoria institutions that will protect us against any erosion of liberty and the very hostile attitude towards corruption that has traditionally predominated in Australia and most other Westminster nations.

Experience in recent years has shown that our current institutions are not achieving that result. I have already demonstrated in the course of my remarks the fact that

the existing institutions do not have either the coverage or the powers they need to tackle the serious allegations of malfeasance and corruption that remain unresolved in Victoria at present, and simply adjusting the whistleblower legislation as this bill does in order to give the Ombudsman a particular power to make a report in a way that the Ombudsman would not otherwise be permitted does not resolve that matter. We do not oppose the legislation as it stands, for the reasons I have given previously, but there is a lot more that needs to be done here in Victoria if we are going to tackle corruption properly and ensure that we have institutions that provide Victorians with the protection we need.

Ms BEATTIE (Yuroke) — First of all I would like to go to the Whistleblowers Protection Amendment Bill itself, and then I would like to refute some of the assertions put forward by the member for Box Hill. The Ombudsman is due to finalise an investigation initiated under the Whistleblowers Protection Act. The matter has been the subject of considerable comment in the media, and the Ombudsman believes it is in the public interest to report to the Parliament on the outcomes of that investigation. Section 103 of the act allows the Ombudsman to at any time report to Parliament on any matter arising in relation to a public interest disclosure under the act. However, in this case the Ombudsman believes the particulars that are disclosed would lead to the identification of the person against whom the disclosure is made.

The Ombudsman is also concerned, and rightly so, that given the high profile of the matter he will not be able to make a report to Parliament without including details that would identify the individual or individuals being investigated, so he has requested that section 22(3) be amended to allow him to make that report to Parliament. Privacy is something we are all cognisant of. It is not only a right, it is a responsibility. We have seen just recently a new tool on the internet which can identify a person's home, the cars parked at the property and perhaps a person hosing the front garden.

Many members of the public have rightly been concerned that their privacy is being impinged upon in that case. The act as it stands puts a premium on confidentiality for both the whistleblower and the subject of a protected disclosure. However, in some instances the public interest in the Ombudsman identifying the subject of a protected disclosure will outweigh the interests of the party and the public interest in maintaining the confidentiality. As I say, the Ombudsman asked for that change.

I will just refute some of the remarks made by the member for Box Hill. He referred to the government talking to the police union in the lead-up to the election and implied that that involved some sort of corruption. I know it is a very long time since the Liberal Party has formulated a policy, but that is what you do when you are formulating a policy — you actually go around and talk to a range of stakeholders, gather their expertise and decide the best way forward for a policy. That is exactly what happened in the lead-up to the election, and that in no way implies any corruption whatsoever. The member for Box Hill read out a list of different councils. Yes, there have been investigations, and in most of those cases — —

Mr Wynne — Some are ongoing.

Ms BEATTIE — Some are ongoing, and I will not comment on those, but in most cases it has been found that there is no corruption. It shows that the current legislation we have in place covering those very acts is working. It is incumbent upon any private citizen, and indeed upon any member of this house, if they have information at all — we heard this talked about in question time today — to go forward to the relevant authorities, report that information and have it investigated. That is what happens in a good, open and transparent society, and that is what we see happening here.

I will go to a couple of other things that have been pointed out. One is that the amendments raise the right to privacy and reputation under the Charter of Human Rights and Responsibilities. As I said, everybody has the right to privacy, but in some cases the public interest ranks alongside that right to privacy, and it would be a dreadful thing if all relevant matters could not be made public because of a person's right to privacy. The Ombudsman must take the appropriate criteria into account in making a determination about an alleged wrongdoer in a report to the Parliament. The Ombudsman will consider the nature of the particulars to be disclosed; the public interest — the public interest must always be served by the disclosure; the reasons why the confidentiality is not appropriate; and whether or not the public interest could be met in a manner that is unlikely to lead to the identification of the person.

Here in Victoria there have been cases in which corruption has been alleged, for one reason or another, and they have been properly investigated by various bodies, such as the Ombudsman. The opposition constantly calls for some sort of independent corruption commission, but we have seen that in other jurisdictions those independent watchdogs, if you like, have not worked. Indeed, who watches the watchdog? This bill

will amend the act by inserting a new section which will require the Ombudsman to give the person who is subject to adverse comment details of the comment — and I am sure the Ombudsman will be providing those — and either a copy of the parts of the report that relate to the adverse comment or information about the comment that would adequately enable the person to put forward any defence they may want set out in the report.

The amendments are not retrospective in this case. It should be noted that with retrospective laws there is a distinction to be made between legislation having a prior effect on past events and legislation basing future actions on past events. There is that delineation. It should also be noted that the Ombudsman has had the power to identify the subject of a protected disclosure in a report to the Parliament at the conclusion of the process of investigation under part 5 of the act. An alleged wrongdoer has always faced the potential prospect of being identified in a report to Parliament.

We have discussed the transitional arrangement. It will not allow the Ombudsman to reopen and publicly report on matters, including identifying alleged wrongdoers, where he has already reported. There is no retrospectivity there. The wrongdoer will get notice that the report will be tabled and may seek the appropriate details from the Ombudsman.

The Whistleblowers Protection Amendment Bill is a good bill. It talks about openness and transparency, and it is not enough for any member of this house to fling wild accusations of corruption, wild accusations about a list of councils, without providing facts. If under the privilege of Parliament members are going to besmirch whole councils and individuals, they should be prepared to provide those details to the appropriate authorities. I would encourage any member of Parliament and any individual to do that. If members know of corruption, they should report that corruption. They should not come into this house and try to besmirch councils and individuals on some flight of fancy because it makes good reading in *Hansard*. As I said, the Liberals need to learn about formulating policy, not making wild accusations.

Debate adjourned on motion of Mr NORTHE (Morwell).

Debate adjourned until later this day.

VICTORIA LAW FOUNDATION BILL

Second reading

Debate resumed from 26 June; motion of Mr HULLS (Attorney-General).

Opposition amendments circulated by Mr CLARK (Box Hill) pursuant to standing orders.

Mr CLARK (Box Hill) — The Victoria Law Foundation Bill 2008 is a bill to re-enact and amend the law governing the Victoria Law Foundation. This should be a bill to update the objectives, functions and governance of the foundation in the light of its evolving role and in line with modern practice. However, the Attorney-General is attempting to use this bill to seize control of an independent and well-regarded public institution and turn it into yet another instrument of government under the Attorney-General's control and patronage. Instead of having a board, the majority of whom are independent of government, including the Chief Justice of Victoria as president, the Attorney-General is seeking the power to appoint all members to the board himself, including the foundation's chair.

The Liberal Party and The Nationals will strongly oppose this attempt to subvert the foundation's independence, and we will be moving amendments to protect the independence of the board and reaffirm the valuable and independent contribution the foundation has made to the law and to legal education in Victoria for more than 40 years.

The Victoria Law Foundation was established in 1967 with support right across the political spectrum. Indeed the Honourable John Cain was one of the driving forces behind the establishment of the foundation during his time at the Law Institute of Victoria, and he was appropriately acknowledged for his contribution during the foundation's 40th anniversary celebrations last year.

The overall objective of the foundation at the time it was established was described in the second-reading speech at that time as being:

> … to promote essential law research projects, legal education and law libraries and a general charter for moving forward towards the improvement of the law and its administration.

The foundation was originally constituted under the Legal Profession Practice (Victoria Law Foundation) Act 1967, but in 1978 it was given its own act, the Victoria Law Foundation Act, which is the act that has continued in force up to this day.

The foundation is governed by a board consisting of the Chief Justice of Victoria, who is the president of the foundation; the Attorney-General or his nominee; the president for the time being of the Law Institute of Victoria or his nominee; the chairman for the time being of the Victorian Bar Council or his nominee; and no less than 9 and no more than 12 other persons of whom at least 6 are to be lawyers and of whom 9 are appointed by the Governor in Council, with 3 appointed on the nomination of the chief justice, 3 appointed on the nomination of the Attorney-General, 3 appointed on the nomination of the Law Institute of Victoria, and no more than 3 appointed by cooption by the foundation. It is clear that the board as presently constituted has a wide range of eminent members representing the various leading bodies and organisations within the legal fraternity as well as a range of additional members.

The foundation since it was established has been funded from the interest earned on clients' funds held in solicitors' trust accounts. The route by which those funds have reached the foundation has varied over the years. Currently the foundation receives funding via the Public Purpose Fund that is administered by the Legal Services Board. The Legal Services Board, pursuant to the Legal Profession Act 2004, allocates funding from the Public Purpose Fund for law-related activities and services to agencies such as the Victoria Law Foundation, Victoria Legal Aid and the Victorian Law Reform Commission. With the exception of Victoria Legal Aid, the funding for those services is discretionary and is subject to an application process.

In 2006–07 the Victoria Law Foundation received $1 527 000 out of a total revenue of $2 034 000 from the Public Purpose Fund, with the remainder of the foundation's revenue coming mainly from investment returns, sale of publications and sponsorships.

The activities of the foundation have changed over the years both to meet emerging areas of need and opportunity and also having regard to functions that have come to be undertaken by other institutions. For example, the role of the foundation in relation to law libraries and law reform research has largely been superseded, in particular, as the various universities have built up their own law libraries and as the Victorian Law Reform Commission has been given an extensive role in relation to law reform matters.

As the foundation's website explains, its current role is to fill gaps in what is currently available with the overall aim of making the law accessible. The foundation describes itself as currently having four key areas of activity. Firstly, it has a grants program and, as the foundation says, each year it awards more than $500 000 in cash grants as well as providing consulting and other support for legal research. Secondly, there are access projects aiming to make the law accessible to all Victorians. Those projects include Law Week, Rural Law Online, Law@YourLibrary, the justice museum, scholarships and bursaries. The third area of activity is publications. It has a wide range of plain-language publications available either for free, including for download from its website, or in some cases for purchase. The foundation also provides advice to other organisations on publishing legal information for the profession and for community groups. The fourth of the foundation's key areas of activity is what it describes as support for public-benefit best practice by legal and community organisations through awards, capacity building and training and networking opportunities.

The bill currently before the house was triggered by a review which was commissioned in December 2006 and which reported in July last year. The review report by HLB Mann Judd Consulting is described as a confidential report to the Attorney-General, but it is in fact available on the Department of Justice website. The terms of reference were to review the role and functions of the Victoria Law Foundation, to make recommendations as to possible future roles and functions, to review the suitability of the current governance and organisational structures of the Victoria Law Foundation and to recommend any necessary changes to those structures.

I have to say the terms of reference of the review have all the hallmarks of a review that was commissioned because those commissioning it had a prejudged view that change was needed and, I think, a very good idea of what changes they wanted to have implemented. It is not exactly clear who initiated or commissioned the review, but it would appear to be either the Attorney-General or the Department of Justice with the approval of the Attorney-General.

The review made 12 recommendations which the Department of Justice website says have been endorsed by the Attorney-General. Many of these recommendations relate to the internal management and operations of the Victoria Law Foundation, but the review made recommendations in two key areas that are relevant to the bill: firstly, that the role and functions of the Victoria Law Foundation be focused on improving information provision on the law and access to the law by the general community; and secondly, that the current board be replaced by what the review described as a skills-based board with no institutional representatives, with membership reduced to eight and

with the Chief Justice of Victoria removed as head of the board.

We now have the bill before us. Compared to what is in the current legislation constituting the foundation, the 1978 act, the bill proposes to replace the current representative board, of whom, as I have said, only three are nominated by the Attorney-General, with a board wholly appointed by the Attorney-General after consultation with the chief justice, the Law Institute of Victoria and the Victorian Bar. The bill proposes to reduce the maximum number of board members from 16 to 8; it proposes to reduce board members' terms of office from five years to three years; it proposes, as the review recommended, to replace the chief justice as president with a chairperson appointed by the Attorney-General; and it proposes a range of changes to the functions of the foundation.

Those changes will see the education function narrowed to education regarding the administration of justice and access to the law, and the research function narrowed to deal with access to the law and barriers to access. The function in relation to law libraries is removed. There is also an explicit new function of making grants to organisations for any program regarding the law that will benefit the people of Victoria.

The opposition has received a clear and strong letter from the president of the Law Institute of Victoria, Tony Burke, setting out the institute's opposition to the foundation's board being wholly appointed by the Attorney-General. The Liberal Party and The Nationals share many of the concerns that have been expressed by Mr Burke. In his letter to me of 31 July 2008 he said:

> Now that the draft bill is before Parliament it is now possible for me to outline the concerns of the LIV. I believe those concerns to be shared by the Victorian Bar and some members of the judiciary, but I do not presume to speak for them.

Later on he said the concerns of the law institute relate to clause 7(1), which deals with the membership of the foundation. He said:

> Our concern is that the words 'on the recommendation of' do not imply that the minister will always accept the proposed member recommended by each of the chief justice, the president of the law institute and the chairman of the Victorian Bar.

He further said:

> We maintain the view that it is fundamental to the continual role of the foundation that the board is not only independent but perceived to be so. To date this has been achieved because the VLF has had an independent chair in the chief justice and has been made up of members representing the three arms of the legal profession (the judiciary, the bar and the solicitors) and in addition to those representing the Attorney-General.

This concern about the Attorney-General undermining the independence of the foundation is, I believe, well founded. The government and the Attorney-General have form in relation to this issue. We have seen across the board previously independent and/or community orientated funds and bodies being converted simply into arms of government. We can refer to the diversion of funds arising from residential tenancies, and the diversion of the Community Support Fund. Each of them was originally intended to be funds for specific purposes in the public interest outside of the general run-of-the-mill role of government; but under Labor, each has been diverted simply into other streams of funding for the general purposes of government.

The Attorney-General has already been guilty of this hijacking on numerous occasions. I refer most recently to the way he has hijacked the provision of legal services grants out of the public interest fund administered by the Legal Services Board, which I have referred to previously, and which is the fund that also provides funding for the foundation.

On 12 August the Attorney-General put out a media release boasting that $7 million was being made available in legal services grants for not-for-profit community organisations of various sorts. However, when you go to the fine print of the Attorney-General's media release, you see that $2.2 million of that $7 million, which was supposed to be there for various public purposes, is in fact to be paid to the Department of Justice over one year to roll out reforms to evidence laws and criminal procedure. If ever there was a core role of the Department of Justice and a core role of government, it would be to roll out the implementation of its own legislation.

This has nothing to do with helping community organisations and helping not-for-profit organisations and everything to do with diverting this fund, which is, as its name suggests, supposed to be a public interest fund, to providing money to supplement the government's own budget-based funds and to pay for matters which should have been paid for out of the budget appropriations.

The Attorney-General in his media release boasted:

> Mr Hulls said more than 70 per cent of the grants would support projects through community legal centres (CLCs) and community organisations.

If you take the $2.2 million provided to the Department of Justice and then add the further $838 927 being provided to the University of Technology Sydney

towards the AustLII (Australasian Legal Information Institute) database, which is further on in the list, you see that more than $3 million out of $7 million is going to bodies of which one is clearly not a community organisation. It is also a stretch of the terms to say that the University of Technology is a community organisation. So there is $3 million out of $7 million going to those organisations alone, which is more than 40 per cent of the total funds being distributed from this fund.

I certainly do not begrudge funding to AustLII in principle, because it has provided a valuable service to the legal profession. But the fact that this fund is being used to provide money both to AustLII and to the Department of Justice under the colour of the misrepresentation by the Attorney-General — that 70 per cent of the grants will support projects through community legal centres and community organisations — is of great concern.

It is not as though there were not numerous other community-based bodies that had sought funds and were unsuccessful. I know for one that the eastern community legal centre, which services the cities of Maroondah, Whitehorse, Manningham, Knox, Yarra Ranges and Boroondara, made an unsuccessful application for grant funding, and that application was no doubt squeezed out because of the diversion by the Attorney-General of funds to pay for activities of the Department of Justice itself.

As I have said, the government and the Attorney-General have form in relation to subverting independent organisations, and this move to have the independent board of the Victoria Law Foundation (VLF) replaced by a board wholly appointed by the Attorney-General would totally destroy the independence of the foundation, which is fundamental to its success and its reputation. The foundation has been able to attract support from leading institutions in this state and has been able to build up considerable respect over the years because of its independence. People, often senior people with other things on their plate, have been prepared to give of their time and make an effort to support the foundation because they know it is independent.

If this foundation becomes one the board of which is appointed by whomever the Attorney-General chooses to appoint, be it his mates, departmental officers or whomever, that is going to dramatically undermine confidence in the independence of the foundation and the support it enjoys from the legal fraternity and beyond. It is therefore going to greatly diminish the capacity of the foundation to do good work. Of course that would be the case even if those persons the Attorney-General appointed to the board continued to seek to conduct the foundation to advance the various independent public interest purposes for which it currently operates.

But there is a further risk: that a board appointed by the Attorney-General will come under pressure from the Attorney-General and indeed may be appointed with the expectation on the part of the Attorney-General that it will divert the foundation from independent public interest activities to activities that are synchronised and coordinated with whatever campaigns, whatever lines and whatever spin the Attorney-General wants to be running from time to time out of the Department of Justice.

The Liberal Party and The Nationals think it is appalling that the Attorney-General is seeking to hijack this independent and well-regarded body and turn it into an unaccountable propaganda arm of the government. No doubt government members will run an argument about skills-based boards and the fact that this change was recommended in the report of the review established by it. If we are talking about bodies established for government purposes, such as those of water authorities, then skills-based boards may well be appropriate, because at the end of the day those boards are accountable to government and are there for the carrying out of government purposes.

However, the foundation is completely dissimilar to that. From its very establishment it has been regarded as an independent body, and indeed the Department of Justice website itself describes the Victoria Law Foundation as such. It states:

> The Victoria Law Foundation is an independent, community benefit organisation who links the community and legal sectors with leadership in innovative projects over four program areas …

Even the Department of Justice website says it is an independent community benefit organisation. The VLF website describes it as ‘an independent, community benefit organisation making law accessible’. There is no suggestion, and there has never been any suggestion, that this is a government body established for government purposes accountable to the minister for the achievement of those purposes.

Any argument the government may put forward that this change is necessary as part of the philosophy of skills-based boards is misjudged and ill considered at best, and I fear the worst applies, which is that that argument is simply being used as a cover to give effect to the Attorney-General’s objective of undermining the

independence of the foundation's board and bringing the foundation within his orbit and control. This is something that the Liberal Party and The Nationals will strenuously oppose, and it is for that reason that I intend to move, if we have the opportunity in the consideration-in-detail stage, amendments to the bill to restore the independence of the foundation. If we do not get the chance to move these amendments in this house, then we will certainly pursue them in the other place.

We believe it is crucial for the continued success of the foundation and its continued respect in the community that the foundation have an independent board. We are happy to accept the proposal that the total membership of the board be reduced to eight, but we propose that the chief justice or his or her nominee continue as the chairperson of the foundation. At the moment it is the chief justice. We are proposing that in future it may be the nominee of the chief justice who is the chairperson, if the chief justice, due to her or his numerous other commitments, is not in a position to exercise that role. But it is important that the chairperson have the independence of being the chief justice or a nominee of the chief justice and therefore have that stature, so that it is the chief justice who is providing the leadership to the foundation.

We are then also proposing that of the remaining members not less than five and not more than seven be appointed by the Governor in Council, with two nominated by the chief justice, two nominated by the law institute and one nominated by the Victorian Bar. I should say that the discrepancy between the numbers proposed to be nominated by the law institute and those to be nominated by the bar reflects the current disparity in membership of the foundation as between representatives of the institute and members of the bar. That disparity has been there since at least 1978, if not earlier, and I understand that reflects the fact that the bulk of the funding for the foundation has come from the interest earned on solicitors trust accounts. The crucial issue is that the board should continue to be composed of a majority of independent members under the formula that we have proposed. It will be open to the Attorney-General to recommend to the Governor in Council whomever he or she may wish to make up the remaining two members of the foundation. Up to two of the eight members of the foundation will be able to be nominated by the Attorney-General.

The second amendment that we intend to move is to somewhat broaden the functions of the foundation contained in the present bill. Certainly, as I have indicated in the course of my remarks, the functions of the foundation have changed over time and some of the functions or objectives of the 1978 act are no longer applicable. However, we are concerned that the functions as proposed in the bill are unduly narrow, particularly in relation to research, and that there is a disconnect between some of the other non-research functions of the foundation and matters in relation to which they can undertake research. In some areas they have functions to do various things, but they do not have power to commission research in relation to those things. Accordingly we propose to move an amendment that will broaden the matters in relation to which the foundation can commission research and disseminate research.

In addition to access to the law and identifying the needs of persons who are unable to access or face barriers in accessing the law effectively, we will add additional heads, being community and professional education about the law and the legal system and the administration of justice. We believe that will ensure a much better match between the other functions of the foundation and its capacity to commission research, and it will ensure that the functions of the foundation are not unduly narrowed.

As I have indicated throughout, however, what is absolutely crucial to the opposition is that the independence of the foundation be maintained. We will strongly resist any attempt by the government to undermine that independence. If the government is fair dinkum about continuing to support the independence of the foundation, it should support our amendments.

Mr FOLEY (Albert Park) — It is with pleasure that I rise to support the Victoria Law Foundation Bill 2008 and in doing so to oppose the amendments foreshadowed by the member for Box Hill. I will briefly deal with some of the substance of the reasoning and policy positioning behind the new bill before turning my attention to the member for Box Hill's defence of the club of lawyers which he has so stirringly put forward here today but which I fear has a number of fatal flaws in it.

The Victoria Law Foundation Bill is all about modernising and professionalising the work of the Victoria Law Foundation, which of course the government acknowledges. I think everybody acknowledges that the Victoria Law Foundation continues to play a significant role in informing the people of Victoria about their legal rights and the legal system. It is therefore vitally important that the Victoria Law Foundation operate in a modern legislative framework and that modern good governance reflect how it goes about that. That is exactly what this bill seeks to achieve. Under this bill the Victoria Law Foundation will be focusing on the areas of promoting

and undertaking community legal education. It will continue, as the Attorney-General has made clear, commissioning legal needs research, providing grants to other organisations and producing publications in order to improve Victoria's understanding of the law and the legal system. I do not think anyone, particularly the previous speaker, has sought to oppose that area of the bill's work.

What the bill also seeks to achieve is really the streamlining of the foundation's functions by focusing on the areas that arise from the report that the member for Box Hill referred to — on improving information and access to the law in the broader community. There have been a lot of changes to the law and in the community since 1967, when the Victoria Law Foundation was established, and there has been a lot of work done by this government as it has sought to bring the Victorian legal system, the justice system, into the 21st century. This bill is but another important step in that long, well-understood and I would say in the broader community well-supported program of ensuring access to justice.

The member for Box Hill outlined some concerns, particularly in relation to the structure and operation of the board membership — how the board members will get there — and about issues of independence and accountability. I think on a number of occasions he made reference to the hijacking of the organisation. He correctly foreshadowed some of the arguments that we will use to defend the changes. He pointed to the independent review of the foundation that was undertaken in 2007 and to the government's support for that review. I think he made a number of errors in his approach to the way the bill seeks to amend and modernise those arrangements.

He came unstuck by focusing on trying to defend the traditional role that the Victoria Law Foundation has had in a legal system that did not worry so much about broadening access to justice and removing barriers to justice as he sought to continue to defend the old status quo and how the legal club has sought to protect its interests in this area.

The arrangements for governance moving away, in many areas, from a representative board to a professional expertise-based board, arrived at in consultation with the stakeholders in the industry concerned, is very much a tenet of modern and efficient administration. The fact that governments of all political colours across the commonwealth have approached such boards in this way suggests to me that the member for Box Hill is doing his best to defend the indefensible position of the legal club in trying to hang on to a vestige of this system of governance that by any reasonable measure is indefensible. The amendments circulated by the member for Box Hill reflect that indefensible position, and the attempt to tack on some further areas in clause 5(c) to the sort of work that the foundation can research, disseminate and commission reflects the attempt of the legal club to grasp back some of those areas.

I suggest to the opposition that the areas set out in the amendments to the type of work on which the foundation can commission research are not necessarily ruled out by the areas that it has sought to add on, but what I think they do is reflect a relative judgement that somehow or another access to the law, and identifying the needs of persons who are unable to access the law, or face barriers in accessing the law, are in fact more important in terms of developing a modern and accessible justice system than the areas that the opposition has sought to add on to this particular clause.

Similarly, I suggest that the member's attempt in the resolution he is proposing to restructure the mechanism for appointing the members of the foundation, which is essentially — despite the rejigging of the numbers — an effort to maintain the status quo, and his effort to revisit the terms and conditions upon which a member may be removed from office, both reflect a fully paid-up member of the legal club's attempts to protect some of that privilege and some of that remoteness that this government is dedicated to removing from the justice system.

I say to the member for Box Hill, and to members of the opposition who one assumes are proposing to support those amendments, that this is an opportunity for them to reconsider the fundamental basis on which they approach how the justice system is structured. This is an opportunity for them to support this government's well-supported strategies and plans in the justice system to make sure that it is not a remote, indecipherable and difficult-to-pursue system and that increasingly we set about this government's long-term plans of removing the barriers to access to justice, to improving access to justice and to making sure that those members in the community who are denied access to justice through the institutions of the justice system that cause those very problems are ones we can support.

I suggest to the opposition that its amendments reflect a well-intentioned but ultimately flawed attempt to maintain some of those privileges that the legal system has sought to build over time to remove itself from broader mainstream issues of concern about how the legal system works and in whose interests it works. I would have thought that the opportunities in this bill

give all members of this place a chance to reasonably support the modernisation of the Victoria Law Foundation in such a way that improves access to justice, removes barriers to access to justice and ensures that the Victoria Law Foundation can pursue the next 40 years of its life in the same way in which it has developed and evolved over the last 40 years. I wish it well in doing so, and I trust the bill has a speedy passage through this house.

Debate adjourned on motion of Mr CRISP (Mildura).

Debate adjourned until later this day.

FAMILY VIOLENCE PROTECTION BILL

Second reading

Debate resumed from 26 June; motion of Mr HULLS (Attorney-General).

Opposition amendments circulated by Mr CLARK (Box Hill) pursuant to standing orders.

Mr CLARK (Box Hill) — The Family Violence Protection Bill 2008 is a bill to enact new legislation to provide protection against family violence, and in particular to implement some long overdue measures to provide greater protection to the victims of family violence. It is a bill that is supported by the Liberal Party and The Nationals. However, we will be moving an amendment to strengthen the provisions relating to penalties for breaches of intervention orders.

Family violence is a major problem in our community. On government figures there are around 30 000 incidents of family violence recorded by police each year. That is a substantial increase on the 19 500 incidents recorded in 1999–2000. In part this increase has been due to an increased Victoria Police focus on family violence. It is a matter for separate debate whether there has also been an increase in the underlying level of violence over that period or compared with earlier periods. In addition to the reported number of incidents of family violence there are government estimates of a large number of additional unreported incidents and a total of 150 000 incidents of family violence in Victoria each year.

According to the Victorian family violence database 1999–2004, during the that period over 80 per cent of adult aggrieved family members were female and 80 per cent of adult defendants were male. In incidents involving adult male aggrieved family members, 40 per cent of perpetrators were male. In incidents involving adult female aggrieved family members, 95 per cent of perpetrators were male. In 2003–04, 9 per cent of all family violence incidents recorded by police involved parents or step-parents who reported abuse by a child or step-child aged between 9 and 24 years.

Over recent years it has increasingly been recognised that family violence requires a concerted policy response in terms of prevention, protection and enforcement. Any notion that criminal violence in a family context should be treated less seriously than criminal violence outside the family needs to be well and truly rejected, and our police force needs to do its utmost to protect citizens from violence inside the home as much as in other places. Our police force also needs to be skilled and resourced to handle the particular difficulties and sensitivities of that context. Family violence also requires continued attention to and research into its underlying causes and further work on developing strategies and policies to avoid those causes.

The bill arises from a report of the Victorian Law Reform Commission that was given to the Attorney-General in December 2005 and made public in March 2006. The VLRC recommended a new Family Violence Act based around four principles. It stated in its report:

> The purposes of a new Family Violence Act should be:
>
> to ensure the safety of all people who experience family violence;
>
> to prevent family violence between people to the greatest extent possible;
>
> to provide victims of family violence with effective and accessible remedies;
>
> to promote non-violence as a fundamental social value.

These are admirable principles that could well be extended to apply to all other forms of violence as well. The VLRC recommended a range of measures, most of which have resulted in provisions in the bill. Compared with the existing law, the bill does the following: it extends the definition of family violence to include a range of additional matters including economic abuse and threatening or coercive behaviour; it extends the definition of family members to include carers and others in family-like relationships; it allows for a two-year trial period for the issue of family violence safety notices by police officers of the rank of sergeant or above to operate until the matter can come to court; it allows the court to issue an interim intervention order out of hours by phone, fax or other electronic communication; and it prohibits direct questioning of protected witnesses by respondents.

The bill also requires the granting of legal aid to respondents and applicants where a protected witness is to be cross-examined, and it prohibits the respondent or the respondent's witnesses from giving evidence about events on which the respondent is not able to cross-examine a protected witness where legal representation is not accepted. The bill allows police officers to search a home for weapons without a warrant where they believe there are grounds for an intervention order. The bill also reduces the penalty for a second or subsequent breach of an intervention order from five years to two years, which is the same as the penalty for a first breach.

Some of the most important measures amongst those that I have referred to are the measures providing for immediate protection for family violence victims to be given by police on the spot rather than by having to go to court for the issue of a summons or warrant. Measures to provide on-the-spot protection were put forward by the Liberal Party as far back as 2003 when it adopted and released a policy that police would be able to issue immediate interim intervention orders lasting for up to 72 hours with the verbal telephone authorisation of a magistrate or bail justice. Unfortunately it was not until approaching four years later in July last year that the then Bracks government accepted the merits of the Liberal Party's call for such on-the-spot protection measures.

On 19 July last year the then Premier announced that the government would legislate so that police would be able to issue interim on-the-spot safety notices lasting for up to 72 hours to protect domestic violence victims without needing to go before a court. We think it would probably be better if a workable system of on-the-spot applications to a magistrate could be put in place rather than applications being issued simply by authorisation within the police force, but the police safety notice regime proposed by the government at least allows for on-the-spot protection, which is the absolutely crucial element. We note that the bill also provides for applications by telephone to the Magistrates Court, although it should also be pointed out that the bill will require the prior completion of a written application on oath or affidavit or a certified application before such a telephone application can be made. That requirement would seem likely to make those provisions unsuitable for use in the case of on-the-spot applications.

It is regrettable, however, that the new measures that were announced in 2007 were not proposed to be introduced until mid-2008, according to the then Premier's announcement, and then only under a trial program. We in the Liberal Party made clear last year that we were willing then to debate and pass legislation for on-the-spot protections and to do that last year ahead of the remainder of the family violence legislation. Unfortunately, however, the government did not take up our offer and did not introduce these on-the-spot protection measures ahead of the bill that is now before us.

Although the government said that the new measures would be introduced in mid-2008, we are now well beyond the middle of 2008. We still do not have those protections in place. The bill before us was not introduced into Parliament until 24 June. The second-reading speech is silent as to when it is intended that the bill will come into effect. The bill itself does not require its provisions to come into operation until 1 October 2009, and this extended period is something about which the Scrutiny of Acts and Regulations Committee has made adverse comment in its *Alert Digest* No. 9.

For the reasons that I have alluded to, on-the-spot protection measures are very important in providing protection to victims of domestic violence and to enabling the victim and other family members to continue living in the family home until the matter can come before a court. There is currently a remedy of direction or detention of the alleged perpetrator, but that can only last for 6 hours without a court order.

Almost five years have now passed since the Liberal Party first called for these on-the-spot protection measures to be introduced, and almost three years since the Attorney-General received the Victorian Law Reform Commission's report. As I have said previously, on the government's own figures there are around 150 000 incidents of domestic violence and family violence in Victoria each year. If these new provisions came into force by the end of this year — and of course we have no assurance of that — there will have been an estimated 750 000 family violence occurrences which will have missed out on the possibility of being protected by measures such as those now contained in this bill, since such measures were first called for by the Liberal Party. The delay in introducing these on-the-spot protections is appalling.

The Attorney-General talks long and loud about human rights, but when it comes to actually introducing these better protection measures, particularly for women and children including those who are being bashed in their own homes, urgency does not seem to be on the Attorney-General's radar screen. This is something that has taken an inordinate amount of time to bring to the house, even allowing for the consultation that has taken place which could well have been brought forward from the time at which it was initiated in the second

half of last year, back to a time shortly after the Attorney-General received the report in 2005, or made it public in 2006. It is all very well for the Attorney-General to make speeches about how passionate he is about helping people who are oppressed and denied access to justice, but what is really needed are practical measures that will provide that protection.

We saw a similar disregard for the urgency and importance of protecting the domestic violence victims back in 2005 when the government then held over the interim holding power measures that I have mentioned, from the spring sittings until 2006, despite again the willingness of the Liberal Party and The Nationals at that time to debate and pass those measures before the Parliament rose at the end of 2005.

Not only have there been long and inexcusable delays in the introduction of on-the-spot protection measures, there have also been long and unnecessary delays in bringing the rest of the legislation to the Parliament. I refer to the fact that the Attorney-General received the commission's report in December 2005 and made it public in March 2006. At that time the Attorney-General said that the government welcomed the report as a basis of further reform. The report promptly vanished into the black hole of the Attorney-General's office, and nothing emerged for more than a year.

On 13 August 2007 the Attorney-General announced that the government would introduce legislation — but not straightaway; rather he would consult with the family violence service providers, community organisations and others with a view to introducing legislation before the end of 2007. We are now well beyond the end of 2007.

As I said earlier, the Attorney-General should have, and could have, started that consultation process back in 2006 or even in 2005. We certainly have no objection to sensible consultation, indeed we strongly support sensible consultation, but the Attorney-General has allowed time to pass inordinately before beginning that consultation and before getting the legislation to the house. From what we can gather, the government undertook that consultation with various community groups on a basis that swore them to secrecy about the contents of those consultations. However, the first version of the legislation that was put to those groups had so many problems that the Attorney-General needed to go through a second-round consultation to try to get the problems resolved.

As I said at the outset, the Liberal Party and The Nationals support this legislation despite our deep regret at the delays in bringing it to the house. We support it because it will incorporate measures recommended by the Victorian Law Reform Commission and other measures that will provide better protection against family violence. However, although we support the bill, it is not without its problems and our concern is to flag those problems and to draw attention to what may need to be done immediately in the implementation of the legislation, and what might need to be borne in mind for possible future amendment to address our concerns if those concerns are shown to come to pass in the way the legislation proves to operate in practice.

One of the measures the Attorney-General gave prominence to in announcing the bill was the introduction of a new element in the definition of family violence, being that of economic abuse; that economic abuse is defined in clause 6 of the bill. The report of the Victorian Law Reform Commission gives some very telling examples of how one party in a relationship can exercise power over another in relation to financial matters and bring great suffering and distress to those who are deprived of the funds they need for the necessities of life. In particular the commission gives examples where children have gone without adequate food or where mothers in particular have had to go without food for considerable periods of time in order to ensure their children are fed. One can fully understand the reason and the logic for including an element relating to economic abuse in the definition of 'family violence'.

The concern we have is how far the bill goes on from including economic abuse in the definition of 'family violence' through to providing effective remedies for family violence constituted by economic abuse. Certainly the legislation can operate to have the perpetrator of violence removed from the family home and restrained in a range of possible ways from committing abuse or from contact with the family, if that is what the court decides.

However, what is unclear — and the opposition would certainly appreciate the contribution of relevant government ministers on this question — is how far the bill will allow for direct remedies to be provided for family violence that is constituted by economic abuse. For example, will it be possible for a family violence intervention order to require that a perpetrator of economic abuse supply to his or her partner, or to another family member who is a victim of that abuse, the necessary funds to remedy the abuse and to

overcome the deprivation of funds that has given rise to that economic abuse in the first place?

Clause 81(1) of the bill states:

> The court may include in a family violence intervention order any conditions that appear to the court necessary or desirable in the circumstances.

Proposed subsection (2) goes on to list a number of specific types of conditions that may be included in an intervention order. The question is whether a condition in an intervention order can require the provision of funds to the family member who has been the victim of the abuse. One can say, on the face of proposed section 81, that such a condition could be included, because it is necessary or desirable to remedy the abuse. However, clause 86 sets out specific examples of conditions that may be included in an intervention order regarding personal property. 'Personal property' would seem to include cash. It can be argued that the express conditions referred to there, by implication, exclude other possible conditions.

Further, clause 88 says:

> The inclusion of a condition relating to personal property in a family violence intervention order does not affect any rights the protected person or respondent may have in relation to the ownership of the property.

It is not completely clear how that operates, but it would seem — and the description in the explanatory memorandum seems to support the conclusion — that an intervention order is not able to alter ownership rights, which would seem to be the case if ordering the handing over of cash from one person to another.

The government may respond that the bill is not intended to operate so that a perpetrator can be ordered to supply funds to the victim of family violence. The government may say the intention is that those sorts of remedies are to be provided in the Family Court or possibly under some other piece of legislation directed towards ensuring that partners or others in a relationship receive the share of the assets or receive the support to which they are entitled. That may be a reasonable response.

If that is the case, what I would like to have the government make clear is exactly what the mechanism is intended to be that will seamlessly operate between the Family Violence Protection Bill, the Family Court regime or any other legislative regime to achieve what, at the end of the day, needs to be the outcome. If a person is a victim of family violence constituted by economic abuse but is not being provided under the bill with the funds they need — for example, to feed their children — how are they able to quickly, effectively and reliably receive the support they need? It would be a tragedy if the bill were to include this form of economic abuse in the definition but then not have an effective remedy. The Liberal Party and The Nationals will be anxious to hear how the government intends to address this concern.

A second concern we have arises from a combination of the very wide definition of family violence in the bill and the extensive powers that are being given to the courts in relation to the making of intervention orders. Our concern is that the width of that definition and the width of the discretion given to the court may operate to undermine the objectives of the legislation by seeing a range of applications and allegations of family violence being made which do not fall within what we as a Parliament and a community are intending to have treated as family violence or which do not result in the sorts of orders from the court that we are implicitly expecting the court to make. We are concerned that the court system may become burdened with these sorts of applications which will therefore detract from its ability to provide help that is desperately needed, or else undermine the status and regard in which the system is held.

As I said earlier, the law reform commission report has many examples of appalling behaviour of one human being towards another in a family context, and each of those examples effectively illustrates how each of the proposed new elements of the definition of family violence can amount to conduct that is abhorrent and that we as a community should seek to stop and provide protection against. However, between the law reform commission formulating its proposed definition and the definition turning up in the house, there has been a change. The commission recommended that family violence be defined to include as follows:

> Psychological or emotional abuse may involve manipulative behaviour, such as remaining silent for prolonged periods, unfairly blaming a person for adverse events or making them feel they are the problem in a relationship or family.

These examples can fall in a very wide spectrum, ranging from those that are clearly forms of violence to those that are arguably not so. The definition put forward by the commission is more restrictive than the definition in the bill. At item 14 on page 105 the report states:

> The new legislative definition of family violence should be:
>
> > family violence is violent or threatening behaviour or any other form of behaviour which coerces, controls and/or dominates a family member/s and/or causes them to be fearful.

Then follow specific examples. However, there are not the same overriding introductory words in the way that the definition in the bill is structured. Similarly when we get to the powers given to the court a lot is put on the discretion of the court. It says the court may issue an intervention order, but there is nothing in the way of criteria for what sort of order should be issued or in which circumstances of family violence they should be issued, and there is a risk that we will get significant variation in practice because criteria are specified only in certain circumstances. Just briefly, because unfortunately time is against me, issues have also been raised with us concerning the definition of 'family member', especially in relation to carers. People have argued with some force to us that the bill does not go far enough to protect people with disabilities who have a carer living with them in a domestic context but with whom they wish to have a relationship on a professional basis.

There are also issues regarding the provisions relating to cross-examination of witnesses. Finally, but certainly not least, we are very concerned about the reduction in the maximum sentence that can apply for second and subsequent breaches of intervention orders. It is clear from all the feedback that victims of family violence are insistent on the need and regard it as very important that intervention orders be complied with, which is a question of both enforcement and deterrence. We are concerned that the reduction in the maximum sentence will detract from the message that needs to be sent to perpetrators that that behaviour is unacceptable. Our amendment proposes to deal with that, and I will go further into the reasons and logic for our amendment if there is an opportunity during consideration in detail. As I said at the outset, we support the bill. We strongly support improved protection for victims of family violence, and we hope the government will take on board the concerns we have raised.

Ms MORAND (Minister for Women's Affairs) — I will start by thanking the Liberal Party for its support of this very important bill. As Minister for Women's Affairs I am very pleased to rise in support of this very significant legislation, which is a significant step forward in the way we look after women and children in our communities and ensure that they are as safe as possible in their own homes. In my role as Minister for Women's Affairs, a role I have been in for just over a year, a number of meetings that I attend at community cabinet include women's round tables. At those round tables a range of women from all different parts of the community meet together and talk about the issues that are important to women, whether in regional and rural Victoria or metropolitan Melbourne. A message that consistently comes back to me is the incidence of family violence. Every single time we have a women's round table this issue is raised with me as a concern by women in the community.

In addition in my role as lead minister for family violence I meet with the family violence task force along with my colleague the Minister for Community Services, who is at the table. I meet with stakeholders who are involved in family violence. Most recently the community cabinet sat at Broadmeadows one morning last week and in the afternoon it sat at Whittlesea. I met with people who are working in family violence, including police members, court staff, workers in the family violence service sector, community groups and government representatives. All these people are doing a fantastic job under very difficult circumstances. They are at the harsh end of trying to support women and children who are the victims of family violence, and I say again that they do a really wonderful job.

We all have a responsibility to ensure that family violence is openly discussed and uniformly condemned. When we ignore family violence we give more power to the perpetrators, in a sense further isolating the victims of family violence. We need to support them so they are brave enough to speak about their experiences. As the Attorney-General said in the second-reading speech, unfortunately the incidence of family violence is very high in Victoria and across Australia. In Victoria in 2006–07 there were approximately 20 000 applications for intervention orders against family members. Of these applications, 11 279 intervention orders were made. In 2006–07 data from the courts showed that after-hours services received 5194 applications for an intervention order against family members.

In addition the police statistics indicate that they attend approximately 30 000 family violence incidents a year. Deputy Commissioner Simon Overland would say that around half of the homicides that occur every year in Victoria are related to family violence. About 29 per cent of the 30 000 incidents that police attend are repeat calls involving the same parties. We have had some success though. A comparison of statistics from 2003–04, prior to the release of the Victoria Police code of practice for the investigation of family violence, and statistics from 2006–07 shows that criminal charges have increased by 183 per cent and intervention orders applied for by police have increased by 169 per cent. I want to take the opportunity to acknowledge the great work and leadership shown by Christine Nixon, Simon Overland, Leigh Gassner, who has now retired, Wendy Steendam and the Victorian police more generally in the way they are now very actively dealing with this problem.

The Australian Bureau of Statistics published the women's personal safety survey. It found that in the 12 months prior to the survey being conducted, 36 per cent of women who experienced physical assault by a male perpetrator reported the incident to the police — only one-third actually reported the incidence of family violence to police. While not all of those assaults would have involved family violence, the figures show there is massive underreporting of family violence. That is a message that I hear again and again from the stakeholders — it is underreported. Even though the numbers appear to be so significant, they are really only a proportion of the actual incidents that occur.

We have had a number of successes to date in the way we have tackled family violence. We have investigated it, and we have backed up our investment with $100 million to tackle it. I have mentioned the success we have had already around charges being laid and intervention orders being granted. Since 2004 we have also trained more than 6400 operational police in the Victoria Police code of practice for the investigation of family violence, and between their introduction in July 2006 until the end of February 2008 holding powers were used by police more than 2000 times, thereby assisting many women and children to remain in their homes during an immediate crisis.

We have also introduced a new range of initiatives to better protect women and children. They include assisting more than 1300 women with outreach and intensive case management support every year. Many of these women have very complex needs. We have also helped more women and children to access private rental accommodation. We have assisted young men who have been deemed at risk of using violence in the future through an innovative early intervention program in the Dandenong court region; and we have funded four indigenous men's time-out services and four indigenous family violence healing services. We have also developed a more responsive legal system. In 2005 we set up a specialist court in the Magistrates Court, the Family Violence Court division, to improve the court system's response to family violence. Located at the Heidelberg Magistrates Court and Ballarat Magistrates Court, the division provides specialist family violence support workers, specialised court staff and magistrates and specialist police prosecutors.

We have also provided additional security and family outreach services. In Ballarat, to provide an example, intervention orders finalised from complaints made by police increased by 64 per cent between 2004–05 and 2006–07. In addition we have established three new family violence specialist services at three Magistrates Court locations I have just spoken about, and we have helped over 1700 family members. Of those family members who have been supported, 95 per cent were female.

More recently my parliamentary colleague the Minister for Housing and I launched in partnership with Victoria's indigenous community a 10-year plan to address indigenous family violence in a document entitled *Strong Culture, Strong Peoples, Strong Families — Towards a Safer Future for Indigenous Families and Communities*. The plan is very much a result of considerable discussion, effort and collaboration with the Indigenous Family Violence Partnership Forum. That forum consisted of indigenous community representatives from 10 regions across Victoria, indigenous organisations and senior representatives from various government departments all working together. I would like to take the opportunity to acknowledge the fantastic work done by the member for Mill Park in chairing this effort and bringing together the plan we now have before us. I also want to take the opportunity to acknowledge all of the ministers involved with family violence who are on the task force. We have worked very hard, and we are all very committed to reducing the prevalence of family violence in the community.

We are very proud of the 10-year plan, but now there is a broader role of prevention. There is a new focus on prevention. We have been affected in the way we have responded to family violence, as I have just outlined, in terms of the court system and the police response, but now it is more about talking about prevention. We have worked closely with VicHealth to develop a prevention framework and an evidence base to support the primary prevention of violence against women. It is a matter of thinking about the culture that allows violence to continue and looking at it in a new way. This is very much an essential step in the way we will tackle family violence in the future. We are bringing together organisations, individuals and communities — everybody working in the area. They are all from very different backgrounds but they all have the same goal. With our skills and experiences we hope to be able to reduce the incidence of family violence.

I take the opportunity to also acknowledge the major role that the service sector has played in taking action against family violence. Through its support we are making a difference. The regional partnership, local councils and community groups have demonstrated some fantastic individual approaches to family violence, and I have seen some wonderful individual efforts from local councils in metropolitan Melbourne and in rural and regional Victoria. For example, there are education programs such as that run by the City of

Maribyrnong in partnership with a local school, in which students use the visual arts to display powerful images about what they think about family violence. There are many other examples I can provide.

In summary, our focus is on the prevention of incidents and reducing the prevalence of family violence in our community. The Family Violence Protection Bill will strengthen our new focus on prevention and will support the great work of those in the community who are working so hard together to stop the violence before the we have tragic outcomes that women and children now experience in our community. I commend the bill to the house.

Debate adjourned on motion of Mrs POWELL (Shepparton).

Debate adjourned until later this day.

COUNTY COURT AMENDMENT (KOORI COURT) BILL

Second reading

Debate resumed from 31 July; motion of Mr HULLS (Attorney-General).

Mr CLARK (Box Hill) — The County Court Amendment (Koori Court) Bill 2008 is a bill to establish a Koori Court division within the County Court. The proposed new division will apply to matters other than sexual and family violence offences, where the defendant meets the definition of Aborigine, pleads guilty and consents to the proceedings being heard in the Koori Court division, and the division considers it appropriate that it deal with the proceeding.

The division will operate with as little formality as possible, as proposed section 4A(5) provides, with the court able to inform itself as it thinks fit, as proposed section 4G(3) provides. According to the explanation given by the government, it is intended that the division operate with a plea discussion taking place as a conversation around the bar table, with the judge accompanied by an Aboriginal elder or respected person and with a Koori Court officer, a corrections officer, a defendant's legal representative, a prosecutor and a defendant's family able to take part in the discussion. The Koori Court officer will provide information about the availability of local services and programs, and the corrections officer will provide information about indigenous programs provided by the Office of Corrections. It will also be possible for the victim or victims to be involved if he, she or they so desire. After the discussion the judge will then sit alone at the bench when delivering the sentencing order.

The Koori Court division will be able to consider an oral statement by an Aboriginal elder or respected person, as provided in proposed section 4G(2). According to the government, it is intended to have the Aboriginal elder or respected person assisting the court by providing information on the background of the defendant and the possible reasons for the offending behaviour, by explaining relevant kinship connections and the effect of the offence on the indigenous community, and by providing advice on cultural practices, protocols and perspectives relevant to sentencing.

The bill proposes to provide the Koori Court division with the same sentencing dispositions as are available to the court within the general County Court, and the bill also allows the making of rules of practice regarding the division and the transfer of matters to and from it to be included under proposed section 78(1).

The bill follows on from the experience of a Koori Court division within the Magistrates Court which has sat in particular at Shepparton and Broadmeadows for some time and in relation to which there has generally been very positive feedback about its effectiveness. It is worth making the point that at both the existing Magistrates Court level and the proposed County Court level, although the title given is Koori Court, the arrangements of the Koori Court apply only in the circumstances that I mentioned earlier — namely, including where the defendant pleads guilty and consents to the proceeding being heard in the Koori Court division — and therefore the Koori Court is focused on issues of sentencing and not on issues of the determination of guilt or innocence. As I said, there has been very positive feedback about how the Koori courts at a Magistrates Court level have operated in Broadmeadows and Shepparton, and that feedback is particularly extensive in relation to Shepparton.

I would like to pay tribute to the honourable member for Shepparton for the very close contact she has had with the Koori Court in her community, both as the local member and more recently as shadow Minister for Aboriginal Affairs, and the very valuable feedback that she has been able to provide to me and other colleagues within the Liberal and National parties about how the Magistrates Court Koori Court has operated in Shepparton.

The feedback about the provision of the Koori Court at a Magistrates Court level has been both in the form of an evaluation report and also in the form of anecdotal

feedback. There are a range of benefits described in the report that was commissioned by the government entitled '*A Sentencing Conversation' — Evaluation of the Koori Courts Pilot Program, October 2002–October 2004*. This was a report commissioned by the Department of Justice and prepared by Dr Mark Harris at La Trobe law, La Trobe University. Dr Harris, in what is generally for the most part a very thoroughly written report, discussed in particular the subject of recidivism, and I quote some of his remarks:

> The 2004 report on government services offers two measures of recidivism. Drawing from data for prisoners released during 2000–01, the report defines the two indicators of recidivism in the following way:
>
> > The first is the percentage of prisoners returning to prison within two years of release and the second is the percentage of prisoners returning to corrective services (either prisons or community corrections).

Those remarks of Dr Harris are at page 83 of the report.

In reporting on recidivism within the Koori Court, Dr Harris followed, I think perhaps by the constraints of the available data, a somewhat different approach. Again I quote:

> For the purposes of this review recidivism is defined as the conviction of the defendant for a subsequent offence within the period from October 2002 to October 2004 for the Shepparton Koori Court and from April 2003 to October 2004 for the Broadmeadows Koori Court. The emphasis here is upon the reconviction of a defendant, rather than their arrest. This is, as Lievore puts it, a far more 'certain indicator of guilt than rearrest'. It also ensures that the indicator as to reoffending is determined at a point that goes beyond the stage of intervention by police. During the period of review from 7 October 2002 to 7 October 2004 the Shepparton Koori Court finalised 167 matters and there were approximately 21 reoffenders, which constitutes a reoffending rate of approximately 12.5 per cent. It should be emphasised that the period of operation of the Broadmeadows Koori Court was slightly less than the Shepparton Court, but the Broadmeadows Court nonetheless heard 90 matters between 4 April 2003 and the cut-off date of 7 October 2004. In that period that were approximately 14 instances of reoffending, representing a reoffending rate of approximately 15.5 per cent. The current recidivism rate for all Victorian defendants is 29.4 per cent which is based upon a figure that is the midpoint of recidivism rates for prisoners and defendants returning to corrective services.

Those remarks appear at page 85 of the report. Later at page 87 Dr Harris said:

> Given that the Koori Court matters involved a substantial number where drug or alcohol rehabilitation comprises part of the court's sentence or order (rather than being the main charges for which the defendant appeared) this could be seen to indicate that there are grounds to suggest that the indigenous defendants who have a drug or alcohol addiction are more likely to reoffend. This in turn would suggest that a recidivism rate lower than the state average for all defendants is, in fact, an even more substantial reduction given that it involves offences where the defendants have a higher propensity to reoffend.

Unfortunately, as I referred to, I think Dr Harris has been constrained by the available data in some of the assessments he has been able to make and, strictly speaking, the report is not comparing like with like, because it is comparing prisoner recidivism with non-prisoner recidivism and it is also comparing recidivism over a shorter period of time in relation to the Broadmeadows court.

Notwithstanding that, it still seems clearly the case that there has been success in lowering the recidivism rate on the data that is available and, as I have said, there has also been anecdotal support for the success of the Koori Court in reducing recidivism based on the firsthand experience of a number of people who are involved with, in particular, the Shepparton court. It also seems that the breach rates for intensive corrections orders and community-based orders given in the Koori Court are lower, particularly in the Shepparton Court, although again the data there seems to be quite limited.

There is thus evidence of pleasing success on one of the key criteria of reducing recidivism in the Koori Court at a Magistrates Court level. Dr Harris goes on to make the point that we need to bear in mind in relation to Koori courts that their operation is quite resource intensive. Dr Harris made this point at pages 32 to 33 of his report where he said:

> The intense nature of Koori Court hearings will inevitably mean that not as many matters will be heard as in a conventional Magistrates Court. It is recognised by all participants in the court, however, that the court should take the time that is needed. Whereas various statistics estimate that a Magistrates Court might normally hear between 50 and 60 matters in a day (including adjournments) the number of matters listed for hearing in the Koori Court on its sitting days tends to be between 5 and 10.
>
> For example, in the period from 3 February 2004 to 11 October 2004 at the Broadmeadows Koori Court there were 154 cases listed for 18 sitting days. This makes for an average of 8.5 cases listed per sitting day in the court and it obviously has ramifications for the administration and case flow within the wider Magistrates Court. In the same period the Shepparton Koori Court heard 121 matters in 25 sitting days, which averages 4.8 matters per sitting day. What must be taken into account in the Koori Court process is that there will inevitably be matters that are either adjourned off or where the magistrate defers sentencing so that the defendant has an opportunity to show whether they can comply with a treatment order. Despite the need for the Koori Court to take so much time, those persons who have seen the operation of the court are aware of how essential it is to give adequate time so that all aspects of the case can be dealt with.

Also on page 89 Dr Harris said:

> In determining the clearance rates for the Koori Court the number of finalisations in the reporting period is divided by the number of judgements in the same period. In Victoria the clearance rate for criminal matters in the Magistrates Court in 2003 was 90.7 per cent. While there is not data available for a comparable period from either Shepparton or Broadmeadows Koori Court, the period from 2 March 2004 to 3 December 2004 for Shepparton Koori Court represented a clearance rate of 70.4 per cent. The deviation from the Magistrates Court statistics is not unsurprising however, given the intensive nature of consultation and assessment that is often involved in Koori Court matters.

Elsewhere in his report Dr Harris talked about other benefits which have been achieved by the Koori Court on the available evidence in terms of creating a sense of ownership and participation by the Aboriginal or Koori community in the sentencing process and building better relationships between the Aboriginal community and the judicial system.

That is the experience, to date, of the Koori Court system at a Magistrates Court level. It is a very resource-intensive process. However, it would seem that the gains have been worth the resources that have been devoted to it. If it is accepted that the gains are worthwhile, we need to continue to analyse the various components of the system that have brought about those gains, and we should see whether the experience within the Koori Court system has lessons for reforms of procedures which may be suitable for adoption within the general court system, because overall, of course, one of the key objectives of the sentencing system is to lower crime particularly through reducing recidivism. If the Koori Court system is being successful in achieving that, the questions are: can that success be picked up or learnt from, and can reforms be introduced elsewhere in the court system?

The bill before us seeks to extend the Koori Court regime to the County Court with a structure similar to that followed in the Magistrates Court level Koori Court. This has a number of implications and matters which need to be considered, because in moving from a Magistrates Court level to a County Court level we are going to be applying the regime to more serious offences than currently apply in the Magistrates Court. I think that will lead to greater community scrutiny of the sentences that are applied at a County Court level.

The community legitimately has an expectation that there will be appropriate punishments and consequences for criminal conduct. The point has been made by a number of people that the Koori Court division of the Magistrates Court is not about providing lenient sentences but that it is about providing appropriate sentences; it is a process which, on many occasions, has considerable impact on the defendant. So that is not necessarily going to be a problem at the County Court level, but because of the greater gravity of the offences involved there will be greater community scrutiny of how the County Court level of the Koori Court operates and of how the sentencing practices apply.

The opposition has also had some constructive and helpful feedback on some of the practical aspects of the operation of the Koori Court and some of the issues that will need to be anticipated and addressed in extending the regime to the County Court level. The point that has been made to us by someone who has good local knowledge of one of the current Koori Court divisions at the Magistrates Court is that at the Magistrates Court the police informant, who is also likely to be the prosecutor, often has a good local knowledge, including a local knowledge of the defendant and others, of the parties involved. Therefore the police informant is in a position to ensure that the information that is provided to the bench is full, complete and accurate.

The ACTING SPEAKER (Ms Munt) — Order! Stop the clock. The house will be suspended until the ringing of the bells.

Sitting suspended 5.08 p.m. until 5.19 p.m.

Mr CLARK — As I was saying, at present within the Koori Court at a Magistrates Court level there will often be a police informant who has good local knowledge and is able to assist the court in ensuring that the fullest and most accurate possible range of local information is provided to the court. At a County Court level the prosecutions are likely to be undertaken by prosecutors from or briefed by the Office of Public Prosecutions, who are unlikely to have the same level of local knowledge, and there will certainly need to be considerable efforts made to brief them as fully as possible. However, there has to be some concern that even with attention given to that, the prosecutors at the County Court level will not have the same highly desirable level of local knowledge that police informants often do at the Magistrates Court level.

Another issue that has been raised with us relates to ensuring that elders and respected persons have sufficient support in carrying out their very important roles within the County Court. As I referred to earlier in relation to sentencing, the offences dealt with in the County Court will be more serious than those dealt with in the Magistrates Court. That is going to place considerable responsibility and big demands on the elders and respected persons who take part in the court

because of the important responsibilities they will be exercising in relation to what could be a much more serious sentence than at a Magistrates Court level.

Other issues that have been raised with us also stem from the greater seriousness of matters heard in the County Court, and those are issues of security — ensuring the security of the accused person, the security of victims who come to take part, the security of family members and others who come to participate in the sentencing discussion within the Koori Court division — and of making sure there are adequate waiting rooms, discussion places and other arrangements and suitable provisions regarding the way people move around court precincts.

The final issue I will refer to that has been raised with us is one that could have important symbolic implications — that is, whether judges or counsel will be robed when they take part in the Koori Court division of the County Court. I would welcome information from speakers on behalf of the government as to whether it has formed an intention in that regard or whether it will be left to the court itself, and if the latter is the case, whether the government is aware of whether the court has made a decision on that issue.

The final subject I wish to touch on relates to the report of the Scrutiny of Acts and Regulations Committee in *Alert Digest* No. 10 on the Koori Court bill. The committee canvassed a number of issues for the Parliament's consideration in relation to the bill. The committee draws the attention of the house to the fact that the second-reading speech does not include breaches of family violence intervention orders in describing the offences which the Koori Court division will hear.

It also makes the point that the second-reading speech is in error when it says that the Koori Court division will hear proceedings where the defendant pleads guilty or is found guilty of an offence. SARC correctly points out that it does not apply in a case where the defendant pleads not guilty and is then found guilty. The committee has also referred to Parliament the question of whether or not the bill limits the charter rights of Aboriginal offenders to equal protection against discrimination and whether it limits the charter rights of Aboriginal defendants to not be compelled to confess guilt.

Overall the conclusion the Liberal and National parties have reached on the bill is that we certainly hope the introduction of a Koori Court division within the County Court will prove to be as successful as the introduction of a Koori Court at a Magistrates Court level has been, particularly at Shepparton and Broadmeadows. We have the various concerns I have referred to, which need to be addressed in introducing a Koori Court at the County Court level if it is to be successful.

We are not convinced, on the evidence that we have seen so far, that the Attorney-General and the Department of Justice have thought through all of these implications and properly provided for them. We certainly hope that if they have not done so already, they will do so in the future. We will certainly not be opposing the bill, and we hope that it can be implemented successfully and effectively at a County Court level to achieve the very desirable results of better outcomes for the Aboriginal community, for Aboriginal offenders, and for the entire community, particularly in terms of reduction in crime and the prevention of recidivism.

Mr HUDSON (Bentleigh) — It is a pleasure to speak in support of the County Court Amendment (Koori Court) Bill 2008. This bill demonstrates the Brumby government's commitment to reducing alienation and disadvantage amongst our indigenous population within Victoria. I am proud to be part of a government that introduced the first Koori Court division into the Magistrates Court, and I am pleased to see that this bill builds on that reform by introducing a Koori Court division into the County Court. I am glad that we have bipartisan support for such a fundamental issue of Aboriginal justice as this one.

The Royal Commission into Aboriginal Deaths in Custody, the *Bringing Them Home* report and the review of legal services in rural and regional Victoria recommended that the legal system be modified to make it more culturally sensitive, less alienating and more tailored to the needs of indigenous people within Tur community. That is why we have established, since 2003, Koori courts in Shepparton, Broadmeadows, Warrnambool, Mildura, Moe-Latrobe Valley, Bairnsdale and Swan Hill. We have also established divisions of the Koori Court in the Children's Court in Melbourne and Mildura, and that is why we are committed here today to piloting the new County Court Koori Court in the Latrobe Valley later this year.

I think the bill marks an important step towards addressing those issues of disadvantage faced by indigenous people in our criminal justice system. We have to recognise the background to this, because indigenous people in this country have faced a lot of hardships, a lot of barriers and a lot of imposed disadvantages as a result of being in a predominantly white society.

We have seen the report on the stolen generations and the well-documented acts of dispossession of land, we have seen the alienation of people from those lands, and we have seen over time the slow degradation and destruction of culture. I think it is important for us to realise that these factors play a really important part and are reflected in the kind of crime statistics we see for indigenous people. That is because we cannot understand criminal behaviour, and we cannot understand offending unless we are prepared to look behind at the social conditions that affect people's behaviour and how they are reflected in the court system.

Currently indigenous Australians are severely overrepresented in our court system. This is demonstrated in the statistics which show that indigenous Australians are 12 times more likely to be imprisoned than other Victorians, and 15 times more likely to be placed on remand than non-indigenous adults. That is a frightening statistic.

In 2002 the Australian Bureau of Statistics reported that the national indigenous imprisonment rate was 15 times that of the non-indigenous population, and in Victoria the imprisonment rate was 12 times that of the non-indigenous rate. I think those figures tell a story of disadvantage, alienation and systemic discrimination that we have to address if we want to promote justice for our indigenous people; that is what the Koori Court system works to do. It does this by trying to increase community ownership of the administration of law.

It also seeks to provide more positive participation by Koori defendants and the community in the administration of justice; and it increases the accountability of Koori community families for Koori defendants. It ensures that those communities are taking responsibility for offenders within their communities. It also helps to promote community awareness about codes of conduct and standards of behaviour that need to be adhered to.

The court is playing an incredibly important role in diverting Koori defendants away from imprisonment; it is helping to reduce their overrepresentation in the prison system; it is reducing their initial failure to appear in court when up on charges; it is decreasing the rates at which court orders are breached; and it is helping to deter crime in the community generally. On all of those measures the Koori Court system has been a resounding success. If we look at some of the statistics for the Koori Court, they clearly back up that view.

For example, when the Shepparton Koori Court first started — in its first two-year trial period — the court finalised 167 matters, and there were only approximately 21 reoffenders; that is a reoffending rate of approximately 12 per cent. When you compare that to the rate of reoffending for all Victorians convicted of offences, at approximately 29 per cent, you can see that the court is achieving very substantial results. I think the key here is that we are not only reducing rates of recidivism but we are increasing indigenous ownership of the law, and we are creating a more culturally sensitive system which can comprehensively address all the issues that need to be considered when we are dealing with indigenous defendants.

It is important to try to reflect for a moment on how alienating and unfamiliar it can be for indigenous people to come before a court system which they do not understand. This is not specific to the Koori community, but it is a system which uses alienating legal jargon. It is a system which creates an environment that is not easily understood. What the Koori Court system does is reduce the arbitrary and alienating processes of the legal system for indigenous people. It tries to strip it back to the essentials.

It does not change the sentence provided, but it does provide an environment that is more conducive to an understanding of what is going on and participating in the process. For example, you only have to look at the fact that a judge does not sit high up on the bench in the court looking down on the defendant, but rather sits around a table with the elders dealing with the case at hand. I think the inclusion of elders on the panel, and the inclusion of family and community members in the process, is one of the real strengths and advantages of our Koori Court system.

It is clear that having those elders and having members of the community there means in effect that defendants have to face their own community in court. The fact that they have to front up to their own community in relation to those offences and they have to confront their own elders helps them to reflect on and understand the consequences of their behaviour on their own community. I think it also draws a very important link back — that their behaviour is not only unacceptable in the white community but also in the indigenous community.

Clearly another advantage of the system is that elders have a chance to provide background information on the defendant and possible reasons for the offending behaviour. The result is that the sentencing process, as well as the sentence itself, is community owned, so that when a crime is committed against the wider community it is also seen as being a crime against indigenous community standards, and that is incredibly

important in reinforcing cultural norms and cultural laws.

If we have a look at the Victorian Aboriginal justice agreement report there is a story about a woman who was brought before the court with an array of charges from theft to unlawful assault. She had a long and complex history of drug abuse and self-harm. The elders explained to her that they wanted her to change her life. Her sentence included a community-based order, psychological counselling, a detox program for her drug and alcohol problem, and she was linked with appropriate support services. She went into a nine-month residential program to combat her substance abuse, and she has been given a chance to change her life and break out of the cycle of destruction and abuse. That is what this bill is about it, and that is why I support it. I commend the bill to the house.

Debate adjourned on motion of Mr WELLS (Scoresby).

Debate adjourned until later this day.

LABOUR AND INDUSTRY (REPEAL) BILL

Second reading

Debate resumed from 31 July; motion of Mr CAMERON (Minister for Police and Emergency Services).

Mr CLARK (Box Hill) — The Labour and Industry (Repeal) Bill 2008 repeals the Labour and Industry Act 1958 and re-enacts certain of its provisions in other acts. As well as repealing the Labour and Industry Act 1958, the bill amends the ANZAC Day Act 1958 to include provisions regarding the closure of factories on Anzac Day. It amends the definition of 'factory' in the Education and Training Reform Act 2006 to refer to the Anzac Day definition which is being inserted rather than to the existing cross-reference in the Labour and Industry Act 1958. It also removes a reference to the Labour and Industry Act 1958 in relation to the word 'factory' in the Pipelines Act 2005.

The Liberal Party and The Nationals support the repeal of the Labour and Industry Act and the consequential provision for amending the ANZAC Day Act. However, if you ever wanted an example of how appallingly poor the government's process for red tape reduction was, one need look no further than this bill and the extraordinarily laboured and prolonged process that has gone into delivering what is at the end of the day a very modest outcome indeed.

The bill arises from a reference to review the Labour and Industry Act given to the Victorian Competition and Efficiency Commission by the then Treasurer, now the Premier, on 19 March 2007. The VCEC reported on 19 June 2007. It recommended the repeal of the Labour and Industry Act, the insertion of factory closure requirements in the ANZAC Day Act, the insertion of a new definition of 'factory' in the Education and Training Reform Act and in the Pipelines Act, and, if the government desired to retain restrictions regarding the bread industry, the transfer of the enforcement provisions relating to the bread industry restrictions to the Bread Industry Act.

Subsequent to the review by the VCEC the government has concluded on the advice of the Department of Primary Industries that it is not necessary to include a definition of 'factory' in the Pipelines Act and the word 'factory' itself on a freestanding basis will be sufficient. The government has also decided to propose the repeal of the Bread Industry Act including its remaining and unenforced restrictions as part of the Legislation Reform (Repeals No. 3) Bill 2008, which this house considered recently.

The government did not follow the route recommended by the VCEC of having separate definitions of factory in the ANZAC Day Act and the Education and Training Reform Act; instead it cross-referenced from one to the definition in the other. The government also did not follow the VCEC's recommendation of substantially rewriting the definition of factory from that contained in the Labour and Industry Act when it inserted the definition in the ANZAC Day Act but instead redrafted into modern style effectively the same definition as is currently present in the Labour and Industry Act 1958.

On the process that has led to this bill, the only party that really comes out of it with any credit is parliamentary counsel, who has very elegantly redrafted an old and convoluted definition into modern language, while, no doubt on instructions, retaining the same substantive provisions. The bill certainly reflects no credit on the government for the time that it has taken. I have to say also that while the VCEC's report was good in some respects, particularly in relation to the history of the legislation concerned, it seems to have ducked the really hard end of the job, which is assessing and making recommendations regarding an appropriate definition of 'factory'.

It is not surprising that the government, in putting this bill forward, says it is straightforward. It was no doubt hoping that the bill would sail blithely through this house and the other place with not much attention.

When you start to give it a bit of attention you see the inordinate amount of effort that has gone into producing such a limited result, with the hard part of the job still not done. You have to ask that if it has taken so much effort to achieve the repeal of this one act, how rapidly are we going to make progress in achieving the much-vaunted and trumpeted red tape reduction policies of the current government?

It should have been easy to do the review and make a decision about the Labour and Industry Act 1958; it should not have taken 17 months. The VCEC points out at page 4 of its report that:

> There was little interest in the inquiry despite the VCEC writing to over 300 stakeholders and advertising widely. Only four submissions were received from inquiry participants. However, this in itself provides information to the commission as to the importance and continued relevance of the act.

Certainly we do not decry the consultation with a wide range of potential stakeholders — and certainly, if they do not respond, that in itself may be useful information — but you have to ask whether this issue should have been referred to the VCEC in the first place or whether this was a review that could have been undertaken by using departmental resources. At least the VCEC did its part of the job relatively promptly, reporting within three months as it was required to do, but the government itself has then taken a further 14 months from the time of the VCEC report to actually bring this legislation to the Parliament.

The whole exercise smacks of being one either of buck-passing by public servants or alternatively of a government so unsure of itself or so wanting to be seen to be giving work to the creature that it has created in the VCEC that it sent off to the VCEC this task that should and could have been conducted within the public service itself.

The VCEC summarised the issues involved in its final report of June 2007 on page xiii:

> This review was undertaken in the context of the Victorian government's commitment to repeal old and redundant legislation and to reduce regulatory overlap and duplication.
>
> The Labour and Industry Act 1958 (the act) was Victoria's primary source of workplace regulation when it was first enacted. However, it has been extensively amended over time and now only 35 of the original 207 sections remain in the act.
>
> The majority of its original provisions have been repealed and are now covered by more modern legislation.
>
> The remaining provisions are, in effect, residual elements of the act and cover a diverse range of matters.
>
> The act imposes little, if any, compliance or administrative costs on business or the community. This is because there are no inspectors and the remaining provisions are not enforced.
>
> However, if they were enforced, they could impose substantial costs on businesses.
>
> Almost all substantive provisions of the act are redundant, in the sense that they are either no longer enforced and/or are replicated by other legislation.
>
> Three aspects of the current Act remain relevant …

The VCEC report then goes on to mention the definition of 'factory', the closure of factories on Anzac Day and links to the Bread Industry Act. It then states:

> However, these provisions are not a sufficient justification to retain the act:
>
> > an appropriate definition of a 'factory' and provision for the closure of factories on Anzac Day can be incorporated into the relevant legislation.

At page 1 the report says:

> The Labour and Industry Act … was Victoria's primary source of workplace regulation when it was first enacted. Among other things, it played an important role in regulating working conditions, wages and occupational health and safety. However, over time it has been significantly amended and many of its original functions have now been replaced by other legislative tools.

At page xv the report contains the recommendation:

> That the Labour and Industry Act 1958 is redundant and should be repealed.

Then it goes on to talk about the insertion of relevant revised definitions of 'factory' in the Education and Training Reform Act 2006 and the Pipelines Act 2005 to ensure:

> … that a provision for the closure of factories on Anzac Day be made under an appropriate act; for example, the ANZAC Day Act 1958.

And — this is quite important — it says:

> An appropriate definition of 'factory' should be included with the amendment.

It then goes on to mention the consideration about the Bread Industry Act provisions.

I have made the point on other occasions that the VCEC has never been properly or adequately constituted. It was purportedly established under a provision of the State Owned Enterprises Act by an order, rather than by proper legislation brought to this house, to put it on an independent statutory basis, for example as the Productivity Commission has been at a commonwealth level. The VCEC is therefore very

much a poor cousin of the Productivity Commission in terms of its independence and stature and notwithstanding the fact that its staff and the commissioners do their best to do a good job for the public of Victoria within the constrained circumstances under which they operate.

The way the then Treasurer constituted the VCEC is one example of his arrogant attitude towards parliamentary accountability. His arrogance towards what should be an independent and professionally expert body is shown by the degree of micromanagement that the then Treasurer included in the terms of reference to a supposedly independent body. Those terms of reference included seven different specific items that the VCEC was instructed to include in its report. One has to say that the terms of reference to the VCEC read more as if the then Treasurer were treating it like schoolchildren being given their homework, rather than as an independent expert body which might be assumed to know what sort of topics needed to be covered in its report.

Another aspect of the Treasurer's micromanagement, manipulation and control over the work of the commission is shown in the way he specified the use of the reference to 'redundancy' in relation to the terms of reference. As the VCEC said in its report at page 15:

> The terms of reference for the review direct the commission to identify provisions in the act which are redundant. The terms of reference indicate that a provision is redundant if it:
>
> is not enforced, or
>
> is covered by other legislation or regulation.
>
> The criteria for 'redundancy' specified in the terms of reference only require one element to be demonstrated to prove redundancy. This is a weaker test than if both were required to prove redundancy.

In other words, the terms of reference themselves by the directions they gave were telling the commission what was or was not to be deemed redundant, which rather seems to beg the question it should have been for the commission to provide advice on; it is also a poor approach for a government to deem a provision of a statute to be redundant simply because there has been a government decision not to enforce that provision.

As I have said, the whole government approach to red tape reduction is flawed. When the government has made statements about cutting red tape, for example, in the original announcement of the then Treasurer's policy, that statement did not actually cut a single piece of red tape even though there were numerous examples of legislative red tape that it could have cut. The Treasurer simply made a promise that he was going to do something in the future and boasted about a number of targets and boasted that the changes were being based on a model followed in the Netherlands.

However, what the Treasurer failed to do was pick up on the central element of the model followed in the Netherlands, which is the creation of an independent gatekeeping body that scrutinises the existing and proposed regulation, and particularly importantly makes its findings public. That provides a genuine discipline and sanction on a government to actually cut red tape when there is an independent body that can conduct scrutiny and will make its findings public.

Instead the government laid out targets and made promises with no arrangements whatsoever for independent scrutiny and reporting on whether or not those targets would be achieved. Later down the track we had a progress report which the government published covering the period 2006–07, which it published in September 2007 and which can be found on the Treasury website, in which the government was purported to publish an assessment of additions to the regulatory burden as well as reductions in the regulatory burden during that period. Believe it or not, the government in that report identified only one item which it admitted was increasing the regulatory burden — namely, regulations relating to Aboriginal heritage.

We know there have been a huge number of provisions brought to this house during that 2006–07 period in acts of Parliament, let alone additional regulations, that have imposed more red tape. They were supposed to be covered by the government's report, and yet they were simply ignored and not admitted to, and the government failed to fess up on them.

I mention just a few examples drawn from some of my own portfolio responsibilities of legislation that increased burdens on citizens, on the public, on businesses or on individuals but which were not acknowledged in the government's report. The Energy Legislation Amendment Bill required retailers with more than 5000 customers to publish terms and conditions on which they were willing to buy power from small-scale renewable generators. It allowed those terms and conditions to be referred to the Essential Services Commission, which could recommend terms to be applied to the retailers with which they were obliged to comply.

The Building Amendment (Plumbing) Bill extended the reporting and inspection regime for plumbing works, with powers to increase regulation of products used in plumbing works.

The Professional Standards Amendment Bill altered the regulation-making powers, including for the imposition of fees on members of occupational associations to which a scheme under the act applied.

The Equal Opportunity Amendment Bill included an attribute of 'employment activity' as a new attribute on the basis of which discrimination was prohibited.

The Legal Profession Amendment Bill on the one hand had some moves towards a national model that may have reduced regulation but on the other hand also imposed new burdens on law firms, including allowing clients up to 12 months to seek a cost review by the taxing master of the Supreme Court and providing that law firms can be required to provide an itemised bill within 21 days.

We also had the Victorian Renewable Energy Bill, which imposed a regime to require a certain amount of renewable energy to be purchased by retailers and wholesale purchasers of electricity, with an extensive regulatory and implementational regime going with it.

We had the Mineral Resources Development (Sustainable Development) Bill, which required licensees who undertake mining to consult with local communities in specified ways, develop a community engagement plan and meet various requirements that were to be set out in the regulations, and to reinstate a rule relating to licensees undertaking works within 100 metres of various features without consent.

Lastly I mention the Energy Legislation (Hardship, Metering and Other Matters) Bill, which proposed new obligations regarding electricity retailer hardship policies and broad powers to require and regulate the deployment of smart meters.

In citing these examples, I do not make any comment at all on the merits of the particular measures concerned, which were all canvassed at the time. However, I make the point that each of those pieces of legislation dealt with in this house in 2006–07 increased regulatory burdens but were not even acknowledged by the government in its 2006–07 report on red tape and regulatory burdens.

The entire policy and process of the government in terms of easing the regulatory burden on Victorians is flawed. This bill is a striking example of how ineffectual the process is in terms of the enormous time and effort that has gone into bringing the bill before the house — yet how modest are the achieved results.

I have mentioned already the fact that the VCEC did not address the question of redefining the word 'factory' nor has the government done so in the bill that it has brought to the house, even though the VCEC itself recommended that the definition of 'factory' ought to be revisited. There is another area which the VCEC ducked, and that is an issue that I believe should have been addressed when it was talking about the registration of premises in relation to plans for factories. It said at page 19 of its review of the Labour and Industry Act 1958:

> If additional information is required to help identify factories for inspection (and this is a question outside the scope of this review), the act is not the appropriate legislative mechanism for this purpose.

I would have thought it was entirely within the scope of the VCEC's review to consider whether or not additional information is required to help identify factories for inspection, because the answer to that question is needed to assess whether or not the legislative provisions to that effect are needed. I do not know whether the VCEC felt it need not do that because of the contorted definition of 'redundant' the government had imposed on it, but between the government and the VCEC, this issue that needed to have been considered was not considered.

The act is, as the VCEC itself says, one that has a long history. It is worth making the point that there have been many heated and passionate debates over the years about aspects of the act which we have now farewelled forever but which provoked passionate views at the time in relation to matters such as shop trading hours and the bread industry. It may well be that the passage of time has assuaged some of the concerns in relation to the bread industry that have existed in the past, although it is worth making the point that the issue of shop trading hours continues to be a vexed one. It is probably something that would make a fitting subject for debate and analysis of itself.

Overall, the opposition supports the objectives of this legislation, even though we deplore the time and effort it has taken to bring the bill to the house. Before I conclude, however, I want to flag some further issues and concerns that arise out of the Scrutiny of Acts and Regulations Committee *Alert Digest* No. 10 that was tabled in the house yesterday. I acknowledge the assistance I have received from the member for Ferntree Gully in relation to this issue.

Alert Digest No. 10 points out that there are some basic errors in the statement of compatibility accompanying this bill. The statement wrongly referred to new subsection 5C(4) as clause 5C(5) and new subsection 5C(5) as clause 5C(6). I would have thought that particularly given the importance that the

Attorney-General has attached to his much-loved charter and the accompanying statements of compatibility, one would have expected that the Attorney-General would have put in place arrangements to make sure that these sorts of errors did not occur.

More substantively, the Scrutiny of Acts and Regulations Committee (SARC) draws attention to the fact that the effect of proposed section 5C(4) is that if an employee of a body corporate acting in the course of his or her employment opened a factory or warehouse or failed to give an employee a full holiday on Anzac Day, then the chair, every board member, director, secretary and officer of the corporation could be convicted of a criminal offence and fined up to 100 penalty units.

SARC also raises concerns about the defences that are provided in the bill and therefore about the reverse onus that is imposed under proposed section 5C(5) and whether or not that is a reasonable limit on the charter's right to be presumed innocent. The committee makes the point that a person concerned with the management of a corporation who acts diligently to prevent a factory opening on Anzac Day but who discovers on Anzac Day that the factory is nevertheless open will have no defence to a prosecution for the offence.

The committee also observes that the defence of due diligence is usually conceived as an alternative rather than an addition to the defence of absence of knowledge. The committee has resolved to write to the minister, seeking further advice on these two matters.

The minister may well say that he is simply basing this on other precedents. However, what the minister, who is also the Attorney-General, needs to address is that he is not even able to get his own legislation to be in accord with his own charter. He either needs to accept that his legislation is wrong and needs to be brought into conformity with the charter or alternatively accept what we on this side of the house have been saying all along — that the charter is extraordinarily wide and ill-conceived and that it is going to tie up public servants, the Parliament and the community in unnecessary complications.

If the Attorney-General is going to defend these provisions notwithstanding SARC's concerns that they may contravene the charter for the reasons that I have referred to, then he needs to accept that the charter is triggering false positives, that it is flagging problems where there are not problems and that that points to and reinforces the fact that the charter itself is deficient.

After 17 months we finally have this legislation to repeal the Labour and Industry Act and make these consequential provisions. As I say, the opposition supports that repeal and arrangements to carry forward the provisions requiring the closure of factories on Anzac Day.

Ms THOMSON (Footscray) — I rise to support the Labour and Industry (Repeal) Bill 2008, and in so doing I would like to put it into a bit of context. It was certainly an election commitment in 2006 by the Victorian government to ensure that we have regulatory reform and cut the burden to business, and the government has a very strong record in relation to this and particularly in relation to tax cuts for business amounting now to billions of dollars over the life of the Labor governments.

I want to talk a little bit about the work that the Victorian Competition and Efficiency Commission (VCEC) has done since it has come into being. The old Office of Regulation Reform has certainly taken on a new life under the VCEC, and it is important to understand some of the really comprehensive studies that the VCEC has undertaken at the request of the Treasurer.

It has dealt with the bill we are discussing today and conducted inquiries into the reform of the metropolitan retail water sector, food regulation in Victoria, managing transport congestion, regulation of the housing construction sector and related issues, and an inquiry into regulatory barriers to regional economic development, which is a very crucial issue for a government which is committed to ensuring that we see all of Victoria grow and develop. That certainly means ensuring there are jobs in the regions that will encourage people to go out there and live in the regions.

We have seen over the life of the Labor governments the move into and the new vibrancy around regional Victoria. We can really notice the difference in the vibrancy and diversity in our regional centres between 1999 and now. Currently the Victorian Competition and Efficiency Commission is inquiring into environmental regulation in Victoria and enhancing Victoria's livability, which are important issues if we are going to continue to grow and develop, and encourage people to come and live in Victoria.

It is interesting that this bill has little heat in it. Just about every other time there have been amendments to this legislation there have been heated and quite willing debates, given the nature of the Labour and Industry Act and what it once contained. The fact that the act is less than robust suggests why there is a need to repeal

it. It was historically the major piece of legislation that dealt with all labour relations, including occupational health and safety, the basic labour laws of the state, which were repealed, and a number of other provisions that have already been discussed. It is obvious that the majority of that has either moved on, in some cases to become federal government responsibilities and in others into pieces of substantial legislation around occupational health and safety, into Anzac Day and shop trading and public holiday legislation.

The act has in many ways become redundant. However, there are aspects of it that are important and need to be transferred into other pieces of legislation that are consistent with those aspects, and this bill deals with those issues.

I will concentrate a little on the matters that are referred to as the Anzac Day legislation. A matter was raised by the member for Box Hill about the onus on the occupiers of factories and premises in relation to proving they were not aware of the fact that people were working on Anzac Day when they should not have been. That is the existing provision in the Anzac Day legislation, so this is just consistent with that. I want to talk about why that provision is there. Over recent years we have seen increased importance being placed on the observance of Anzac Day. We have seen an increased presence of people at Anzac Day marches. We have seen a recognition of the sacrifices that generations of Australians have made for this country — for many, the ultimate sacrifice. I do not think it is too much to ask that we respect Anzac Day and adhere to the legislation, until 1.00 p.m. in some instances, and that employers recognise they have an obligation to meet under that part of the legislation.

That is the difference with this piece of legislation and why it is absolutely compatible with the Charter of Human Rights and Responsibilities. It is the least we can do in relation to Anzac Day. I certainly recall the work of the RSL in making Anzac Day relevant for Victorians to commemorate and support. We have seen young people who have had no experience of or connections with people who have participated in a war wanting to be part of the Anzac Day commemorations. We have seen students travel to the battlefields where our soldiers fought and undertake projects in the classroom. As we prepare in every respect to commemorate Anzac Day — and I would suggest that Anzac Day is really Australia's national day — I do not think it is too much to ask that employers adhere to that component of the act. That is crucially important.

Of course there are exemptions for some factories to continue to operate during Anzac Day. They are factories in which the following is involved: printing, publishing or distributing newspapers; the manufacture, distribution or supply of gas or electric light or power; any necessarily continuous process of manufacture; the supply of milk; and the trade of pastry cooking. The baking of bread and similar occupations are included in that. Over time we have seen some liberalisation of the ANZAC Day Act in dealing with some of the issues confronted, but the act, by definition, has been tightened over the years to ensure that the vast majority of people commemorate and take the time to think about the significance of Anzac Day for all Australians. The bill before the house is an appropriate bill.

I also want to talk about the definition of factories and the suggestion by the member for Box Hill that that should have been changed and modernised. It has not been redefined; it has been modernised to fit with the existing Anzac Day legislation. I would say that that definition of factories is appropriate, and it now sits very comfortably within the ANZAC Day Act. The ANZAC Day Act, when amended, will read as a very consistent piece of legislation which meets modern requirements and the needs and intent of the legislation. That is why it has been defined in that way, and that makes absolute sense.

The work we do in repealing redundant legislation is vitally important. There are aspects of the legislation which, if it were not repealed, may be a burden on businesses, not in a major way but in a minor way. Businesses have had to be aware of provisions in the legislation, even though they were not adhered to. People who, for example, who have put up tents or scaffolding and those sorts of things have had to comply with building practices that are mentioned in the act that will now be repealed. It is good legislation. It tidies the statute book and modernises the ANZAC Day Act to reflect what was in the original legislation. I commend the bill to the house.

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

Debate adjourned until later this day.

COUNTY COURT AMENDMENT (KOORI COURT) BILL

Second reading

Debate resumed from earlier this day; motion of Mr HULLS (Attorney-General).

Mrs POWELL (Shepparton) — I am pleased to speak on the County Court Amendment (Koori Court)

Bill. As the member for Box Hill said in his speech, the Liberal-Nationals coalition will not be opposing the bill. The purpose of the bill is to establish a Koori Court division of the County Court. The provision is that the person must meet the definition of Aboriginal person. The Koori Court has an objective of ensuring greater participation of the Aboriginal community in the sentencing process of the County Court through the role to be played in the process by an Aboriginal elder or respected person and others.

I have been involved with the Shepparton Koori Court for quite a long time and have attended a session at that court. As I have said, it is for people of Koori origin. There was a lot of concern in the community at first that it was discriminatory and soft on crime, but anybody who goes to the court will find out that it is certainly not soft on crime. The Koori Court in Shepparton was a pilot program conducted in conjunction with the Broadmeadows Koori Court. It started in 2002 in the Magistrates Court. From all the information I have been given I can say that it is working well. The offender must plead guilty, so for a start they must acknowledge their wrongdoing. They also have to accept the penalty, because when they go to the court it is not about establishing whether you are guilty or not guilty, it is just about the sentencing. The court does not deal with sexual or family violence offences.

When I went to the court I saw that the proceedings are conducted in an informal setting. There is the offender, witnesses, a judge and the police prosecutor; a respected person or an elder is there with them; and their family can also be there. It is an open court, so members of the public can come along and hear what is being said. The elder or respected person gives a brief history of the person who has offended and talks about the relationship between the person and the community. If they know the person who has been offended against, they can also give a history of that person.

As I said, there was some reticence about having the Koori Court in Shepparton. Even a number of barristers were concerned that it could be seen as being soft on crime and as being a way of giving an Aboriginal person a lesser sentence. Having attended a court hearing, I understand that what happens is that the offence is read out and the elder or respected person talks about the crime and then talks about the offender. When I was there the person was not trying to shame the offender but was talking about how the family would be ashamed of the type of criminal activity that this person had been involved in. In effect it is very personal; it is not formal, but it is very confronting to the person who is having to hear it. On the day I went there the elders certainly did not hold back in saying what they felt and thought about the behaviour or criminal activity of the offender.

I would like to put on the record my congratulations to the former magistrate, Kate Auty, and the police prosecutor, Sergeant Gordon Porter, who were there at the beginning of the Koori Court. The Koori Court in Shepparton worked well because there was a lot of goodwill by people who worked with the court — the staff, the volunteers, the elders, the community and the Aboriginal people. They all wanted it to work, and because of those people it did work in Shepparton. The member for Benalla and I nominated Kate Auty and Gordon Porter for an Australian crime and violence prevention award for their work with the Koori Court, and they won that award. Because of the goodwill and the hard work they both did, it works.

An evaluation of the court was commissioned by the government. It was undertaken by La Trobe University, and Dr Mark Harris prepared a report. I was interviewed while that report was being prepared, when I talked quite positively about the way the Koori Court had been implemented. One of the things that helped me in my decision about whether it worked or helped others was the reoffending rate. Of the 167 matters that came before the Shepparton Koori Court, reoffending took place in only 21 cases — just over 12 per cent reoffended. Though I think most people would say that Aboriginal people should not be treated any differently, the fact that there were very few people who reoffended shows that the program and what goes on in that Koori Court are working.

As shadow Minister for Aboriginal Affairs it is concerning to me that Aboriginal people are overrepresented in our court system. I believe that anything that will reduce that has to be good. We have the Koori section in the Magistrates Court and now we are putting it into the County Court, and hopefully the success rate in the County Court will be as high as it is in the Magistrates Court.

The Aboriginal elders and respected people are trained. They are selectively picked as respected members of the community. They are picked for their skills, for their community involvement and for the respect in which they are held in the community. It is a tough job for them. I know from speaking to a number of the elders that some elders will not take the job on because it is a very intense position and one where they are members of the community, and in a small community it might be seen, particularly by family members, that they have helped the son or daughter get to jail or receive a sentence. It is a fairly important role they play,

but it is also a very demanding role. They are trained, but because the sentences are going to be tougher in the County Court, they will need to have extra training to understand the sentencing options, so I hope, as the member for Box Hill said, that they receive more support.

Given some of the concerns we have about security — the need to have protocols about how prisoners are brought into the court and how relatives are to be briefed about the court procedure — the Koori justice officer will be an important person in explaining issues and protocols to family members. Again, because it is a higher court with higher sentences, there will need to be a lot more information given to the elders, the respected people and the justice workers.

Sergeant Porter also believes that the court should be open to the community to allow them to sit in and watch the proceedings. He believes that when people attend they realise firsthand that it is not a soft option and they often come away with the knowledge that it is a tougher court, and he believes that the Aboriginal people who have committed crimes understand their crimes and are a lot more understanding of why they are there. He personally believes that robes and wigs should not be used. He believes the court atmosphere needs to be more informal because that is the process in the Koori Court, and a personal opinion of his is that robes and wigs should not be used. I hope the Attorney-General takes that on board.

I congratulate the member for Box Hill, the shadow Attorney-General, for his detailed outline of the provisions in the bill. I do not need to go into those because he has explained them in great detail. He has also consulted a great deal with the law institutes and a lot of the Koori and Aboriginal groups. I gave him a list of Aboriginal co-ops and Aboriginal organisations, and we wrote to them and received some responses. I also congratulate him on his understanding of the workings of the Koori Court. I hope there will be an evaluation of the Koori Court division of the County Court just as there was with the Magistrates Court.

While we need to lessen the overrepresentation of Aborigines in the prison system, we also need to be proactive in addressing why they are reoffending or offending. We need to deal with drug and alcohol addiction. We need more rehabilitation centres. We need to make sure that Aboriginals continue with their education and do not leave school too early. We need to take make sure that there is employment — and meaningful employment — for Aboriginal people. In Shepparton 80 per cent of Aboriginal people are unemployed, and the 20 per cent who are employed are mainly employed in the Aboriginal industry, helping to make sure that Aboriginals get the assistance, the courses and the support they need when they are trying to look for jobs. We need to address these issues to make sure that in the future we do not need a special Koori Court. But as I said, the opposition does not oppose this legislation.

Ms GREEN (Yan Yean) — It is with great pleasure that I join the debate on the County Court Amendment (Koori Court) Bill 2008. This bill amends the County Court Act 1958 to establish a Koori Court division of the County Court. This is consistent with the passionate commitment that this government has had in having appropriate justice mechanisms for our indigenous people. We have seen what has happened with the Koori Court divisions of the Magistrates Court. In the previous Parliament, as a member of the Public Accounts and Estimates Committee, I was absolutely stunned by the reports from responsible ministers to that committee on what great results had occurred in terms of the diminishing recidivism rates for people of indigenous background when they had appeared before and been sentenced by the Koori Court division of the Magistrates Court. Their exposure to that justice system and its acknowledgement of their cultural traditions had made a significant difference, and it meant that, unlike what had occurred previously, there was less likelihood that they would offend again and be incarcerated.

This week has been a really fantastic week in demonstrating this government's commitment to the first people of Victoria, and in rising in this place I would like to pay my respects to the traditional owners of this land, the Wurundjeri people, and pay my respects to any elders here. Earlier in the week the Premier and the Aboriginal social justice commissioner launched a fantastic campaign in Queen's Hall to close the gap on indigenous life expectancy, and we on the Labor side of politics and on the government side have been really passionate in trying to close the gap, whether it be in life expectancy, access to education or access to justice, and in being very respectful of this wonderful culture.

I would like to acknowledge the many indigenous people who have provided me with advice in my job as a local member. Ian Hunter, who resides in Whittlesea, has been a really good support in terms of providing advice to me about the cultural traditions and the meaning of a lot of the local area names. It was wonderful to be in Queen's Hall yesterday and see the welcome to country from Auntie Joy Murphy, who is an absolute legend in indigenous circles and who really gives strong leadership and shows why we should be doing the right thing by indigenous people.

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

Ms GREEN — It is good to be back in the chamber following the dinner break to continue to speak on a very progressive piece of legislation — the County Court Amendment (Koori Court) Bill. Let me reiterate the remarks I made before the dinner break: I am proud to be part of a Brumby Labor government which is committed to addressing the alienation and disadvantage experienced by many Kooris in our state. Today this bill takes one more step on this journey.

We cannot sit back and be complacent while Kooris continue to be dramatically overrepresented in our justice system. Yesterday we saw the commitment of the Premier and others when the Premier and the Aboriginal and Torres Strait Islander social justice commissioner signed the commitment by the Victorian government to bridge the gap regarding indigenous life expectancy. We need to take action for our indigenous people across the board in whatever aspect of public policy it may be. It needs to be well linked and well coordinated. Kooris are 12 times more likely to be imprisoned than other Victorians and 15 times more likely than non-indigenous adults to be placed on remand. This issue requires us to be creative and at the cutting edge of ideas that address indigenous disadvantage, including the overrepresentation of Kooris in the justice system.

The Royal Commission into Aboriginal Deaths in Custody, the *Bringing Them Home* report and the review of legal services in rural and regional Victoria have all recommended that the legal system be modified to make it less culturally alienating and more tailored to the needs of Koori defendants and their community. That is why we are seeing great success with the adult Koori courts that have been established in various parts of Victoria over recent years.

The courts were established at Shepparton in 2002, Broadmeadows in 2003, Warrnambool — my old home town — in 2004, Mildura — another old home town of mine — in 2005, Moe and Latrobe Valley in 2006, Bairnsdale in 2007 and Swan Hill in 2008. That is why we have also established Koori children's courts in Melbourne in 2005 and in Mildura last year. That is why we have committed to the piloting of the new County Koori Court in the Latrobe Valley, which will commence later this year.

Koori courts have been demonstrated to be a resounding success. I referred earlier to evidence that had been tendered to the various hearings of the Public Accounts and Estimates Committee and other evaluations which have shown that not only are Koori courts reducing recidivism and increasing community safety, but, importantly, they are increasing indigenous ownership of the law. They are not a soft option, as many of the naysayers suggested, particularly during the early times — far from it.

Koori courts have all the sentencing dispositions available to them that exist in other courts. Indigenous defendants, rather than considering the Koori Court a less serious option, are more confronted by the presence of Aboriginal elders and respected persons who sit in all Koori courts. So this partnership within the justice system is actually assisting indigenous leadership to resolve some of their own difficulties and take action in their own communities.

Victorian Koori courts plainly do not create a separate justice system; to suggest otherwise is mischievous. This side of politics will continue to work in partnership with the Victorian Koori community to address injustices and improve the cultural sensitivities of our court environment. I am pleased that we are demonstrating national leadership in this bill.

I would also like to reiterate some of my earlier comments in thanking some of the indigenous people I have had the pleasure of working with over many years. Previously I had mentioned in this place that I had the privilege of being the secretary of the Aboriginal and Torres Strait Islander policy committee in the formulation of policy in the lead-up to the election of 1999. It is something that I take great pride in; we now have indigenous people on our ALP policy committee — which unfortunately may displace others, but the issue is about working in partnership with non-indigenous people on policy within our party.

I would particularly like to commend the work of the president of the Aboriginal and Torres Straight Islander policy committee, Jacqui Marion, who is the first indigenous person to hold this position. Jacqui has a long history of work for indigenous communities, and I have had the privilege of knowing her and having worked alongside her back in my days in the housing ministry in the 1980s and 1990s. She is still a very young woman who has a lot to offer and is showing great leadership in this community. I would also like to mention Mark Grist, who is someone I grew up with in Mildura and who is an Aboriginal heritage officer now based in Melbourne. He has done enormous good work in protecting and promoting Aboriginal heritage.

I am very proud to be part of a government that supports our indigenous communities in whatever aspect, whether it be education, health, strong government leadership — as shown this week in our

commitment to bridging the gap in terms of Aboriginal life expectancy — or, most importantly, this bill before the house, the County Court Amendment (Koori Court) Bill 2008. I commend the bill to the house, wish it a speedy passage and thank all those staff and others involved in its development.

Mr CRISP (Mildura) — I rise to make a contribution to debate on the County Court Amendment (Koori Court) Bill 2008. The purpose of this bill is to amend the County Court Act to include a Koori Court division of the County Court. This will add to the current Koori Court division of the Magistrates Court; however, it will consider far more serious crimes.

To begin with, there are some interested parties. The act defines what an elder is, and proposed section 22A particularly concerns elders. The secretary is to be given the power to appoint a person of the Aboriginal community to take part in the functions of the Koori Court. Such a person is to be appointed for a period and can resign in writing at will. Following the passing of the Relationships Act 2008, 'family member' now refers to a broader definition contained within the Relationships Act. This is part of a trend in new legislation and amending legislation to include a wider range of people and relationships within the concept of family. Aboriginal families are being given the same scope as the general population. Family members now include not just spouses, parents, children and other blood-related or marriage-related people but also same-sex partners, domestic partners, de facto relationships and subsequent blood or marriage relatives. It is also necessary to define 'Aborigine'. In this case it is defined in the bill as meaning an Aborigine or Torres Straight Islander.

Definitions consist of certain wordings, and as with all areas of language the precise meanings of words can be contested. In this case, if you wanted to be pedantic, you could question the exact meaning of 'intimate', 'regular' or 'guardian'. Although such words officially have certain meanings, they may differ in Aboriginal cultures. For example, 'in-laws' and 'cousins' could refer to people who would not fit into a western sense of those relationships. There may be problems concerning this, and such problems have been encountered in the Magistrates Court and will need to be resolved as we move into the County Court.

Considering the bill generally, it is important for the community to understand that its provisions apply to matters other than sexual offences and family violence where the defendant meets the definition of Aboriginal, the defendant pleads guilty, the defendant consents to the proceedings being heard in the Koori Court division of the court and the division considers it appropriate to deal with the proceedings.

The Koori Court in the County Court will operate with little formality, as does the Koori Court in the Magistrates Court, and will be able to inform itself as it sees fit under proposed section 4G(3). Its plea discussions can operate as a conversation around the bar table with a judge accompanied by an Aboriginal elder or respected person and with the Koori Court officer, corrections officer, defendant's legal representative, prosecutor and defendant's family able to take part in the discussions. The Koori Court officer can provide information about the availability of local services programs, and the corrections officer can provide information about indigenous programs provided by the office of corrections.

This is indeed a different court. Both a Koori Court and a Koori Children's Court operate in Mildura, and they have been successes in my view, as reoffending on the part of those appearing in the courts has reduced. However, there will be a number of issues that are worth some discussion. In particular, we are dealing with far more serious matters in the County Court than we would be in the Magistrates Court, and as we have large family groups present, security will be extremely important and will be a difficult issue for our courts to manage and handle. They will, however, have to do so.

The other concern is finding enough people to participate in this process. It is a great responsibility for a Koori elder to take on and one that will carry some baggage with it in the community. We are going to be asking people to step up and do more than what many other people in the community have to do. This will require a great deal of support, training, encouragement — and hopefully not protection — for those people who choose to do that. However, the advantages for our community are great, and this needs to be encouraged.

Within Mildura we have a number of Aboriginal bodies which have been involved in the Magistrates Court, such as the Mildura Aboriginal Cooperative, which includes a Koori mental health program, a drug and alcohol program, a family preservation program and the supported accommodation and assistance program, which are valuable assets to the Koori Court. An Aboriginal legal service is located in Mildura, an Aboriginal community justice panel is operating, and the Sunraysia Community Health Services has a very strong Koori health unit. Substance abuse rehabilitation takes place at a hostel in Robinvale, and there are a number of learning places.

I turn to some of the other issues that need to be considered. Under proposed section 78(6), which is inserted by clause 8(2), rules of practice can be made for classes of cases, individual cases, individual people or roles. These rules or conditions in the provisions can be discretionary and may include exemptions from duties. There are some comments that I would like to make on this.

This section gives discretion to change the structure of a proceeding to fit certain circumstances, which certainly seems desirable, or necessary, when you are dealing with Aboriginal people. As with any form of discretion, there will be ways to provide room to move — that is usually the point of providing a discretion. With such an ability to move there is the possibility of abuse, and avoiding it depends on the integrity of the people involved and the powers provided. For flexibility to work there is a need for trust, and that is something this court will have to develop among Aboriginal people**.**

With those comments I will say that this is an initiative that The Nationals will not oppose. It has worked in the Magistrates Court and it has worked against the tide of some great scepticism in the community. I wish the bill a speedy passage.

Ms BEATTIE (Yuroke) — It gives me great pleasure to follow the member for Mildura in this instance, because the member for Mildura is speaking from experience with the Koori Court in Mildura. The member for Mildura will know that there is also a Koori Court in Broadmeadows that works very successfully.

This Brumby Labor government is committed to addressing disadvantage and alienation that is experienced by many Kooris in our state. This extra Koori Court is another step in what is a very long and, I am afraid to say, in many cases a very sad journey, because members of the Koori community are 12 times more likely to be imprisoned than other Victorians and 15 times more likely than non-indigenous adults to be placed on remand. Those figures are not just some sort of aberration; they are systemic, and they need to be dealt with.

I would like to praise the work of Bob Kumar and his magistrates in dealing with the issues down at the Broadmeadows Koori Court. Like the member for Mildura, I really know the positive aspects of the Koori Court. Indeed I am going down there next week to again touch base with the chief magistrate and talk to him about the issues surrounding the Koori Court, because it has been an outstanding success. Evaluations have shown that the Koori courts are not only reducing recidivism and increasing community safety but importantly are enhancing indigenous ownership of the law. I have to say there were many doubters about the Koori Court at the time it was set up. They were saying it was a soft option and that the Koori community should not have a separate justice system. This is not a separate justice system. It is an enhanced justice system which takes into account the special needs of the Koori community.

On this side of politics we want to continue to work in partnership with the Koori community to address injustice and improve the cultural sensitivity of our court environment. You would have seen that this week, Acting Speaker, with the launch of Close the Gap, which is a wonderful initiative. You would have also seen it with the Prime Minister's visit to the Northern Territory to see how things are going up there. As the original inhabitants of this land, Victorian Aboriginal people should be paid due respect. I am sure that this additional Koori Court in the County Court will enhance the process of justice for the Koori community.

The various organisations that are represented on the reference group include: the County Court, the Children's Koori Court, the Broadmeadows Koori Court, the Magistrates Court, the Department of Justice, the Office of Public Prosecutions, the Victorian Aboriginal Legal Service, Victoria Legal Aid, Corrections Victoria and the Regional Aboriginal Justice Advisory Committee.

If I can just beg another moment of the house's time, I would like to say that this is just one piece of legislation in a whole suite of legislation that has seen our justice system become a model of reform for the rest of Australia. One of the things that I have recently done is go down to the Neighbourhood Justice Centre in the city of Yarra. That is another great Victorian initiative that is really working well. I know other members would like to put requests in for a neighbourhood justice centre, but I am sure one would work well in the Broadmeadows-Yuroke area.

As I have said, this bill is not a soft option, as many people have suggested. The Koori courts are working well. They have been successful. In the presence of respected elders and respected persons who sit on those Koori courts, many young Aboriginal and Torres Strait Islanders have been put back on the straight and narrow with sympathy and with empathy, which is one of the features of the court. It is with much pleasure that I wish this bill a speedy passage, because I know that the Koori courts have a proven track record, and I know

this will be another success story. I commend the bill to the house.

Mr NORTHE (Morwell) — It gives me great pleasure to speak on the County Court Amendment (Koori Court) Bill 2008. The main purpose of this bill is to amend the County Court Act 1958 to establish a Koori Court division of the County Court and to provide for the jurisdiction and procedure of that division, with the objective of ensuring greater participation of the Aboriginal community in the sentencing process of the County Court and for that role in the process to be played by Aboriginal elders, respected persons and others.

This is quite pertinent to the Morwell electorate, because the Latrobe Valley court precinct will be the first place where this four-year pilot program is introduced, hopefully later this year, as was referred to in the second-reading speech. As indicated by other members, seven Koori courts currently exist throughout Victoria in the Latrobe Valley, at Mildura, Bairnsdale, Swan Hill, Warrnambool, Broadmeadows and Shepparton. They are in addition to the two children's Koori courts in Melbourne and Mildura.

The statistics showing indigenous people currently involved in our judicial system is quite alarming. If you read parts of the second-reading speech, and they were just referred to by the member for Yuroke, you will see that there is certainly an overrepresentation of indigenous people in our judicial system. It is a fact that currently indigenous adults are 11 times more likely than non-indigenous adults to be sentenced to prison rather than to serve a community-based order. Currently indigenous adults are 15 times more likely than non-indigenous adults to be placed on remand. The establishment of the Koori County Court is the next step up from a Magistrates Court; there is no doubt about that.

More specifically in the Latrobe Valley area, in the electorate of Morwell, I have seen some facts from the Latrobe Community Health Service which go a little bit further with the statistics that are relevant to my electorate. In child protection substantiations between 0 and 18 years, for the Aboriginal community it is 63 per 1000 children, whereas for the non-Aboriginal community it is 6 per 1000 children — and that is quite an amazing disparity.

In the area of youth in the juvenile justice system, for a male it is 11 times the rate of a non-Aboriginal person; for females it is 23 times the rate of a non-Aboriginal person. In the use of drug and alcohol community services, Aboriginal people are 11 times more likely to use a service than non-indigenous people. In the use of disability services for people aged 65 or more — and this is going back to figures for the years 2004–05 — for females it was 72 per 1000 of the population compared to 22 per 1000 for non-Aboriginal people. For males it was 57 per 1000 compared to the rate for non-indigenous males of 12 per 1000. This verifies the fact of the great discrepancy in relation to the health of our indigenous people, and also from the point of view of those in the judicial system.

The Latrobe Valley justice complex is a fantastic asset for the local community. It has six courtrooms and involves not only the County Court but also the Magistrates Court and others. It is a fantastic facility right on our doorstep.

The bill proposes that once a defendant has consented to the jurisdiction of the Koori Court, a discussion takes place around the bar table involving all participants. What will happen during the plea discussion, as occurs in the Magistrates Koori Court, is that a judge will sit on one side of the table, as mentioned by the member for Mildura, and that person will be accompanied by two Aboriginal elders and respected persons who will sit on either side of the defendant. The defendant will be seated opposite the judge, next to his or her lawyer and a family member or support worker, if desired. The prosecutor will sit on the same side of the table as the defendant and the defendant's lawyer. Also seated at the table will be the Koori Court officer and a representative of the Office of Corrections. This will ensure there is a very informal setting.

I guess it will give the elders the responsibility of ensuring what the sentence will be in the particular case. It allows the Aboriginal elders and the respected persons to bring an insight into what the Aboriginal community sees as fit in the circumstances, and they will provide assistance with any cultural considerations that may arise during the proceedings. It will ensure that the defendant understands the seriousness of the offence which has taken place. It gives an indigenous community perspective on the actions of the defendant in the case. The plea discussion aims to increase the indigenous community's ownership of the sentence and of the process linked to it.

I have consulted with some prominent indigenous people in the Latrobe Valley community. In particular I have spoken to Laurie Marks, who is an Aboriginal community liaison officer with Victoria Police. Laurie is quite a good friend of mine, and, I might say, a very good sportsman in his own right; he is a very good cricketer. He does a fantastic job with the local indigenous community. I have also spoken to Esme

Thompson, who is a Koori liaison officer with the commonwealth carer section of the Latrobe Community Health Service. Esme is an ex-neighbour of mine. I grew up with the Thompson family in Traralgon many years ago and was very good friends with her sons.

Esme has expressed some concerns about the bill including the fact that a Koori has to plead guilty in order to be heard in the County Court if they want to get access to the Koori elders. She also said that consent to jurisdiction must be relinquished if a person wishes to be heard by elders. She is concerned that if we are talking about the Charter of Human Rights and Responsibilities, why do Kooris have to plead guilty and consent to relinquish jurisdiction? She also has some doubts about the bill being rushed through the Parliament without appropriate consultation with the local Aboriginal community.

Laurie Marks has a position in the judicial system in Victoria. In his summing up of the bill he spoke very highly of the Koori Magistrates Court and the work that has been done to eliminate recidivism among the indigenous community. He believes this bill is a step in the right direction.

A member for Eastern Victoria Region in the Council, Peter Hall, and I had an opportunity to sit down and discuss the bill with Rosie Smith, who is a project manager with the Koori programs initiative in the Department of Justice. We appreciate the opportunity Rosie afforded to us. One of the questions we asked her was about the local services which might be able to assist in the setting up of a County Court. She made reference to Chris Bowen, who is a solicitor, and other solicitors in the Gippsland region, as well to the Aboriginal community justice panel, the drug and alcohol worker who assists the Koori Court, the Central Gippsland Aboriginal Health and Housing Cooperative, Ramahyuck District Aboriginal Cooperative and also over at Yarram a learning place for the indigenous community which can be accessed.

It is important that our local indigenous community gets involved in our community projects, whether that be through sport and recreation, which I alluded to earlier, or through opportunities afforded to it through the local Gippsland TAFE, or even through local service providers such as the Country Fire Authority and the like. It is important they get involved in those particular aspects of our local community.

Some of the concerns expressed relate to how the community might view the setting up of the Koori County Court and whether the community might see it as a lenient type of sentencing. I do not agree with that. Laurie Marks and the likes of the local indigenous community were very strong about the fact that once you are brought before your local elders, they will put forward a case and ensure that as a defendant you are really demeaned, I guess, in some way by making sure you realise you are upsetting not only your local community but also your local indigenous community Members of the indigenous community feel very strongly about that, therefore they should be part of the sentencing process.

I think this bill is a sensible step in the right direction. I am pleased to see that the first complex to be a part of it will be in the Latrobe Valley.

Mr ANDREWS (Minister for Health) — I am pleased to provide some closing comments in relation to this very important bill. To begin I thank the members for Box Hill, Bentleigh, Shepparton, Yan Yean, Mildura, Yuroke and Morwell for their contributions on what is a very important bill. I thank them for their support for the bill and for this model of therapeutic justice that is central to the way in which this government seeks to drive better outcomes in our criminal justice system, particularly for some of the most disadvantaged members of our Victorian community.

In question time today the Premier spoke about Victoria not being just the best place to live, work and raise a family but also being the fairest place to do so. I think there is no better example of our government's approach to delivering that in real and practical terms than the Koori Court, which has been such a fantastic success in the Magistrates Court district or in the Magistrates Court, and which is now moving to the County Court under the provisions of this bill.

I was here for only the latter part of the debate, but I heard how the members for Morwell and Mildura who have large indigenous communities and Koori courts in their electorates praised the way this has worked and that they are very supportive of the next step. There was some scepticism — not just in here across the chamber but out there in various communities — when the Attorney-General sought to make these changes through the landmark justice statement. Any scepticism or doubt that was there at the time has been dealt with by the efficient and effective operation of the Koori Court in the locations listed.

This is the next step. It is very important. It is about taking practical action to acknowledge the unacceptable overrepresentation in our justice system of indigenous men and women. It is important to go forward and

continue that practical action because it benefits so many people by reducing rates of recidivism and building not just a better but a stronger and fairer Victoria. I would like to congratulate the Attorney-General again on his leadership in this important area. To all honourable members who have supported this bill: it is important legislation.

As the member for Yuroke noted, just yesterday the Premier and others signed off on the Close the Gap statement. Again that is a practical example of our collective goodwill and commitment to achieving better outcomes for indigenous Victorians, just as this bill and the success of the Koori Magistrates Court is a great example of our collective goodwill and the innovation this government has driven towards achieving better outcomes for indigenous men and women across our state. With those few words, I commend the bill to all honourable members and wish it a speedy passage.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

LABOUR AND INDUSTRY (REPEAL) BILL

Second reading

Debate resumed from earlier this day; motion of Mr HULLS (Attorney-General).

Mr WAKELING (Ferntree Gully) — It gives me pleasure to contribute to the debate on the Labour and Industry (Repeal) Bill 2008. As the member for Box Hill has stated, the Liberal-National party coalition is supportive of the repeal of this particular act of Parliament. In essence, the bill is seeking to repeal the Labour and Industry Act, which has operated since 1958, and to re-enact certain of its provisions in other acts of Parliament.

In addition to repealing the act, the bill will amend the ANZAC Day Act 1958 to include provisions for the closure of factories on Anzac Day. It will amend the definition of 'factory' in the Education and Training Reform Act 2006 to refer to the ANZAC Day Act definition and will remove reference to the Labour and Industry Act 1958 in relation to the word 'factory' in the Pipelines Act 2005.

This bill arose as a consequence of a review of the operation of the Labour and Industry Act that was conducted by the Victorian Competition and Efficiency Commission. Premier Brumby, as the then Treasurer, requested the referral on 19 March 2007 and the commission reported back to Parliament on 19 June that same year. The VCEC recommended the repeal of the Labour and Industry Act, the insertion of factory closure requirements in the ANZAC Day Act, the insertion of a new definition of 'factory' in the Education and Training Reform Act and the Pipelines Act, and the transfer of bread industry restriction enforcement provisions to the Bread Industry Act 1959 if the government desired to retain those restrictions.

The government also says that the Department of Primary Industries does not consider that the definition of 'factory' is needed in the Pipelines Act, and the government is proposing to repeal the Bread Industry Act, including remaining and unenforced bread industry restrictions, as part of the Legislation Reform (Repeals No. 3) Bill 2008, on which debate commenced yesterday.

The Labour and Industry Act was initiated in 1958. As somebody who has worked in the industrial relations arena, I certainly have memories of dealing with it in the early 1990s but only in very small parts. At that time it was the pre-eminent legislation governing wages and conditions and the operation of a whole range of other terms and conditions that governed Victorian workplaces. Over time those conditions have been eroded, with the creation in 1979 of the Industrial Relations Act, which has since been succeeded by the Employee Relations Act. Those conditions are now regulated at a federal level. In addition to that, matters such as occupational health and safety, long service leave, public holidays and shop trading hours all now fall under the purview of other pieces of legislation which are regulated by this Parliament.

Only 35 of the 207 sections of the original act remain, and only 14 of those actually relate to rights and responsibilities or have some material impact on business. We on this side of the house support the removal from the statute book of legislation which does not have any direct bearing on the operation of business. However, we are a little concerned about the way the government has gone about managing this process. This process started on the 19 March 2007, the Victorian Competition and Efficiency Commission (VCEC) reported back on 19 June 2007, and here we are in August 2008 debating legislation. Certainly the legislation itself is not contentious, so one would have to ask why it has taken this government so long to deal with these issues. In effect it has taken longer than

12 months to deal with the removal of this piece of legislation.

Another area of concern we have is that the government is departing from the recommendation of the VCEC by not including a new definition of 'factory' in the Pipelines Act. The government says it is unnecessary and that the ordinary meaning of 'factory' is sufficient, as is identified at page 23 of the report. The government has also required a lot of research effort by the VCEC simply to repeal one largely outdated act. Again, this is about reducing red tape, but a lot of work has been commissioned and undertaken by this organisation in looking at an act which does not have any great bearing on the operation of the Victorian community.

Interestingly, when the VCEC commenced the process it sent out invitations to over 300 stakeholders that operate in Victoria, which presumably would have been in the areas of business, unions and other like organisations across the state. It is noted that it sent up to 300 invitations but only four organisations sought to put forward a submission regarding this inquiry. That in itself speaks loudly about the relevance of this piece of legislation. Despite all that, as I have said before, the government has gone about delaying the process of bringing this piece of legislation forward.

The report handed down by the VCEC summarised a number of things that it was investigating. It states:

> This review was undertaken in the context of the Victorian government's commitment to repeal old and redundant legislation and to reduce regulatory overlap and duplication.

As I mentioned yesterday in the debate on the Legislation Reform (Repeals No. 3) Bill, this government has a target of reducing the regulatory burden of the number of principal acts on the statute book by 20 per cent. In fact, if you look at the record of this government between 1 January 2000 and 1 January 2007, you see that the number of bills on the Victorian statute book actually increased by 35. The government talked about wanting to reduce regulation, but it has actually increased the number of acts. Now it has to set about the process of trying to reduce the number of acts by 20 per cent of the number that were in existence on 1 January 2000. In addition to that, the review was to investigate the appropriateness of the Labour and Industry Act, given that only 35 of the original 207 sections remained in the act. As said, the majority of its original provisions have been repealed and are now covered by more modern legislation.

The member for Box Hill has already raised a number of issues regarding the operation of this bill. Interestingly, the hard-working member for Warrandyte, who is a member of the Scrutiny of Acts and Regulations Committee, would be well aware that the members of SARC, the majority of whom are government members, have rightly identified problems with the way this bill deals with issues pertaining to the Charter of Human Rights and Responsibilities. How many times have we dealt with this issue in this house? As the member for Box Hill has rightly pointed out, SARC resolved to look at writing to the Attorney-General to question the way certain provisions of the bill were going to be dealt with, given the fact that it would result in a breach of the Charter of Human Rights and Responsibilities. It is interesting to read the comments. I note that the member for Murray Valley is in the house. He too is a hard-working member of SARC.

With those words I reaffirm that we are supporting the removal of this redundant piece of legislation but are concerned about this government having such a long time to deal with it.

Mr DONNELLAN (Narre Warren North) — It is an honour today to speak in the debate on the Labour and Industry (Repeal) Bill 2008. Briefly, the overall objectives of the bill are to repeal the Labour and Industry Act 1958, to amend the ANZAC Day Act 1958 to ensure the status quo in relation to factory closures is maintained and to amend the Education and Training Reform Act 2006 and the Pipelines Act 2005 in relation to the definition of 'factory' as used in the Labour and Industry Act. The purpose of this repeal bill is to give effect to the government's 2006 election commitment to reduce the regulatory burden. It is a continuation of the Brumby government's reform in reducing the burden for businesses both large and small.

The government asked the Victorian Competition and Efficiency Commission (VCEC) to review the Labour and Industry Act. The commission found that the act sought to regulate matters covered by other acts and regulations and that it had no realistic enforcement mechanism. The act covered the regulation of shops and factories, workplace conditions, safety requirements and controls of particular trades. The VCEC found that even though there is no enforcement regime for many parts of the act and regulations, there is a cost to business simply because the business community needs to be aware of the act and to make sure it complies with it.

The Labour and Industry Act regulates the closure of factories on Anzac Day. The VCEC recommended that these provisions be put into the ANZAC Day Act, which currently regulates arrangements for sporting

events and other entertainments. It is appropriate that the closure of factories be covered within that act. The ANZAC Day Act 1958 currently does not contain express enforcement provisions. These are vested in Small Business Victoria, which engages inspectors from Consumer Affairs Victoria to take up complaints from individual communities.

This bill is part of the government's continuing reform initiatives. The Brumby government has a long record of continuing to reform the economy and reduce the burden of regulation on small business. The last budget contained many positive tax initiatives by the state government. It included tax cuts to stamp duty of $422 million, a $490 million land tax cut, and a payroll tax cut of $170 million. WorkCover premiums were also reduced by about $352 million.

The government has a strong record in many ways. I take umbrage at the suggestion by some members of the opposition that the government is not doing anything or it takes too long to get there. I can remember my dealings with the Victorian Automobile Chamber of Commerce (VACC), smash repairers and the like over many years and the many promises made by the then federal small business minister, the member for McEwen. That included initiatives like a reform of the Trade Practices Act to deal with abuse of market power by large corporations. That promise was made in 2004, again in 2005 and even in 2006.

Unfortunately that federal member is no longer the small business minister, and that promise never came to fruition. She very much lived up to the idea of being a typical conservative — she did absolutely nothing. She maintained the status quo and nothing happened. That is really what conservatism is about, maintaining the status quo, and that is pretty much what she did on behalf of small business. Nothing ever happened.

The people I worked with assiduously in the VACC and many other small business sectors, including people like the chicken growers and the Victorian Farmers Federation, were waiting for many years for changes to the Trade Practices Act by the then federal Howard government. Promises were made over many years but unfortunately nothing happened. It might have taken us 12 months to start repealing some of these acts, but over three years there was no reform of the Trade Practices Act, which is pretty disappointing.

Looking back at the record of the conservative parties, you can see that the one thing the conservatives are very good at is creating fear. The response to the state budget was a very simple one. It was reported in the *Herald Sun* under the headline 'State debt warning after budget' and states:

> Victoria's state debt will be the millstone hanging around the necks of its children, the opposition has claimed in its formal response to the budget yesterday.

That is not doing anything really except creating fear. It is pretty typical of the conservatives. It reminds me of a couple of the questions this week in question time about the subprime crisis. Realistically, at the end of the day, it was more fear-mongering. It was straight out the *Age*, and not much of it was true. Invest Victoria would have been overjoyed to find out that it had all these funds to invest, which it simply does not have.

What the conservatives have is a great ability to create fear, a great ability to sit still — as the former federal small business minister did with the Trade Practices Act — and to do nothing, as they have done on the issue of water. What have the conservatives done in relation to that issue? Their response is praying and rain dancing — that is, nothing. The community expects more, and that is what the state Labor government is doing. It is getting on with the job of reform. It is moving things along. This bill is repealing redundant acts, getting them out of the way and making life a little bit easier for business. This government is very good at doing that.

If you look at the commentary on the state Labor government, it is incredibly positive. If you look at what the conservatives are good at doing, as they have done when they have been in government in recent years, it is pork-barrelling. Speaking of pork-barrel specials, I have an article by Tim Colebatch from the *Age*. It goes through the last budget and talks about the $1.3 billion spent on $500 handouts to pensioners and self-funded retirees — that is, more pork-barrelling. It is a bit like the baby bonus I got. Why on earth do I need a baby bonus payment with my income?

The ACTING SPEAKER (Mr Eren) — Order! I ask the member to come back to the bill.

Mr DONNELLAN — This bill is all about reform and moving forward; it is not about fear and pork-barrelling and so forth. This is what this bill does; it gets on with the job of removing the acts and making life a little bit easier for business.

We have a great record of reducing tax since we came to government. This reform forms part of our effort to assist the small business community. If members look at the land tax rates in Victoria for properties below $2.5 million, they will see Victoria is the best in the country. We do not stop. We have reduced, overall,

about 20 different rates of tax since we have been in government, and we just have not stopped. To be told by the other side that it might take us 12 months to repeal a bill after the Victorian Competition and Efficiency Commission has reported is a bit of an insult, if you look at the record.

Mr Andrews interjected.

Mr DONNELLAN — Of course we set the agenda, because at the end of the day — —

Mr Kotsiras — On a point of order, Acting Speaker, I have listened to the member's contribution for 9 minutes. He has not contributed on the bill for 1 second of those 9 minutes. I ask you to bring him back to the bill.

The ACTING SPEAKER (Mr Eren) — Order! I do not agree that he has not been on the bill for more than 1 second.

Mr DONNELLAN — His ears must be blocked. *Hansard* will show that I have discussed the bill at length.

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

Mr DONNELLAN — In summary, this is part of the government's ongoing reform agenda. We have reformed taxes, we are getting rid of acts that are unnecessary and we have reduced debt. We have done a mighty job, and at the end of the day — —

Honourable members interjecting.

Mr DONNELLAN — The commentators tell us that. They do not take any notice of the 'State debt tax warning after the budget' headline of the opposition, because they know that is a joke. It is a bit like the subprime crisis. The real crisis is in the opposition; it has nothing else to talk about so it creates fear. That is pretty much what conservatives are good at doing — being afraid and doing nothing. I commend the bill to the house.

Mr JASPER (Murray Valley) — I am pleased to join the debate on the Labour and Industry (Repeal) Bill 2008. I listened with a great deal of interest to the contribution of the member for Narre Warren North, and I thought it was a contribution to the budget debate. He really did not mention the bill at all.

This bill certainly is a repeal bill, and we understand that, but it has a lot of history to it. It is time that the member for Narre Warren North listened. He might learn something about history and a bit about what happened with this legislation in the past and what is going to happen with this legislation in the future. Instead we heard about which charges and government revenues will increase relating to particular issues in the budget debate. I am sorry to remind the house that most of his contribution related to that. I was very disappointing, because I was waiting with bated breath. I thought eventually he would refer to the legislation before the house.

I listened also to the member for Box Hill, whom I believe made an important contribution. He dissected the legislation, giving its background and taking the house through it. I listened carefully to what the member for Narre Warren North said about overregulation. There is no doubt that we are overregulated across Australia, and we have to move to reduce regulation for business and industry. I heard the member talk about the Victorian Automobile Chamber of Commerce and supporting small business. I grew up in a small business environment. S business is critical to the economy of Victoria and Australia. It is important that we try to reduce the number of regulations that are imposed on small businesses that are trying to operate in Victoria.

This legislation goes back a long time. Over the years the Labour and Industry Act has been an important piece of legislation, regulating labour and industry in Victoria, but in recent years other pieces of legislation have taken its place and reduced the relevance of its clauses to the extent that only 35 of the original 207 sections now relate to current legislation.

The ANZAC Day Act is included in the legislation that we are debating this evening. It is interesting to look at the changes that have taken place. The Industrial Safety Health and Welfare Act 1981 and the Occupational Health and Safety Act 1985 have replaced elements of the Labour and Industry Act. Long service leave, public holidays and shop trading hours all now have their own acts. There have been massive changes, and the act now does not have the relevance that it had in the past.

We need to go back into history to analyse one of the major issues in this legislation, which relates to the control of the bread industry. Back in the 1980s we were trying to protect the bread industry in Victoria. There was a particular control on the industry whereby operators were restricted from carting bread more than 30 miles. They were looking to protect small business in the country cities and towns. The Minister for Police and Emergency Services, who has entered the chamber, should listen to this, because he would learn something as well, but perhaps he does not want to listen and

learn. There were ways in which they got around that restriction. For instance, breadmaking was done in Wodonga in north-eastern Victoria. The operators would bake the bread in Wodonga, take it across the border, go down 120 miles and bring it across into Echuca, beating the 30-mile restriction.

Those who were in the National Party then worked hard to protect small businesses that were operating in country cities and towns. They worked to overcome the restrictions, and the government allowed the industry to extend. Extensions to operate within particular areas were given. In the township of Yarrawonga in my electorate of Murray Valley it got to the stage where the supermarkets reduced the price of bread to as little as 5 cents a loaf, and the two small bakers operating in Yarrawonga went out of business.

The changes that have occurred are interesting. Small bakeries in many country cities and towns closed down, but now they are coming back into their own with specialised breadmaking. In Rutherglen in my electorate, for instance, there are now two bakers, and there is no real need for the provisions that are contained in this legislation, so they are being removed.

We have seen these changes, but we need to try to protect industry and businesses operating in a small way in country cities and towns. It is important that we understand what this bill is doing in repealing the Labour and Industry Act. As I said, it had a huge effect in years gone by, but it does not now. It has become redundant and that is why it is being repealed by the bill before the house.

The bill also amends the ANZAC Day Act by transferring into that act the relevant clauses in the Labour and Industry Act that control opening hours of factories and businesses on Anzac Day, recognising that most relevant businesses, such as cafes and service stations, can open. Many do not open, and most can open only beyond 2.00 p.m., but the critical issue, as mentioned by an earlier speaker in his contribution to the debate, is that the Scrutiny of Acts and Regulations Committee reviewed the bill as it stands and particularly as it relates to the Charter of Human Rights and Responsibilities.

From that, we believe certain provisions in this legislation go against the best interests of people, and that we are seeing a reverse onus of proof, which we are generally opposed to whenever it arises in the Parliament. The committee indicated that there should not be reverse responsibility, but that is what is in this legislation.

As a committee we have written to the minister asking that he review the reversal of the burden of proof to a person who may or may not be fully responsible. An example would be that a person who was operating a factory and who did not know that one of his employees had opened the factory on Anzac Day in contravention of the law could be prosecuted. The Minister for Police and Emergency Services and the Minister for Health, who are in the house, should be aware that the penalty, if it can be proved that the factory was opened, perhaps not with the knowledge of the person who owned the factory, has gone from $300 to $10 000. There is a reverse burden of proof: it has to be proved by the person who owns or runs the factory that he genuinely did not know the factory was open. These are the sorts of issues the government needs to deal with.

This is one issue I hope the government will look at while the bill is between this and the other house, to try to correct that clear anomaly in the bill now being debated. I trust we will get some recognition of this from the ministers at the table. Perhaps in summing up the debate they will be able to say that this is an anomaly in relation to the charter of human rights which has been raised by the Scrutiny of Acts and Regulations Committee and taken to the minister. It is something that needs to be reviewed. I hope the government will take on board this issue, because this bill repeals that act and moves some of its provisions into the ANZAC Day Act.

In my closing comments I again remind the house that we have to continue to try to reduce regulations, particularly those imposed on business and industry but also on individuals operating and working within Victoria. We are getting that from federal legislation as well.

Whilst this is a minor bill repealing an act which has now become redundant in many aspects, we need to understand the importance of that legislation in the past, where it is at present and the fact that the regulations and provisions in that legislation have gone to other acts of Parliament, which I have mentioned. It is important to recognise the importance of this legislation in the past and that it has gone past its use-by date. We are repealing it, but I hope the minister recognises the important part which relates to the provisions of the ANZAC Day Act. We want corrective action, and we want to see the onus and burden of proof reversed and put on the correct party. That needs to be corrected in this legislation.

As far as I am concerned, the legislation should be carried through this Parliament, but we need to get

some corrective action taken on the issues I have raised with genuine concern.

Ms DUNCAN (Macedon) — It is a pleasure to follow the member for Murray Valley. This is a fairly small and straightforward piece of legislation that repeals the Labour and Industry Act 1958. We have heard the member for Murray Valley talk about the town of Yarrawonga and what this bill used to do to protect the bread industry. I was pleased to hear him talk about Yarrawonga, which is my family's home town. It brings back to us a bygone era when this legislation obviously did a lot. Now it does very little, which is why this bill is before the house — to repeal what we now see as redundant legislation.

It is great to follow the member for Murray Valley, who can speak with such passion on an act which is now redundant and which is being replaced by many other pieces of legislation. It was a pleasure and a privilege to hear him speak, after a long history in this chamber, with such passion on a fairly straightforward piece of legislation. I was listening to and enjoying everything he said.

It is a great pleasure to speak in support of the Labour and Industry (Repeal) Bill. It arises out of the Victorian Competition and Efficiency Commission review of the act. Its recommendations were that the act be repealed. That is what this bill does, and I commend it to the house.

Mr CAMERON (Minister for Police and Emergency Services) — Thank you very much, Acting Speaker, and thank you for your contribution to the debate. On behalf of the government I thank the honourable members for Box Hill, Footscray, Ferntree Gully, Narre Warren North, Murray Valley and Macedon for their contributions to the debate on the Labour and Industry (Repeal) Bill.

Acting Speaker, as you have heard and as is often the way with such legislation, it can be quite wide ranging. The government thanks honourable members for all of their various contributions and wishes the bill a speedy passage.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

WHISTLEBLOWERS PROTECTION AMENDMENT BILL

Second reading

Debate resumed from earlier this day; motion of Mr CAMERON (Minister for Police and Emergency Services).

Mr CRISP (Mildura) — I rise to make a contribution to the debate on the Whistleblowers Protection Amendment Bill 2008. The purpose of the bill is to allow the Ombudsman to report to Parliament on a matter raised by a whistleblower in a way that is likely to identify the person against whom the whistleblower disclosure has been made. This is indeed a very difficult moment and something the government is having to face up to. In order to get to the truth we are having to change an act.

The main provisions amend the Whistleblowers Protection Act 2001 to remove that prohibition I have just spoken of that prevents the Ombudsman from disclosing in a report to Parliament particulars likely to lead to the identification of a person against whom a protected disclosure is made. They prohibit the Ombudsman from disclosing such particulars in the Ombudsman's annual report, authorise the Ombudsman to disclose such particulars in a report to Parliament if the Ombudsman considers it is in the public interest to do so, require that a person subject to adverse comment in such a report must be provided with details sufficient for the person to put forward any defence that the person may want set out in the report, and apply the changes to any report given to Parliament after the commencement of the changes, even if the disclosure was made or the investigation commenced prior to the commencement, unless a report on them has previously been given to Parliament.

There are some concerns with this bill, particularly given that the second-reading speech says the Ombudsman is due to finalise his investigation into a matter that has been given high-profile media coverage and that he will not be able to make a report without including details that would identify the individual or individuals being investigated. The government tells us the Ombudsman has not told it what the investigation has involved.

I again make the comment that this is a difficult time for a government that is battling to find a way to manage corruption. It is unclear why the restriction on the Ombudsman disclosing the identity of a person disclosed against was imposed in the first place. We have to trust in the Ombudsman's judgement — he has

a good record in that — that the right of the person to have their defence fairly set out in the Ombudsman's report will be protected. However, this is tinkering with that base issue that we face in this modern world and that this government is struggling with — that is, having a broadbased and uniform method of approaching corruption in our community. As the coalition has said on many occasions, Victoria needs a broadbased anticorruption commission. Other states have them, and we have talked in this place at length about this requirement. With those statements, the less said the better on this. The quicker Victoria gets on and introduces a broadbased anticorruption commission, the better.

Ms DUNCAN (Macedon) — I rise to support the Whistleblowers Protection Amendment Bill. Section 22(3) of the Whistleblowers Protection Act 2001 prohibits the Ombudsman from tabling in Parliament a report that is likely to lead to the identification of a person against whom a protected disclosure is made — that is, the alleged wrongdoer.

As we have heard, the Ombudsman is due to finalise an investigation initiated under this act. The matter has been subject to considerable comment in the media, and the Ombudsman believes that it is in the public interest to report to Parliament on the outcome of the investigation. The report will almost certainly be adverse in nature and highlight wrongdoings on the part of individuals as well as systemic failures and shortcomings within public bodies. The Ombudsman is concerned that, given the high-profile nature of the matter, he will not be able to report to Parliament without including details that would identify the alleged wrongdoer. The Ombudsman has therefore himself requested that section 22(3) be amended to allow him to table this intended report.

Ideally these amendments would be considered as part of the broader review of the act that is currently under way. However, the review that is currently under way will not be completed for several more months, with the legislation to implement recommendations not planned to be introduced until 2009. The Ombudsman believes that it is in the public interest that this report be tabled as soon as possible and has consequently asked that these amendments be made now.

Due to the confidentiality requirements imposed by the act as well as the number of issues surrounding parliamentary privilege, it is unlikely that the Ombudsman would be able to make limited comments about the report until it is tabled in Parliament.

The bill before the house tonight engages the right to privacy and reputation under section 13 of the Charter of Human Rights and Responsibilities Act. Section 13 provides that:

> A person has the right —
>
> (a) not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with, and
>
> (b) not to have his or her reputation unlawfully attacked.

The fact that proposed amendments apply to investigations that have already commenced or have been completed will not of itself make the legislation arbitrary. This bill incorporates measures to ensure that the Ombudsman, in tabling a report that discloses particulars that are likely to identify an individual who is the subject of disclosure under the act, exercises that discretion in a manner that does not arbitrarily interfere with the right to privacy or to reputation under section 13 of the charter.

In order to avoid arbitrariness the bill sets out clear criteria for when disclosure of identifying information is permitted, requires a clear justification for such disclosure to be set out in a report under section 103, and requires involvement of the person who will be identified in some way prior to the report being tabled in Parliament.

The bill provides a non-exhaustive list of criteria to guide the Ombudsman in determining whether it is in the public interest to disclose particulars likely to lead to the identification of the subject of a protected disclosure, including the nature of the particulars to be disclosed, the public interest to be served by the disclosure, the reasons why confidentiality is not appropriate and whether the public interest could be met in a manner that is unlikely to lead to the identification of the person.

The bill also requires the Ombudsman to detail in the report the reasons why he considers the public interest requires that the report should include particulars likely to lead to the identification of the person who is subject to the investigation. Currently, section 61(1) of the Whistleblowers Protection Act provides that the Ombudsman must not, in any report under part 5 or part 8 of the act, make any comment adverse to any person unless that person has been given an opportunity of being heard in the matter and their defence is fairly set out in the report.

These safeguards do not currently apply to a report tabled under part 9 of the act, so this bill amends

section 161(1) to require that the Ombudsman give to that person who is subject to adverse comments details of the adverse comments and either a copy of the parts of the report that relate to the adverse comments or information about the adverse comments that would adequately allow the person to put forward any defence they may want to set out in the report.

The transitional arrangements provide that the amendments apply even when a protected disclosure was made or the matter was investigated prior to the commencement of the amending act. The amendments do not apply where the Ombudsman has already made a report to the relevant minister or chief executive officer under section 63 or tabled a report in Parliament under section 103.

The aim of the transitional arrangements is to allow the Ombudsman to table a report disclosing particulars likely to lead to the identification of alleged wrongdoers even where the disclosure was made and the investigation was carried out prior to the commencement of the amendments, except where the Ombudsman has previously made a report under part 5 or tabled a report under part 9.

The transitional arrangements will not allow the Ombudsman to reopen and publicly report on matters including identifying alleged wrongdoers where the parties involved assumed that the matter was done and dusted. This is consistent with other parts of the law.

The amendments are not retrospective in operation. The effect or purpose of the amendment is to enable the Ombudsman in the future to make a disclosure in a report to Parliament under section 103 in circumstances where he would not have been permitted to do so in the past. It does not of itself alter the lawfulness of any conduct that took place in the past. It should be noted that with retrospective laws there is a distinction to be made between legislation having a prior effect on past events and legislation basing future actions on past events.

The former form of legislation may be regarded as objectionable and in certain circumstances may constitute a trespass on rights and freedoms, whereas in the latter case the legislation has future operation only, even if the conduct on which it depended has taken place in the past. It should be noted that the Ombudsman has also had the power to identify the subject of a protected disclosure in a report to Parliament at the conclusion of the process of investigation and reporting set out in part 5 of the act, so an alleged wrongdoer has always faced the potential of being identified in a report to Parliament.

Finally, where he has already reported under the act the transitional arrangements will not allow the Ombudsman to reopen and publicly report on matters, as was said earlier, that are considered done and dusted, including identifying alleged wrongdoers.

As I have mentioned before, the person who is the subject of adverse comment in a report tabled under section 103 must be provided with details of the adverse comment and be given an opportunity to put forward any defence he or she may wish to set out in the report. It is considered that the clarification of the procedural aspects discussed above address any concern that a person subject to adverse comment may not have received formal notice of the Ombudsman's intention to table a section 103 report that contains particulars that are likely to identify the person who is a subject of that report.

There is no requirement on the Ombudsman to give notice to an alleged wrongdoer in relation to the tabling of reports under the Ombudsman Act 1973 or by the director of police integrity, so it is inconsistent to place a requirement on the Ombudsman to give formal notice under the act.

With those few comments, I am pleased to commend the Whistleblowers Protection Amendment Bill to the house.

Mr NORTHE (Morwell) — It gives me great pleasure to speak on the Whistleblowers Protection Amendment Bill 2008. The purpose of the bill is to allow the Ombudsman to report to Parliament on a matter raised by a whistleblower in a way that is likely to identify the person against whom the whistleblower disclosure has been made.

The main provisions of this bill are to remove the prohibition on the Ombudsman disclosing in a report to Parliament particulars likely to lead to the identification of a person against whom a protected disclosure is made and disclosing such particulars in the Ombudsman's annual report. It also authorises the Ombudsman to disclose such particulars in a report to Parliament if the Ombudsman considers it is in the public interest to do so. It will also go further and require that a person subject to adverse comment in such a report must be provided with details sufficient for the person to put forward any defence that the person wants to set out in the report. The bill will also apply the changes to a report given to Parliament after the commencement of the changes, even if the disclosure was made or the investigation commenced prior to the commencement, unless a report on them has previously been given to Parliament.

There are some areas of concern about this, including that the second-reading speech basically states that the Ombudsman is due to finalise an investigation and that given the high profile media coverage it has received, he believes he should report on the outcomes to Parliament. He would not be able to make a report without including the details that would identify the particular individual or individuals being investigated. We are not really sure exactly what case we are referring to in this instance. That raises questions about Victoria's currently existing inadequate anticorruption mechanisms.

On this side of the house The Nationals, and in particular the Leader of The Nationals, have expressed over a long time the need for an independent broadbased anticorruption commission, better known as IBBACC. This prospect has been raised in this chamber and out in the public domain on many occasions in the past. I refer to a media release by the Leader of The Nationals of 14 November 2007, where he referred to the fact that the Premier was determined to be decisive on the stance of corruption in this state, but he has not been able to demonstrate that decisiveness in a practical sense at this point in time. I believe there is a distinct lack of community confidence at the moment in the anticorruption structure that currently exists in this state, as distinct from what is happening in several other states as we speak.

The models that are currently under way in Queensland, Western Australia and New South Wales are probably good models that we could base it upon. There is no doubt that these have been in action for a considerable period of time, and on this side of the house we believe that there are far better ways of ensuring there is an anticorruption and crime commission investigating such cases. We have seen that in the house today in relation to the racing industry and the Office of Police Integrity and criticism of that over a period of time.

In Western Australia, for example, the Corruption and Crime Commission was established in 2004 under the Corruption and Crimes Act 2003. This covers approximately 115 000 public officers throughout more than 500 agencies in Western Australia, including those employed by boards, universities and local government. Again I reiterate that this side of the house has been calling for that for a long time.

In Queensland, for example, there has been an independent body under the Crime and Misconduct Act since 2001. That body investigates more widely and independently than the bodies we currently have in Victoria. The Independent Commission Against Corruption in New South Wales was set up in 1998. These examples are from other states which have had these types of bodies for a long time. Public confidence in these types of bodies is higher level than the confidence shown in the Victorian agencies. There is much conjecture from the community about the confidence we have in our current structures. The member for Box Hill, in his contribution to this debate, expressed the thoughts of this side of the house clearly and concisely, and I am sure I do not have to go into any more detail about that.

I am going to conclude at this point by saying that there is a good opportunity now, during this debate, to ensure that the government considers an independent broadbased anticorruption commission in Victoria. It is a far better way to investigate incidents that may occur in the public domain, and it is a system that the general public would embrace. I encourage the government to consider it. The opposition is not opposed to what is before us now; it goes some way to ensuring there is an openness, as against what we had before this bill was introduced. With those final words, the coalition does not oppose this bill.

Ms GREEN (Yan Yean) — It is with great pleasure that I join the debate on the Whistleblowers Protection Amendment Bill. This bill fits within the government's stated policy and commitment to open and accountable government, which was one of the tenets that we committed to upon coming to office in 1999; and we have continued in that vein. One of the early pieces of legislation which we brought before this house which embodied that commitment was the Whistleblowers Protection Act 2001, which came into operation on 1 January 2002. Some of the other things we have done have been to open up freedom of information legislation; we then tried to open it up even more broadly but regrettably the other house rejected some of that attempt. It is a bit curious that that occurred, but we will not back off from that commitment.

Also, much more government information is available without the need to go through freedom of information. Information is available on the web, so we are really promoting a culture in which people can access information. The Whistleblowers Protection Act, which came into operation in 2002, was absolutely designed and intended to protect people who disclose information about serious wrongdoings within the Victorian public sector and to provide a framework for the investigation of these matters.

The key objective of the act then was to promote a culture in which people feel safe to make disclosures, to protect those people from recrimination, to provide a

clear process for investigating allegations and ensure that investigated matters are properly dealt with.

The current amendments before the house have been requested by the Ombudsman who plays a pivotal role in the administration of this act and the management of whistleblower disclosures. The Ombudsman's functions under the Whistleblowers Protection Act are to determine whether disclosures are public interest disclosures; to investigate public interest disclosures; and to prepare and publish guidelines for the procedures to be followed by public bodies relating to disclosures and investigations.

The Ombudsman's role is also to review the procedures and implementation of procedures of public bodies relating to disclosures and investigations. Keeping in mind those important features of the Ombudsman's role under the Whistleblowers Protection Act, the Ombudsman is planning to table a report in Parliament on a current investigation under the act. That has been the subject of considerable media attention.

The bill removes the impediment that currently prevents the Ombudsman from tabling in Parliament a report under section 103 that contains particulars likely to identify a person against whom a protected disclosure is made. The bill also includes safeguards to ensure that identifying a person against whom a protected disclosure is made is not an unlawful or arbitrary interference with that person's right to privacy or reputation. The government has introduced this amendment bill to the Whistleblowers Protection Act in response to a request by the Ombudsman who, as we know, is an independent officer of the Parliament and who should be given all support in undertaking his duty.

Contextually it was interesting to note in an article in the *Australian* today that the federal Attorney-General has called a third inquiry at the into the protection of public sector whistleblowers. That is a part of the Rudd government's commitment, following the lead of our state government in Victoria, to open and accountable government. The Law Reform Commission is running an inquiry, and there is also an inquiry before the House of Representatives Standing Committee on Legal and Constitutional Affairs, which is chaired by Mark Dreyfus. I draw the house's attention to that article in today's *Australian*, because I think contextually it reinforces the direction of this progressive Brumby government in terms of whistleblowers protection. In short, I commend the bill to the house and wish it a speedy passage.

Mr McINTOSH (Kew) — It is with great pleasure that I join this debate. The Whistleblowers Protection Amendment Bill is a relatively simple bill that deals with an amendment to overcome a problem the Ombudsman currently faces in making a report to Parliament. The Ombudsman obviously feels there is a concern that in making a report to the Parliament as per his duty under the Whistleblowers Protection Act about matters that have been the subject of media commentary he may very well inadvertently disclose the identity of a person against whom a protected disclosure has been made. Of course under the Whistleblowers Protection Act that would be unlawful. With the benefit of this bill such reports will be able to proceed.

I will not speculate about it, but given past media commentary about this bill, it is extremely difficult for the Ombudsman to comply with his obligations under the Whistleblowers Protection Act. Accordingly the very simple amendment in this legislation removes that impediment in the way of the Ombudsman reporting to Parliament something that would disclose the identity of the person against whom the original disclosure was made. Importantly the bill makes it perfectly clear that in making such a report the Ombudsman must deal with four very important matters regarding the issue of that individual's privacy, which is currently guaranteed under the act. The Ombudsman must report about the nature of the particulars to be disclosed, about the public interest to be served by the disclosure, as to the reason why confidentiality is not appropriate and finally about whether or not the public interest could be met in a manner which is unlikely to lead to the identification of that person. Once those matters have been exhausted, then the matter concerned can proceed.

The opposition does not oppose this legislation. Many members have spoken about the importance of the role of the Ombudsman in relation to enabling people to make protected disclosures in relation to the administration of the state via public authorities over which the Ombudsman has oversight. All of those matters are important. Indeed one of the additional roles the Ombudsman has recently been given via another piece of legislation is a residual oversighting role, if you like, in relation to Victoria Police. If a matter is unable to be picked up by the OPI (Office of Police Integrity) or the ethical standards department, the Ombudsman has a supervisory role.

As other speakers have identified, as far as the opposition is concerned there is one critical distinction between our position and that of the government in relation to this matter. While we are supportive of this bill, the opposition has always felt relevant provisions

should go much further and involve the creation of an independent broadbased anticorruption commission in this state. Independence comes not just from saying a body will be independent or from giving it a separate budget and capacity to administer itself, just like the office of the Ombudsman and just like the OPI. It means far more than that. It means that that body should be accountable to the Parliament absolutely — not to the executive wing of government but to the Parliament. It is talking not just about independence but about creating the structures for such a body.

A much more broadly based anticorruption commission must be independent and should be fully accountable to a parliamentary committee, like the independent anticorruption commissions in New South Wales, Queensland, Western Australia; presumably like the one the Tasmanian Premier has announced; and like what former Victorian Premier Mr Bracks has suggested for East Timor, which has been supported by Premier Morris Iemma in New South Wales and former Premier Peter Beattie in Queensland. None of those people can understand why we do not have a body such as theirs here in Victoria.

As I said, the Ombudsman has a role to perform, a role to which this amendment adds. The Ombudsman's role would be enhanced if he were doing what the Ombudsman is supposed to do, which is to concern himself with the flaws in the administration of the state. Whistleblower protection would be better served by protected disclosures being made to an independent broadbased anticorruption commission and not, as per this legislation, to the Ombudsman. At the end of the day the Ombudsman has no jurisdiction over a minister's office. Why do I say that? Because that is in the act. More importantly, it has been tested in this state.

We had an example a few years ago when a former minister responsible to this Parliament used illegally obtained law enforcement assistance program database material in an inappropriate way. That was not a finding of the Ombudsman, and I will not take that matter any further. The most important thing was that the Ombudsman made it perfectly clear he was unable to conduct an investigation about that because he had no jurisdiction over a minister's office. Not only the minister's office but the minister's staff themselves were not subject to the Ombudsman's jurisdiction, which I think is a fatal flaw in this model. While I do not mind an Ombudsman dealing with issues of state administration, there should be a much broader body that is directly accountable to the Parliament through a dedicated parliamentary committee, as is the case in New South Wales, Queensland, and Western Australia. What is good for them would be good here.

Those issues in relation to independence could also be solved by this other body we have — the special investigations monitor. Similar bodies exist in New South Wales, where there is a Police Integrity Commission and a monitor. Indeed the monitor there is actually employed by and accountable to the parliamentary committee. Scrutiny by the Parliament is very important. I note that the special investigations monitor indicated in relation to a request for further coercive powers for the Chief Commissioner of Police that those extra coercive powers should not be given to the chief commissioner or the chief examiner without the proper supervision of an independent parliamentary committee or, in that case, a judicial officer.

What we need in this state is an independent body to investigate corruption and indeed whistleblowers. It needs to be independent and accountable to a parliamentary committee, not just waved around with the assurance, 'We are all independent, and we are doing fantastically'. It needs to be separately funded, independent and accountable to a parliamentary committee. It needs to be broadbased and to be not just about the government's administration — it should hold members of Parliament to account, it should hold ministers to account and it should hold ministers' staff to account, as well as their departments and local government.

All public officials should be subject to an independent broadbased anticorruption commission. God knows we need one, given all of the traumas that have been going on in this state, not only in relation to police issues but going right through the whole process. It would enable people who blow the whistle to get a proper hearing in relation to all of these matters, to come before the people of Victoria and to present a report to this Parliament without fear or favour.

Let the Ombudsman do what he does best, which is deal with freedom of information requests — the administration. Let us have a much tougher independent broadbased anticorruption commission to which the Whistleblowers Protection Act can apply. Give it real teeth, give it real scope — that is, right across all government agencies, members of Parliament, ministers, their staff and local government. Make them all subject to that body, and for God's sake make it independent, truly independent, and accountable to a parliamentary committee. Do not just have ministers of the Crown going around flapping about it being independent. It should be independent not only in name but in fact and outcome, and it should

be accountable to a parliamentary committee. Without that, this bill is a very small step and certainly does not go as far as the opposition and indeed the people of Victoria deserve.

Mr LIM (Clayton) — This bill is another very good example of the Bracks and Brumby Labor governments legislating for open, transparent and accountable government. The Whistleblowers Protection Act of 2001 was an important bill providing for open and transparent government after the Kennett government had nobbled various watchdogs, such as the Auditor-General, and freedom of information.

I suppose it is an understatement to say that you have to have served on the opposition benches during the Jeff Kennett years to truly appreciate the significance and importance of this bill. The cadet and prefect culture imposed by the last Liberal Premier of this state would not have tolerated legislation such as the whistleblowers legislation, which provides legislative protection for public servants blowing the whistle on corruption. The last Liberal government certainly was not tolerant about watchdogs blowing the whistle, if one can mix metaphors. What Kennett did not understand was that the checks and balances he was removing were a critical part of a democratic system and of the process of maintaining decency in government and combating corruption.

By contrast, this government has enacted such legislation no matter whether short-term political discomfort might be experienced when watchdogs are allowed to do their work. We know such legislation and such mechanisms provide for open, honest, accountable and decent government, and ultimately we are the stronger for it as a community, as a government and as a Parliament.

To the extent that the Liberals and The National support legislation such as this, it is not as a consequence of lessons learned from the Kennett years — and I am quite bemused by all the comments that have come from the opposition benches on this legislation. It is purely to do with those opposite hoping such processes will produce reports which might embarrass the government. Unfortunately, those opposite know only about short-term expediency.

The Attorney-General has referred in his second-reading speech to an investigation being conducted by the Ombudsman. Apparently the Ombudsman has identified an impediment in the Whistleblowers Protection Act which could cause problems with him reporting to Parliament in regard to this investigation because of its high-profile nature. Section 22(3)of the principal act provides that:

> The Ombudsman or a public body must not in a report referred to in Part 9 disclose particulars likely to lead to the identification of a person against whom a protected disclosure is made.

Part 9, referred to in this paragraph, covers the Ombudsman's reporting functions to Parliament. Section 12 of the act defines 'protected disclosure', which in a nutshell is a public sector employee reporting corruption in accordance with the provisions of the act.

This bill addresses the concerns of the Ombudsman: firstly, by removing the impediment that currently prevents the Ombudsman from tabling in Parliament under section 103 of the act a report that contains particulars likely to identify a person against whom a protected disclosure is made; and secondly, by including certain safeguards to ensure that identifying a person against whom a protected disclosure is made is not an unlawful or arbitrary interference with that person's right to privacy or reputation. I fully commend the bill to the house.

Mr CAMERON (Minister for Police and Emergency Services) — On behalf of the government I thank the honourable members for Box Hill, Yuroke, Mildura, Macedon, Morwell, Yan Yean, Kew and Clayton for their contribution to the debate on the Whistleblowers Protection Amendment Bill 2008.

As you are aware, Acting Speaker, the Ombudsman, George Brouwer, has sought these changes, and the government has brought them forward. We are very pleased that the opposition has seen fit to support them. The Ombudsman, Mr Brouwer, is a tremendous public official. He goes about his business in a fair and impartial way, and no doubt that explains why honourable members are so very much in support of this particular legislation.

However, along the way opposition members seem to have had a bit of a memory problem. I heard contributions from members talking about the 'specials investigation monitor'. I presume they were talking about the special investigations monitor, the very person whose office they wanted to abolish at the last election. Instead of having the oversight body of the Office of Police Integrity (OPI), for example, they wanted to roll it all into the one body charged with police oversight. In other words there would not be an oversight body at all.

It also seems that the Liberal Party has forgotten its policy at the last election. Of course we understand that is what happens when you stand for nothing. You say one thing one day, and you come out with a policy that is entirely opposite the next. Just to remind members, at the last election the opposition wanted to halve the budget of the OPI. It also said that matters of corruption relating to local government and state matters should be conducted by the Ombudsman. We support that, but we do not support the opposition in trying to do away with a lot of resources for police corruption; we do not support that at all. But we agree that the Ombudsman is the correct and appropriate organisation to deal with issues of corruption in those other spheres.

The Ombudsman has put forward this legislation. It will mean that he will be able to identify the people in the limited circumstances that he has sought, and as is provided for in the legislation. Certainly notwithstanding the difference of view and the Liberal Party's reinvention of things, the government thanks the opposition for its support and wishes the bill a speedy passage.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

CORRECTIONS AMENDMENT BILL

Second reading

Debate resumed from 19 August; motion of Mr CAMERON (Minister for Corrections).

Dr SYKES (Benalla) — I rise to contribute to debate on the Corrections Amendment Bill 2008, and wish to indicate that The Nationals, along with our Liberal Party coalition partners, will be supporting the bill, because we see it as a step in the right direction in terms of having the pendulum of justice swinging back towards the interests of the victims of crime rather than being too far towards the side of protecting the rights of the perpetrators of crime.

The main purpose of the bill is:

> … to amend the Corrections Act 1986 to provide for the creation of prisoner compensation quarantine funds for the purpose of paying into those funds certain damages awarded to prisoners and to provide for the payment out of those funds of certain amounts recoverable by victims and others from prisoners.

In his presentation earlier in the debate the member for Kew commented on many aspects of the bill. Therefore I wish to comment on just a couple of aspects of the bill as I interpret it. The first is in relation to victims. As I have indicated, there is a move towards increasing attention on the rights of victims, which we certainly endorse, but when the minister comes to conclude the debate, I would appreciate it if he could give some guidance on how the legislation will deal with the issue of competing claims for compensation from this fund by more than one victim. I imagine there will be an issue of prioritising those claims, and if the minister is able to provide a case study or an example of how those competing claims may be prioritised, it will be help people to understand how the bill will be implemented.

Similarly by the member for Kew suggested that as a result of this legislation being introduced there is likely to be a reduction in claims by prisoners for compensation, because they will be aware that the proceeds of that claim may be quarantined for access by victims, and therefore there is reduced incentive to make claims against the government or the provider of the prison services.

What is interesting is that as I understand it, the legislation is restricted to money which comes to a prisoner as a result of claims against the government or the provider of the prison services. As I understand it, it does not appear to cover money coming to the prisoner from other sources such as, for example, the inheritance of money or winning Tattslotto or — if the Intralot system ever gets up and running after what has gone on with its introduction — if someone has a win on Intralot.

I would be interested if the minister could explain the underlying logic as to why the application of the bill is restricted to claims against the government. If one were to be cynical about the government's motive, one could make the interpretation that rather than the intention of this legislation being to look after the interests of victims, it is in fact a pure and simple strategy to reduce government liability for claims made against it. Therefore I would welcome the minister providing some explanation as to why the bill is restricted to claims made against the government, and why it does not include money coming into the hands of prisoners from other means.

I would also be interested if the minister, by way of case study or example, could give some guidance on the types of suffering that would make victims eligible to make a claim against a prisoner. From reading the

bill my understanding is that the range of types of suffering is quite broad, but again I will be interested to know whether it includes someone who has been the victim of fraud, so there is financial suffering; whether there is physical suffering as a result of assault; or whether there is emotional suffering as a result of other incursions on the rights and wellbeing of a victim of a prisoner's activities.

The Nationals consider the rights of individuals to be significant. We consider that individuals have the right to be protected against perpetrators of crime. We believe that the government of the day should ensure that in addition to this legislation being in place, there are sufficient police on the beat to protect people, so the need for this legislation is restricted.

I do not wish to stray from the topic, but let me say that there is still an ongoing issue in relation to the variation between the number of police on the books versus the number of police on the beat. The minister might like to comment on that, unless he considers it to be an operational issue. He often avoids anything that appears to be contentious, and chooses to say, 'That is an operational issue' and immediately sidesteps the matter. It makes you wonder what responsibilities the Minister for Police and Emergency Services, who is also the Minister for Corrections, accepts. I thought that as a minister of the Crown the buck stopped with him, but I have to say that I have been most impressed with his fleet-footedness and his ability to sidestep responsibility. Of course this is not a personal attack on the minister. He is actually a decent fellow, and that is why in this presentation I have made a number of requests of the minister — —

Mr Cameron interjected.

Dr SYKES — I will not deliberately mislead the Parliament in responding to that interjection — or maybe I can! As I said, I have made a number of requests of the minister to provide some case studies of how he would envisage this legislation operating and to provide some assurance that it will not be unduly complex, that victims will be able to reasonably access their rightful claims to compensation from prisoners, that in the event of competing claims for compensation there will be a practical system for the prioritisation of those claims, and that we will not have victims of crime suffering yet further financial or emotional harm as a result of going through a convoluted process of making their claims in line with this bill.

I again ask why this proposed legislation is restricted to income or compensation that comes from claims against the government. Why is it not more broadly applicable to other forms of income or money that may come into the hands of a prisoner?

The Nationals support this legislation because it is a step in the right direction. As I said, it appears to be an example of the pendulum of justice swinging back in favour of the victim of crime rather than the perpetrator of that crime. Therefore I would be encouraged, having heard the minister's response, to see the bill pass and be implemented.

Business interrupted pursuant to standing orders.

Sitting continued on motion of Mr CAMERON (Minister for Corrections).

Mr CARLI (Brunswick) — I rise in support of the Corrections Amendment Bill 2008, and I am very pleased that the house supports it. I want to raise some of the issues in the bill and note that there has also been a level of concern. There was considerable debate in the Scrutiny of Acts and Regulations Committee. I see the member for Murray Valley here tonight, and I understand he is the recipient of the Ken Jasper medal for parliamentarians, so I congratulate him on that award. Certainly the member for Murray Valley would be aware of the debate we had in SARC. As I contribute to this debate I will raise a matter that was part of a discussion within SARC.

Fundamentally this bill has a very important goal — that is, to ensure that victims of crime who are potential claimants of funds know that there exist quarantine funds of people who have committed a crime against them. That is a very important strengthening of the Corrections Act. It is really important to defend and protect the interests of victims and people who have been harmed by crime.

I think it is important to note that in the last five years there have been 15 cases in which the state of Victoria has paid damages exceeding $10 000 to persons who have been in prison. Obviously the state was wrong in those situations, and there has been compensation paid. That has included sums as high as $320 000; large sums of money were paid out. It is important that people who are victims of crimes committed by those people and who are potential claimants are aware that they can seek compensation from quarantine funds. That in a certain sense follows similar legislation in New Zealand, the Prisoners' and Victims' Claim Act, and also in New South Wales, the Civil Liability Act. There are similar reforms occurring in other states, including Queensland.

It is important sums paid as compensation to prisoners in those cases — there are not a great many of them,

but they are certainly sizeable sums of money — are not simply squandered prior to claims being made by victims and that victims have the ability to seek some of those funds that they are legitimately able to claim. It really is about empowering victims to exercise their rights and remedies and to seek compensation for the effects that they have suffered due to the crimes. We have heard in the debate today many examples of serious crimes that have occurred and the commitment from all parliamentarians in this house to ensure that the state protects and empowers victims.

The intention of this bill is to ensure that information is made available and publicised when an offender has been awarded damages by the state and is in a financial position to pay some level of compensation while they are in custody. Again, I refer back to SARC's internal debate, our report and *Alert Digest* — recognition of the scheme was an important goal and reform — on the question of whether it should be mandatory and whether there are potential victims in all situations. As a committee we chose to write to the minister seeking further information on that issue.

While there is clearly an important and essential need to protect and empower victims, there is also a recognition that prisoners who have been victims of a civil wrong committed by the state, and who therefore have been compensated, can also be vulnerable in certain situations. The Charter of Human Rights and Responsibilities of Victoria protects the right to privacy which obviously has to be balanced and justified. There has to be a reasonable limit, and so it is important to resolve questions such as the importance of a mandatory scheme and the maintenance of some discretion in publicity. There is no question that the victims ought to have knowledge of and be able to claim the funds. It is really a question of whether there are not some circumstances where there might not be victims who are eligible for compensation. The act of simply releasing or making that information available preys on the vulnerability of prisoners. It is an issue upon which I have no doubt the minister will respond to the committee, but I draw his attention to it in this debate.

Having said that, this is an important reform, and it is important that the state protect the needs of victims. The bill empowers victims, when the state is present, to ensure they can seek compensation in these circumstances and in situations when there has been a civil wrong against a prisoner, they should be able to claim some of the quarantine funds. Victims should be aware of the process and the money should not simply be squandered or disbursed by the prisoner. I support the bill and I wish it a swift passage.

Mr CRISP (Mildura) — I rise to speak on the Corrections Amendment Bill 2008. The Nationals are supporting this bill as it is a step in the right direction for victims. I also acknowledge the work done by the member for Kew in his extensive coverage, and I support the comments of the member for Benalla who has already spoken this evening.

The purpose of the bill is to amend the Corrections Act 1986 to provide victims with additional opportunity to recover damages from prisoners who have received an award. All damages awarded to prisoners in proceedings against the state of Victoria, or private prison providers, for a breach of duty of care while in prison must be paid into a trust fund maintained by the Department of Justice. Victims who recover damages against a prisoner have an increased likelihood of having this judgement debt satisfied from this fund at least to the extent of the prisoner's original award.

This is about two things: the rights of prisoners to compensation if they have been ill treated, but also the ongoing problem we have in our community of the rights of victims. Victims come to parliamentarians' offices regularly, or at least they come to my office, and they are often aggrieved with the judicial system because they feel that true recompense has not been made. This is difficult because it is a judicial matter and something that parliamentarians normally have to stay away from. However, that hurt goes on in the community about what is just compensation for a victim of crime, and then there is the recovery of just compensation.

The main provisions within this bill attempt to cover this issue. It has a very broad definition of 'victim' and a very broad definition of 'criminal act', including a provision about the balance of probabilities that would constitute an offence. When a prisoner is awarded damages or settles a case for claims arising from a breach of Victoria's duty of care to protect a prisoner while in custody, all damages awarded must be paid or transferred to the Department of Justice, except if it is less than $10 000, which is covered by a provision in the bill. Public notice must be given of the transfer and the victims will then have 12 months to commence legal proceedings. That public notice needs to be widely available because there may be some time between the time the crime occurs, when someone has been dealt with by the justice system for that crime and when the money is available for the victim. There would be many people out there who live with pain because of these crimes, but for whom some compensation will perhaps make a difference.

The member for Kew raised a couple of interesting points about who gets in line first. He made the very strong point that, although it is not specifically mentioned in the second-reading speech, the commonwealth will be there, and there will be a taxation liability which will reduce the pool of funds. There may well be competing interests for that pool of funds, which may cause the state some expense as the situation is sorted out.

Mr Cameron interjected.

Mr CRISP — I take on board the interjection that the commonwealth always gets its cut. In this state we can probably agree on that across the house. There is also a consequence that this may dissuade prisoners from bringing a compensation claim if they see they will not benefit financially, which is a very interesting way of having a double negative and almost to be a positive for the Victorian budget. There are also determinations as to whether the person in prison awarded damages from the state is bankrupt, and those issues will no doubt be sorted out by the law as it goes. We have made a step in the right direction so that people who are victims of crime may have another way to receive some compensation for that crime. Country people are victims of crime, along with everyone else, and it is our job to support those victims of crime and help them in another avenue to recover some recompense for the pain and suffering they have endured. The Nationals in coalition are supporting the bill.

Mr THOMPSON (Sandringham) — I am pleased to contribute to the Corrections Amendment Bill. The actions of this house do have far-reaching complications in different pieces of legislation which are transacted through this chamber and which are passed. As a prelude to a comment on the bill at hand, the Corrections Amendment Bill, I refer to an amendment made in this chamber a number of years ago in relation to the Crimes Act which enabled police to interview suspects who are currently serving a prison term. For a long period of time if a prisoner serving a prison term had not consented to a police interview, that interview would not have been possible. In recent years as a consequence of a law which enabled police to conduct a formal interview with a prisoner serving a sentence, that particular process has been exercised by the police, I understand, on some 3000 or more occasions in situations where people serving a prison term would not otherwise have been interviewed.

I emphasise that in the last seven or eight years it has been exercised by Victoria Police on 3000 occasions and has led to the resolution of many crimes. As a result Victoria Police has not had to wait outside Her Majesty's Pentridge or Barwon prisons for someone to serve a long prison term before making formal inquiries in relation to an existing offence.

The bill before the house goes some distance towards compensating victims of crime in another way. The opposition is very pleased to support this particular reform following widespread consultation with stakeholder groups.

Mr CAMERON (Minister for Corrections) — On behalf of the government I thank all honourable members who have made contributions to the bill. I thank them for their support. This is a good Labor reform, as is widely acknowledged within the house. It is a great step forward.

I will just address a couple of issues. For example, the honourable member for Benalla raised the issue of why this reform related to the situation where the government or a private provider was the party that was being sued and the party who had to ultimately pay out a reward. We have done that because that is where we have some control. We know when the state or the private provider as a contractor has to pay out. The situation is vastly different where a prisoner may have a legal transaction with another party, a private party, but that is something that we would not know about.

What we have attempted to do — my colleagues in New South Wales and New Zealand have been down this path, and we have learnt from their experience — is not to change the law around priorities but simply to say that those who have claims against a prisoner should have a greater opportunity to get the funds. For example, if the state were to pay an award to a prisoner, the prisoner could quickly squander those funds. What we are trying to do is quarantine those funds for a period of time so that somebody who has a judgement, for example, or a claim against the prisoner is able to come forward. They will know that for that period of time those funds are going to be quarantined. That is really the rationale and the logic of the legislation. I thank again all honourable members and wish the bill a speedy passage.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

PERSONAL EXPLANATION

Ms GREEN (Yan Yean) — Yesterday in the house the member for Warrandyte referred to an article in the *Diamond Valley Leader* and said he was offended by remarks attributed to me in that newspaper. I have never issued a statement to the newspaper which mentions the member for Warrandyte, and I did not directly accuse the member for Warrandyte of lying.

PUBLIC HOLIDAYS AMENDMENT BILL

Second reading

Debate resumed from 19 August; motion of Mr HELPER (Minister for Small Business).

Mr KOTSIRAS (Bulleen) — It is a pleasure to speak on the Public Holidays Amendment Bill. It is true to say that state government legislation determines public holidays and so it is the state government's responsibility to ensure that any such legislation is fair for all Victorians. The bill before the house makes two primary changes to the Public Holidays Act 1993. The bill amends the Public Holidays Act to, firstly, require regional councils to apply to the minister to designate either Melbourne Cup Day or a substitute day as a public holiday; and, secondly, to provide for certainty in relation to substitute public holidays.

One of the main provisions of the bill is to require councils to request that the minister gazette either a public holiday on Melbourne Cup Day or on an alternative holiday. At the moment some regional councils do not guarantee a substitute holiday for Melbourne Cup Day, thereby resulting in Victorians having different numbers of public holidays. In 2008, 28 councils had not gazetted an alternative day, and in 2007, 23 councils did not do so. This meant that some people who live in country Victoria were not getting the same number of public holidays as people living in the city. This concern has been echoed by Mr Darren Ray, the director of policy and public affairs in the Victorian Local Governance Association, who said:

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

The bill guarantees the following public holidays: New Year's Day or substitute if New Year's Day is on a weekend; Australia Day or substitute if Australia Day falls on the weekend; Labour Day; Good Friday; the Saturday before Easter Sunday; Easter Monday; 25 April, Anzac Day, with no substitution; Queen's Birthday; Melbourne Cup Day, Christmas Day or substitute; and Boxing Day or substitute.

Previously, substitute days were not as of right but were generally gazetted by ministers. Regional councils when designating a substitute day for Melbourne Cup Day will apply the holiday to the whole of the municipality. Unfortunately this is where the problem occurs. Golden Plains shire has asked for an amendment to the bill to allow municipalities to offer different substitute public holidays for Melbourne Cup Day. It argues that it has one community of interest which connects with Ballarat and another with Geelong and wishes to have two substitute cup day holidays. The council has nominated Ballarat Cup Day for the northern part of the municipality and Geelong Cup Day for the southern.

The member for Brighton, as a result of her consultation, has introduced amendments to accommodate these concerns. These amendments are reasonable and fair, and I urge members on the other side to support the amendments that have been put forward by the member for Brighton.

There appears to be widespread support for this legislation, but there are some groups which have got some concerns about specifics of this legislation. In particular VECCI (Victorian Employers Chamber of Commerce and Industry) has said:

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

VECCI goes on to say:

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

VECCI goes on to say that this will occur in 2009 and 2010. While there are some concerns, this legislation goes some way to making sure that public holidays are experienced by all Victorian s and are not limited to people living in the city. For those reasons, I will not be opposing this legislation.

Mr NOONAN (Williamstown) — It gives me great pleasure to rise in support of the Public Holidays Amendment Bill 2008. As various speakers have said,

the bill amends the Public Holidays Act 1993 to provide greater certainty as to the arrangements for public holidays in Victoria. Importantly it guarantees to all Victorians 11 public holidays, including Melbourne Cup Day or an alternative day in its place. The bill will also provide a level of clarity around Christmas Day, Boxing Day, New Year's Day and Australia Day when any one of those days falls on a weekend.

The effect of this bill is to ensure that all Victorians, regardless of where they live, whether it be in Melbourne or in regional or rural Victoria, are provided with the same number of public holidays each year. To be clear, there are two fundamental changes to the operation of public holidays under this particular amendment. The first change is focused on Melbourne Cup Day, which is perhaps one of the most iconic sporting days on our national calendar. Melbourne Cup Day, as we all know, is mandated within the Melbourne metropolitan region, and there has been discretion for non-metropolitan councils to provide an alternative other than the first Tuesday in November. Non-metropolitan councils have also had the option of nominating two half-days instead of a full day as their locally substituted cup day.

As other speakers have mentioned, in 2007 roughly half of Victoria's non-metropolitan councils elected to declare Melbourne Cup Day or an alternative local holiday. That meant that roughly half of those councils went without a substitute for Melbourne Cup Day, which effectively meant one less public holiday for the calendar year for workers in those regions.

The bill deals with that inequality by ensuring that all Victorians will receive the benefit of Melbourne Cup Day or an alternative public holiday across every metropolitan and local government district throughout Victoria. In future non-metro councils will need to apply to the minister within 90 days of Melbourne Cup Day to notify of their intention to have an alternative day declared in their municipality.

It is clear that the benefits derived from Melbourne Cup Day are enormous for the state of Victoria. The economic benefit statement prepared for the Victoria Racing Club back in 2005 found that the Spring Racing Carnival generated more than $500 million for the Victorian economy. The report also found that 650 000 people attended the carnival, of which 75 000 were from interstate and 25 000 from overseas. The great thing about having all those people in our great state is that they spend money, and importantly they spend it not just during the Spring Racing Carnival but at events and activities before and after the actual event. A lot of the money goes into regional and rural Victoria with many day trips and extended holidays. Clearly the hospitality, fashion and wagering industries are all big winners during the Spring Racing Carnival. The impact of this bill will be to ensure that all Victorians can look forward to the first Tuesday in November or its local equivalent.

The second major component of this amendment bill looks at the issue of substitution and additional public holidays. Specifically the bill will amend the act to provide automatically an additional public holiday when New Year's Day falls on a weekend so that the following Monday is also a public holiday, a substitute public holiday when Australia Day falls on a weekend, a substitute public holiday when Christmas Day falls on a weekend and an additional public holiday when Boxing Day falls on a weekend.

Many people might presume that this is what always happens or what has happened in the past, but under the current arrangement there is a level of uncertainty both for workers and employers in terms of how these public holidays are treated. In particular confusion is caused around the four days that I have mentioned because they all have fixed dates on the calendar. Past and current practice has been to react to that and vary or gazette the additional days on a year-by-year basis.

Speaking from experience as an official working for an employee association in a past life, I would often get calls both from employers and employees about what the law provided and what the entitlements were around these particular public holidays. In particular this confusion was created for full-time workers, often working between Monday and Friday, unsure about what happened when a public holiday fell on a Saturday or Sunday.

Unfortunately, in the past workers who might have been deemed schedule 1A workers under the federal regime and not covered by a collective agreement or federal award would often go without any entitlement whatsoever for an Australia Day, Boxing Day, Christmas Day or New Year's Day that might have fallen on a Saturday or Sunday.

The present treatment of a public holiday means that any of those days that fall on a weekend would be subject to a gazetted additional or substitute day, usually falling on the next working day. The bill will do away with the practice of ad hoc gazetting arrangements by providing in legislation a substitute or additional public holiday when the actual day falls on a weekend. Hopefully that will eradicate any confusion which may arise from the present practice and ensure that workers receive their full entitlements both to the

public holidays and the additional penalties that come with those public holidays.

Consultation has been a big part of this process, as it is with any bill, particularly in ensuring that there are no significant impacts on business, employees and Victorian taxpayers. That consultation has been broad and included unions, government departments and agencies, local government bodies, the chamber of employers and individual small businesses.

In terms of the benefits of public holidays, we all appreciate a day off every now and then, but they have significant social and economic benefits, including people taking time to participate in leisure activities, spend time with their families and get involved in their local communities. Public holidays also play an important role in defining ourselves as Australians, and Anzac Day and Australia Day are good examples of that.

Looking at the issue of Melbourne Cup Day and a substitute, the way regional and rural Victoria use those days can be terrific for local economies and communities. One only needs to cast their eye around and look at days such as Warrnambool Cup Day, Geelong Cup Day or a number of agricultural shows and field days in other shires. Some 18 000 spectators attended the Warrnambool Cup Day earlier this year and a total of 35 000 over the three days of the carnival, which also included the grand annual steeplechase. Clearly crowds are drawn from outside local areas to these types of events, which provide a valuable shot in the arm for local economies.

Similarly the Geelong Cup, Ballarat Cup and Bendigo Cup all draw significant participants. Buloke Shire Council, which happens to be the sister shire to my local council, Hobsons Bay City Council, currently provides a half-day public holiday for the Speed field day in the Mallee region. With an annual attendance of 8500 people to an event like that, it really is one of the major draws throughout the course of the calendar year. This particular field day is also of significance because it is a great fundraiser for the Speed Lions Club and many other local community organisations. Opportunities to conduct these events as public holidays will still exist under the new arrangements.

In the limited time I have left I want to reiterate the benefits of the amendments that are proposed. They will provide greater clarity and also ensure that all Victorians receive at least those 11 public holidays. Thank goodness we have done away with the regime of openly promoting the cashing out of leave, because annual leave and public holidays provide a very important opportunity for families to come together and for workers to take a rest, contribute to and get involved with their local community. I commend the bill to the house.

Mr WAKELING (Ferntree Gully) — It gives me pleasure to rise to make a contribution on the Public Holidays Amendment Bill 2008. This bill seeks to do two things: firstly, it will require regional councils to apply to the minister to designate either Melbourne Cup Day or a substitute day as a public holiday; and secondly, it will provide for certainty in relation to substitute days for particular public holidays.

The bill will require councils to request that the minister gazette either a public holiday on Melbourne Cup Day or an alternative holiday where those councils are located out of metropolitan Melbourne. At the moment some regional councils do not guarantee a substitute holiday for Melbourne Cup Day, thereby resulting in Victorians having different numbers of public holidays. During 2008, 28 rural councils had not gazetted an alternative day, and in 2007, 23 councils had not done so.

In my former life working in small business with an industry association I was aware of the issues and concerns regarding the operation of Melbourne Cup Day in rural parts of Victoria, where many businesses and employers were unaware or unclear as to the day that applied with respect to the operation of Melbourne Cup Day.

As the member for Brighton has indicated, the Liberal-Nationals coalition will be supporting the bill. However, the member for Brighton has rightly circulated amendments to the bill. The first of those deals with the important issue of allowing local communities to determine the appropriateness of gazetting appropriate public holidays within their municipalities that meet the needs of those local communities.

On behalf of the residents and bureaucracy in the shire, at their request Golden Plains Shire Council indicated it would in effect like to have two days gazetted for different parts of the community: for that part of the community that has an affinity with the Geelong region — they would obviously like to be linked to the Geelong Cup; and for that part that is linked to Ballarat, which would like to be linked to the Ballarat Cup. We think this is very clear and logical.

One would question why governments would not allow local communities to, where appropriate, determine to allow for more than one day to be gazetted as a public

holiday within their area. We would hope that by now the minister has had an opportunity to look at that and to take those concerns on board. Given the fact that he represents part of that community, I am sure he would have listened to the concerns of the local community he represents and will ensure that the necessary changes will be taken on board.

Another important concern about the bill is the operation of the substitute and additional days. I am pleased that the member for Seymour is in the house, because in his contribution on the bill he indicated that in effect this bill is about delivering on the government's election promise to commit 11 public holidays for Victorians. No-one in this house disagrees with the concept of providing 11 public holidays to employees in this state, but when you look at the determination of public holidays in the bill, it is clear that in regard to Australia Day and Christmas Day there is a substitute day. That is clear and sensible, because it means that if either of those days falls on a Saturday or a Sunday, the holiday is transferred to the applicable Monday or Tuesday, as the case may be.

But what then happens is that additional days are provided for Boxing Day and New Year's Day. Under this change what will happen will be that if an employee — let us take, for example, a nurse — works on Boxing Day and Boxing Day falls on a Sunday, that Sunday will be treated as a public holiday. If that nurse works on the Monday, that day will also be treated as a public holiday because it will be the day that is substituted for Christmas Day, Christmas Day being on the Saturday, so they would have their second public holiday.

But if that nurse then works on the Tuesday, they will in effect receive payment for another public holiday, that being the additional day for Boxing Day. That nurse would receive payment for three public holidays, when in fact only two public holidays fall at that time — namely, Christmas Day and Boxing Day. Then if the nurse happens to work a week later, on New Year's Day, and if New Year's Day happens to fall on a weekend, they will get paid public holiday rates for New Year's Day. Then, if they happen to work on the Monday, they will pick up an additional public holiday for New Year's Day.

In light of the comment by the member for Seymour that this bill is about promising to commit to 11 public holidays for employees, in the example I have just given that person would receive 13 public holidays. I am sure the rest of the community would also like to have access to 13 public holidays. But as we all know, this is not how it operates.

The member for Williamstown rightly pointed out exactly how this bill operates, because he said that it is about ensuring that employees have at least — and I stress 'at least' — 11 public holidays, and that is exactly what this bill delivers. It delivers at least 11 public holidays. People who work Monday to Friday, 9 to 5, will receive 11 public holidays, but a person such as the one in the example I have just given will receive 13 public holidays. It is for those opposite to explain to the Victorian community how that is just and reasonable.

As the member for Brighton rightly pointed out when she went through various decisions of the Industrial Relations Commission — she made reference to matters that had been before the full bench — the full bench clearly articulated that there is a necessity in regard to public holidays, where they fall on a weekend, for a substitute day to be put in place, and no-one in this place would disagree with that. We on this side of the house certainly do not disagree with that.

The government is providing additional days, but it is not providing additional days for every public holiday in question. It has not provided an additional day for Australia Day, and it has not provided an additional day for Christmas Day. It has provided an additional day for Boxing Day and an additional day for New Year's Day, and there is no clarity as to why Boxing Day and New Year's Day have been singled out from Australia Day and Christmas Day. Where the government is coming from is very unclear.

As I have rightly pointed out and as the member for Bulleen, who is at the table, went to great lengths to articulate in his contribution to this very important bill, there is a very clear change with this bill that the Liberal Party and The Nationals support — that is, the enshrinement of 11 public holidays. We on this side of the house certainly support that.

There is one last issue I would like to touch on while I have my opportunity to speak — that is, Show Day. I remember when working for the state department at the time Show Day was abolished that those opposite, when in opposition, were bleating incessantly about the loss of Show Day. We expected that when we had a variation brought into this house, we would see the return of Show Day.

Lo and behold, it is not there, so I gave up all hope until last night when the member for Seymour made a passionate debate and put a spirited argument as to why we should look at regaining Show Day. I thought, 'Wait a minute, we have a member of the government who is now going to fight for the return of Show Day',

and I was preparing to see it named 'Ben's Holiday', because Ben was the one who was fighting. The member for Seymour was fighting for Show Day, but I am sure that somebody tapped him on the shoulder and said to the member for Seymour, 'Ben, with the greatest respect, we are not going to return Show Day. It is best not to go there, Sir'.

With those words, I support the bill but look forward to the government adopting the — —

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

Ms D'AMBROSIO (Mill Park) — I am pleased to join the debate on the Public Holidays Amendment Bill. As several speakers before me have described, the bill is about equalising access for all Victorians to public holidays, 'equalising' being the operative word here. It provides some certainty from year to year about when there will be certain public holidays and the minimum number of public holidays that will be accessible to all Victorians, regardless of where they live in Victoria, in metropolitan or non-metropolitan areas. It also removes the uncertainty about how public holidays are treated when they coincide with weekends.

For many years now we have had to rely on annual gazetting of substitute days for certain public holidays, which has meant that from year to year there has been a level of uncertainty or a lack of certainty for businesses and rostering arrangements of staffing and also applications for leave by staff with respect to planning ahead. The amendment will assist with planning. Businesses and employees will be able to take into account public holidays in their scheduling of days off, rostering arrangements and the like, which I think is certainly a plus in the economies, if you like, of the operations of businesses and the work-life balance that families certainly want and desire, especially these days.

Melbourne Cup Day, as an example, was declared a public holiday for metropolitan Melbourne only in the 1870s. No-one can deny, though, the national significance of this annual event, and we certainly have a very long history of the importance that Melbourne Cup Day has played in the lives of many Australians — ordinary Australians, and down-and-out Australians during the depression era, when Phar Lap was cheered on as a symbol of hope and aspiration. Certainly it is a day that allows the broader Australian community to express a united sense of purpose and shared experience. Non-metropolitan municipalities, however, have had the discretion to declare a substitute or alternative day for Melbourne Cup Day. Some municipalities have taken advantage of that from year to year. Geelong Cup Day has been one example of that. That has been declared a substitute day, if you like, for Melbourne Cup Day. However, to understand the problem we only have to look at the fact that in 2007 only 25 of the 48 non-metropolitan municipalities chose to declare a substitute day for Melbourne Cup Day, which has meant that a sizeable or very significant number of Victorians in those non-metropolitan areas have had one less public holiday.

The bill will require non-metropolitan municipalities to nominate an alternative day within 90 days of Melbourne Cup Day, which will ensure that there is equalisation of access to this very important day to the economy, not just of Victoria statewide but to Australia.

With respect to weekends and the uncertainty that has existed, three approaches have been taken over the years in terms of the treatment of public holidays that have fallen on weekends. Those approaches have ranged from no action taken in terms of substitute days, to the gazetting of substitute days for that year only and the gazetting of an additional public holiday for that year only. This bill will remove that annual individualised response to substitute days or to the event of public holidays falling on weekends. When New Year's Day falls on a weekend the bill will automatically provide for an additional public holiday for the following Monday. It also will automatically provide for a substitute public holiday when Australia Day falls on a weekend, for a substitute public holiday for when Christmas Day falls on a weekend, and it will provide for an additional public holiday when Boxing Day falls on a weekend.

This measure of automatic substitution of public holidays that coincide with weekends also arises at a time and gives effect to a test case on public holidays that was before the Australian Industrial Relations Commission, so this bill gives effect to that. Many employment awards defer or refer to legislation for entitlements when it comes to public holidays, therefore it is important that certainty and equal access is given by this bill. Some employees are not covered by federal awards, so a number of employees will enjoy a direct benefit as a result of this bill. This legislation will ensure that there are at least 11 public holidays per year that will now be legislated for, which will mean an effective taking of public holidays for all employees across Victoria.

There has been broad consultation on this bill, but I do not believe that anyone has been able to put up an argument for why the bill would present difficulties. It smoothes the way for greater certainty, as equally for

employees as it does for businesses. As I mentioned earlier, certainty is good for business and good for employees, and where both apply it is good for rostering arrangements and forward planning when it comes to work-family life balance, which I stress is equally as important to small businesses. People in small business also desire to strike that elusive work-family life balance.

I spoke a little about Phar Lap and the Depression. I grew up watching what I thought was a terrific program at the time through very young eyes. It was a program called *This Fabulous Century*. I was an avid follower of history during that period in the late 1970s — I am hinting at my age! — and I will never forget the picture that was painted of the significance of Melbourne Cup Day as having been a unifying experience for the common person, especially at times of depression. I would like to add that the importance of that day and the importance of being able to celebrate a common focus and a common culture that the Melbourne Cup presents to all Victorians has been kept alive through the generations, including for newly arrived migrants to Victoria and Australia over many decades.

A story I like to recount is this: when my aunt first arrived in Australia in the late 1950s, like many migrants she became very quickly accustomed to what the Melbourne Cup was about, but she actually did not quite get it right. She thought that if she won a Melbourne Cup, she would not know where to put the horse! I know that is not a story that is unique to my aunt, but it is one that nevertheless demonstrates that public holidays, like Melbourne Cup Day, are experiences that are shared quite commonly right across generations and right across Victoria.

Mr WELLER (Rodney) — It gives me pleasure to rise and speak to the Public Holidays Amendment Bill 2008.

Mr Batchelor — Good!

Mr WELLER — It does; it is a pleasure. It says:

> The purpose of the bill is to amend the Public Holidays Act 1993 to provide greater certainty as to public holiday arrangements in Victoria, repeal provisions relating to the appointment of additional and substituted public holidays by non-metropolitan Councils and to provide for a public holiday on Melbourne Cup Day or a substituted date to be observed in all parts of Victoria.

I think the principles of this bill are right — we want certainty for the employers and employees regarding public holidays. That is a positive thing. I declare from the outset that I will be supporting the proposed amendments of the Deputy Leader of the Opposition which will enable shire councils to perhaps have two different holidays in two different parts of their shire. I will speak on that a little bit later.

The problem that I have with this bill is the way the government proposes to implement it. I am supporting it. The bill is very Melbourne city-centric. Clause 6 of the bill:

> repeals sections 7(1)(b), 7(3), 7(4) and 7(5) of the Principal Act, removing the ability of a non-metropolitan Council to appoint an additional day as a public holiday …

So in clause 6 this bill takes away the ability of councils to declare when they are going to have a holiday. Now those decisions have to go through the minister; clause 7 deals with that and:

> substitutes section 8 of the Principal Act to make clear the power of the Minister …

So we have taken power away from local government and given it to the minister. The minister is a reasonable bloke — I would go along with that — —

Mrs Victoria — Hey?

Mr WELLER — He's a reasonable bloke; I didn't go any further than that.

Honourable members interjecting.

Mr WELLER — Through you, Deputy Speaker!

The DEPUTY SPEAKER — Or I will sit the member down!

Mr WELLER — I will take your good advice. We are taking the power away from local government to make a decision; this bill gives power to the minister to have the final call rather than local government having the final call. I think we are removing power from the grassroots and those people close to it, and we are giving that decision-making power to the minister and taking it away from local government.

In terms of the amendments, I point out that the Golden Plains Shire Council has been used as an example. There are two different focuses within that shire — there is Colac at one end and Geelong at the other. Likewise in the Campaspe shire, there is Echuca and we also have Rushworth — —

Mr Batchelor — And pumas!

Mr WELLER — The Leader of the House mentions pumas.

The DEPUTY SPEAKER — Order! The member for Rodney knows better than to respond to interjections; he should just concentrate on the bill.

Mr WELLER — Yes, thank you for the good advice, Deputy Speaker. It could be said that Rushworth is more connected to the likes of Shepparton and Bendigo. The City of Greater Shepparton and the City of Greater Bendigo may well have different priorities for an extra public holiday from those of Echuca. Echuca has a very successful public holiday on Melbourne Cup Day. The Echuca Racing Club has a great racing program, and some 6000 or 7000 people turn up to the race meeting on Melbourne Cup Day. The problem is that not many people from Rushworth attend.

The people of Rushworth would probably prefer to have a holiday that was in line with the Bendigo Cup, which is held the week following the Melbourne Cup, or it may well be that they would want a public holiday in line with that observed in the city of Greater Shepparton, which they are closer to than Echuca. So if we had a common public holiday across shires it would not be appropriate for the people of Rushworth. Splitting it up, as the amendment foreshadowed by the member for Brighton proposes, is appropriate in the case of my electorate.

I think it is right that we should clarify the situation for the benefit of businesses, and that is why this bill has been brought into the house. While I have pointed out some of the deficiencies, I think it is worth going ahead with the legislation because there are some good points in it. I should also say that when I lobbied some businesses in town and talked to the businessmen, they pointed out that half-day holidays were a problem for them because of the start-up costs on half days. In order to run their businesses efficiently they would far prefer to have a full-day holiday than two half-day holidays. I provide that advice to the minister. With those few words, I thank you, Deputy Speaker, for your indulgence.

Ms GREEN (Yan Yean) — It is with great pleasure that I join the debate on the Public Holidays Amendment Bill 2008. Let me say that it is always interesting to follow the member for Rodney — pumas or no pumas!

I am very pleased to support this bill. It meets Labor's commitment to amend the Public Holidays Act 1993 and to provide employers and employees with certainty about public holidays in Victoria. Importantly it implements the ALP's 2006 policy platform by providing 11 public holidays to all Victorians. It is really important to make this fair adjustment, as set out in this bill, because at present not all Victorians enjoy the same number of public holidays each year. That is something that should concern us all. As someone who grew up in regional Victoria enjoying the local race days, agricultural shows and the like, I know those local holidays are really important. It is important to have legislation that ensures the benefits of public holidays are shared across the state in a way which does not impede business but which also gives families time together.

I want to make some comments about the contribution from the member for Ferntree Gully. I know in the past he has worked at what was formerly the Department of Labour or its successor and in human resources in a number of other areas. It is probably a good thing that he is not working in that area now, because he came across as a bit of an Ebenezer Scrooge to a number of us who were listening to his contribution at the time. The member for Ferntree Gully seemed also not to be able to read the bill, because he said the bill did not allow for substitution days for Christmas Day and Australia Day when they fall on a weekend. I would like to correct him on that: the minister made it quite clear in the second-reading speech, and it is quite clear in the bill, that those substitution days are provided. If that is the way he interprets a bill, if the constituents of Ferntree Gully determine to return him from whence he came the next time they vote, I hope he will not be in a position to do any more damage to working people's entitlements.

In 2007, 25 of the 48 non-metropolitan municipal districts elected to declare either a full or a half-day public holiday. The remaining 23 councils did not gazette a local public holiday, meaning one less holiday per year for the Victorians working in those council areas. By requiring that throughout Victoria a public holiday be held on Melbourne Cup Day or an alternative day suitable to local requirements, the proposed amendments address this inequity once and for all.

As I previously mentioned, the bill also seeks to redress uncertainty surrounding the treatment of public holidays that fall on weekends, including Christmas Day, Boxing Day, New Year's Day and Australia Day. Currently under the act the government has several options when this occurs: do nothing, declare a substitute public holiday, or declare an additional public holiday. This creates uncertainty from one occasion to the next and from one year to the next, with businesses unable to plan effectively and employers uncertain about their work or roster arrangements. It also creates

a lot of difficulties for people with family and child-care responsibilities.

The bill aligns with the precedent set by the Australian Industrial Relations Commission test case on this matter. Importantly, these arrangements for public holidays have essentially already been in place for the past decade. However, they have not specifically been in the legislation but rather have been achieved by administrative arrangements for gazetting holidays on each occasion.

In conclusion, this is a good piece of legislation which is fair to working families across the state. We in the Brumby Labor government, like the members of the Rudd Labor government, are very keen to ensure that working people and working families receive their entitlements and are able to enjoy holidays with their families. I commend the bill to the house.

Mrs VICTORIA (Bayswater) — I am pleased to get up and have a talk tonight on the Public Holidays Amendment Bill, which is before the house. This bill amends the Public Holidays Act 1993.

There are a couple of main provisions in this bill: the first is to require regional councils to apply to the minister to designate either Melbourne Cup Day or a substitute day as a public holiday. Basically the bill will require councils to request that the minister gazette either a public holiday, Melbourne Cup Day or an alternative holiday at their discretion. At the moment some regional councils do not guarantee a substitute holiday for Melbourne Cup Day, thereby resulting in Victorians having a differing number of public holidays. Currently the Victorian public is entitled to 11 public holidays a year.

The second provision is to give certainty in relation to substitute public holidays, and this one I think is confusing a lot of members who have contributed to the debate. The bill guarantees the following 11 public holidays: New Year's Day and Australia Day, which are substituted if they fall on a weekend; Labor Day; Good Friday; the Saturday before Easter Sunday; Easter Monday; Anzac Day, for which there is of course no substitution, since you cannot substitute for such a day of national importance; the Queen's Birthday; Melbourne Cup Day; Christmas Day or a substitute; and Boxing Day or a substitute, which is one of the bones of contention members have been talking about.

The government's proposal for Christmas Day, which has a substitute, and Australia Day, which also has a substitute, is fine; that is the way it is meant to be. But then why not have a look at New Year's Day and Boxing Day as additional public holidays if they fall on a weekend? This will occur, for example, next year and the year after that. A lot of people have been consulted on this, and I have certainly been talking to local small, medium and large businesses in my electorate. Some of the peak bodies, including the Victorian Employers Chamber of Commerce and Industry, find this anomaly quite unfair, as I do.

I am glad the amendments circulated by the member for Brighton, who is in the chamber, are before the house. I think they are very good and are going to bring all of this back into line.

Mr Kotsiras interjected.

Mrs VICTORIA — They are indeed common-sense amendments, as the member for Bulleen points out. I note that Show Day and Easter Tuesday are not only missing from the list, which caused a lot of rhetoric and banter during the debate in the 1990s, but all reference to them is being removed as well.

As I said, in the 1990s this caused some banter and rhetoric from certain members, some of whom are still members of this house. It was said that the then government was depriving Victorians of extra holidays. What the government is trying to do now in adding extra days is unfair to small and medium-sized businesses. Previously substitute public holidays were not as of right but were gazetted by the minister. According to what is proposed in the amendment, when designating a substitute day for Melbourne Cup Day, regional councils will apply the holiday to the whole of their municipality. The amendment proposed by the member for Brighton and shadow Minister for Small Business takes into consideration the needs of some of the larger shires where they have a large geographic region and where different areas of that region may have different priorities.

One of the shires that has been involved in the process and which has spoken to the shadow minister is the Shire of Golden Plains. It has the problem of having two very distinct regions which have different needs to those in Melbourne. It would like the public holiday on separate days and would not necessarily have it on the one day right across the entire shire.

As I said, small business has expressed some concern about this bill. I spoke to a local family owned food business in my electorate where the proprietors work seven days a week — they work extremely hard. Every sale provides them with a slight amount of profit. I ask members to look at what would happen if they had to

pay their employees for an extra day off. Most of their workers earn about $40 000 to $42 000 a year. The equivalent daily rate is about $160. They have about 18 employees working at any particular time, and if they were rostered on, the wages would be about $3000. If there was an additional public holiday rather than a substitute day, about $3000 of potential profit would be going out the door. That takes a small to medium-sized business many days to make up, and that is before they make profits on the days they are trading.

I know that when teenagers start work in a bakery or a delicatessen, they like an extra day off. As someone who has been involved in small business, and I have had my own business, I appreciate how difficult it is to make a profit. Extra days off given to staff mean additional costs and less profit. There is nothing wrong with profit; that is what business is about. It is what puts food on the table and what makes businesses viable so they can keep employing their employees. In turn it puts food on the table of the families of employees. Unlike our opponents on the other side of the house, who seem to think that all employers are evil, our side of the house is very pro small business, understands small business and knows what it is like to struggle to make sure ends meet so they can pay their bills.

The changed arrangements in relation to substitute public holidays would provide long-term certainty for both individuals and people involved in setting long-term calendars. That is a good initiative. I commend the amendment to the house. I suggest that those opposite have a good look at it from the perspective of not just the employees but from the point of view of employers. They may realise that the employers of this world, especially small business employers, help to put food on the table for many Victorian families. They should be supported at every possible opportunity.

Debate adjourned on motion of Mr BROOKS (Bundoora).

Debate adjourned until later this day.

Remaining business postponed on motion of Mr MERLINO (Minister for Sport, Recreation and Youth Affairs).

ADJOURNMENT

The ACTING SPEAKER (Mr Nardella) — Order! The question is:

That the house do now adjourn.

Eastern Freeway: noise barriers

Mr CLARK (Box Hill) — I raise with the Minister for Roads and Ports the issue of noise levels from the Eastern Freeway following the opening of EastLink, and I ask the minister to have measurements of the noise levels taken with a view to installing or upgrading noise protection where noise is found to be excessive.

I have been contacted by constituents who live in Kawarren Street in Balwyn North, overlooking the Koonung Creek Reserve and part of the Eastern Freeway, where there are no noise barriers and where many of the original bushes and trees have died due to the drought or from other causes. Over the years, traffic noise from the freeway has continually increased. My constituents say that not only have traffic densities increased but that the times of the day when there is heavy traffic have increased to the point now that there is traffic noise 24 hours each day. They say that some years ago there was very little traffic during the night between 12.00 midnight and 7.00 a.m. and what there was light, with a few trucks, but that now there is traffic all night, every night. My constituents also say that EastLink has resulted in greatly increased heavy vehicle noise, with gear-changing and air brake applications. Peak hour now starts at 4.00 a.m. and is unbearably loud until 7.00 a.m. when, they say, traffic becomes bumper to bumper and things quieten down. The commencement of tolls has not resulted in any noticeable reduction in those noise problems.

Even before the opening of EastLink, rising traffic volumes had been causing increasing noise and distress to many residents across Balwyn North, Mont Albert North and Box Hill North. I have raised the issue previously — via a question on notice in April 2006, at the Public Accounts and Estimates Committee estimates hearing in June 2006 and by letter to the minister in July 2007, to which the minister's chief of staff replied on 1 September 2007. In that letter, Ms Wall said that noise levels in the area were below the threshold of 68 decibels, at which level attenuation may be considered, and that it was considered unlikely that EastLink would substantially increase noise levels, but that further measurements were scheduled to be carried out.

It is very poor that the government refused to admit that a likely effect of EastLink would be to raise noise levels and did nothing to put protections in place for residents along the Eastern Freeway prior to EastLink opening — because it was obvious to those who had experience in and knowledge of the local area that increased traffic volumes, and in particular increased

volumes of trucks, would be likely to lead to increased noise.

Now that EastLink has opened there is no excuse for further inaction. I ask the minister to ensure that proper noise measurement is done right along the existing Eastern Freeway, particularly in those areas where there is little or no existing noise protection, that the results be made public and adequate noise protection be provided where the measurements show that noise is excessive.

McKinnon Primary School: upgrade

Mr HUDSON (Bentleigh) — I raise a matter for the Minister for Education. I ask the minister to take action to assess the need for further redevelopment of McKinnon Primary School. As the minister is aware, the state government provided $4.3 million for stage 1 of the redevelopment of McKinnon Primary School, which was completed in 2007. That redevelopment was warmly welcomed by the school community, particularly as the Kennett government had tried to close the school in 1996. The fact that the school not only survived but underwent a major redevelopment under this government was a major achievement for the school community.

However, a large number of families are moving into the area, which has seen a massive jump in the number of children attending the school despite the fact that the department imposed a tight neighbourhood zone around the school several years ago. Indeed school enrolment figures have jumped from 190 in 1999 to 705 this year, which shows the short-sighted nature of that attempt to close the school. Next year the school will continue to grow even further. This year there are 90 prep students, and already 120 prep students from the zone have enrolled in the school for next year.

Unfortunately, as a result of the stage 1 redevelopment the school currently has no hall for assemblies, gym work or school productions. This is having an effect on the school's music program. The school also currently has no canteen, and this inhibits the provision of school lunches and prevents parents from having school lunch days, other than in the staffroom. Stage 2 of the redevelopment is intended to address these problems as well as modernise the old 1930s central school building, which has eight classrooms, a staffroom, administrative offices and toilets. These old classrooms are cramped compared to the wonderful new facilities built in stage 1, and they have some impact on teaching methods in the school. In addition, as a result of the growing enrolments, the school has 12 portable classrooms. Stage 2 would also provide the school with meeting facilities for speech pathologists, psychologists and other specialist support.

Whilst I understand that there are obviously competing local and regional demands for funding, I am concerned about the pressing needs at the school and the importance of completing McKinnon Primary School's redevelopment. The government has made a major commitment of $1.9 billion in its current term to modernise schools, and McKinnon benefited in stage 1, but there is clearly a need with the growing enrolments to get stage 2 under way.

I therefore ask that the minister or the Parliamentary Secretary for Education visit the school to meet with the principal and representatives of the school council. This would help the minister to make an assessment of the school's needs and give the school community an opportunity to put its case for further redevelopment.

Hume Freeway, Avenel: service station

Dr SYKES (Benalla) — My adjournment issue is for the attention of the Minister for Roads and Ports. The action I request is that he investigate a proposal to expand the existing service station at Avenel on the Hume Freeway to ensure that local concerns are adequately addressed and that he provide me with a written response to the issues I am about to raise.

Avenel is a small township about 120 kilometres north-east of Melbourne on the Hume Freeway. There is an existing service station on the western side of the freeway which services both northbound and southbound traffic. Vehicles enter the service station via the main road into Avenel, which intersects with the freeway at right angles. This causes problems in that traffic has to slow right down prior to entering the service station. It is a problem for motorists in the northbound lane, but there are additional problems in the southbound lane because traffic has to cross the busy northbound freeway.

An application has been made to significantly increase the size of the service station, thereby increasing the volume of traffic using it and consequently increasing the risk of serious accidents. Whilst the service station is not a designated freeway service centre, it performs the same functions but does not comply with designated freeway service centre requirements. The local council has refused the application to expand the service station, but the applicant is expected to appeal against the council's decision via the Victorian Civil and Administrative Tribunal.

One of the key concerns for the local community is that the entrance to the service station is at right angles to the Hume Freeway, rather than having the normal angled run-off and re-entry ramps which remove slow traffic from the freeway. The second concern is that vehicles exiting the service station and wishing to travel south have to turn north onto the freeway and after travelling about 150 metres do a U-turn in order to travel south. This was supposed to decrease the risk associated with trucks crossing the freeway, but in fact it causes considerable confusion, and many near-accidents have occurred. This risk is going to increase as we have more B-doubles on the road and even B-triples. Locals claim that there have been 12 fatalities on the freeway since the existing service station was first constructed.

The local solution to the problem is to have service centres on both the northbound and southbound sides, and one would expect those service centres to comply with standard VicRoads requirements. Access to Avenel from the freeway could be shifted to a road about 1 kilometre south-west of the current access. In conclusion, I ask the minister to investigate the concerns I have raised and provide me with a written response so that I can have these local concerns alleviated.

Badger Creek Primary School: bike shed

Mr HARDMAN (Seymour) — I raise a matter for the Minister for Sport, Recreation and Youth Affairs, who is at the table. The action I seek is for the minister to provide funding to Badger Creek Primary School to enable it to build a bike shed under the Go for Your Life bike shed grant program.

Badger Creek Primary School is seeking $4750 from the program to construct this bike shed, which it believes will significantly increase the number of students who ride to school. This is a fantastic school that is well designed and has excellent teachers and a very committed community that wants the best for its students.

We saw an example of this at the weekend when the wonderful community spirit of Badger Creek Primary School was displayed as its children participated in the Healesville RSL's Vietnam Veterans Day. The principal, Garry Embry, was there along with the school choir and its very able music teacher. The parents brought their kids along on the Sunday. The children made the ceremony that bit more special with their wonderful singing. Not only has Badger Creek Primary School got a great choir, it has a fantastic instrumental music program which leaves people like me, a trained primary school music teacher, envious of the work being done.

Not only does the school have an opportunity to provide a wonderful music program which will set its students up for a great life but if it is successful in obtaining this grant, it will also set them up for a very healthy life. We know that being active, including riding bikes and being involved in sport and all sorts of other recreational activity, improves our health. If we can give this grant to the school, it will encourage the children to stay active and involved in the local community into the future.

I believe that currently 50 per cent of children in Victoria are overweight and only 20 per cent of children currently use active modes of transport to get to school. Having a bike shed will assist in this regard as research has apparently shown that when a secure locker is provided, more students ride to school. I know the Brumby government has allocated about $2.9 million over four years for this program, and Badger Creek Primary School is a wonderful school that would really benefit if the minister sees fit to fund its worthy application.

Caulfield electorate: speed zones

Mrs SHARDEY (Caulfield) — I wish to raise an issue with the Minister for Roads and Ports. I ask the minister to take action in relation to school speed zones that affect two schools in my electorate of Caulfield, Beth Rivkah Ladies College and Yeshiva College. These are two Jewish day schools which have found themselves in an unusual situation.

Beth Rivkah and Yeshiva colleges are on joint campuses on the corner of the busy intersection of Hotham Street and Balaclava Road in my electorate. Their situation is unique in that the schools finish their day at 4.10 p.m. Unfortunately the 40-kilometre-per-hour speed zones that are in place to help protect children coming out of school and to slow down cars are only in place until 4.00 p.m., whereas the kids come out of school at 4.10 p.m. Parents of children at the school have approached my office. They are very concerned that their children are in danger when crossing these very busy roads.

This anomaly affects the approximately 1400 students who attend the schools. Apparently concerned parents and the school have raised this issue with VicRoads on numerous occasions but to no avail. The school has been informed that the 40-kilometre-per-hour speed zone cannot be extended as there is a need for consistency across the state regardless of the situation

in which these particular schools have a finishing time after the finish of the safety zone time. As I said, these schools have over 1000 students. Many of them are as young as four, because there is a kindergarten attached to the schools. I believe the parents are justifiably worried that this is a tragedy waiting to happen.

I call on the Minister for Roads and Ports to take action to extend the time limit for the 40-kilometre-per-hour zone to cover the time frame when students are exiting school. Surely it is within his power to authorise such a minor change. It will not only provide a safer crossing for these children but will also provide their families with greater peace of mind. I think he owes it to the children of the schools and my electorate.

Riddells Creek Recreation Reserve: recycled water

Ms DUNCAN (Macedon) — The matter I wish to raise is for the attention of the Minister for Regional and Rural Development. I ask the minister to support the application whereby the Riddells Creek Recreation Reserve would have a supply of recycled water from the nearby Riddells Creek recycled water plant via the construction of a pump station and a 3.3-kilometre pipeline and associated infrastructure. The purpose of the recycled water is to irrigate the Riddells Creek Recreation Reserve's football oval, the adjacent school oval and the grounds of the nearby dog obedience club — of which I am the proud patron. A master plan for this reserve includes the development of a skate park, which has received state government funding, lawn bowling greens and a soccer-hockey-lacrosse field on the reserve. The pipeline will have the capacity to service these additional facilities when they are constructed.

In its current form the project will save some 7 megalitres of drinking water each year, which will increase to 14 megalitres when a second oval is developed. In fact the development of that second oval would be difficult without recycled water because it would be hard to supply potable water to that site, and it would probably be a struggle to get Sport and Recreation Victoria funding for the oval without an alternative water supply. This project is important not only for the current and future recreational users of the reserve but also to make sure the reserve's master plan becomes a reality over time. Not only will this project save water but it will also save the club something in the order of $4000 per year.

The Riddells Creek Recreation Reserve is the sporting and recreational hub of the town. In bringing recycled water from the sewage treatment plant the pipeline will create opportunities for other community users to access treated water for irrigation purposes. If this project is successful in its application for $250 000 in funding under the Small Towns Development Fund, it will bring long-term and sustainable benefits to the rapidly growing township of Riddells Creek. The grant would make this project a reality. I ask the minister to fund this important project for Riddells Creek.

Alcohol: regulation

Ms WOOLDRIDGE (Doncaster) — I raise a matter for the attention of the Minister for Consumer Affairs. The action I seek is for the government, after two years of dithering, to finally report on the appropriateness of the regulatory regime for the sale of packaged liquor.

The Liquor Control Advisory Council was convened in July 2006 with the task of investigating the effectiveness of the regulatory regime in contributing to minimising harm from the misuse and abuse of alcohol. Recently we have had an explosion in the number of licensed venues in Victoria. We now have over 19 000 venues, and we get two more every day. Studies show that there is a clear connection between the density of licensed premises and alcohol-related harm and violence. Studies show also that teen alcohol consumption increases as the density of liquor retailers increases.

Representatives from the community and alcohol and drug sectors are calling on the government to act on packaged liquor. Submissions to the review showed strong support for a strengthened responsible-service-of-alcohol regime, for the community having more involvement in the licensing process and for the requirement for applicants to carry out a social impact assessment. In the last sitting week I tabled a petition with over 2000 signatures from local Doncaster residents opposing a new Dan Murphy's store at Jackson Court. This is just one example of community concern about the impact that large packaged alcohol retailers will have on their area.

In light of the impact of alcohol-related harm and broad community concern, the government should have made this review a top priority. Unfortunately for Victorians, documents obtained under freedom of information prove that this process has been farcical since its inception. Although the Liquor Control Advisory Council was convened on 5 July 2006, it did not call for submissions until 4 April 2007, nine months later. Submissions to the council closed a year ago, but we still have had no word from the council or the government.

The report was initially slated to be released in March 2007; 16 months later we have heard no word of it. From March 2007 the deadline was extended until August, then once more to February 2008. It is now August, and still we have heard nothing. It has been over two years and there have been three time extensions since the council was convened, and we have heard nothing at all. During those two years, five council members resigned, and in some cases it took over five months to find a replacement. The alcohol action plan, delivered six years late, did not even mention packaged liquor.

The government is proving it is clearly incapable of taking the action that Victorian communities demand to halt the rising rates of harm from alcohol abuse. I call on the minister, two years after this review started and 16 months after it was meant to be finalised, to finally report on this important issue. Every day procrastination and inaction leads to harm — —

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

Transport: car sharing

Mr LUPTON (Prahran) — The matter I raise is for the attention of the Minister for Roads and Ports. The action I seek is for the minister to encourage greater access to car sharing services in Melbourne.

As the Eddington report makes clear, investment in innovative transport initiatives is necessary to address the issues associated with transport congestion as population growth continues. In particular it emphasises the importance of investing in infrastructure which ties into alternative forms of transport and extending current transport networks in cost-effective and environmentally sustainable ways.

Car sharing supports an integrated approach to transport, promoting the use of the various modes of transport — trains, trams, buses, cycling and walking — because car sharing parking spaces should be close to public transport. Car sharing reduces car dependency and results in less cars on busy roads. It means there are less cars being driven round and round searching for parking spaces, and it reduces the number of cars parked in our streets because people in the car sharing scheme do not each need a car of their own; they just have a car when they need one. It encourages alternative transport modes and reduces pollution. It is good for both the environment and the community, encouraging people to make use of cars for travel in a more considered way.

There are currently three car sharing services operating in Melbourne: Flexicar, Charter Drive and GoGet. All of these organisations are experiencing growing support from people in the inner city suburbs across Melbourne. The local councils of Melbourne, Port Phillip, Yarra and Moreland all facilitate car sharing schemes by providing specially allocated public parking spaces for shared vehicles in their municipalities.

At present there is limited access to these services across Melbourne as the location of shared vehicles remains limited to these municipalities. Within my own electorate of Prahran, the Port Phillip and Melbourne city councils have shown leadership on this issue. Regrettably, Stonnington councillors have voted against providing any car spaces to car sharing services. This council is adding to traffic congestion, adding to parking problems and adding to the expense of those constituents of mine who would prefer not to buy a car but use a shared car service.

My constituents who live in the city of Melbourne and the city of Port Phillip have access to this service. It seems the only way those of my constituents who happen to live in the city of Stonnington will get access to a car sharing service is for the development of a scheme auspiced by the state government across numerous council areas.

The ACTING SPEAKER (Mr Nardella) — Order! I suggest that if the member for Prahran calls for action, it be to investigate car sharing.

Mr LUPTON — I urge the minister to work with councils to encourage car sharing services through the establishment of a greater number of dedicated parking spaces for shared vehicles in more suburbs to enable better access across Melbourne.

Central Gippsland Institute of TAFE: programs

Mr NORTHE (Morwell) — I wish to raise a matter for the attention of the Minister for Skills and Workforce Participation. The action I seek is for the minister to ensure there are no reductions in programs currently delivered by the Central Gippsland Institute of TAFE as a result of the *Securing Our Future Economic Prosperity* discussion paper on skills reform. The discussion paper has created much debate across a number of sectors such as regional TAFEs, the National Tertiary Education Union, the Australian Education Union, teachers, students and the wider community.

In the Morwell electorate the Central Gippsland Institute of TAFE, more commonly known as

GippsTAFE, is one of Victoria's largest regional TAFE institutes. As a multidisciplined educational provider, the institute annually provides over 300 courses to some 12 000 students. GippsTAFE is not only an education and training provider but also a vital asset that houses and hosts many community gatherings and events.

Two of the main issues that have emanated from the discussion paper include a proposed increase in student fees and greater contestability for training places. The impact of increased TAFE fees and the accumulation of a HECS-style debt will in my view discourage young people from taking up formal training programs. This is particularly so in the Latrobe Valley where there are many low-income families — in Morwell and Churchill, for example, the unemployment rate is double the national average — hence the need to retain low-cost TAFE training opportunities for the local community.

You have to wonder about the hypocrisy of this government. Its 2006 election platform clearly states that 'Labor will ensure TAFE entry costs are not a barrier to participation by students from disadvantaged groups', yet we now have a proposal before us that will see students costs increase significantly.

Full contestability for training places is another contentious issue. The notion that training courses must be viable has to be considered in a broader community context. We will see larger TAFE institutes and bigger private providers offering the most profitable and popular courses while regional TAFEs struggle to compete. If that is the case for GippsTAFE the consequences could be dire. We would likely see a reduction in quality courses being offered within the Morwell electorate, ultimately leading to a decline in participation rates and skills as well as a potential loss of jobs, particularly in the teaching sector.

GippsTAFE provides many courses specific to the Latrobe Valley community, including the energy sector. It also provides opportunities to the disadvantaged in our communities. Whilst it is sometimes difficult to measure the benefits in a fiscal sense, I can assure the minister that if these courses were deemed unviable or were culled, the impact would be disastrous.

This is a significant issue not just for GippsTAFE but for the wider Latrobe Valley community. I call on the minister to ensure there are no reductions in programs currently delivered by the Central Gippsland Institute of TAFE as a result of the *Securing Our Future Economic Prosperity* discussion paper.

Grovedale West Primary School: bike shed

Mr CRUTCHFIELD (South Barwon) — The matter I wish to raise is for the attention of the Minister for Sport, Recreation and Youth Affairs, who is at the table. The action I seek concerns funding under the Go for Your Life bike shed seeding grants, particularly for Grovedale West Primary School in Geelong. The school has asked for some $5000 to construct a bike shed for its students.

I want to mention this program to the house. I congratulate the minister on the program. I have a good friend, Danny Hutchinson, who has been president of the primary school council in Torquay. He has seen the progression of that school community in terms of a bike shed. I helped with the initial construction of that bike shed. The school has provided some firm evidence about the increased number of schoolkids in that school community who are riding bikes.

I advise the minister that the school community is extraordinarily appreciative of the ability to facilitate the storage of bikes and the change of philosophical view in education about whether children can ride bikes to school, where they will store them and what health benefits there are. The Torquay community is an example of a school that has embraced these grants, and I would like the minister to visit it. I extend to the minister an invitation to visit the school.

Grovedale West Primary School is another school which has taken the initiative in terms of the $5000 bike shed grants. I am absolutely convinced that this is another school community which will benefit from the schoolkids riding to school, a number of the parents facilitating the necessary lifestyle changes to allow those kids to ride to school and the health benefits that will bring to them.

Responses

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — The members for South Barwon and Seymour both raised applications from their local schools for the Go for Your Life bike shed seeding grants. As I have mentioned to the house before, these grants were developed after it was found that the provision of secure bike storage dramatically increased the number of students riding to school on a daily basis.

The grants form part of the Brumby government's $2.7 million commitment to Bicycle Victoria's Ride2School program, which is focused on encouraging more children to ride and walk to school. The program began in 2006 and already well over

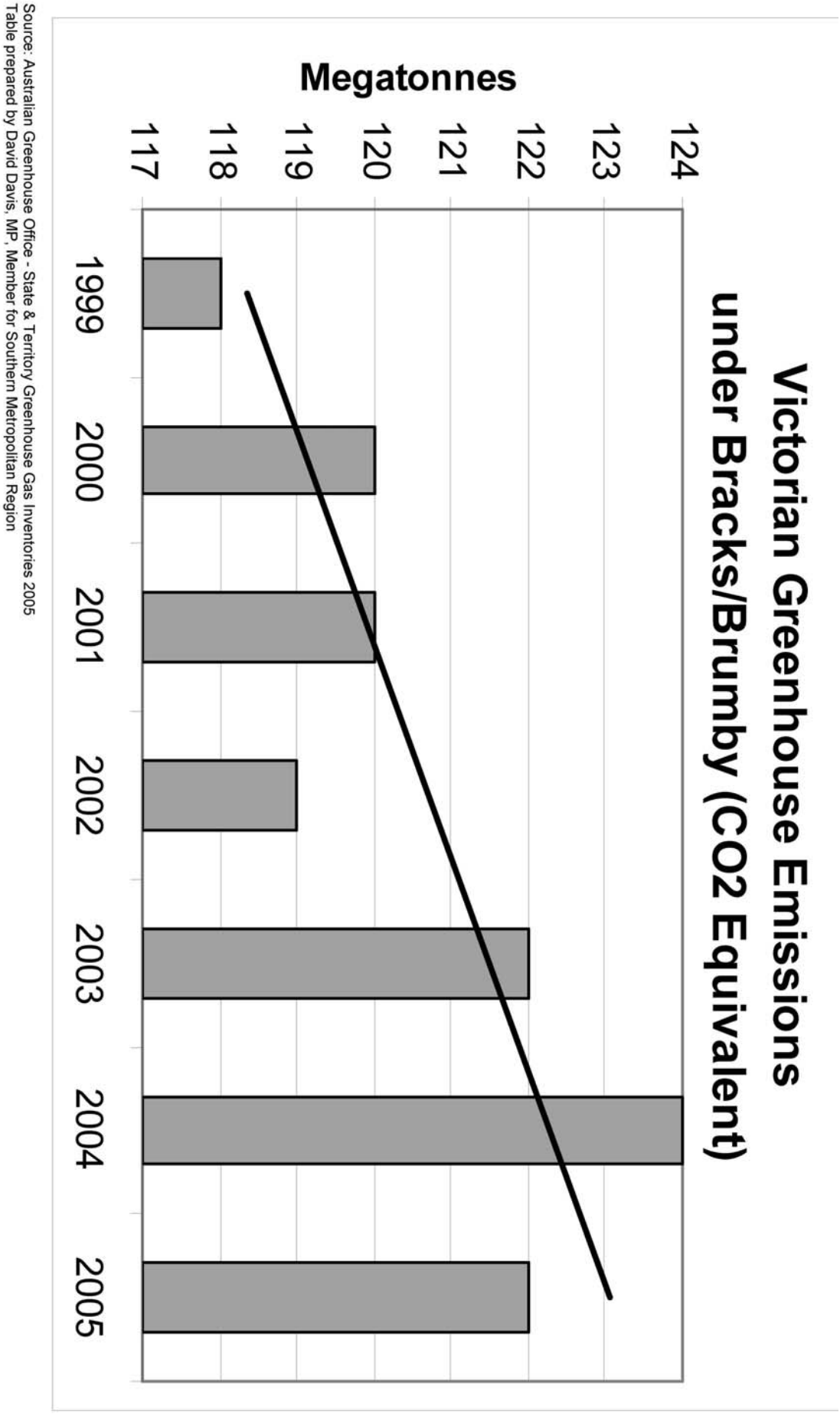
700 schools are currently participating in the Ride2School program. This includes 100 schools in disadvantaged areas that are receiving high-level direct assistance led by Bicycle Victoria.

Other components of the program include statewide active challenges such as the Ride to School Day and 1000 bike giveaway. Last year 500 schools nominated two students each who had been role models to others, and I had the pleasure of handing out many of these bikes to students in Gippsland just prior to Christmas last year. The bike giveaway will be repeated over the next three years to distribute 4000 bikes in total.

Again I thank the members for Seymour and South Barwon for raising applications by Badger Creek Primary School and Grovedale West Primary School. I can assure both members I will take into strong consideration their support for the applications from those schools.

The members for Box Hill, Benalla, Caulfield and Prahran raised matters for the Minister for Roads and Ports; the member for Bentleigh raised a matter for the Minister for Education; the member for Macedon raised a matter for the Minister for Regional and Rural Development; the member for Doncaster raised a matter for the Minister for Consumer Affairs; and the member for Morwell raised a matter for the Minister for Skills and Workforce Participation. I will ensure those matters are raised with the relevant ministers for action.

House adjourned 11.42 p.m.


Victorian Greenhouse Emissions
under Bracks/Brumby (CO2 Equivalent)
Megatonnes
124
123
122
121
120
119
118
117
1999
2000
2001
2002
2003
2004
2005
Source: Australian Greenhouse Office - State & Territory Greenhouse Gas Inventories 2005
Table prepared by David Davis, MP, Member for Southern Metropolitan Region