

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-SIXTH PARLIAMENT**

**FIRST SESSION**

**Thursday, 21 August 2008**

**(Extract from book 11)**

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Professor DAVID de KRETZER, AC

## **The Lieutenant-Governor**

The Honourable Justice MARILYN WARREN, AC

## **The ministry**

|   |                                 |
|---|---------------------------------|
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| Deputy Premier, Attorney-General, Minister for Industrial Relations and Minister for Racing .....   | The Hon. R. J. Hulls, MP        |
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| 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       |
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| 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 Naphthine, 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 Elasmarr 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 Elasmarr, 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

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**FIFTY-SIXTH PARLIAMENT — FIRST SESSION**

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**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

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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   |
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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 <sup>1</sup> | 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 <sup>5</sup>            | 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 <sup>2</sup>        | 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 Andre <sup>3</sup>        | 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 <sup>6</sup> | Albert Park      | ALP   |
| Hudson, Mr Robert John                  | Bentleigh          | ALP   | Tilley, Mr William John                     | Benambra         | LP    |
| Hulls, Mr Rob Justin                    | Niddrie            | ALP   | Treize, 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 <sup>4</sup>        | Kororoit           | ALP   | Walsh, Mr Peter Lindsay                     | Swan Hill        | Nats  |
| Kosky, Ms Lynne Janice                  | Altona             | ALP   | Weller, Mr Paul                             | Rodney           | Nats  |
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| Languiller, Mr Telmo Ramon              | Derrimut           | ALP   | Wynne, Mr Richard William                   | Richmond         | ALP   |
| Lim, Mr Muy Hong                        | Clayton            | ALP   |   |                  |       |

<sup>1</sup> Resigned 6 August 2007

<sup>2</sup> Elected 15 September 2007

<sup>3</sup> Resigned 2 June 2008

<sup>4</sup> Elected 28 June 2008

<sup>5</sup> Elected 15 September 2007

<sup>6</sup> Resigned 6 August 2007



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**Thursday, 21 August 2008**

**The SPEAKER (Hon. Jenny Lindell) took the chair at 9.33 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 80 to 85 and 190 to 211 will be removed from the notice paper on the next sitting day. A member who requires the notice standing in his or her name to be continued must advise the Clerk in writing before 2.00 p.m. today.

**NOTICES OF MOTION****Notices of motion given.****Mr NARDELLA having given notice of motion:**

**The SPEAKER** — Order! I suggest to the member for Melton that his notice of motion will be looked at by the clerks and the Speaker and may be ruled out. I also suggest to the member for Melton that it is the Thursday of a very long sitting week and to waste the time of the house is not humorous — with the greatest of respect to the member for Murray Valley.

**Further notice of motion given.****PETITIONS****Following petitions presented to house:****Rail: Glenrowan**

To the Legislative Assembly of Victoria:

The petition of residents of Glenrowan and surrounding districts draws to the attention of the house that Glenrowan has not been included in the north-east rail revitalisation project.

The petitioners therefore request that the Legislative Assembly of Victoria include Glenrowan in the north-east rail revitalisation project for the purpose of re-establishing passenger services for the benefit of both residents and the tourist industry.

The inclusion would require the implementation of the following infrastructure developments:

1. Alignment of the railway track past the existing station platform.

2. Establishment of a passenger platform to service the southbound track at the location of the original 1873 goods platform.
3. Establishment of track linkage between the north and southbound lines.

**By Dr SYKES (Benalla) (92 signatures)****Water: north–south pipeline**

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house the proposal to develop a pipeline which would take water from the Goulburn Valley and pump it to Melbourne.

The petitioners register their opposition to the project on the basis that it will steal water from country Victorian farmers and communities and pipe this water to Melbourne.

The petitioners therefore request that the Legislative Assembly of Victoria reject the proposal and calls on the state government to find other alternatives to increase Melbourne's water supply such as recycled water and stormwater capture for industry, parks and gardens.

**By Ms ASHER (Brighton) (2 signatures)****Brimbank: councillors**

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

We sheweth ask that the Minister for Local Government, the Honourable Richard Wynne immediately intervene in the City of Brimbank, which has become ungovernable due to one Cr Natalie Suleyman not being endorsed for the state seat of Kororoit. She is taking out her revenge on the community with her majority group of councillors, this blatant abuse of power without due care for the health, safety and wellbeing of the residents of Brimbank. This is the reason we ask the minister to forthwith dissolve the City of Brimbank and appoint a commissioner to govern the City of Brimbank.

**By Mr SEITZ (Keilor) (160 signatures)****Walpeup research station: future**

To the Legislative Assembly of Victoria:

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

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

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

**By Mr CRISP (Mildura) (175 signatures)**

**Tabled.**

**Ordered that petition presented by honourable member for Keilor be considered next day on motion of Ms ASHER (Brighton).**

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

**Ordered that petition presented by honourable member for Benalla be considered next day on motion of Dr SYKES (Benalla).**

2005, where the member for Monbulk let the cat out of the bag about the government's policy, saying in his speech:

Economic growth is forecast to be 3 per cent, which is in line with the federal government indications. But it must be said at this point that we must pray for rain ...

We have the official confirmation from the member from Monbulk, who I note has been promoted to the ministry, presumably on the strength of this policy, that the government had in fact been operating on a pray-for-rain policy and it is now asking customers to provide ideas for water saving.

### **Werribee Primary School: facilities**

**Mr PALLAS** (Minister for Roads and Ports) — I recently had the pleasure of opening the \$2.5 million stage 2 buildings at Werribee Primary School with the Honourable Julia Gillard, the local federal MP, who was on that day the Acting Prime Minister. Werribee Primary School has been providing quality education in Wyndham for the past 151 years with over 80 years on its current site.

The school has a long history of catering for the diversity of western Melbourne's migrant communities and will continue to support Wyndham's growing population with its new classrooms. The completion of Werribee Primary School's 10 new general-purpose classrooms and new student toilets continue the government's commitment to investing in education.

The modernisation of Werribee Primary School began in 2003 with the school entering into a contract to build six new general-purpose classrooms and a staff work space, as part of its \$1.11 million stage 1 project. The Brumby government continues this commitment to Wyndham's growth and education needs through its \$792 000 funding for stage 2, working with the federal government, which contributed \$1.7 million. Congratulations to the outstanding effort by the local community, which also contributed \$67 000 to this project.

Education is the Brumby government's no. 1 priority and the completion of these new facilities proves that we are continuing to deliver on our \$1.9 billion commitment to rebuild Victoria's government schools. I would like to thank the principal of the Werribee Primary School, Lyn Tout, and all of the teachers, students and parents at Werribee Primary School.

## **DOCUMENT**

**Tabled by Clerk:**

Auditor-General, Office of — Report 2007–08.

## **BUSINESS OF THE HOUSE**

### **Adjournment**

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

That the house, at its rising, adjourn until Tuesday, 9 September 2008.

**Motion agreed to.**

## **MEMBERS STATEMENTS**

### **South East Water: WaterSmart program**

**Ms ASHER** (Brighton) — I wish to draw to the attention of the house the WaterSmart program recently launched by this not-so-smart government. As part of the program, South East Water has sent out letters to customers clearly showing that the government is now in panic mode and that praying for rain has not worked. I refer to the letter that was sent out, which says:

You can ring the WaterSmart hotline ... if:

...

you have any smart ideas on how we might be able to reduce the water we use in our homes. We can then share your ideas with everyone.

The government is now clearly asking people what it should do in order to save water. If one was in any doubt that this government has adopted a pray-for-rain policy, one only has to refer to *Hansard* of 17 May

### **Tourism: alpine resorts**

**Mr JASPER** (Murray Valley) — It is very satisfying to acknowledge the huge recent snowfalls at Victoria's alpine resorts. As a keen snow skier for many decades, I have personally witnessed the excellent and not-so-good snow seasons at these resorts. However, from my recent visit to that great alpine resort, Falls Creek, I can personally confirm that this is the best snow season in possibly 20 years, with a mountain of snow on the ski runs and throughout the village. Management at Falls Creek, the lift company and the various venue and accommodation operators have confirmed it is one of the best seasons for years with the village at capacity. I pay tribute to the high standard of service being provided.

However, I believe the state government must provide a higher level of support to the alpine resorts in recognition of their important contribution to the Victorian economy during the winter snow season. Over the years there have been a range of changes to the legislation for resort management and inquiries instituted by many governments. What is now required is stronger leadership and funding support from the state government to ensure continuing development of the resorts and to contain the costs to allow working families to be participants in snow skiing.

It is extremely disappointing that the responsible minister, the Minister for Environment and Climate Change, Gavin Jennings, has received a major report on an investigation of the current management of the alpine resorts, which obviously makes recommendations for the future. The report needs to be released for public comment so that we can move forward with action to benefit all sections that have an interest in expanding this great tourist industry for Victoria into the future.

### **Newcomb Secondary College: facilities**

**Ms NEVILLE** (Minister for Mental Health) — I was delighted to join the Premier for the official opening of the new science, arts and technology wing at Newcomb Secondary College last week. The \$8 million project includes centres for science, middle years classes, learning and resources, and cutting-edge art and technology facilities. The development has transformed the traditional classrooms into state-of-the-art learning spaces for students who attend the college from across the local area, including Newcomb, Whittington and Leopold.

The college is now set to provide the best education for our young people in wonderful new facilities that

reflect modern teaching and changing learning practices for many years to come. I was pleased to work with the school community to help secure the funding, and my congratulations go to them on their hard work and commitment, particularly their efforts in raising \$143 000 towards the overall cost of the project. Congratulations to the students and the principal, Phil Honeywell, and his staff for the way they have managed to cheerfully maintain the work and life of the school through the inevitable disruption caused by major building works.

### **Schools: Bellarine electorate**

**Ms NEVILLE** — I was also pleased to recently visit two other local schools — St Ignatius College in Drysdale and St Augustine's education and training centre in Whittington. Both schools have received funding through the government's needs-based capital assistance funding for non-government schools. St Ignatius College has received \$300 000 to help build student amenities and create greater access for the local community and sporting infrastructure. St Augustine's received \$230 000. My congratulations to both.

### **Racing: criminal activity**

**Dr NAPHTHINE** (South-West Coast) — Last week the government released the report of Judge Gordon Lewis in which the judge said that criminal activity in the racing industry was rampant. Judge Lewis advised that immediate action was needed to begin to address the level of criminal activity in Victorian racing.

But once again the Minister for Racing and this government have completely failed to respond with the adequate urgency required. The response by the Minister for Racing to this rampant criminal activity in Victorian racing and the lack of adequate law enforcement to effectively address this criminal activity, is to set up a working party, which is to report by the end of the year with recommendations to be implemented progressively. This is too little, too late and too slow.

What we need is immediate action — an action that Judge Lewis recommended — on reinstating the racing squad within Victoria Police. This squad was abolished under the Bracks Labor government and should be reinstated now, not in 2009.

Lewis said that commission agents should be licensed and this should be done 'without delay', not in 2009. This should be included in the long overdue bookmakers reform legislation which should be before the house. Lewis said that immediate action is required

to ensure that automatic alarms are activated when bookmakers' software clocks are changed and that a policy to swab all winners and all beaten favourites should be immediately implemented. This is not rocket science. We need immediate action, not further procrastination and working parties.

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

### **Norm Borchers**

**Mr HOWARD** (Ballarat East) — I wish to speak about Norm Borchers, a friend and dedicated Labor Party member who died in March.

Norm Borchers was born in Ballarat East in 1926, the son of a railway engine driver. From a young age, his father taught him that he should learn a trade, join a trade union and vote Labor. Leaving school at 14, he worked in a fish shop until he was able to start his apprenticeship as a fitter and turner. There he joined the AEU (Amalgamated Engineering Union).

From 1944 to 1946 Norm served with the Royal Australian Air Force as a security guard in Queensland, after which he returned to finish his apprenticeship, rejoining the AEU. He later worked in many Ballarat industries, most times with a part-time job in other occupations. One of his jobs was with the railways, where he was very active as a member of the ARU (Australian Railways Union) during the industrial strikes of the 1950s.

He was very involved in the disputes in the workplaces at the time of the 1955 split, and for the rest of his life, when asked how he voted, he always emphasised 'Australian' Labor Party. He worked hard on election campaigns, always with a strong desire to bring Labor back, often speaking of the fierce debates during the years 'in the wilderness'.

Norm and his wife officially joined the Sebastopol branch of the ALP in 1981, which is now the Ballarat West branch. He was very pleased when the Cain government was elected in 1982 and was particularly delighted when, just before his death, the Rudd government was elected.

### **Menachem Vorchheimer**

**Mrs SHARDEY** (Caulfield) — I wish to pay tribute to Menachem Vorchheimer, who this week with great dignity accepted the regret expressed by the police, the Ocean Grove Football Club and Senior Constable Terry Moore for the racial vilification and physical assault he

suffered at the hands of members of the club who were returning from the Caulfield Cup in October 2006.

I congratulate Mr Vorchheimer for his unrelenting determination to pursue this matter in the interests of justice for himself, his two young children and all those who suffer racial and religious vilification in Victoria. The time it has taken to resolve this matter is a disgrace.

Reading the statements by Deputy Commissioner Simon Overland, the policeman who was driving the bus, the football club and the passengers on the bus who were responsible for the attack, I could not help but be struck by the fact that, while they admitted that Mr Vorchheimer had been racially and religiously vilified and assaulted, this was done only with regret and with no hint of an apology. 'Sorry' would surely have been an appropriate word to use.

I also note that despite a failure to apologise, the Ocean Grove Football Club and the perpetrators strongly supported the establishment of a hate/bias crime unit within Victoria Police. This initiative has been rejected by Victoria Police and in particular by the liaison officer for the police commissioner, advising that the police do not have a hate crimes unit and, as far as he is aware, have no plans to institute one now or in the future.

### **Clairvaux Catholic Primary School, Belmont: 10th anniversary**

**Mr CRUTCHFIELD** (South Barwon) — I had the privilege last Sunday of attending the 10th birthday celebration of Clairvaux Catholic School, led very ably and passionately by Father Peter Foley.

There was a massive gathering at the mass at St Bernard's church in Belmont and the tour of the school and art show with former and current students, teachers, parents and members of the Catholic community who support this fine school.

While the school community celebrated 10 years, it certainly has not been an easy road, and many within the school community have dedicated themselves to ensuring that the school not only thrives but prospers in a competitive education market.

Clairvaux Catholic School was established in July 1998 in Belmont, as a result of the amalgamation of two primary schools in the parish — St Bernard's in Belmont and Mercia in Highton. Clairvaux combines the best of both former schools, and staff have proven their dedication to educational excellence in teaching and learning. I particularly thank Father Peter Foley and

former principal Paul Spence for their leadership and vision. They are both much loved by this community.

### **Vietnam veterans: commemoration**

**Mr CRUTCHFIELD** — I am also happy to inform the house that 40 years after the brutal battles of Coral, Balmoral and Long Tan, war veterans in my electorate were recognised on Sunday for the significant roles they played during the Vietnam War. I had the privilege of laying a wreath this past Tuesday before attending Parliament in memory of soldiers who had passed and those heroes who are still with us today. Unfortunately due to parliamentary commitments, I was unable to attend the official vets day march and wreath laying on Sunday. I hope current and future generations of Australians continue to recognise the significant courage of these men and commemorate their sacrifices.

### **Intralot: agency costs**

**Mr NORTHE** (Morwell) — Many lottery agents in the Morwell electorate continue to be angered by this government's handling of the Intralot saga. The introduction of Intralot has not only cost many agents significant sums of money but has caused great angst at the same time. If an up-front fee of approximately \$10 000 each was not enough, many agents had to undertake renovations on their premises to accommodate the sale of both Tattersall's and Intralot products. In some cases the total cost to small business owners was in the vicinity of \$20 000. I know of at least one agent who is considering reducing the number of employees in their business as a direct result of the financial impediment imposed upon them.

Compounding the woes of these hard-working people is the fact that computer equipment and Intralot tickets were not operational from 1 July as promised, causing further financial loss. In this house the minister has stated that the reason Intralot is able to charge a fee is that the company wants to stay in business. But what about small business owners affected by this mess?

Feedback from many agents indicate that the sale of Intralot tickets has been extremely slow, further exacerbating the financial concerns of business owners. Still outstanding is Tattersall's application for a Wednesday night game, which this government has procrastinated on for approximately 18 months. This whole sorry saga has been nothing short of disgraceful and our small business owners deserve far greater support from this government.

### **St Damian's Primary School, Bundoora: art show**

**Mr BROOKS** (Bundoora) — On Monday, 11 August, I had the honour of attending St Damian's Primary School in Bundoora to view its Olympic art show. St Damian's is a popular school in the electorate and was established in 1966 when Bundoora was an outer suburb with a growing population and new housing estates. As its way of celebrating the current Olympic Games, St Damian's organised an Olympics art show to highlight the many aspects of Chinese culture and history as well as Olympic events.

Each class contributed a display item to the show ranging from fans, kites and masks to computer art and models of Olympic sports. The main attraction of the show was a traditional Chinese dragon. The dragon was 10 metres long, and every student contributed towards its construction. It is most impressive, and I understand it took about two weeks to make and assemble.

I was delighted to be taken on a tour of the show by school captains Sianan Barr and Peter Barber. They were full of information about the display items and explained that the dragon is very important to Chinese people as a symbol of luck and for keeping evil spirits away. The students developed their own Olympic oath, and I wish to share it with the house:

In the name of all St Damian's students, we promise that we will learn about the Olympic Games by respecting and following the rules in the true spirit of sportsmanship for the love of sport and the honour of our school, committing ourselves to learn about the Olympic Games without interference and remembering to have fun.

I thank all the students and the principal, Mrs Regean; the deputy principal, Mr Bumpstead; staff, parents and the St Damian's community for the opportunity to view their work. I congratulate them on their wonderful contribution to the broader understanding of Chinese culture.

### **David Crawshay and Scott Brennan**

**Mr O'BRIEN** (Malvern) — It is said that sport builds character: more often, though, sports reveal it. Nowhere is that more so than at the Olympic Games.

At the 2004 Athens Olympics, Australia's quad sculls rowing crew was widely expected to medal. Instead the crew failed to progress past a semifinal, finishing seventh. One member of that crew was David Crawshay. David was a champion schoolboy rower, winning the Head of the River in 1997. He has represented Victoria since 1999 and has rowed for Australia since 2001.

David is a stalwart of rowing in this state. While the disappointment of Athens in 2004 would be something that most would want to forget, David and his crewmate, Scott Brennan, used it as their inspiration at the Beijing Olympics. Competing in the men's double sculls, Crawshay and Brennan named their boat Shiniias after the site of their disappointment in Athens.

Although David was co-captain of the Australian men's rowing team, he and Scott did not feature in medal expectations. After all, they were ranked eighth in the world and had never medalled in an Olympics or world championships. But last Saturday in the heat of an Olympic final, David Crawshay and Scott Brennan displayed the strength of character that sport can best reveal. Leading from the front, David and Scott never wavered and crossed the line as Olympic champions.

As I know David, I will admit to never having been more delighted or excited by an Olympic victory than I was while watching him and Scott win gold. I am sure I speak on behalf of all members when I congratulate David Crawshay and Scott Brennan on their remarkable achievement.

#### **Lowther Hall Anglican Grammar School, Essendon: walking school bus**

**Mrs MADDIGAN** (Essendon) — This morning I had the pleasure of attending the launch of the walking school bus at the Lowther Hall Anglican Grammar School. This is indeed the 13th walking school bus in the city of Moonee Valley. It is great to see both the state and denominational schools in our area embracing the concept of a school bus. It is a lovely sight to see young children walking to school in the morning, guarded at both ends normally by parents.

I would like to congratulate the principal of Lowther Hall, Mrs Carolyn Grantskalns, and the principal of the junior school, Mrs Cheryl Penberthy, for their work on getting the school bus program up. I would particularly like to thank the Moonee Valley City Council, which has been very active in encouraging schools in the area to take on the Walking Bus program. It is great to see kids walking to school again.

Finally, on another matter — and I notice she has left the chamber — I hope the member for Brighton has gone outside to see that it is raining: in which case, based on her logic, we can thank the Minister for Sport, Recreation and Youth Affairs. I am sure the member for Brighton would like to join me in thanking the minister for interceding in this matter!

#### **Police: Werribee**

**Mr McINTOSH** (Kew) — While many Victorians continue to express their concern at the appalling levels of crime in our community, the police minister and chief commissioner recently travelled to Werribee to announce Victoria's annual crime stats extravaganza. Meanwhile Werribee locals expressed profound incredulity at the dynamic duo's outpouring of joy. One local commented, 'Well, I hope she was careful because I wouldn't want to hear she'd been mugged'. However, the experience of the local government area of Wyndham demonstrates the truism that extra police means less crime. We know the greatest deterrent to crime is visible police.

Over previous years there has been much publicity suggesting Werribee had less than adequate police resources to meet that community's needs. As one police officer put to me, Werribee police were lucky to have one divvy van on the road on a Friday and Saturday night. However, last financial year Victoria Police, by spending almost \$300 000 on overtime, was able to beg or cajole local police officers into doing extra duty on Friday and Saturday nights. This meant there were as many as four or five divvy vans on the road at this time, ensuring that Werribee and the city of Wyndham had a much lower crime rate. At the end of the day, more police means less crime. This ain't rocket science, Bob. Just get on with it and do the job.

#### **Sacred Heart Mission, St Kilda: Dine with the Champions dinner**

**Ms MARSHALL** (Forest Hill) — I had the pleasure and honour of being a guest speaker at Sacred Heart Mission's annual fundraising event, the Dine with the Champions dinner, on 7 August at Telstra Dome. This is one of Sacred Heart's major fundraising events of the year. It was held in the Victory Room, and speakers included the amazing Catherine Freeman, the vivacious Linley Frame, football stars Nick Riewoldt, Nathan Brown — who is a Tigers legend — and Scott McGory.

Hosted by Anthony 'Huddo' Hudson and Des Dowling, the evening gave people the opportunity to rub shoulders with some of their favourite sporting heroes, both past and present, and ask questions in a wonderfully casual environment in which everybody believed we were just a few friends sitting around the coffee table having a chat. Funds raised by the evening will go towards the sport and recreation program for people who are homeless or living in poverty.

This invaluable program helps people regain their pride, self-esteem and dignity, and its impact was readily comprehended when we heard firsthand from some of the people who had benefited from contributions others had previously made. The changes in their confidence to tackle the many challenges they face on a daily basis were made abundantly clear, and no-one was in any doubt that this program was having a life-changing effect. We all felt very proud of our individual involvement and the impact it was having.

It was hoped the night would raise \$50 000, and if the passion shown was an indication of the level of success experienced, I have no doubt this aim would have been not only achieved but surpassed. Sacred Heart is a great charity, and I was very proud to have been a part of this evening. I wish all involved the very best of luck.

### **Ambulance services: Wodonga**

**Mr TILLEY** (Benambra) — I would like to thank the Minister for Health for responding to a question on notice from me and Mrs Petrovich, a member for Northern Victoria Region in the other place, in relation to the Wodonga ambulance station. In case the minister is confused, of the 122 rural ambulance branches, Wodonga is the one at the top end of the Hume Freeway. It was built over 40 years ago and was extended in the early 1990s to accommodate 10 staff. It is currently accommodating 20 staff, and more are desperately needed.

Whoever is advising the minister, whether it be a bureaucrat or Ambulance Victoria, or even the Premier's own adviser in the north-east, who is also a Labor councillor at the City of Wodonga, the information has to be right. The minister is absolutely right in reflecting that the place is not in poor condition: in fact it is an absolute dump. It is beyond any form of repair. It needs to be bulldozed and rebuilt.

With the removal of rail out of Wodonga, this is a time when an alternative should be found — maybe through the sharing of precincts and departments working together and finding a precinct where the Country Fire Authority and ambulance service can share the same area. But the conditions are substandard, and I challenge the minister next time he is in the north-east to come and say those same words to the hard-working ambulance officers in Wodonga.

### **Economy: services sector**

**Mr SCOTT** (Preston) — I rise to praise the role of services in building wealth in our economy. Often within our community there seems to be the erroneous

view that somehow manufactured goods or primary products are of intrinsically more value than services. This is a notion that should go the same way as mercantilism and five-year economic plans with pig-iron production levels in them. Services are equally valuable; in fact, they are a sign of rising wealth within the community and are a generator of increasing wealth. Since the industrial revolution there has been a decline in agriculture and a rise in manufacturing in Western nations, and in the post-World War II period in particular there was a rise in the services sector. Manufactured goods and agriculture will always be part of our economy, and the rise in the importance of the service sector is not a negative but a sign of the increasing affluence and success of our society.

It is time within the Australian political scene to look on the role of the consumer and at the ultimate goal of economic policy — that is, to increase the wealth of individuals, to give them more choice in and control over their lives and to increase the share of wealth in the community, and not to simply focus on what we are producing. In 2008 most people would agree that the decisions of individuals about what goods or services they provide should largely be left to them. However, there seems continually to be a presumption that manufactured goods and primary products are intrinsically of more value. I note the rise of educational services as a proportion of our economy, and I regard them as a positive development rather than something that should be an embarrassment.

### **Drought: government assistance**

**Dr SYKES** (Benalla) — Things are looking pretty good in north-eastern Victoria at the moment. Good rains and mild weather have been ideal for crops, pastures and trees, and the alpine resorts are blanketed with snow to a depth of over 1 metre. However, August has been relatively dry so far and people are worried that we may be heading towards yet another failed spring. It is absolutely critical that we have heavy rains soon to fill our dams and provide water for the irrigators, who are on zero allocations — that is right, zero allocations. Farmers, local businesses and local communities are financially and emotionally very fragile. Increased input costs — fuel, fertiliser and chemicals have all increased in cost by between 50 per cent and over 100 per cent in the past 12 months — will mean the end of many farmers if we have another failed spring.

With this uncertainty playing on people's minds the last thing they need is uncertainty about drought assistance measures. We all welcome the federal government's announcement this week that the exceptional

circumstances status will be rolled over for the next six months. It is now critical that the state government immediately announce continuation of its funding assistance measures. In particular, the local government municipal rate rebate and irrigation water rate rebate must be continued. It is also absolutely critical that the state government confirm continuing funding for financial counsellors and mental health workers in order to provide job security to existing employees who are doing such a great job. This is a small measure in dollar terms but a very large measure in terms of getting people through the toughest time in living memory.

### **Princes Highway–Olive Road, Eumemmerring: traffic lights**

**Mr PANDAZOPOULOS** (Dandenong) — I rise to thank and commend the Minister for Roads and Ports for listening to the people of my electorate and supporting my calls and the calls of the City of Casey for traffic lights to be installed at the intersection of Olive Road and Princes Highway at Eumemmerring. In recent years as population growth has occurred in the city of Casey stretching out to Cardinia this intersection on the Princes Highway has become very busy. There have been a number of accidents involving casualties and the community has been concerned for quite a period of time.

I used Olive Road every day when I was a local councillor and in my early days in Parliament, but since I lived at Eumemmerring the population of the region has grown immeasurably, and most traffic moves either down to the Princes Highway or goes down the new Hallam-Narre Warren bypass. As a result of increased traffic it has been difficult for people trying to go into Dandenong to make a right-hand turn onto the Princess Highway; the oncoming traffic trying to enter the Monash Freeway has caused problems because there are only very narrow windows of opportunity to make those right-hand turns.

As a result of the number of accidents, local residents have for some time been calling for these traffic lights to be installed. I was pleased to be there when they were turned on about three weeks ago. They are working magnificently, and I thank the minister for his efforts.

### **Waterford Park Retirement Village, Knoxfield: bus service**

**Mr WAKELING** (Ferntree Gully) — The Waterford Park Retirement Village was recently established by the Primelife organisation as part of the creation of the Waterford Valley Golf Course. The

village is established on the grounds of the golf course in Knoxfield and is located between the Ferny and Monbulk creeks.

Recently I had the pleasure of presenting the village with a Victorian flag. Residents spoke of the benefits of this new village. However, many of them raised concerns that the village is not accessible to public transport, particularly bus services. Whilst the 681, 682, 693, 753 and 755 bus services all operate within the region, none of these services adequately cater for the residents. Residents seeking to use these services are forced to walk significant distances to catch a local bus. On behalf of concerned residents I have written to the Minister for Public Transport requesting that the government investigate this important matter.

### **Knox: family violence program**

**Mr WAKELING** — Recently Jan Kronberg, a member for the Eastern Metropolitan Region in another place, and I held a public family violence forum. The event provided an opportunity for constituents to engage with a range of panellists who provided a wealth of experience in this field. During the course of the evening one concerned mother raised serious concerns about a lack of adequate services to deal with her abusive son. The mother outlined the fact that currently there was no program available in the Knox region to deal with resolving adolescent violence. The types of abuse that adolescents display towards their parents, and in particular towards women, include physical, verbal, emotional and financial abuse.

On behalf of concerned residents it was identified that a comparable program operating from Anglicare in Box Hill known as Break the Cycle should be considered by the state government to be established to service residents in the Knox region.

### **Age: subprime articles**

**Mr DONNELLAN** (Narre Warren North) — I want to raise my concerns about some recent articles that have appeared in the *Age* of 16 August and today in relation to the subprime crisis and charities. In looking at the articles it appears that the *Age* is getting its facts incorrect, and what is being written is simply dishonest. I expect opposition members to push this along a little bit, but I do not expect the *Age* to continue to get its facts wrong.

Let us look at the definition it has introduced today of the 'subprime crisis'. Today's *Age* states:

The broader and equally acceptable definition is any asset — especially structured finance assets — which are at risk due to the meltdown in global credit markets.

Effectively that could be any investment in property, any investment in property trusts, any shares and any secured properties. It is an absolutely ridiculous definition, and after the *Age* got its facts wrong it broadened its definition and decided that any investments government institutions may make — and a lot of them have been falsely accused of making subprime collateralised debt obligations — are potentially at risk. Obviously I am potentially at risk with the investment I have in my house. Every potential investment the government makes is a risk. It is an absolute load of rubbish for the *Age* to get this factually incorrect and then extend the definition to start suggesting we are in crisis.

## BUSINESS OF THE HOUSE

### Standing and sessional orders

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

That so much of standing and sessional orders be suspended so as to provide that the house, at its rising on Thursday, 9 October 2008, adjourn until Wednesday, 15 October 2008, at the auditorium, Monash University, Gippsland campus at Churchill, the Speaker to take the chair at 10.00 a.m.

By way of a very brief explanation for those who are uncertain of what the motion seeks to do, it seeks to set up the time and place in which the regional sitting will take place later on this year.

**Mr INGRAM** (Gippsland East) — I rise to support the motion. It is good to see that the Parliament will be coming out to Gippsland. It would have been better to have it further east in Gippsland, but I think it is an important part of our process to have regional sittings. I know all members will enjoy their time at Monash University on 15 October.

**Mr RYAN** (Leader of The Nationals) — I support the motion on behalf of The Nationals. I think it is a fine thing that the Parliament has these country sittings, and in our respective seats in Gippsland we will be delighted to host the Parliament for the day.

**Motion agreed to.**

### Gippsland regional sitting

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

That so much of standing orders be suspended so as to allow, on Wednesday, 15 October 2008:

- (1) Immediately after the prayer, an Aboriginal elder to be admitted onto the floor of the house for the purpose of giving a welcome to country.
- (2) Immediately after the welcome to country, the Premier and the Leader of the Opposition to address the house for 15 minutes each about the regional sitting.
- (3) Richard Larkins, AO, vice-chancellor of Monash University, and Bruce Lougheed, mayor of the Latrobe City Council, to be admitted onto the floor of the house to hear the addresses by the Premier and the Leader of the Opposition and each to respond during a total overall response time of 15 minutes.
- (4) The order of business for the remainder of the day to be as follows:
  - (a) formal business;
  - (b) statements by members for a total time of 20 minutes;
  - (c) matter of public importance with a maximum of six members speaking, subject to a time limit of 10 minutes per member;
  - (d) government business;
  - (e) question time at 2.00 p.m.;
  - (f) ministerial statement at the conclusion of question time, with the minister and three other members to each speak for a maximum of 10 minutes;
  - (g) government business;
  - (h) adjournment debate at 5.30 p.m.

This motion sets out the procedural guidelines as to how the program for the regional sitting will be structured. I gave notice of a motion yesterday, and the motion I am moving today is substantially the same as that.

There are two minor amendments to it which have arisen out of a discussion I had with the opposition. The desire of both the opposition and the government was to clarify the intent of the original motion, particularly in relation to the matter of public importance (MPI). In relation to the ministerial statement, it was our suggestion that there be one speaker from either side. That has now been expanded to have two speakers from either side.

The essence of what we are trying to do with this motion is not just establish a framework for the day in Churchill but also provide for a broad spread of typical parliamentary activities that might take place over the course of a whole parliamentary sitting week rather than just on one particular day. This is designed to give

the flavour of Parliament to those people who will come along — we hope there are people from the Gippsland community who will come along to observe — including people from the Latrobe Valley and the broader Gippsland region. They will be most welcome. Accordingly we are trying to set the flavour of the day to have a broad range of activities. You will see that we will start at 10.00 a.m. and we will commence the adjournment debate at 5.30 p.m.

Further to the discussions yesterday with the opposition — and I thank it for its cooperation and assistance — I have undertaken that I will make the MPI and the ministerial statement available to the opposition and the Independent member at lunchtime the day before. Information is not normally provided that early, but it was put to us that there are considerable logistical arrangements involved in moving Parliament — not just for the Parliament itself but for the members and the political parties around which most people are structured — and in light of those logistical arrangements, they said it would be helpful to have that earlier advice. I am prepared to provide that.

In relation to the content of the government business program, we do not quite know what that will be at this stage, but we will undertake to notify the opposition and the Independent member in the normal fashion. This is just a practice arrangement that we have put in place to provide notice and certainty to the extent that we can. We usually try to do that on the afternoon of the Thursday prior to the sitting week, and we will endeavour to do that again on this occasion, notwithstanding the fact that we are only sitting for one day, the Wednesday.

What we are presenting to the house today is a procedural motion for a sitting that will, I believe, adequately highlight and demonstrate to the people of the Gippsland region what happens in Parliament in a normal way. Some of the items will be a bit foreshortened so we can get more people to contribute or can expose different elements of the parliamentary process, but I think it will provide the opportunity for all parliamentarians to shine in a sunny part of the state.

**Mr McINTOSH (Kew)** — I join with the Leader of the House to likewise acknowledge the importance of the forthcoming regional sitting and indeed the opportunity to go to Gippsland and perhaps demonstrate in this fashion the way the Parliament operates for the benefit of the Victorian community.

It is important to acknowledge at this stage that this final motion which appears before the house in its

current form, apart from one matter, has been the result of a number of discussions over the last 24 hours between the Leader of the House and me, and on one occasion with the cabinet secretary. I am certainly grateful to the Leader of the House for accommodating the concerns and wishes of the coalition opposition in relation to these matters, save with respect to one matter which I will touch on in a moment.

The certainty provided by clarification about the MPI (matter of public importance) is important. The alternative would have meant there would have been three government speakers with only two opposition speakers, but the Leader of the House has accepted that the six-member participation balances the equation. It means a reduction in time for the two lead speakers, but both parties accept that in order to ensure balance we will reduce the time given to the lead speakers from the normally accepted 15 minutes for a matter of public importance.

In relation to the ministerial statement, again acknowledging that two speakers for 20 minutes would not properly demonstrate to the people of Gippsland how a similar debate on a ministerial statement can take place, the opportunity will be in place for four members — the minister and three other speakers — to speak for a maximum of 10 minutes, and that is a concession for which the opposition is very grateful.

In relation to both the ministerial statement and the MPI, I am grateful that through the formal acknowledgement of the Leader of the House today the government will provide the details of that MPI. The Leader of the House said that would happen at lunchtime; my recollection was 12 noon.

**Mr Batchelor** — That is right.

**Mr McINTOSH** — Twelve noon in relation to both matters. Obviously this will facilitate proper debate. As the Leader of the House has identified, one of the significant problems that the opposition will have in meeting both a government MPI and ministerial statement is that without research facility support staff and the normal access to computers and library facilities, research will be somewhat limited. I am grateful that the Leader of the House has made that concession.

I note also the normal practice in relation to government business, providing the opposition on Thursday afternoon with the details of the government business program. There will have to be, in the normal course, a shadow cabinet meeting and a coalition meeting to make decisions in relation to these matters.

All in all the negotiation was long and tenuous — not uncommon in this place — but certainly the outcome is very satisfactory for the opposition, with the exception of one matter, and I know that the Leader of The Nationals will make his comments in relation to that matter.

I am profoundly disappointed, and I deeply regret, that in the welcome no provision will be made for the Leader of The Nationals to address the chamber. Given the fact that while it is not exactly the leader's local electorate, he is the next-door neighbour, he is very close to and certainly well across the issues, and he knows the electorate very well. At the end of the day it is the electorate of The Nationals and it represents that seat in this chamber. It is highly regrettable that in a formal welcome, which is not part of the usual practice, there is no opportunity for the Leader of The Nationals to participate along with the Premier and the Leader of the Opposition.

Given the fact that the Leader of The Nationals is still recognised as the leader of the third party in this place, and the fact that it is his patch — it is represented by The Nationals of which party he is the Leader — it is deeply regrettable that the government has not seen fit to allow The Nationals to be represented by him at the formal welcoming ceremony. If he were to participate, it would amount after all to only an additional 15 minutes in the proceedings. In a long day such as it will be, that would be nothing uncommon and it would not detract from the day at all.

**Mr RYAN** (Leader of The Nationals) — I congratulate the government for the initiative of taking Parliament to Gippsland. That magnificent part of Victoria has contributed much to the history and heritage of this wonderful state. The sitting at Churchill, which is now an educational centre of excellence, will afford an opportunity for conversation around those important matters.

The Latrobe Valley is the heartland of the power generation industry of Victoria. I am sure the work of Sir John Monash, particularly his great contribution post the First World War in introducing energy facilities into the Latrobe Valley, will also be the subject of conversation. The great contributions which people in the many and varied communities of Gippsland continue to make to the fortunes of this state will quite properly be in focus. I look forward to the day's events, as I am sure do all other members of the house.

The government is also to be commended for the sensible negotiations that have taken place and for the

agreement that has been reached with the manager of opposition business as to the arrangements for the day. The point made by the Leader of the House is absolutely right — that the intention is to convey to the people of the region the general nature of parliamentary process, not to reflect a parliamentary sitting day per se. The intention is to have the Parliament in the region to enable people to attend and see the Parliament in action locally, warts and all, as it were. I think the day needs to be seen in that context. Within those parameters we have been able to devise an agenda for the day which I think will achieve the fundamental aim to which the Leader of the House has referred.

There is from my point of view only one very disappointing feature of the day's proposed events — that is, that as Leader of The Nationals, the third party in the Parliament, I will not be permitted by the government to speak during the course of the formal reception. That is most regrettable. I have the honour of leading the third party in the Parliament. The regional sitting will take place in the electorate of Morwell, which is held by The Nationals, and in the federal electorate of Gippsland, which was recently won by The Nationals. We are intimately associated with the life and times of Gippsland. It would have been appropriate for me to have been able to at least make a contribution to the formal welcome. Propositions in that regard were put to the government. I made one request of the Leader of the House on this point last evening, and the request was refused. In the end that is a matter for the government. I understand the Leader of the Opposition would have been quite happy to have split the 15 minutes allocated to him into a 10-minute segment and a 5-minute segment if it were felt that the time constraints on the day were such that additional time could not be devoted to allowing my participation in that formal welcome in the manner that I would have preferred.

The decision taken by the government in this regard is reflective of the broader issue of the petty vindictiveness that tends to surface very occasionally in relation to a coalition having been formed between two independent parties for the purposes of offering an alternative government in Victoria. Here we have an instance where the government, having been prepared very sensibly and fairly and reasonably to accede to all other forms of negotiation with regard to the day's events, still was not prepared to accede to my being able to speak as part of that formal welcome.

I spoke at Bendigo when the Parliament sat there, and I spoke at Geelong when the Parliament sat there. The government will say that on those occasions we were not in coalition. I say to the government that one of the

great strengths of this Parliament is that for the main part the conduct of its running is in the hands of the members who come into this chamber. When all the furor is over, the great thing is that for the main part a large measure of common sense and common decency applies in the way in which we run this Parliament. We do it collectively, we do it cooperatively.

It would have been a matter of a small moment for the government to have reflected on the fact that the third party is still formally recognised in this Parliament, and that the issue of coalition or otherwise is a matter of no consequence given the nature of this particular day and the fundamental intention of it to which the Leader of the House has referred and in relation to which I have commended him already. Instead, we had the Labor Party taking a particular view in the manner it has.

We as a party are not going to oppose the proposition which has been advanced here today. I would not demean us or this Parliament by doing so. The only people who are demeaned by the decision taken by this government are the members of the Labor Party. I further say in conclusion that it is a very long road that does not have a bend. This place runs on the basis of a cooperative spirit on the part of all of us who are here to ensure that for the greater good of all we can have the Parliament of the state present in a manner which does justice to all of us who are within this chamber who have the great honour of representing the people who send us here. We do that, as I said, as a matter of general course. But, putting it at its lowest, I see this as a most unfortunate departure from that general principle. I think it is most regrettable. The commentary stands, and the judgement will be made against the government, not against us.

**Mr LUPTON (Prahran)** — I want to make a few short points in support of the motion that has been moved by the Leader of the House. The October sitting in Gippsland will be a great opportunity for the people of Gippsland in general to see Parliament in action in their own part of our state. It is a great initiative of this government that since coming to office we have in each term of government taken the Parliament to the people all around Victoria in this fashion.

As the Leader of the House has rightly said, the activities of the Legislative Assembly on that day will not reflect a typical sitting day but in fact a typical sitting week concertinaed into one sitting day. A lot of work has been done, and I commend the officers of the Parliament for the work they have put into making sure that the formal processes are brought together. It is not an easy thing to set up the procedures for a one-day sitting to reflect an entire sitting week and still give an

appropriate amount of time to each of the various activities that go on during the course of the day, and they have done a good job in that regard.

The government has made significant attempts to accommodate the wishes of members in relation to the way that the sitting will take place, and in general terms I accept the statements made by those opposite in relation to those matters. However, I want to take up a couple of points that have been made in relation to balance and equity and point out how these things need to be taken into careful consideration in order that the day proceed in a sensible and orderly fashion.

The member for Kew raised the issue of a balanced equation regarding the number of speakers on each side of the chamber. He made a valid point in relation to the matter of public importance (MPI), where six members will speak for 10 minutes each over the course of an hour; the original proposal was for the government to have three speakers to the opposition's two. Through sensible negotiations we have come to an agreement that there will be three speakers on each side of the house on the MPI, with six speaking for 10 minutes each rather than the lead speakers being given a longer period of time, which would have meant there would be three government and two opposition speakers. Three from each side speaking on the MPI is perfectly valid. That sort of approach to the question really needs to logically extend to the other arrangements and formal business that the house will entertain during the course of that sitting day.

That moves me on to the main point raised by the Leader of The Nationals, which is that the response to the welcome should involve a speech by the Premier, the Leader of the Opposition and the Leader of The Nationals. When one thinks about it, that would mean that the formal welcome response would involve one government member and two opposition members, which is precisely the thing that opposition members did not want to have happen on the matter of public importance. We took their point in relation to that, and I think they ought genuinely and properly take our point in relation to the same type of matter when the opposite is put.

The Leader of The Nationals made the point that The Nationals is an independent party. The Nationals entered into a coalition with the Liberal Party, and they form a coalition in this house. That was not the case when we went to Bendigo and Ballarat, and that was not the case when we were in Geelong and Colac. The fact of the matter is that when two parties form a coalition there are matters of consequence in relation to that decision. As far as the formation of a coalition is

concerned, when that decision is taken the two parties are dealt with in this chamber as if they are one for these purposes. That is the nature of a coalition.

The Leader of The Nationals says the coalition was formed by independent parties. All coalitions are formed by independent parties. That is why they form a coalition. They are independent parties and they come together to act in concert, as a coalition, for parliamentary purposes. We do not know how long this coalition may last. There have been coalitions that have formed and unformed, then formed and unformed again. We could not even contemplate changing the standing orders in this chamber every time a coalition was formed or unformed just to meet its convenience. The fact of the matter is that there is a coalition in this Parliament, and for those purposes the Liberal Party and The Nationals are properly to be treated as the opposition, as they want to be treated — but they want to have their cake and eat it too.

We accept the concept of proper balance in these matters. That is why we made the accommodations with the opposition in relation to the number of speakers from each side of the house on the matter of public importance. The logic of the case clearly is that that should also be the case in relation to the formal response, and I support the motion moved by the Leader of the House.

**Mr INGRAM** (Gippsland East) — I rise to speak on the motion before the house which sets up the procedures and the work that this Parliament will do when it visits Gippsland. I have participated in two regional sittings previously, one at Bendigo and one at Geelong, and they were both very successful.

Taking the Parliament to the people is a good initiative. The items listed in the motion before the house include the normal processes such as the prayer. A welcome to country is a good initiative of the Parliament when it goes to the regions. There is much said in the debate on this motion about who should address the house to welcome Parliament to Gippsland, and I will touch on that later.

The vice-chancellor of Monash University and the mayor of Latrobe City Council will come to the sitting. That is a good thing, and we have done that in previous regional sittings. Most local governments and communities welcome the opportunity to participate, listen to debate and see the normal, if truncated, procedures of the house in operation.

I thank the Leader of the House for the discussions we have had in relation to this. Like the Leader of The

Nationals, I make the point that if we are going to have an extended welcome, I am sure other members, such as the member for Morwell, who was in the house earlier, would like to welcome the Parliament in a formal sense to Gippsland. I, as a local member down that way, would also like to welcome the Parliament there, and I am sure the Acting Speaker would like to welcome the Parliament to Gippsland.

We could extend this right out and have 88 members of the chamber giving a welcome. We really have to be a bit rational here. The Leader of The Nationals has had a little hissy fit, but there will be plenty of opportunity for members to participate in the debate.

*Honourable members interjecting.*

**Mr INGRAM** — Clearly there are a few people who are a bit touchy about the welcome.

**Mr McIntosh** interjected.

**Mr INGRAM** — Ultimately I would like to participate in the welcome, and that is the point I made to the leader of government business. I understand the fact that we need to go through a reasonably truncated process. I acknowledge the leader of government business indicating that the matter of public importance will be notified at 12.00 noon the day before, as will the ministerial statement. Likewise, I may wish to contribute to some of the debate that is going on on that day; I have a call for the 90-second statements on that day.

This is a good initiative to take the Parliament out and to show the community of Gippsland the normal day-to-day operation of the Parliament. Normally when we go out we debate legislation, but there will be a fairly limited amount of time to debate, when you consider that we will start at 10.00 a.m. and finish at 5.30 p.m. There is a balance that has been established here, and it is a reasonable balance, as other members have said. I will support the motion before the house.

**Motion agreed to.**

## VICTORIA LAW FOUNDATION BILL

*Second reading*

**Debate resumed from 20 August; motion of Mr HULLS (Attorney-General).**

**Mr CRISP** (Mildura) — I rise to talk on the Victoria Law Foundation Bill 2008. The purpose of the bill is to re-enact and amend the law governing the

Victoria Law Foundation. Before I start I would like to compliment the member for Box Hill on his work on this bill and his lead speech yesterday.

I will use this bill to draw some parallels between what is happening here and what is happening to the First Mildura Irrigation Trust (FMIT) in Mildura and refer to some principles of democracy that run with that. Firstly, the main provisions of this bill are to change the current law to replace the current representative board, of which only three members 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; reduce the maximum number of board members from 16 to 8; reduce the board members' term from five years to three years; replace the Chief Justice as president with a chairperson appointed by the Attorney-General; and change the functions of the foundation. The education function will be narrowed to the administration of justice and access to law; the research function will be narrowed to access and barriers to access; the law libraries' functions will be removed; and there will be a new function to make grants to organisations for any program regarding the law that will benefit the people of Victoria.

With this bill comes a concern that a board being appointed by the Attorney-General will undermine the independence of the foundation, which is vital to the foundation's effectiveness, and risk it being turned into an arm of government.

These are momentous changes for the law foundation, as it has been. The Attorney-General is attempting to use the bill to seize control of an independent and well-regarded public institution. The Attorney-General is seeking the power to appoint board members himself, including the foundation's chair. You could remove 'Attorney-General' anywhere in this bill and replace it with 'water minister', and remove 'Victoria Law Foundation' and replace it with 'First Mildura Irrigation Trust'. The democratic principles have been a considerable issue in Mildura. There are people who still feel very strongly and have some regret about how the strength of those feelings is being expressed.

There were other options that the minister could have used with FMIT. If he was dissatisfied with the board, the minister could have put in an administrator and called fresh elections. That could have solved the problems with the governance that he mentioned in the determination he tabled.

**Mr Lupton** — On a point of order, Acting Speaker, this bill has nothing to do with the FMIT. The member

is going into great detail about another matter, and he should restrict his comments to the bill.

**Mr McIntosh** — On the point of order, Acting Speaker, I was listening to the member quite carefully, and all he was doing was using an example of what could go wrong, and that example was very much in line with the concerns of the opposition about the Victoria Law Foundation. The example is quite a pertinent reference in relation to this bill.

**The ACTING SPEAKER (Mr K. Smith)** — Order! I do not uphold the point of order.

**Mr CRISP** — The overall objective of the law foundation at the time it was established, as was said in the second-reading speech, was to promote essential law research projects, legal education, law libraries and a general charter forward towards the improvement of the law and its administration. It is a service body which provides a service to its profession — its colleagues and perhaps people who would be considered their customers.

Since the foundation was established it has been funded from interest earned from clients' funds held in solicitors accounts. We have an issue here of assets being accumulated from contributions by those people who are enjoying the service or who have a stake, but then when the board administration changes, the value of those assets and how they are considered by the public is of importance. In dealing with this the minister needs to be well aware of the ownership of assets and the feeling of ownership of those assets that people have. That, too, is a strong feeling in my electorate.

As the minister appoints people to the law foundation board I urge him to look at and consider the case for continuing grassroots representation from those who have both assets and time invested in these organisations, and to look at how he constructs the board that will then carry forth those services. There are remarkable parallels between this and the decisions that are made by FMIT as it is going forward. There are stresses that are created by government actions; those stresses need to be alleviated, and there needs to be genuine grassroots representation. If we cannot have democracy, then we should do the best we can to ensure that there is adequate representation from those who have invested in these organisations.

The Nationals in coalition are proposing a number of amendments, and they have already been well debated by the member for Box Hill. We will support those amendments because we feel the Attorney-General is hijacking an independent body and turning it into

something that will be less accountable to its customers but more accountable to the government. If there is not correct representation on the board, it will be of concern.

**Mr LUPTON (Pahran)** — I rise to make some comments in support of the Victoria Law Foundation Bill. Initially I will make some comments on the background of the foundation, which has done some extremely good work, ever since it was established in the 1970s, in promoting knowledge of the law and legal education in this state.

It is one of those bodies that is probably not known about very broadly in the community in some ways, but nonetheless it is very well regarded, particularly among the legal profession and in legal education circles and law schools in this state.

It is a body that has shown a great amount of initiative in relation to undertaking its activities over the years, particularly dealing with legal education projects which have been run throughout Victoria. As with many such organisations — and it has now been in existence for some 30 years — I believe it is timely that there be an updating of the functions and governance arrangements of the Victoria Law Foundation (VLF).

A review of the Victoria Law Foundation found that since its inception a number of other bodies have been established that have functions overlapping those of the Victoria Law Foundation. Some which come to mind are the Victorian Law Reform Commission, community legal centres and the Public Interest Law Clearing House. As the Victoria Law Foundation is only a small statutory body with limited funding, it has been decided to focus the law foundation's functions on some specific functions that are not undertaken by other bodies. That will provide it better focus and an opportunity to do its important work in a way that enables it to carry out the objectives for which it was established in a better fashion.

As I mentioned, it is a small statutory body; nonetheless it has been governed by some 16 members, which is a very large number of board members for such a small statutory body. It is really quite a large number and quite unwieldy for such a small body with a really tightly defined purpose and function.

The review of the law foundation found that members were appointed on the basis of representing particular interest groups rather than because of the skills that the VLF needs to be successful to deliver its objectives. Historically it was set up with particular representation coming from professional organisations such as the

Victorian Bar, of which I am a member, and the Law Institute of Victoria. What the review found was that rather than people representing particular interest groups, it was the skills of the members of the board which should be paramount in successfully delivering its objectives.

When one goes to the qualifications that this bill sets out as being necessary for appointment to the board, we find that, after consultation with the Chief Justice of the Supreme Court, the Law Institute of Victoria and the Victorian Bar, a minimum of four members out of the not-less-than six members who need to be appointed to constitute the board must be lawyers, legal practitioners or holders of judicial office, so they are in fact going to be judges, barristers or solicitors. So there is certainly no suggestion in this legislation that the legal profession is being removed from its participation and membership in the board — far from it. In fact, it is being reiterated.

I believe it is a proper and appropriate approach to modern governance that, rather than representing a particular professional organisation as members of that board, the members of the board are appointed particularly for the skills they bring to carrying out the objectives of the Victoria Law Foundation and not, in a sense, sit on the board as particular representatives of a professional organisation. So it is a slight change. There is some nuance in it, but nonetheless I think it is an important matter and should be seen in that light.

It was therefore concluded that members should be appointed based on their skills, on their knowledge and on their experience in a range of areas, such as their knowledge of the law and community legal education, experience in managing organisations, experience in grant making, which is a very important part of the law foundation's work, and also publishing, because the law foundation, as one of its characteristics, publishes some very important and noteworthy volumes in relation to legal education.

Those are the sorts of skill sets that are appropriate and proper for the law foundation to ensure that it is a modern and well-appointed organisation. Members with this range of skills and with this type of knowledge and experience will be able to provide the sort of governance skills that the Victoria Law Foundation needs to effectively deliver its objectives.

It is important, though, to ensure that the views of the judiciary and the legal profession are considered. The Attorney-General is required under the legislation to consult with the chief justice, with the Victorian Bar and with the Law Institute of Victoria before making

these appointments. It is, I think, entirely appropriate that that be the case.

There are also, I might say, many examples of statutory bodies whose members are appointed in the same manner and that are independent of government. The list is a lengthy one, but it is important in the context of the Victoria Law Foundation to really understand what its functions and objectives are in order to see that the way this bill is structured is entirely proper, because this organisation promotes and undertakes community legal education in Victoria; it disseminates knowledge relating to the law, including educating lawyers, so it is about not only non-lawyers but also about educating lawyers in matters relating to the administration of justice and access to the law; it commissions and disseminates research in relation to access to the law and the needs of persons unable to access the law effectively; it makes grants to organisations for projects and programs in relation to the law to benefit the people of Victoria; it informs the people of Victoria about matters in relation to the law that are in the public interest; and it publishes or subsidises the publication of materials relating to the functions of the foundation itself.

One can see when running through that list of functions set out in clause 5 of the bill that it is a broadly educative body which is really designed to promote understanding of the law right across the broad Victorian community. As such, the way in which it is structured, the appointment process, the types of skills that are set out in this legislation for the people to be appointed to the foundation and the way in which they will be appointed because of their skills, knowledge and experience, rather than simply to represent a particular facet of the legal profession in this day and age is an entirely proper way for us to go about ensuring that the Victoria Law Foundation continues to be able to do its important work, continues to be able to educate the people of Victoria about the law and about access to the law. For those reasons I support the bill and commend it to the house.

**Mr THOMPSON** (Sandringham) — The opposition has significant concerns with the way this bill has been presented to the house. Fundamentally it has the potential for the Attorney-General to hijack the independence of the Victoria Law Foundation and turn it into an unaccountable propaganda arm of the government. Currently there are a number of independent appointments to the foundation which are going to be usurped by the Attorney-General. It reflects a lack of understanding of the importance of there being independent organisations within the judicial system that can guide, research and direct resources, not

necessarily on the part of those people whose very tenure in their roles is subject to the discretion of the Attorney-General.

One of the reasons why the government got it wrong in relation to the appointment of part-time judges, in the opinion of the opposition, was its inability to understand the importance of the separation of powers, the importance of life tenure and the importance of complete independence to maintain integrity within the process, and if the appointees to this particular role are just further limbs of the talking heads of government, then those are the reasons why the opposition vigorously opposes the reforms being advanced by the government.

The purpose of the bill is to re-enact and amend the law governing the Victoria Law Foundation which was originally established under a Liberal government in 1967 with due regard to the requirements of independence and the autonomy of the constituent organisations representing the legal profession within the state. The provisions of the bill replace the current representative board, of which only three members 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 reduces the maximum number of board members from 16 to 8, thereby reducing the level of engagement of experts in the field to a more specialist board. The bill reduces the board members' terms of office from five years to three years. I regard one of the greatest failures in legislative reform in this state in the last 15 years as being the reforms to the upper house which reduced the tenure of upper house members and put them on the same electoral cycle as lower house members.

The bill replaces the Chief Justice of Victoria as the president of the board with a chairperson appointed by the Attorney-General. I commend the excellent work done by earlier chief justices in this state who took a very real interest in the work of the foundation in guiding its research, consulting widely and achieving outstanding outcomes. There has been a succession of chief justices who have given distinguished service to the foundation.

The provisions of the bill further propose to change the functions of the foundation; the education function is narrowed to the administration of justice and the access to law. The education function had been an outstanding function of the Victoria Law Foundation, which has promoted many valuable legal education schemes. The

research function of the foundation has been narrowed to dealing with access and barriers to access. The law libraries function has been removed, and there is a new function of making grants to organisations for any program regarding the law that will benefit the people of Victoria.

I will elaborate some of the particular concerns of the opposition. The board's being appointed by the Attorney-General will undermine the independence of the foundation which is vital for the foundation's effectiveness. The board seriously risks being converted into a real propaganda arm of the government. We can see that occurring with board appointments across the state, where people close to the Labor Party are appointed to positions of high office. When an issue arises that requires a chorus in unison to ripple out to the wider world, then they will be singing the tune of the Attorney-General and the Labor Party. I do not think that that bodes well for a strong and vibrant democracy.

The functions are being diverted from general legal education, which will reduce resources otherwise available in that area, and the grants function of the board can make the foundation an unaccountable conduit. I note again the lack of independence on the part of board members who will be making resourcing decisions on funds derived from the people of Victoria. Those funds will be disbursed by a board that has been appointed directly by the Attorney-General. It detracts from the independence of the law institute and it detracts from the independence of the bar council and other representative bodies to have their own appointees placed in a particular role. It converts the function of the foundation to something that had not been originally intended.

Some of the good work undertaken by the foundation to date under a board that has had this independent function includes community access to justice and activities, to quote the Victoria Law Foundation:

... that foster community benefit through education, access and best practice in the legal and community sectors.

There have been a number of awards given by the chief justice, including the chief justice's medal for excellence and community service and a student opportunity annual award to a graduating law student demonstrating academic excellence and a commitment to voluntary community work. There has been a Community Legal Centre Fellowship, and there are also distinguished pro bono service awards acknowledging dedicated and longstanding contributions by volunteers, and legal reporting awards

promoting excellence in the coverage of Victorian legal news, with entries closing in late March.

Given the Attorney-General's interest in matters legal — he was in the chamber just a moment ago, and I am disappointed he has departed — I recently encouraged him to turn up to the Law Institute of Victoria at a future president's luncheon and to announce to the assembled lawyers and legal cognoscenti that the Labor Party was wrong. What it promised the people of Victoria in 1998–99 was that it would repeal over 200 acts or pieces of legislation that reduced access to the Supreme Court of Victoria. These were wide-ranging remarks made to an educated forum which may not have been across the nuances of section 85 of the state constitution and the original jurisdiction of the Supreme Court.

The Labor Party said, through its then opposition leader and the then member for Northcote, that it would repeal over 200 acts. I think it would be a great thing if the Attorney-General went to the law institute's president's lunch and said, 'I am sorry that the Labor Party misrepresented to this august body its position on what it would do when it came into office', because it has certainly failed to repeal those 200 acts that it stated it would repeal when it was in opposition.

If the Attorney-General were fair dinkum about the impartiality and fair dinkum in relation to the notion of independence and wise judgement, then I would be delighted to help the Attorney-General, together with the shadow Attorney-General and the shadow Minister for Police and Emergency Services, to write a speech that might set out in clear terms, with judicial exactitude and precision, the exact state of affairs in Victoria in relation to section 85 clauses within this state rather than untruths being promulgated or promises failing to be fulfilled.

There is a great challenge for the Attorney-General in his summing-up — to acknowledge that the Labor Party got it wrong in relation to its public pronouncements that it would repeal over 200 acts. One particular Labor member said this was unprecedented in the Western world. It may be that the Attorney-General wrote the speech for the member for Northcote, or it may be that he counselled her afterwards and said, 'You got it wrong'. However, despite some overtures published in the *Law Institute Journal*, I have not seen any indication that the Labor Party might explain its position on this matter more fully, apologise to the Law Institute of Victoria and apologise to the people of Victoria for misrepresenting the position of the Labor Party at that time and for failing to fulfil what it undertook to do.

In relation to the bill before the house, I reiterate the opposition's serious concerns about the independence and autonomy of organisations around the state, whether you are speaking about water boards or hospital boards — —

**Mr Burgess** — Or judges.

**Mr THOMPSON** — Or the role of independent judges appointed on a lifetime tenure, so to speak. These are all examples which require independence and independent accountability rather than having mates of the Labor Party running the Labor line.

**Ms MARSHALL** (Forest Hill) — I am very pleased to rise and make a contribution to the debate in support of the Victoria Law Foundation Bill 2008. The VLF was established in 1967 with the aim of not only making the law more accessible to the broader community but of improving justice for all. This was achieved through the development of projects such as the promotion of community education in law and the legal system, the development of projects that provided for the improved administration of law, the promotion of legal education of lawyers and the employees of lawyers, and the undertaking of law reform research. The VLF awards around \$500 000 annually in cash grants for projects that improve the community's understanding of the law. It undertakes a number of projects designed to open up the legal system to the community, such as the very successful Law Week and Rural Law Online. It is expert at producing plain English user-friendly publications that are able to explain the different aspects of the law very clearly.

The VLF legislation was written in quite different times, and our communities and the way in which we service them continually change. An independent report commissioned by the Department of Justice in 2007 recommended that the role and function of the VLF under its act be streamlined to focus on improving the provision of information on the law and access to the law for the general community. It also recommended that the directors of the board should be appointed based on the skills and experience required to direct the business of the VLF and that the board should consist of no more than eight directors appointed, after consultation with the Chief Justice of Victoria, Law Institute of Victoria and the Victorian Bar, by the Attorney General or Governor-in-Council for three years. As the VLF act was relatively small in size, it was decided to propose an entirely new act as opposed to making the changes through amendments.

The bill does a number of things. It reduces the number of objectives of the Victoria Law Foundation in its act

to make its strategic focus the funding and provision of community legal education and information to members of the public who face barriers in accessing the legal system. It modernises the governance arrangements for the VLF to move away from sectoral representation to skills-based appointments. It reduces the number of members required to be appointed from up to 16 to up to 8, with a minimum number of 6. It is required that a minimum of 4 members be lawyers, legal practitioners or judicial officers. This came from a recommendation made during the review that found that members had been appointed on the basis of representing particular interest groups rather than providing the VLF with the skills needed to successfully deliver its objectives. This had the potential to lead to conflicts of interest when processes such as choosing grant recipients were involved. It also meant that the VLF's governing body did not have the wide range of skills that were needed to manage and lead a statutory body. Quite simply, the review found that members should be appointed based on skills, knowledge and experience in a range of areas such as knowledge of the law and community legal education among other things.

The bill requires the Attorney-General to consult with the Chief Justice of Victoria, the Law Institute of Victoria and the Victorian Bar prior to making any appointments to ensure that the views of the judiciary and legal profession are considered. It allows the Attorney-General to make appointments to the VLF for a period of three years as well as to remove members of the VLF in particular circumstances, such as physical or mental incapacity, non-attendance at meetings or conviction of an indictable offence. The bill also introduces a new conflict-of-interest provision that requires members of the VLF to declare if they have a personal interest in any matter that the VLF is deciding on.

This bill represents a new beginning, a new era, in the life of this organisation — a fabulous organisation that has represented Victorians and their interests very well over the last 40 years. It has done an enormous amount to bridge the gap between the Victorian community and the legal system. It is a terrific bill that is another step in the Brumby government's drive to modernise the legal system. I commend the bill to the house.

**Mr McINTOSH** (Kew) — I will speak very briefly on the bill. I join with the member for Box Hill and other opposition members in expressing profound concern that an organisation such as the Victoria Law Foundation is about to be taken over as a complete subsidiary of the Victorian government. There are independent funding arrangements in place for the

foundation. The argument of those opposite is based on the use of public funds, but over the last 30 or 40 years the Victoria Law Foundation has made a significant contribution to a number of aspects of the law in the state of Victoria. I have been aware of the law foundation for a number of years. I worked for a former Chief Justice of Victoria, and I can assure the house that Sir John Young, in his discharge of the office of chief justice, looked upon his involvement with the law foundation as a profoundly important role in providing that link between the law and the community.

At the time of my tenure as associate to Sir John Young, the Victoria Law Foundation was involved in a significant undertaking called the civil justice project, which was looking at delays in the courts, a matter which seems not to have been alleviated and which has been part and parcel of the law for years. A number of the reforms that were recommended as a result of the civil justice project, which was run in conjunction with the then department, were implemented in a number of different ways. It is a matter of profound note that Sir John Young considered his involvement with the Victoria Law Foundation to be an important part of his role. As shadow Attorney-General I had dealings with the Victoria Law Foundation and always welcomed the opportunity of having discussions with various members of the board and the administration of that organisation. I certainly acknowledge the work that it has done in the past. What concerns me is that this is essentially a takeover of the board, because the bill enables the Attorney-General to appoint his people.

In terms of the suggestion that the Attorney-General is capable of actually taking on board any form of consultation, you have only to look at the dealings he has had in relation to acting judges with the chairman of the Victorian Bar Council, whom he accused of being sexist for not supporting a particular appointment. Everybody knew perfectly well that criticism of the appointment of Barbara Cotterell to the County Court as an acting judge was not a criticism of Barbara Cotterell. I knew Barbara Cotterell at the bar; I appeared for her as a barrister. Everybody regards her highly. This was a matter of principle, which the bar took very seriously. It was about the principle of acting judges, which the bar was implacably opposed to and had been opposed to for a number of years. The Attorney-General, however, rather than examining the arguments on their merits, chose to debase the whole debate by accusing the chairman of the bar council of being sexist and opposing the appointment of women to the bench. Nothing could have been further from the truth; it was an outrageous comment about the bar council. Then there is the provision that the Attorney-General take on board the comments of the

Law Institute of Victoria. The law institute of course is opposed to this move, yet we are going ahead with it and changing something that has been an important part of the administration of justice in this state.

As I said, the opposition deeply regrets the proposed amendments relating to the ability of the Attorney-General to appoint the entire board. There is nothing wrong with reforming the board — streamlining or changing it — but the Attorney-General is already able to appoint three members of that board, and to take it over completely is just outrageous. It will certainly be opposed by the opposition.

**Mr HULLS (Attorney-General)** — To sum up, I think this is an important piece of legislation, as all members have said. It is based on an independent report conducted by HLB Mann Judd Consulting. You can imagine the outcry that would have ensued if the government had received an independent report in relation to the restructuring of an organisation and simply ignored those recommendations. Those opposite would be standing up and saying how outrageous it was that the government was simply trying to get its own way by refusing to implement independent recommendations that had been made to it in relation to a particular body. The opposition wants to have it both ways. We have an independent report containing a range of recommendations, and we are implementing those recommendations.

In relation to the appointment process, the recommendations make it quite clear that we should have a skills-based board administering what are basically public funds rather than having a whole range of groups and organisations sitting around a board table and, in what is frankly an unwieldy fashion, representing their vested interests. Modern governance structure practice dictates that skills-based boards are the way to go. You can see that when you look at a whole range of organisations and statutory authorities right across government. We have moved away from representative groups that take their own interests to the board table. They make decision making very difficult because people cannot cast aside their own particular interests in the broader interests of justice and access to justice. That is why a skills-based board is absolutely appropriate.

What is being complained about is, firstly, a move away from a representative board to a skills-based board. We say that is modern governance practice. Secondly, there is a complaint that the Attorney-General gets to appoint the board members. Again, it was a recommendation by the consultants that that happen after the Attorney-General has consulted

widely. That is an appropriate way for the board to be put in place. It is in the legislation that the Attorney-General has to consult with relevant authorities, including the Chief Justice of Victoria, and that will indeed occur. Gone are the days when governance practice meant we had a very large representative board representing all its particular vested interests. This is basically about ensuring that the Victoria Law Foundation is more attuned to community needs and expectations. That is what the particular recommendations of the Mann Judd report say.

I agree that the Victoria Law Foundation does good work. It will continue to do good work. However, it is set up under an out-of-date act, and this bill is about modernising procedures. We believe that the recommendations of the consultants are sound, and we are implementing those recommendations. I wish this bill a speedy passage.

#### **Motion agreed to.**

#### **Read second time.**

#### *Consideration in detail*

#### **Clauses 1 to 4 agreed to.**

#### **Clause 5**

**Mr McINTOSH (Kew)** — I move:

1. Clause 5, page 5, after line 11 insert —

“(iii) community and professional education about the law and the legal system;

(iv) the administration of justice;”.

This amendment relates to a matter clearly identified by the member for Box Hill on behalf of the opposition. Very briefly and in summary, it provides an extension to the current proposed research function of the board to cover legal education and knowledge of the law generally. Accordingly it will be supported by the opposition.

**Mr HULLS (Attorney-General)** — We oppose the amendment. The bill itself proposes that one of the functions of the foundation is to commission research in relation to access to the law, and to identify the needs of persons who are unable to access or who face barriers in accessing the law effectively. The proposed amendment suggests that this function be extended to commissioning research in relation to community and professional education about the law and the legal system and the administration of justice.

Clause 5 as it exists in the bill is as recommended by the independent report provided by HLB Mann Judd Consulting. That is why we believe the bill as drafted is appropriate. Indeed, the functions set out in the legislation are in line with the report’s recommendations that the role and function of the Victoria Law Foundation be streamlined to focus on improving information provision on the law and access to the law to the general community, and that was recommendation 1 at page 31 of the Mann Judd report.

The full list of functions in clause 5 includes promoting community education and disseminating knowledge relating to the law to the community. In fulfilling these functions it would be open to the foundation to undertake the activities, including research, necessary to identify the best means of providing such information and education, but clause 5(c) promotes particular areas that would benefit from in-depth research. It sets priorities, and it is appropriate that priority be given to this research into the level of legal need in the community as a means of informing all of the foundation’s other functions. We believe the amendment is inappropriate.

#### **House divided on amendment:**

#### *Ayes, 30*

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

#### *Noes, 47*

|                 |                   |
|-----------------|-------------------|
| Allan, Ms       | Langdon, Mr       |
| Batchelor, Mr   | Languiller, Mr    |
| Beattie, Ms     | Lim, Mr           |
| Brooks, Mr      | Lobato, Ms        |
| Cameron, Mr     | Lupton, Mr        |
| Campbell, Ms    | Maddigan, Mrs     |
| Carli, Mr       | Marshall, Ms      |
| Crutchfield, Mr | Merlino, Mr       |
| D’Ambrosio, Ms  | Morand, Ms        |
| Donnellan, Mr   | Nardella, Mr      |
| Duncan, Ms      | Neville, Ms       |
| Eren, Mr        | Noonan, Mr        |
| Foley, Mr       | Pallas, Mr        |
| Green, Ms       | Pandazopoulos, Mr |
| Hardman, Mr     | Perera, Mr        |
| Harkness, Dr    | Pike, Ms          |

Helper, Mr  
Herbert, Mr  
Holding, Mr  
Howard, Mr  
Hudson, Mr  
Hulls, Mr  
Ingram, Mr  
Kairouz, Ms

Robinson, Mr  
Scott, Mr  
Seitz, Mr  
Stensholt, Mr  
Thomson, Ms  
Trezise, Mr  
Wynne, Mr

### Amendment defeated.

### Clause agreed to; clause 6 agreed to.

### Clause 7

**The DEPUTY SPEAKER** — Order! I advise the house that because the member for Kew is proposing to delete the clause, he does not have to formally move amendment 2 in his name. However, if the house agrees to the clause, the member will not be able to move amendments 3 and 6 as they are consequential. I therefore advise him to speak to the principles of those amendments when talking on the clause.

**Mr McINTOSH (Kew)** — Amendment 2 would omit clause 7, which deals with the constitution and membership of the foundation. Due to the reasons advanced by the member for Box Hill, this clause needs to be omitted. One of the amendments we wish to move at a later stage, if this omission is successful, is to include a new clause in relation to the constitution and membership of the foundation that would in fact have a body appointed by representatives of the legal profession. Board members would not all need to be members of the legal profession but they would be appointed by them, in effective preserving the status quo. Accordingly, the opposition will be voting against the inclusion of clause 7 in the bill.

**Mr HULLS (Attorney-General)** — Clause 7 of the bill is based on the recommendations of the independent report by Mann Judd, which I referred to earlier. It proposes that the number of members of the board be reduced to no more than eight, four of whom are to be lawyers, and the Attorney-General is to appoint the members of the foundation after consultation with the Chief Justice of Victoria, the Law Institute of Victoria and the Victorian Bar. Clause 7(2) implements the report's recommendation 2 detailed on page 31 of the report, that:

the directors of the board be appointed based on the skills and experience required to direct the business of the foundation ...

...

there be no explicit organisational or positional representation requirement for board membership ...

In fact, the report found that:

Membership of the board is weighted in favour of legally qualified members, with a smaller representation from the community legal sector and few non-lawyers. Membership is representational. Given the need to streamline the role and direction of VLF, it would be timely to consider reorientating the membership criteria to be based on the skills needed to take the organisation into its next phase.

The bill implements those recommendations.

The bill clearly states that appointments will be made after close consultation with the chief justice, the law institute and the bar, and I have every intention of engaging meaningfully with those people in the selection process. However, I want to ensure that a body such as the foundation benefits from the skills and expertise of individuals who may not be part of the traditional legal networks. I believe this approach can only help the foundation achieve its aim of bridging the gap between the law and the community.

I note the comments that have been made by some speakers in relation to professional appointments that I have made to a range of legal bodies and the assertion that those bodies are merely the propaganda arm of the government. I have no doubt that many people who give their time and expertise to serve on those bodies would find these remarks and the questioning of their integrity and independence absolutely offensive.

The new composition of the board will mean that the foundation is much better equipped to perform its functions. It recognises that legal bodies need input from people from the broader community if they are to meet the needs of all people who come into contact with the legal system. First, we do not support the amendments because they are too narrowly focused on the legal profession. Second, the bill itself adheres to the recommendations of the Mann Judd independent review. Third, we want to have a skills-based board that better reflects the needs of the community.

**The DEPUTY SPEAKER** — Order! The question is:

That clause 7 stand part of the bill.

### House divided on question:

*Ayes, 49*

Allan, Ms  
Andrews, Mr  
Batchelor, Mr  
Beattie, Ms  
Brooks, Mr  
Brumby, Mr  
Cameron, Mr  
Campbell, Ms

Langdon, Mr  
Languiller, Mr  
Lim, Mr  
Lobato, Ms  
Lupton, Mr  
Maddigan, Mrs  
Marshall, Ms  
Merlino, Mr

Carli, Mr  
Crutchfield, Mr  
D'Ambrosio, Ms  
Donnellan, Mr  
Duncan, Ms  
Eren, Mr  
Foley, Mr  
Green, Ms  
Hardman, Mr  
Harkness, Dr  
Helper, Mr  
Herbert, Mr  
Holding, Mr  
Howard, Mr  
Hudson, Mr  
Hulls, Mr  
Kairouz, Ms

Morand, Ms  
Nardella, Mr  
Neville, Ms  
Noonan, Mr  
Pallas, Mr  
Pandazopoulos, Mr  
Perera, Mr  
Pike, Ms  
Richardson, Ms  
Robinson, Mr  
Scott, Mr  
Seitz, Mr  
Stensholt, Mr  
Thomson, Ms  
Trezise, Mr  
Wynne, Mr

*Noes, 31*

Asher, Ms  
Baillieu, Mr  
Blackwood, Mr  
Burgess, Mr  
Crisp, Mr  
Dixon, Mr  
Fyffe, Mrs  
Hodgett, Mr  
Ingram, Mr  
Jasper, Mr  
Kotsiras, Mr  
McIntosh, Mr  
Morris, Mr  
Mulder, Mr  
Naphthine, Dr  
Northe, Mr

O'Brien, Mr  
Powell, Mrs  
Ryan, Mr  
Shardey, Mrs  
Smith, Mr K.  
Smith, Mr R.  
Sykes, Dr  
Thompson, Mr  
Tilley, Mr  
Victoria, Mrs  
Wakeling, Mr  
Walsh, Mr  
Weller, Mr  
Wells, Mr  
Wooldridge, Ms

**Clause agreed to.**

**Clause 8**

**The DEPUTY SPEAKER** — Order! As the house has agreed to clause 7, I ask the member for Kew to move his amendment 4 in an amended form — namely, by omitting the words '(other than the Chief Justice or his or her nominee)' from the text he proposes to insert.

**Mr McINTOSH** (Kew) — I propose an amendment to amendment 4 standing in my name and therefore I move:

- Clause 8, line 27, omit "Minister may at any time remove a member" and insert "Governor in Council may at any time remove a member".

In speaking to that I will say — —

**Mr Hulls** interjected.

**Mr McINTOSH** — No, it is very clear, but I would not be doing justice to this amendment by speaking in any different way because the member for Box Hill has beautifully and clearly articulated the precise reasons why this is an important amendment to be made to this

bill. Accordingly, I am happy to support this amendment standing in my name, but I do so only because of the short absence of the member for Box Hill from the chamber. As I said, the beautifully presented argument in relation to this matter is the reason this amendment should be supported by all members of the house.

**Mr HULLS** (Attorney-General) — That nearly convinced me! The house having agreed to retain clause 7 — that is, that the appointments be made by the Attorney-General and we have a representative board according to the Mann Judd independent review — we do not agree with what is being proposed. Consistent with relevant guidelines on appointments to statutory bodies, under the bill appointments are to be made by the minister rather than the Governor in Council. This is a very small body which meets about four to six times a year and the appointment process set out in the bill is appropriate.

**House divided on omission (members in favour vote no).**

*Ayes, 47*

Andrews, Mr  
Batchelor, Mr  
Beattie, Ms  
Brooks, Mr  
Cameron, Mr  
Campbell, Ms  
Carli, Mr  
Crutchfield, Mr  
D'Ambrosio, Ms  
Donnellan, Mr  
Duncan, Ms  
Eren, Mr  
Foley, Mr  
Green, Ms  
Hardman, Mr  
Harkness, Dr  
Helper, Mr  
Herbert, Mr  
Holding, Mr  
Howard, Mr  
Hudson, Mr  
Hulls, Mr  
Kairouz, Ms  
Langdon, Mr

Languiller, Mr  
Lim, Mr  
Lobato, Ms  
Lupton, Mr  
Maddigan, Mrs  
Marshall, Ms  
Merlino, Mr  
Morand, Ms  
Nardella, Mr  
Neville, Ms  
Noonan, Mr  
Pallas, Mr  
Pandazopoulos, Mr  
Perera, Mr  
Pike, Ms  
Richardson, Ms  
Robinson, Mr  
Scott, Mr  
Seitz, Mr  
Stensholt, Mr  
Thomson, Ms  
Trezise, Mr  
Wynne, Mr

*Noes, 31*

Asher, Ms  
Baillieu, Mr  
Blackwood, Mr  
Burgess, Mr  
Crisp, Mr  
Dixon, Mr  
Fyffe, Mrs  
Hodgett, Mr  
Ingram, Mr  
Jasper, Mr  
Kotsiras, Mr

O'Brien, Mr  
Powell, Mrs  
Ryan, Mr  
Shardey, Mrs  
Smith, Mr K.  
Smith, Mr R.  
Sykes, Dr  
Thompson, Mr  
Tilley, Mr  
Victoria, Mrs  
Wakeling, Mr

McIntosh, Mr  
Morris, Mr  
Mulder, Mr  
Napthine, Dr  
Northe, Mr

Walsh, Mr  
Weller, Mr  
Wells, Mr  
Wooldridge, Ms

Northe, Mr

**Question agreed to.**

*Third reading*

**Amendment defeated.**

**The DEPUTY SPEAKER** — Order! As the house has not agreed to the amendment, the member for Kew will not be able to move amendment 5, as it is consequential.

**Clause agreed to; clauses 9 to 14 agreed to.**

**The DEPUTY SPEAKER** — Order! The question is:

That the house agrees to the bill without amendment.

**House divided on question:**

*Ayes, 49*

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

*Noes, 31*

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

## ROAD SAFETY AMENDMENT (FATIGUE MANAGEMENT) BILL

*Second reading*

**Debate resumed from 19 August; motion of Mr PALLAS (Minister for Roads and Ports).**

**Mr INGRAM** (Gippsland East) — I rise to speak on the Road Safety Amendment (Fatigue Management) Bill 2008. I have had concerns with the legislation, and I have had reasonable representation from my constituents on this bill. I have had discussions with the minister and the opposition spokesperson for transport. There is some difficulty with basically taking a stand opposing the bill, as it may appear that a member of Parliament is not supporting the introduction of fatigue management. From the outset, I am sure all members of this place would wholeheartedly agree with the concept of fatigue management and making our roads safer. The bill implements nationally agreed amendments for providing fatigue management for drivers of heavy vehicles. Like many pieces of legislation that come before this place, it is a national scheme, and in principle one would support that concept.

I have had discussions with individuals from the trucking industry in my region. Many members would know there was a nationwide stoppage recently, and the main purpose of the stoppage was to oppose the implementation of the national fatigue management processes. One challenge we have is that a large number of drivers in the trucking industry are starting to get fairly old, and many of them have limited schooling. There is some difficulty in some of the complexities around the new fatigue management logbook processes. There is concern that some of the current drivers will find it very difficult to comply, and the new fatigue management processes have much greater financial penalties. Coming with that, truck drivers who have small amounts of mistakes in their logbooks could be penalised or lose points and so on. Whilst as a matter of principle you would support that, there is a large amount of concern within the industry.

I have had discussions with the Minister for Roads and Ports on the way the industry is going. There are some real challenges in areas like Gippsland where, with major upgrades in highways, the government — VicRoads — has not actually put in rest areas for B-double trucks. That is a major concern, because if there are no acceptable rest stops along the highway for those trucks to safely stop and you put in provisions that have to be complied with requiring truck drivers to take breaks, it makes it very difficult for them to stop. Historically there have been a number of places where trucks could pass through either side of cities like Melbourne, but because of the extension of the freeways now there are very limited opportunities for rest stops. It is something we should feed into our new road construction so we have those rest areas. The concerns are that the new system is very complicated and honest errors are quite likely.

Another concern is that, as the industry is run at the moment, there is a small number of very large companies. Basically they bid for jobs and sell the point that they are nationally accredited and the rest of it, and then they actually outsource that work. Basically it forces the subcontractors and small business operators to do the jobs for fairly low rates. There are real issues in relation to the transport industry at the moment where a lot of people are running very tight margins, and unfortunately there are cowboys within the industry who are not doing the right thing.

I grew up in a community with a large number of long-haul truck drivers, and I think everyone would have heard stories in years gone past about the use of drugs to allow them to make those long-haul drives. We have to get that out of the system, but part of that is because the margins have been cut to the limit. There needs to be another way of looking at it. We need to have minimum rates established so that it will not be okay to outsource these tenders of work and so that it will improve the safety.

In my view the offset from that would be that you could improve safety and increase the responsibility of truck drivers. The industry's concern is that it is being squeezed from every end, and that has to be taken into consideration by the government.

I have a number of concerns, but I will not be voting against the bill. I have had discussions with the minister and others. There is a concern that there needs to be more education provided to truck drivers to make sure they understand the compliance requirements. I know there is a transitional phase, but the industry is concerned that truck drivers may get picked up and receive heavy penalties because they do not understand

the system well enough. In my view there needs to be a transitional stage during which an enormous amount of assistance is given to current drivers. It is difficult for trucking companies to attract new, young drivers to the industry, so we must make sure that the drivers who are there and have operated very safely for a long period are kept in the industry, particularly considering that some of them have fairly low levels of education. With those words I conclude my contribution to the debate.

**Mr EREN** (Lara) — I am pleased to speak in support of the Road Safety Amendment (Fatigue Management) Bill 2008. I do not believe anybody gets into their vehicle, drives off and says, 'I'm going to have a crash today', but unfortunately accidents occur unintentionally. Those who drive as an occupation and to earn a quid need to return to their families in one piece, which is why this type of bill is so important. Truck drivers are an integral part of everyday life, and they need working conditions that ensure they are not going to jeopardise their lives or the lives of other road users.

The bill before us today makes some amendments to the heavy vehicle driver fatigue management reforms introduced in the Road Legislation Further Amendment Act 2007. A comprehensive review was undertaken by the National Transport Commission (NTC) to look at a regulatory approach to managing fatigue in drivers of heavy vehicles. This review culminated in the development of national model legislation, which was implemented in Victoria through the Road Legislation Further Amendment Act.

The key elements of those fatigue management reforms were new work hours limits and rest time requirements, flexible driving hours using a three-tiered approach, risk-based categorisation of offences, a general duty to avoid driver fatigue, enhanced enforcement powers, a chain of responsibility in which a duty is imposed on persons who share with drivers the responsibility for fatigue management, and strengthened recordkeeping requirements, with a work diary replacing the drivers log book.

Since then the NTC has developed and approved three packages of amendments to the fatigue management reforms, and this bill implements the agreed amendment packages. The packages contain a number of minor technical and drafting amendments. They also strengthen the fatigue management reforms by enhancing work diary and recordkeeping requirements, enhancing accreditation requirements, clarifying the definition of short rest breaks so that a rest may be taken in the vehicle, and reforming the role of the

fatigue authorities panel to assign responsibility for appropriate functions to that panel.

These amendments are designed to further strengthen this very important legislation. I say 'very important' because according to research which was reported by the NTC, up to 30 per cent of truck fatalities and 52 per cent of major crash insurance claims are fatigue related, and 28 per cent of heavy vehicle licence-holders reported having fallen asleep while driving. Further, drivers who have had less than 6 hours sleep are 2.5 times more likely to doze off, and one in five drivers experienced events such as dozing off, crossing lanes and near misses in the last year. That is certainly a very scary statistic not only for the drivers concerned but for other road users.

I want to make some comments on the contribution made by the member for Williamstown — and what a great member he is. His background and involvement with the Transport Workers Union (TWU) stand him in good stead in making informed comments on this matter. He made some very good points about the health of truck drivers, which I wish to re-emphasise. The TWU represents thousands of truck and bus drivers across the state and has been at the forefront of this issue. In participation with the Institute for Breathing and Sleep and the Victorian Transport Association, the Transport Workers Union established an initiative called the Healthbreak program. Over a three-year period the Healthbreak program provided free and confidential health checks to around 7000 transport workers, focusing on the detection and prevention of diabetes and sleep and heart disorders. That is the industry responding to an industry issue.

That is a great initiative, and I congratulate all involved. I suppose it is not dissimilar to an initiative that this government announced recently, the \$600 million WorkHealth initiative. Obviously prevention is better than cure. Speaking of prevention being better than cure, I would like to mention some of the vehicle safety technologies that could be useful in assisting in avoiding a collision.

As members know, as the chair of the Road Safety Committee I tabled a report in this place yesterday in relation to vehicle safety. That report was the culmination of a lot of hard work by the whole committee, and I want to mention the members for Geelong, Ivanhoe, Rodney and Polwarth in this place, and in the other place Mr Koch, a member for Western Victoria Region, and Mr Leane, a member for Eastern Metropolitan Region. I particularly want to congratulate the member for Geelong, the previous chair. I now

understand how difficult it is being the chair and not just a member of that committee.

Some key safety technologies that have been identified are pre-emptive brake assist, which the committee has reported should be mandatory technology in trucks, electronic stability control for heavy vehicles and articulated trailers, lane departure warning, adaptive cruise control, and intelligent speed assistance. All these technologies will hopefully go a long way towards helping to prevent collision situations. As I said before, prevention is better than cure. During deliberations for that report Lindsay Fox came in to personally make a submission in relation to vehicle safety. He is a big fan of pre-emptive brake assist, and he said he is going to order some 750 trucks with this very important technology.

The bill is a very good bill. I congratulate the Minister for Roads and Ports, who is at the table. He is doing a great job. A lot of initiatives have been put in place recently to ensure that Victorian road users have the best and safest driving environment possible. That includes the policy that was announced recently of mandating the very important technologies of electronic stability control and side and curtain airbags, which will hopefully kick in by 2012. It will be mandatory for all new cars registered in Victoria to have these two pieces of technology, which will go a long way to making sure that the road environment is very safe. Having said that, I commend the bill to the house and wish it a speedy passage.

**Mr WALSH** (Swan Hill) — It is interesting to follow the member for Lara and his comments about the member for Williamstown and the discussion about union representation of drivers. I commend the Transport Workers Union on doing a great job not just for the employed drivers but also for the self-employed drivers. With the talk that comes from the other side of the chamber in here we sometimes lose sight of the employers. We need to also focus on the employers and the fact that there are a lot of really good employers out there who work very well with their drivers.

Good drivers are very hard to get. Employers employ drivers who drive vehicles that cost probably half a million dollars to buy and maybe have \$200 000 or \$300 000 worth of goods on the back of them. The overwhelming majority of employers work very well with their employee truck drivers to make sure they provide a safe and family-friendly work environment — as much as is possible within the constraints of the job these people do — so they keep their good drivers, because their drivers are the greatest assets they have.

They can have as many rigs as they like, but if they do not have the drivers to drive them, they do not make any money. As they say in the trucking industry, unless the wheels are turning, there is no money being made. I put on the record the fact that the overwhelming majority of employers out there in the trucking industry are also doing a great job.

The purpose of the Road Safety Amendment (Fatigue Management) Bill 2008 is to implement nationally agreed amendments to provisions providing for fatigue management for drivers of certain heavy vehicles, based on national model amending legislation which has been developed by the National Transport Commission for implementation throughout Australia. These provisions give effect to Victoria's commitment to implement the National Transport Commission's model legislation on fatigue management for drivers of heavy vehicles, subject to some minor departures. It is the issue of minor departures that I would like to touch on in my contribution.

Last week in Mildura there was another cross-border anomalies bureaucrats meeting, and the members of Parliament who represent electorates along the river were invited to be at the start of that meeting. Then the bureaucrats from New South Wales and Victoria get together and supposedly work at reducing cross-border anomalies, in this case between Victoria and New South Wales. If the member for Murray Valley was in the chamber, he would no doubt have something to say about this.

As someone who represents an electorate that adjoins several hundred kilometres of the New South Wales border, I am bitterly disappointed that with this legislation we are creating some more cross-border anomalies. We have model legislation introduced here, but we have variations on the theme from the states.

In its introduction the legislation states that it is only a minor departure. But I take as an example that a primary producer in my electorate who is operating his truck under basic fatigue management does not need a work diary if he is operating within 100 kilometres of his place of business on the Victorian side, but if he drives across the bridge at Swan Hill — or across the bridges at Tooleybuc or Barham out of my electorate — onto the New South Wales side, he needs a work diary straightaway.

That cross-border anomaly is being created with this piece of legislation. I point out that there is a major feed lot just across the river from Swan Hill in New South Wales which buys a lot of Victorian grain. A lot of people cart their own grain from their farms to the feed

lot just over the river in New South Wales. I would like the minister to give some consideration to how he can explain, in his summing up at the end of the debate, to the farmers in my electorate who will be driving their own primary producer-registered trucks that they will not need a work diary if they are working within 100 kilometres of their own base but that if they drive across the river they will need a work diary for their travel in New South Wales.

I am disappointed that the National Transport Commission has worked to supposedly take away a lot of the issues that create hassles for the transport industry with travel across borders, but with this bill we are putting in place another cross-border anomaly.

I notice that in its report the Scrutiny of Acts and Regulations Committee does not raise any of these particular issues. As the Scrutiny of Acts and Regulations Committee reviews legislation in this place, it will be useful if in the future one of the criteria they look at is how to make sure we do not create more cross-border anomalies as legislation is introduced into this place. The majority of this bill contains technical amendments to improve or implement changes to previous legislation brought into this place. It talks particularly about work diaries and how they will operate.

I would like to also touch on the amendment proposed by the member for Polwarth. I actively encourage the minister to support this amendment. I would like to see the government support it; it is a very practical amendment to the legislation for one sector of the transport industry who have some particular needs. The effect of the amendment would be that the livestock transport industry would be given some flexibility for when drivers were caught short in getting to their destinations.

They would have a bit of flexibility in how they get to their destinations and unload their stock. The definition of 'work' time would actually change so that it would mean not just your driving hours but also all the other issues. If you are transporting a B-double of livestock, through no fault of your own you could get held up at, for argument's sake, a weighbridge — you can quite often get stuck in a queue at a weighbridge next to a highway and lose a substantial amount of time while waiting to have your vehicle weighed — or you could have a flat tyre. Quite a few of the reasons drivers are held up are not their fault or because of their own actions. If they have a B-double of livestock, they need that bit of flexibility; then they can get to their destination and unload the livestock so it does not become an animal rights type issue.

**Dr Sykes** — Animal welfare.

**Mr WALSH** — Thank you, member for Benalla, an animal welfare issue into the future.

**Mr Noonan** interjected.

**Mr WALSH** — But the amendment would then mean that those drivers have to have a longer period before they drive the next day.

**Mr Noonan** interjected.

**Mr WALSH** — So it is about providing some flexibility in the industry. I believe it is a very sensible amendment, and it deserves the government's support.

*Honourable members interjecting.*

**Mr WALSH** — It is sometimes unruly to respond to interjections, but I will explain the particular issues. This is about having a common-sense approach for when people get caught short in this business through no fault of their own. They can easily plan their schedule and have everything worked out, that everything will go by the book and there will be no problems with getting to the destination, but through no fault of their own they can easily get caught short on a little bit of time.

We know that once these things become rules, the people who enforce them will, in most cases, enforce them to the letter of the law. Do we want a B-double of livestock being made to stop 15 minutes from its destination and sit on the side of the road while people have their rest period, or can we have some common sense here from the government by providing the opportunity for the truck to get to its destination and unload the livestock so it does not become a livestock issue?

**Mr Noonan** interjected.

**Mr WALSH** — I do not believe that puts an unnecessary stress on the driver. I do not believe that necessarily creates an unsafe work place. I do not think that necessarily creates an unsafe road environment. This is about having some flexibility for an industry that is unique because it has live freight compared to other sorts of consignments.

I urge the minister at the table, the Minister for Roads and Ports, and the government to make sure they support this amendment. As I understand it, at the moment the South Australian industry has an amendment to allow for a three-year exemption from the implementation of legislation.

**Mr Noonan** — Is that what you are proposing?

**Mr WALSH** — No. If I can pick up the question from the member for Williamstown, what we are proposing is what the livestock transport industry has requested: to give it some flexibility to make sure there are no animal welfare issues in how they carry out their very important role.

**Dr HARKNESS** (Frankston) — It is a pleasure to rise to speak in support of the Road Safety Amendment (Fatigue Management) Bill because it continues Victoria's long history as a world leader in road safety. While Victoria's road toll is still far too high, the reduction in fatalities over the past decade has been a remarkable achievement. In the last seven years alone our road toll has decreased by 25 per cent and is set to fall further. Victoria is now widely recognised as standing alongside those world-leading safety jurisdictions of the Netherlands and Sweden, and the government is constantly working to see that this position improves even further.

Of course there is still a long way to go, and for most people driving remains their most dangerous regular activity. No other daily task even comes close to killing 1600 people a year nationwide, and despite the risks we continue to drive in dangerous conditions of fatigue. While the effects of alcohol and drug use on driving are well known, many people remain ignorant of the dangers of fatigue. Around 20 per cent of fatal crashes in Victoria involve fatigue, and it causes hundreds of serious crashes on our roads each year. Fatigue-related crashes often lead to particularly severe injuries because they can involve very high speeds without braking. The difficulty in preventing them is that people sometimes do not recognise their own fatigue. There is also a common misunderstanding that fatigue means falling asleep at the wheel, when in fact it is much more subtle than that, and driving with a distant state of mind, or zoning out, can be just as dangerous as drink-driving, but it is not as easy to notice.

Part of the solution is public awareness through advertising campaigns. Another part is through the provision of rest break areas for long-distance driving. We also need to have a strong legislative framework to ensure that there is effective fatigue management in businesses that deters people from driving fatigued. That is precisely what this bill seeks to do, and it seeks to address that with a particular focus on heavy vehicles.

Following on from the wide-ranging amendments last year, the bill implements the latest fatigue management recommendations by the National Transport

Commission, which have been approved by the Australian Transport Council. Many of the amendments are fairly minor and technical, but they are important in improving several aspects of fatigue management among heavy vehicle drivers. Something as simple as adjustments to the diary and record-keeping requirements can translate into significant reductions in driver fatigue.

At first glance some of these changes might not appear significant, but they are an important step in the ongoing fight to reduce the road toll. The National Transport Commission should be congratulated for its careful monitoring of the 2007 legislation and for the updates which it has recommended as the basis of this bill. With those brief comments, I commend the bill to the house and wish it a speedy passage.

**Dr NAPTHINE** (South-West Coast) — I rise to speak on the Road Safety Amendment (Fatigue Management) Bill. In making some opening remarks let me put on the record my support for the road transport industry, particularly those very sophisticated and professional organisations that operate road transport companies in south-west Victoria which service the community well and service Victoria and Australia well.

Road transport is absolutely vital to the economy of this state and this nation. The vast majority of people involved in the road transport industry are very responsible and operate very professionally, and I pay a great deal of credit to the professionalism of the drivers, who I believe do a fantastic job under often difficult and challenging circumstances. I think some of the criticism of road transport and road transport heavy vehicle drivers is unwarranted, unfair and based on prejudice.

The purpose of this bill is to make it even safer on the roads for all road users, including the people who operate heavy vehicles. The purpose is fundamentally to implement nationally agreed amendments to provide for fatigue management of drivers of certain heavy vehicles, based on national model amending legislation which has been developed by the National Transport Commission for implementation throughout Australia.

Fatigue management is absolutely vital for our heavy vehicle drivers. Indeed I would say it is very important for all drivers on the road, because fatigue is one of the major factors in collisions, accidents, injuries and deaths on our roads. Unfortunately I think most of the fatigue now is associated with ordinary drivers who push themselves too far, whether it be trying to get to their destination quickly or driving after they have had a

long night out, even if they have not been consuming alcohol. Often we find people driving when they should not be driving, and they zone out and cause accidents.

I think it is important that we have a fatigue management system for heavy vehicle drivers, but any fatigue management system requires the support and cooperation of owners, managers and drivers. I would say it also clearly involves the understanding and support of businesses that use heavy vehicle transportation, because those businesses should not be placing demands on their transport companies and their transport drivers that create unreasonable and unsafe schedules or timetables that make it unsafe for the drivers to operate efficiently. We need to implement this with common sense and flexibility in certain special circumstances, and that is why I will be supporting the amendment.

The new law has three levels of operation — standards hours, basic fatigue management and advanced fatigue management. The explanatory memorandum to the legislation outlines these well, and I will quote it:

The reforms provide three options for the heavy vehicle transport industry —

option 1: is to comply with standard hours limitations on maximum working hours and minimum rest hours. This is the default requirement.

option 2: is to implement a basic fatigue management (BFM) regime. This comprises an optional set of working and rest hours, providing more flexibility than the standard hours, but with some mandatory fatigue management and compliance-assurance responsibilities imposed on operators;

option 3: is to implement an advanced fatigue management (AFM) regime. Under AFM, operators must comply with agreed standards and operating limits. Work and rest hours are approved by the regulatory agency (VicRoads) based on the operator's specific fatigue risks and fatigue management system.

The issue I wish to raise particularly relates to the livestock transport industry that operates in and services my electorate. I am advised that many carriers doing long-haul livestock carriage want to operate under basic fatigue management and/or advanced fatigue management to reduce the overall journey time and hence the stress on the livestock. They want to operate within the system, but they want to be able to operate under BFM or AFM rules, and there are very real problems for these people gaining the accreditation in advance of the implementation of these laws.

I have been advised that there are only three accredited auditors across Australia, and given the demand for their services with this deadline coming up, many of

these companies have simply been unable to get their drivers and their systems approved and accredited for basic fatigue management or advanced fatigue management before the 28 September implementation date. I am further advised that training schedules for drivers to complete as part of the basic fatigue management and advanced fatigue management have yet to be produced. VicRoads and the agencies responsible for providing the structure and the training for the AFM and BFM approach have not put those steps in place, so companies are going to be caught short and forced to operate on the standard hours when they really want to operate on the more advanced system but are unable to get that sort of training in progress. I am also being told that there is no basic fatigue management register yet established. This means that Victorian transport operators simply cannot gain basic fatigue management or advanced fatigue management status even if they want to, even if that is their desire and even if that is their professional aim — and I think that is a real difficulty.

Without this, many long-haul livestock operators will be disadvantaged. The example I give is that during the winter time when it is difficult to get fat stock in western Victoria, many of our Victorian abattoirs, particularly Midfield Meats in Warrnambool, get livestock from central and northern Queensland. This involves the cattle being trucked from Longreach to Bourke, where they are unloaded, spelled and watered and the transport driver is rested before the second phase of the journey from Bourke to Warrnambool. But those two stages, Longreach to Bourke and Bourke to Warrnambool, each require 14 hours. If these companies cannot get BFM and AFM status, it is impossible to do those journeys because there is nowhere else to unload and water the livestock overnight other than Bourke on the Longreach to Warrnambool run. What we are looking to do is make sure that there is some flexibility in the implementation of this so that these standard practices can continue to operate and that these truck drivers and their companies can get the appropriate training as quickly as possible so they can operate under the AFM and BFM systems.

Similarly much of the stock of the live sheep export trade or the cattle trade comes from Queensland to Portland. It is imperative for the welfare of those animals that they get to Portland as quickly as possible. Therefore to have that flexibility companies need to operate under the rules that apply to AFM or BFM. What we want is for them to be able to do that. At the moment we are putting the laws in place before we have the training programs and the accreditation systems in place so that these companies can do the right thing by themselves, by their drivers, by the

community and by the welfare of their livestock. Those are important issues.

Another issue that the trucking industry has raised with me is the absolute imperative to have more truck parking bays installed. There are simply not enough on our major highways and arterial roads to provide safe and appropriate places for people to pull over and have a rest — and rest appropriately. The industry also suggests that there should be a code of practice for both enforcement officers and operators to make sure that each understands their roles well. There is a real need for some common sense and flexibility to get the best outcome and cooperation.

The final thing I wish to mention while we are talking about road safety is that one of the most critical factors for the heavy vehicle industry and the community is improved road funding in rural Victoria. If we are talking about western Victoria, let us talk about road funding. We consistently see accidents, whether they be truck accidents or vehicle accidents, on the Henty Highway. On the Portland-Nelson Road we have seen about five truck accidents this year alone because of the state of that road.

The Princes Highway west of Geelong is badly in need of a major upgrade; it needs more passing lanes and more parking bays. The Woolsthorpe-Heywood Road, a major arterial road, still has kilometres of single narrow pavement; the Warrnambool-Caramut Road has shoulders which are an absolute disgrace and are in an appalling condition; and the Surrey River bridge at Narrawong needs to be widened for the safety of trucks and other users.

Whether it be the Henty Highway, the Surrey River bridge at Narrawong, the Warrnambool-Caramut Road, the Woolsthorpe-Heywood Road, the Portland-Nelson Road or the Princes Highway west of Geelong, many of the major highways and arterial roads in western Victoria and in south-west Victoria are simply substandard. They are not up to the safety standards we require to make sure they are safe for trucks and other road users because of the consistent underfunding by the city-centric Labor government. What we want is good conditions for all road users.

**Mr HUDSON (Bentleigh)** — It is a great pleasure to speak on the Road Safety Amendment (Fatigue Management) Bill in support of the vehicle driver fatigue management reforms which have been agreed to by the Australian Transport Council. It is an important point to make; nationally a group of experts has considered this issue, considered the question, looked at the research and looked at the options for regulating the

approach to the fatigue of drivers of heavy vehicles in Australia.

We now have a national agreement about what that fatigue management should be, yet we have the opposition coming into this chamber, wanting to plead special consideration for particular industries including the livestock industry and for particular routes. The opposition only wants to do that not on the basis of the interest of drivers and safety of drivers but on the basis of pleading for particular industries. That is untenable.

You cannot have an approach to driver safety that is based around special pleading, taking into account livestock needs but not taking into account the safety of the drivers as being paramount. That safety is based on research that has been done; it is based on setting the outer limits for driving and work without getting into serious problems over driver safety. That is what we are considering here, and that is what we should be primarily focusing on as a part of this consideration.

We have to continue to reduce the level of fatalities that are occurring on our roads and the level of fatalities that are occurring, particularly, on our country roads. What we have seen is that whilst the contribution of fatigue road trauma is difficult to assess, it is estimated that fatigue is a factor in 20 per cent of driver deaths on Victoria's roads each year. We know that fatigue-related crashes are far more prevalent on country roads compared to roads in the Melbourne metropolitan area. That is why we need specific measures to counter the high risks on country roads particularly when that fatigue involves truck drivers. That is what these reforms are all about.

We know that around 12 heavy vehicle drivers and 59 other road users are killed each year on Victoria's roads from crashes involving heavy vehicles. The research about this issue and the research of the National Transport Commission make sobering reading. A number of members have referred to statistics in this place which show why we must stick with a national approach. We cannot afford to make any concessions. We have to make sure that driver safety is paramount.

The Australian government's *Driver Fatigue — A Survey of Long Distance Transport Companies in Australia (2002)* found there was a lag between the increased awareness of fatigue and changes in operational practices, because there are pressures on the industry, including cost pressures. Despite the fact that they were aware of the issue of driver fatigue, the fact of the matter is that of the companies surveyed, only half believed that fatigue was well managed and

one-fifth reported that it was badly managed. When the drivers were asked the same question, their verdict was even worse. They said that fatigue was badly managed in the industry — and they are the ones who are at risk; they are the ones who are out there on the roads; and they are the ones who are trying to combat fatigue.

In the freight industry unfortunately there has been a culture that demands that the freight task be completely responsive to the demands of companies and freight forwarders. That is despite the fact that the majority of companies have pretty considerable control over their schedules, they have a fairly constant allocation of work and they have fairly consistent and clear schedules.

That is why it is incredibly important that the principal act and these amendments ensure that everyone in the transport chain, not just the driver, have responsibility for preventing driver fatigue under the new rules, irrespective of what that means for the costs of the industry, irrespective of the special pleadings of the livestock or any other industry, and irrespective of the particular logistical problems they might create. Once you make those exceptions, you compromise driver safety. We cannot afford to do that. I commend the bill to the house.

**Dr SYKES (Benalla)** — I rise to speak on the Road Safety Amendment (Fatigue Management) Bill 2008. I support the intention of the bill. There are many accidents on the Hume Freeway, which is a good section of road. I can only deduce that a lot of those accidents involving heavy vehicles are fatigue related. I commend VicRoads on its initiative to address that in terms of the signage and ongoing awareness. Incidentally, I find that fatigue management can be a problem for me on a section of that road, so I am very sympathetic to the bill's intention.

My concerns with this bill have to a large extent been expressed by the member for Swan Hill and the member for South-West Coast. They relate to an issue of lack of uniformity across Australia, and that is in spite of the speakers on the other side of the house claiming uniformity. There are clearly differences of detail between the different states. One concern relates to concessions for the transport of livestock and extensions under exceptional circumstances, which exist in South Australia and Queensland. Therefore I find it amazing that a person from the other side, the member for Bentleigh, should say that what has been proposed ensures uniformity, when in fact it does not.

The other issue that has been raised with me is the prescriptive and complex nature of aspects of the

legislation. As one of my trucking mates said to me, 'We're road drivers, not Rhodes scholars'. What has been put in place is well intended and needs to be generally taken on board, and it is to a very large extent supported by the industry, but we say we should be consistent with the other states and provide for flexibility in relation to livestock — as has been raised by other members.

I will just touch on my connection to the industry. As a farmer with livestock I have a close association with local carriers who transport livestock in the area and with fellows who move animals interstate — I ship bulls interstate. Those transport operators are under a lot of pressure. We have already had it explained that they work very hard. They are under constant pressures of rising costs, red tape and sometimes unduly tight schedules, which we agree need to be addressed so that the schedules being set for the drivers are reasonable.

As a vet I also look at the animal welfare aspects. There is no good arriving in time to meet your scheduling commitments if the product you deliver to the other end is either of poor quality or has suffered poor treatment. I have had a lot of involvement in the development of codes of practice for the transport of animals, and it is clear that you need to deal with each species separately. There are issues in terms of rest intervals that are species related and temperament related. The net result is that you need some flexibility, because when you are dealing with animals things can go wrong. You can have mustering problems, you can have animals going down on the truck that need to be helped up, you can have vehicle breakdowns and you can even have delays in unloading at certain locations, because the animals may choose not to move on or off the truck. Anyone who has loaded lambs or calves knows it can be extremely time consuming and can quickly interfere with your scheduling. I had an experience with the unloading of deer at the Myrtleford abattoir when I was working there; the deer just chose not to come off the truck. The truck driver, to his credit, waited for 6 hours until the deer cooperated.

If you do not have flexibility, you can have animal welfare disasters. When I was working down at the docks at Portland, the rules on that strongly union-dominated wharf were that lunchtime was between 12 and 1 and no animals were to be unloaded. Regrettably on a moderately hot day animals left unloaded in the trucks started to die, because they overheated. It was the initiative and courage of some contract road transport drivers that got those animals unloaded and minimised the suffering. Had we stuck by the prevailing rules without flexibility we would have had an animal welfare disaster.

What is being proposed in the amendment circulated by the member for Polwarth on behalf of the livestock industry is flexibility to enable the completion of journeys that are complete but for a short period of time required to get the animals to the destination. As has been explained by the member for South-West Coast, that is particularly relevant in the long haul cartage necessary in a country as large as Australia.

As the member for South-West Coast also indicated, in addition to the importance of having these regulations and legislation implemented, we need to have other aspects of traffic and road management in place. One of those is to ensure the maximum use of alternatives to road haulage for the transport of freight. The member for Murray Valley has just come into the chamber; we have a common interest in ensuring that the Oaklands rail line is standardised along with the upgrade of the north-east rail corridor. If it is not done in line with the upgrade of the north-east rail corridor we will have up to 500 000 tonnes of grain that will have to be transported by road, which will put thousands of trucks onto the road, therefore increasing risk and putting pressure on the drivers, companies and road surfaces. That is why the member for Murray Valley and I are actively lobbying the Minister for Public Transport to ensure that that occurs as part of an overall approach to ensuring the minimum risk to road users — both heavy vehicle drivers and others.

The other point that has been made by many of my colleagues on this side of the house is the importance of having appropriate quality roads. I acknowledge that the standard of the Hume Freeway is really very good but there are many other roads that are substandard. That has been confirmed by the Auditor-General only recently, when he indicated that the funding for Victorian roads is in deficit by at least \$100 million. As we know, if you fix country roads, you will save country lives. It is up to the government to hear that call, and in addition to bringing in this legislation to attend to the issue of road surface.

The other issue that has been picked up on is that it would appear that this government, as is so often the case, is not able to manage projects; it is not able to coordinate — —

**Mr Nardella** interjected.

**Dr SYKES** — We have mirth from the member for Melton. I think we could talk about the fast rail project, which blew out by nearly \$1 billion. We have the myki ticketing fiasco. I think it is fair to say that the lack of provision for the training of drivers to get them up to the standards required by this legislation seems to be

another example of that. It will be interesting to hear when the minister sums up whether he accepts those comments, which have been made to us by the Livestock Transporters Association, or whether he has a different view.

I wish to conclude by saying that The Nationals support the amendment proposed by the member for Polwarth, because it brings some flexibility into the transporting of livestock. That flexibility is consistent with the flexibility provided in other states, in particular South Australia and Queensland, and enables the delivery of animals to their destination in the best possible condition, from a welfare and product quality point of view. The flexibility that we are seeking does not compromise the safety and wellbeing of the drivers and other road users.

**Mr LANGDON** (Ivanhoe) — To assist the house, I will make only a brief contribution. As the previous member said, we would like to hear the minister sum up. I would certainly like to hear the minister sum up — some time today would be nice. I was privileged enough to hear the contribution to the debate of the member for Geelong, who has a longstanding commitment to road safety. He is on the Road Safety Committee, as am I, and I advise members to read his contribution.

More importantly I would like to thank the member for Williamstown for his contribution to the debate, which reflected his knowledge of the trucking industry. His contribution to the debate is certainly compelling in terms of the information he has provided us — particularly in terms of the 50-plus age group, which I am in now, which seems to inherit diabetes and sleeping disorders.

I will speak on the bill now. It basically implements the nationally agreed amendments to heavy vehicle driver fatigue management, as approved by the Australian Transport Council. It makes minor technical and drafting amendments to the fatigue management provisions of the Road Legislation Further Amendment Act 2007. Those reforms are primarily about improving road safety but they also provide added flexibility for operators.

I am pleased to advise the house that the nationally agreed amendments to the fatigue management provisions have been subject to an extensive consultation process. The key elements are: new work hour limits and rest time requirements; flexible driving hours, using a three-tiered approach; a risk-based categorisation of offences; general duty to avoid driver fatigue; enhanced enforcement powers; a chain of

responsibility, and strengthened record keeping; and the clarification and defining of rest breaks, which include resting within the vehicle.

This bill is part of ongoing improvements to road safety. I fully endorse the bill. The Bracks and Brumby governments have done a lot for road safety. They have put a lot of work into implementing the Arrive Alive strategy, and road tolls are coming down, which is testimony to that.

I have worked with many ministers for road and transport within these governments, and I commend their work towards that. The Minister for Roads and Ports, who is at the table, is a very hard-working minister, who does a lot to improve our roads across the state. He has an uphill battle. There are many other demands on his budget, as I have personally witnessed. I commend the bill, and the minister, to the house.

**Mr JASPER** (Murray Valley) — I am pleased to join the debate on the bill before the house, which seeks to amend the fatigue management provisions previously inserted into the Road Safety Act 1986. The amendments have been approved by the Australian Transport Council. I have listened with a great deal of interest to contributions to the debate by previous speakers. I noted the previous speaker's comments on the contributions to the debate by the members for Geelong and Williamstown, and I have noted their comments on road safety and fatigue. I have also listened to the contributions to the debate made by opposition members, who have raised genuine issues of concern relating to the impact of the legislation on the industry and to the operations of the industry generally.

Previous speakers have talked about the road toll as a huge issue, and of course it is; there is no doubt about that. The Road Safety Committee over many years has undertaken excellent work in the introduction of road safety measures right across the board, which have seen a reduction of deaths on the roads generally. I can remember many years ago — maybe going back 10 or 15 years even — when 1066 was the road toll number we were trying to beat. Since then we have been able to effectively reduce the road toll despite the fact that there are increasing numbers of motor vehicles, including trucks, on the roads. Members would understand how difficult it is under those circumstances to reduce the road toll.

I also note the comments made by the member for Benalla about seeking to move as much freight and other commodities as possible by rail. He mentioned, particularly, the Oaklands–Yarrowonga–Benalla line, which is a broad gauge line at present. We are seeking

to make sure that that is included in the works being undertaken on the standardisation of the rail line from north-eastern Victoria through to Melbourne, in order to minimise the number of trucks that will be using the state's roads, particularly for the shifting of grain.

Also for those living along the border between Victoria and New South Wales a huge issue is that of border anomalies and the huge differences between the states in relation to the implementation of road rules generally.

I also want to indicate that from my point of view the operators, whether they be the owners of the various ranges of trucks or the drivers, are critical to the economy of the state of Victoria and indeed the economy of Australia. I support the industry strongly and have a large number of trucking operators within my electorate of Murray Valley who are very concerned about the operation of the industry and being able to make sure that it is efficient in what it does, that we minimise the problems that are occurring and of course that we minimise the accidents that are occurring.

I am surprised that even with the Hume Freeway — which of course is a major road connecting areas right through the state and is a high-standard road — we still have major accidents occurring on it. I think a lot of those accidents are caused because of fatigue. This is an issue that must be addressed and is being addressed.

I also indicate to the house my concerns with overregulation. Because of the issues that are being raised we are getting overregulation, and we now have a situation where truck operators are saying, 'I might as well not be in the industry, because there is too much regulation'. We need to get uniformity between the states.

I acknowledge the comments made by the minister in a personal discussion I had with him recently. In the last sitting week I raised an issue in the adjournment debate in relation to Brian Hicks, an operator at Cobram who sent me a letter expressing great concern about this matter. I mentioned to the minister the letter which had been sent to me and which I had raised in the adjournment debate, because unfortunately the minister was not available on that evening to comment on it, which I would have appreciated. He mentioned a meeting that took place on 25 July between the nation's transport ministers in seeking to look at regulations and making sure we work harder on this issue. It is absolutely critical that we get uniformity across Australia for the truck operators. They are sick to death of having regulations in Victoria and then going to New

South Wales where they change again, and then going to South Australia where they change again.

**Sitting suspended 1.00 p.m. until 2.04 p.m.**

**Business interrupted pursuant to standing orders.**

## QUESTIONS WITHOUT NOTICE

### Police: Brimbank

**Mr McINTOSH (Kew)** — My question is to the Minister for Police and Emergency Services. I refer the minister to the fact that in the last 12 months, the city of Brimbank has suffered an 8 per cent increase in total crime, a 9 per cent increase in aggravated burglary and a nearly 20 per cent increase in robbery, and I ask: does the minister agree with what the new member for Kororoit said in the *Sunshine Advocate* on Tuesday, 19 August 2008 — namely, 'There are never enough police on the streets; we need more on the streets out here'?

**Mr CAMERON (Minister for Police and Emergency Services)** — I thank the honourable member for his question. I will just make the point first that what we certainly do not like is the Liberal Party policy, which we saw in practice, of cutting 800 police. Cutting 800 police!

**Mr McIntosh** interjected.

**Mr CAMERON** — If we look at those five years up to 2000 — and it is not rocket science, as the honourable member for Kew says — —

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

**Mr CAMERON** — If we look at those five years up to 2000, we see that the effect of that policy was that crime rates went up by 10 per cent. What we have seen here with Labor — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I warn the minister not to debate the question. If he does, I will refuse to hear him.

**Mr CAMERON** — What we have seen with Labor is an increase in police numbers of over 1400, with an additional 350 to come on line during this term. What we have is a record police budget with record police resources. What we have seen across the board is the way the police go about the business of making operational decisions about where police are allocated

and how they go about their work. Where we see professional policing done in this way, we see a reduction in crime. In the last seven years we have seen a reduction in crime across Victoria of 24.7 per cent. We congratulate Victoria Police on the work it does across the entire community.

### **Economy: regional and rural Victoria**

**Mr HARDMAN** (Seymour) — My question is to the Premier. Can the Premier update the house on major new investments in regional Victoria which will generate new jobs and new opportunities?

**Mr BRUMBY** (Premier) — I thank the member for Seymour for his question, which is directed at regional investment and regional jobs. I am very pleased in that respect to welcome plans announced today by the Australian energy company Santos to develop a new gas-fired power station near Orford in south-west Victoria approximately 20 kilometres north of Port Fairy. This project is projected to supply 500 megawatts of power in the \$800 million first stage of the Shaw River project, which will potentially grow to 1500 megawatts by 2020, which would be enough energy to supply around 2 million homes. The first stage of the project alone would inject \$800 million into our Victorian economy and deliver up to 730 jobs during the construction phase.

I put this announcement in the context of a range of other announcements on major investments, particularly in the energy sector, in regional Victoria over recent times. This year we have seen the \$640 million stage 1 of the Origin Energy natural gas station near Mortlake that will create up to 200 jobs. We have seen the \$1.4 billion ExxonMobil and BHP Billiton decision to proceed with the natural gas project in Turrum — an announcement that the Minister for Energy and Resources joined me in making two weeks ago. That is in the Gippsland Basin and will create up to 100 jobs directly and provide ongoing employment for the company of more than 1000 ExxonMobil employees.

We have seen confirmation that the HRL-Harbin clean coal power station is proceeding in the Latrobe Valley — that is \$750 million and a further 300 jobs. Earlier this year, together with the Minister for Energy and Resources and the federal Minister for Climate Change and Water, Penny Wong, I signed the final arrangements on the \$420 million solar power plant which will lead to around 1000 jobs.

If you add all that up together, it is close to \$4 billion worth of new investment, thousands of new jobs and

more energy for our state — and in this environment where we are very focused on tackling climate change all of this is new energy with lower levels of emissions than have been the case in the past. So we have more energy, lower emissions, more investment and more jobs.

One of the other projects that is creating hundreds of jobs but inevitably will create thousands of new jobs in regional Victoria is the food bowl modernisation project. Recent work which has been undertaken by the consulting firm Deloitte for Regional Development Victoria has found that the first \$1 billion stage of the food bowl project will generate more than 1720 jobs during the peak construction phase. As the Minister for Water indicated earlier this week, already more than 1000 automatic flume gates have been installed in channels across northern Victoria as part of this early works program.

We are getting on with the job, creating investment, creating a secure future and creating jobs for regional Victoria. There are many supporters of this project. I have reminded this house before that the former member for Benambra and a former shadow Minister for Water, Tony Plowman, who is described by the Leader of the Opposition as the person who knows more about water than anybody else in the state, when talking about the food bowl said:

On this basis I support the project and am fully prepared to work towards its successful implementation.

He was prepared to put the interests of the state first. A former Deputy Leader of The Nationals and former spokesperson on water, Barry Steggall, is also on the implementation board and is also a supporter of the project, as are of course many major industry groups — except for The Nationals and except for the Liberal Party.

I got up this morning, opened the *Stock and Land* and read it while eating my porridge — and guess what it says. It says that the food bowl project is such a great project that farmers in New South Wales want to copy it. At page 6 it says:

New South Wales Murray irrigators are offering to hand over up to 300 000 megalitres of their general security water entitlements ... in return for a \$1 billion-plus food bowl-style modernisation package.

...

Irrigator and MIL director Kelvin Baxter said the package was a 'you look after us and we'll look after you' solution ...

That is pretty right. Here we have a former shadow Minister for Water and a former Deputy Leader of The

Nationals, who was also a spokesperson on water, both supporting this project.

**Mr Ryan** — On a point of order, Speaker, the Premier has been speaking for more than 4 minutes and has been debating the topic. I ask you to have him complete his answer.

**The SPEAKER** — Order! The Premier has been speaking for some time. While I do not uphold the point of order as far as debating the question is concerned, I believe that the Premier has had sufficient time to answer the question, and I ask him to conclude.

**Mr BRUMBY** — In summary, I was asked about regional investment and regional jobs. I have outlined to the house nearly \$4 billion worth of investments which are occurring across the state in energy, and on top of that there is this further food bowl investment funding from the state government and from the federal government — \$2 billion worth of investment. These are the most substantial investments we have seen in regional Victoria in decades. We think they are the right investments. The former shadow Minister for Water thinks they are the right investments, the former Deputy Leader of The Nationals thinks they are great investments, the farmers in New South Wales think they are great investments, the food bowl group thinks they are great investments, industry organisations think they are great investments and trade unions think they are great investments — and on this side of the house we are prepared to back this project because it is the right project for the state. Shame on the Liberal Party and shame on The Nationals.

### **Brimbank: inquiry**

**Mr BAILLIEU** (Leader of the Opposition) — My question is to the Premier. What steps has the Premier taken to protect any individuals, in particular government members of Parliament and their staff, who have information regarding inappropriate or corrupt activity associated with the Brimbank City Council so that they may, without intimidation, fairly and fully present that information to the Ombudsman as part of his investigation into the council?

**Mr BRUMBY** (Premier) — I guess you judge people by their actions rather than their words.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for South-West Coast is warned!

**Mr BRUMBY** — I think we had a pretty good illustration of that yesterday through the shadow

Minister for Racing, the member for South-West Coast, who, when given the opportunity to put information to an independent inquiry into the racing industry, consistently failed to do that.

**Mr Baillieu** — On a point of order, Speaker, the Premier is not only wrong, he is debating the question.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Bass is warned! I uphold the point of order and ask the Premier not to debate the question.

**Mr BRUMBY** — In relation to the Leader of the Opposition's question, if any individual, if any member of Parliament, has any information, the Ombudsman has wide powers and members should provide that information to the Ombudsman.

### **Roads: south-western Victoria**

**Mr CRUTCHFIELD** (South Barwon) — My question is to the Minister for Roads and Ports. Can the minister update the house on any recent investments in transport infrastructure in Geelong and the south-west?

**Mr PALLAS** (Minister for Roads and Ports) — I thank the member for South Barwon for his question and particularly for his ongoing and robust support for road and transport infrastructure investment in Geelong and the south-west.

The Brumby government is taking action to deliver better roads, better and safer transport connections for Geelong and the south-west coast. To give an illustration of our commitment in terms of regional Victoria generally, from 1999 to 2000 we committed \$76 per head. In 2006–07, \$191 per head has been spent on road infrastructure. We have built 50 significant regional road projects at a cost of \$1.2 billion. But that is not all, we have an additional 21 projects planned for regional Victoria at a cost of \$1.3 billion.

In Geelong and on the south-west coast we have invested \$194 million into the three stages of the Geelong ring-road to provide Victoria's largest provincial city with the sorts of linkages the community expects and deserves. A further \$62.5 million has been allocated to the Geelong ring-road stage 4A, and \$110 million has been earmarked for the Princes Highway west, between Waurn Ponds and Winchelsea, a commitment referred to by the member for Polwarth as a 'con'.

Geelong and the south-west communities will not be conned by the opposition when they see our enormous investment commitments in the road network, because 23 kilometres of the Geelong ring-road will effectively remove traffic from Latrobe Terrace and have traffic avoid 29 sets of traffic lights. Up to 45 minutes worth of travel time savings is on offer, depending upon the time of day you travel.

Local communities strongly support our investment into the Geelong ring-road, whereas others have described it as 'crazy', 'loopy' and even 'a dog of a project'.

**Mr Hulls** — Who said that?

**Mr PALLAS** — I consider that a bit rough, really. I am sure the member for Polwarth will change his mind when he gets to drive on highway 1, essentially a road from his electorate to Melbourne. He will have his Wayfarers on, flat top down and there will be a tear of gratitude in his eye for the Brumby and Bracks governments.

That is not all. The Brumby government is committed to building better roads for communities on the south-west coast. We are progressing plans for the Breakwater Road upgrade, and we have already received heritage approval for the Barwon Heads bridge project. The Geelong road to Corio has been upgraded, which involves \$188 million of state funding to improve access between Geelong and Melbourne. We have also completed the grade separation around Cliff Street in Portland at a cost of \$15 million. We have enhanced the Great Ocean Road between Torquay and Apollo Bay at a cost of \$10.4 million. We have improved Bayside Road, Geelong, and we have widened the Henty Highway between Heywood and Cherrypool at a cost of another \$5.5 million. Also, \$14 million has been spent on the upgrade of the Midland Highway. But the list goes on. In April this year we completed the \$7.9 million Princes Highway west upgrade between Portland and Heywood.

We have invested \$2.5 billion in regional roads in this state. It is good for economic growth, good for population growth and good for better freight management, and it improves tourism opportunities and helps motorists spend more time at home rather than on the roads. We will continue to take action to improve roads right across Geelong and the south-west coast to ensure those areas remain the best places to live, work and raise a family.

### **Racing: criminal activity**

**Mr RYAN** (Leader of The Nationals) — My question is to the Attorney-General. When did the Attorney-General, in his role as either Attorney-General or Minister for Racing, first become aware of the Australian Crime Commission report identifying extensive criminal activity in Victoria's racing industry?

**Mr HULLS** (Minister for Racing) — I thank the member for his question. I have not had any advice from the Australian Crime Commission (ACC). Any operational matters in relation to the Australian Crime Commission are entirely matters for it. If the honourable member is suggesting that politicians ought be interfering with the investigations of organisations like the Australian Crime Commission or Victoria Police — —

**Mr Ryan** — On a point of order, Speaker, the minister is debating the question. The question is as to the minister's awareness, it is not the document per se; it is his awareness that was the thrust of the question. I reiterate it, and ask him to answer it.

**The SPEAKER** — Order! I believe the minister is being relevant to the question as the question was asked.

**Mr HULLS** — In relation to the Lewis report to which the honourable member refers, activities referred to in — —

**Mr Ryan** — On a point of order, Speaker, I have made no reference at all to the Lewis report. The minister is debating the question. I asked him a specific, narrow question about the Australian Crime Commission report and his awareness of it. When did he become aware of that report?

**The SPEAKER** — Order! The Leader of The Nationals knows that taking a point of order is not an opportunity to repeat the question. I uphold the point of order that the minister is debating the question, and I ask him to relate his answer to the question.

**Mr HULLS** — The Australian Crime Commission matters to which the honourable member refers were set out in the Lewis report, which was tabled last week. On that particular matter, Superintendent Byrnes from Victoria Police was asked whether or not, based on the Australian Crime Commission extracts in the Lewis report, he was surprised by the level of criminal activity in the racing industry. He said this:

... I don't think we're surprised by the level of criminal activity; in fact, much of the work — —

**Mr Ryan** — On a point of order, Speaker, the minister is very clearly debating the question, and apart from that he is defying your ruling. I have simply asked him about a narrow issue of awareness. That is all I want him to answer.

**The SPEAKER** — Order! As the Leader of The Nationals knows, the Speaker cannot direct a minister as to how they will answer a question. The minister is being relevant to the question asked.

**Dr Napthine** interjected.

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

**Dr Napthine** interjected.

**The SPEAKER** — Order! If the member for South-West Coast would like to leave the chamber now, he may do so of his own free will.

**Mr HULLS** — Superintendent Byrnes said:

... I don't think we're surprised by the level of criminal activity; in fact, much of the work, or much of the reporting that you've seen in —

the Lewis report —

that comes from the ACC —

which is what the honourable member is referring to.

**Mr Baillieu** — On a point of order, Speaker, the minister is clearly debating the question and defying your rulings.

**The SPEAKER** — Order! I do not find thus. The minister is being relevant to the question. I do not uphold the point of order.

**Mr Baillieu** — On a further point of order, Speaker, the minister has been asked when he became aware of certain information. He is the first law officer of Victoria.

**The SPEAKER** — Order! I will not have the Leader of the Opposition abuse the forms of this house.

**Mr HULLS** — Superintendent Byrnes said that much of the information — —

**Mr Hodgett** interjected.

**The SPEAKER** — Order! I warn the member for Kilsyth that I will not have that level of interjection. The minister will be allowed to complete his answer.

**Mr HULLS** — He indicated that much of the information in the report comes from work done by the ACC in collaboration with Victoria Police. He also indicated that these are ongoing issues subject to further investigation, and I can say that the ACC does not brief me in relation to its operational matters.

### **Mental health: regional and rural Victoria**

**Mr EREN** (Lara) — My question is to the Minister for Mental Health. Can the minister inform the house of what action the government is taking to ensure that rural Victorians living with mental illness are getting the services and support they need?

**Ms NEVILLE** (Minister for Mental Health) — I thank the member for Lara for his question and for his very strong interest in mental health services. The short answer is that the Brumby government is taking action on many fronts to improve the treatment of mental illness right across our state in rural and regional communities. We inherited a chronically underfunded and neglected system from the coalition government, a coalition that did not care about mental illness.

We have boosted funding to mental health services by 95 per cent since coming to government. We have taken strong action in regional Victoria to boost access to mental health services. Last month, for example, I opened a \$6.5 million, 20-bed redevelopment at Shepparton which includes new community care units and new prevention and recovery care beds. They are facilities to improve the treatment of mental illness and reduce the mental health demand on our public hospitals, and we have eight of them around Victoria, with six more on the drawing board.

We are also investing in better community mental health and inpatient facilities at Ballarat. We have funded the Looking Out for Your Neighbour program with the Victorian Farmers Federation in regional Victoria, and we have Koori mental health workers in Gippsland, Shepparton and Bendigo. In my region of Geelong, where this government has been investing significantly in improving services and building infrastructure, the investment in mental health has also been strong.

Geelong is leading the way in how we support young people with mental illness through an innovative youth mental health service, which we continue to support through more staff and better infrastructure, like

upgrades to the Clockwork premises and providing new child and adolescent mental health facilities.

Geelong has also been part of the rollout of the statewide youth early psychosis program, with five clinical positions funded across Bellarine, Colac, Corio, Geelong and the Surf Coast. This service helped over 360 young people last year and is playing an important role in improving their mental health. This is on top of the specialist mental health team based at the emergency department of the Geelong Hospital, the additional psychogeriatric beds at the McKellar Centre and Geelong's new prevention and recovery care facility.

To boost access to mental health services in Geelong even further we have allocated funding to a new 24/7 mental health information referral line, which will be available statewide to ensure that all Victorians have access to decent treatment and care. But there is still more to be done.

The government's mental health green paper entitled *Because Mental Health Matters* outlines reform that will deliver a system even more focused on the patient, focused on earlier intervention and focused on recovery, reform that will deliver for the people of Geelong and for Victorians right across the state. The green paper has been well received, with over 1200 people participating in consultations in metropolitan and rural and regional Victoria. We have received over 200 written submissions containing ideas for reform, with one notable exception — that is, those opposite, who could not even be bothered to put in a written submission.

We have had submissions from organisations and individuals right across the state but nothing from the Leader of the Opposition and nothing from the shadow Minister for Mental Health. We have had no submissions because the coalition has no ideas —

**The SPEAKER** — Order! The minister is clearly debating the question.

**Ms NEVILLE** — We will continue to pursue reform in the mental health system, and we will continue to take action to ensure that all Victorians have access to decent mental health services.

### **Rail: rolling stock**

**Mr MULDER** (Polwarth) — My question is to the Premier. Given the increasing number of Melburnians attempting to squeeze into already overcrowded trains, why has the government not exercised its option to buy a further 20 new six-car suburban trains? After all, as

the Premier was informed yesterday, this is not rocket science.

**Mr BRUMBY** (Premier) — One of the first decisions I think I made after becoming Premier was to increase the orders for rolling stock for the public transport system. Those new trains come on line from the end of 2009 and early in 2010. As I said yesterday, the changes and reforms we have made in the rail system have enabled the system this year to carry the highest number of passengers that it has ever carried. I am fully aware that there is congestion on the system, particularly during peak times, but I think the changes that have been made — the 300 additional services, the pre-7.00 a.m. early bird services, the ordering of extra rolling stock, the 401 bus service; all of the measures I outlined to the house earlier this week — are making a difference. I believe that later this year, as we make further decisions in relation to Rod Eddington's report, there will be additional measures which will further increase the capacity of the system.

### **Barwon Health: funding**

**Mr LANGUILLER** (Derrimut) — My question is to the Minister for Health. Can the minister outline to the house examples of recent action taken by the Brumby government to provide world-class health services in Geelong?

**Mr ANDREWS** (Minister for Health) — I thank the honourable member for Derrimut for his question and for his interest in having only the best health services across Victoria, particularly in the west of the state. I can inform the honourable member, indeed all honourable members, that Barwon Health, one of our fine health services, has received a very substantial boost — 116.5 per cent more funding today than it enjoyed in 1999. It is a very, very substantial boost — I might even say a record boost — in terms of ongoing recurrent funding, giving Barwon Health the resources it needs to treat more patients and provide better care and better outcomes for patients and families in their local areas.

What that means in raw dollars is that its budget has increased to \$247.6 million — \$133 million more today than it was in the last year of the government formed by those opposite. What does that mean? It means that record demand is able to be met and high-quality services are able to be provided, because this government is supporting Barwon Health and the Geelong Hospital in record terms. We are proud of that. It is a partnership — and the 3000 staff who work at Barwon Health can be very proud of the work they do,

the commitment they demonstrate and the services they offer to families in their local communities.

It is not just about recurrent funding, as important as that is, but the fabric — the buildings, the capital works, the physical infrastructure — of Barwon Health is also important for Geelong families. That is why as a government we have provided record support on that front as well — \$158 million —

**An honourable member** interjected.

**Mr ANDREWS** — Record, the word ‘record’ —

**The SPEAKER** — Order! The minister will ignore interjections, and I ask members of the opposition not to interject.

**Mr ANDREWS** — An amount of \$158 million in capital works programs is a very substantial boost. I want to give two examples of what that investment means in terms of better outcomes and access to service for patients, clients and the workforce at Barwon Health. A sum of \$18 million has been allocated to the Andrew Love Cancer Centre — a fine service, which is part of our regional cancer service network providing cancer treatment.

I can report to the house that through an \$18 million upgrade in capital works plus record ongoing funding, in the last financial year there were 8000 occasions of service in relation to chemotherapy and 12 500 attendances in terms of radiotherapy. That means people in Geelong, and in the south-west, might I say, are getting the cancer care they need in their local community. That is only possible through the investments made by this government. That is yet again a practical example of our commitment to fighting cancer and delivering better outcomes. Today I was pleased to be joined by the Premier at the Peter MacCallum Cancer Centre to launch the Victorian tobacco control strategy, a comprehensive plan to reduce smoking across the Victorian community.

The second example I want to give in terms of this government’s record support for the Geelong Hospital and the families who rely upon the Geelong Hospital is the \$26 million new emergency department. I was very pleased recently to be joined by the member for South Barwon and the member for Lara to officially open stage 1 of that \$26 million emergency department. We know that is an important investment. It is important to give Dr David Eddy and his team down there the support they need to treat the record numbers of patients who are coming forward.

*Honourable members interjecting.*

**Mr ANDREWS** — Yes, record numbers of patients, as opposed to record hospital closures. This is a very substantial investment. It will double the size of the emergency department to more than 2100 square metres. That is very important, given the sheer number of patients who are presenting for care at the Geelong Hospital emergency department. That \$26 million, which is a very substantial investment, is proof positive of the practical action our government is taking to support patients and clients, those who rely upon health services, as well as those who work in our health services and provide such high-quality care.

Whether it be capital works to support cancer care in this community or capital works and recurrent funding to make sure that the Geelong Hospital and the people of Geelong have access to the very best emergency department possible, this government is delivering and will continue to deliver.

**Intralot: agency costs**

**Mr O’BRIEN** (Malvern) — My question is to the Minister for Small Business. I refer the minister to the government’s assurance that the introduction of Intralot to Victorian lotteries would be ‘good for agents’. I also refer the minister to leaked Intralot sales figures for July 2008 showing that ticket sales for keno, Lucky Lines and Lucky Bingo Star were less than 3 per cent of budget. I ask: given that many lottery agents are now in deep financial stress, having paid \$10 000 set-up fees for Intralot equipment that will not work to dispense Intralot tickets that will not sell, what has the minister done to assist the hundreds of small businesses in Victoria that are suffering as a result of the government’s lottery licence failure?

**Mr HELPER** (Minister for Small Business) — I thank the member for his question. The Victorian government’s support, and my department’s support, for the small business sector is second to none of any jurisdiction in Australia. As to our engagement with the small business sector, I commence my answer with a general comment about it, which is appropriate given that August is the Energise Enterprise month, during which we celebrate small business in this state. Over 25 000 participants get involved in over 300 events so that the small business sector can indeed continue to play an important role in the economy of this state.

If I can come to the specifics of the member’s question, the actual value of scratchie tickets that have been sold is ahead of projections, and that certainly shows some success in that regard.

The second point I make is that with the very successful small business commissioner model that we have here in Victoria, and with Mark Brennan, the extremely successful incumbent in that position, we are working with small lottery agencies and the sector to work through the issues of access fees that agencies are facing. In that respect we will continue to work with the small business sector, specifically — with relevance to the member's question — with lottery agents.

### Geelong: economic investment

**Mr HOWARD** (Ballarat East) — My question is to the Minister for Regional and Rural Development. Can the minister update the house on action the Brumby government is taking to support new jobs and investment in my birthplace of Geelong?

**Ms ALLAN** (Minister for Regional and Rural Development) — I thank the member for Ballarat East for his question. Obviously, like much of Victoria, Geelong is a great place to be born as well as to live, work and raise a family.

The Labor government — this government — has taken action since day one to support jobs growth, population growth and investment in the Geelong region. Certainly over the last 10 years we have seen Geelong come a long way. Members should think back just 10 years ago: 10 years ago in Geelong unemployment was at double-digit levels, confidence was down and, as the Deputy Premier knows full well, the footy team could not even win a grand final.

Today we are seeing a very different story. Things have changed, largely as a result of the benefits of this government's work over the past nine years.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Sandringham should not interject in that manner and neither should the member for Mornington.

**An honourable member** interjected.

**The SPEAKER** — Order! And that particularly applies to the member for Warrandyte.

**Ms ALLAN** — As I said, Geelong has come a long way since that time. Today we have seen the results of this government's work in facilitating nearly \$2 billion worth of new investment into Geelong that has generated directly 4400 new jobs in the region. The highlight of this was earlier this year when we secured a significant win for Geelong by facilitating the establishment in Geelong at Deakin's Waurn Ponds

campus of Indian software company Satyam. This Satyam investment will provide a capital boost of \$75 million, will bring with it 2000 new jobs and will inject an additional \$175 million into the Geelong economy over the next 10 years.

This comes on top of this government's moves to relocate the Transport Accident Commission to Geelong, bringing with it 850 jobs and a \$59 million annual boost to the local economy. There is also the work that this government has been doing in improving infrastructure, whether it be the rail services to Geelong or the Geelong ring-road, which are important infrastructure projects for the region.

Just this morning I was back in Geelong to see the benefits of all this activity and to officially open round 2 of funding for the \$24 million Geelong Investment and Innovation Fund. This is a joint federal-state fund, and I was joined by federal minister, Kim Carr, and Ford Australia. This is a fund that is attracting new manufacturing jobs to Geelong. We have already had round 1 completed. Four projects are putting \$27 million worth of investment into Geelong and bringing with it around 200 new full-time jobs. Round 2 applications are now open. Businesses that are keen to invest should certainly take full advantage of what Geelong has to offer.

For some people, though, there is so much on offer in Geelong at times, it really is just too hard to choose. Conferences also make up a very important part of the Geelong economy, many of them being held at Skilled Stadium. The other big choice on Saturday night for some members will not be whether they have chicken or beef for dinner, it will be a choice between whether they are seen at Malcolm Turnbull's dinner or the Leader of the Opposition's dinner. We would love to know which dinner the member for Polwarth is going to.

*Honourable members interjecting.*

**The SPEAKER** — Order! The minister will address and not debate the question or she will not be heard.

**Mr Jasper** interjected.

**The SPEAKER** — Order! The member for Murray Valley is warned.

**Ms ALLAN** — As I said, this Labor government has spent the last nine years working very hard. In addition to our investment in Melbourne and our investment across regional Victoria we have also worked very hard generating new jobs and new opportunities and bringing more people into Greater

Geelong region. This has been as a result of this government focusing on policies that are about investment and jobs. Instead of focusing on these important policies — and this is work that parties which desire to be in government should be doing — we have the Liberals being too busy deciding whether to have canapés with Ted or caviar with Malcolm!

*Honourable members interjecting.*

**Ms ALLAN** — The Brumby government is continuing to work — —

**The SPEAKER** — Order! The minister will conclude her answer.

**Ms ALLAN** — The Brumby government will continue to work with the community of the great city of Geelong by bringing more investment and more people to the city, because that is the work we are doing to continue to make Geelong and regional Victoria the best places to live, work and raise a family.

## ROAD SAFETY AMENDMENT (FATIGUE MANAGEMENT) BILL

*Second reading*

### Debate resumed.

**Mr JASPER** (Murray Valley) — Prior to the lunch break the Minister for Roads and Ports was in the house, and I highlighted the importance of the trucking industry to the economy of Victoria. I mentioned some of the concerns The Nationals have in relation to the industry operating across Victoria and Australia. My contribution included the importance of rail transport in reducing the number of trucks operating on our roads.

I am pleased to see that the Minister for Public Transport is in the chamber, because I also highlighted the need for standardisation of rail tracks, including the Oaklands–Yarrowonga–Benalla one, on the basis that this would reduce the number of trucks operating on Victorian roads and to assist in the transport of particularly grains industry produce throughout Australia.

I also indicated concern about the anomalies that exist for the truck operators and talked about the representations I am receiving from truck operators across my electorate of Murray Valley; they are greatly concerned about the multitude of regulations they have to comply with. In the adjournment debate in the previous sitting week of Parliament and in support of the issue I raised then, I provided some extracts of a

letter I received from a Cobram transport operator. I again want to mention some of the points he made, because I think they are critical when we talk about this industry operating in Victoria and Australia.

Brian Hicks operates a large trucking company out of Cobram throughout all of the eastern states and beyond. In his letter of 16 July he says:

To date, my business and my drivers have been frustrated and penalised routinely by inefficient and ineffective regulation of the road transport industry. In these tough times the burden of regulation is crippling my business and the industry.

That typifies the sorts of comments I am receiving from constituent truck operators, and some beyond, about the difficulties they are experiencing. Brian highlights the measures that must be met:

There are more than 50 pieces of legislation around the country, and I have not even started to list the other general business operating laws, i.e. taxation, workers compensation ...

In addition, at times I must know about and carry more than 30 individual permits in just one of my vehicles, just to move freight for the benefit of the nation around the country. Each permit can range from two pages in length to some over 300 pages long, with every page required.

These are the sorts of problems facing the industry. I applaud the fact that the minister is meeting with other Australian road transport ministers. The latest meeting was in the latter part of July where it was agreed — and I am sure the minister agrees with me — that there needs to be a coordination of regulations across the state so that when truck operators load up, they do not need to know the difference between the laws of New South Wales, Victoria, Queensland, South Australia and beyond. I will quote two other paragraphs from his letter:

I cannot emphasise strongly enough that running an interstate transport business is now almost impossible. The paperwork is never ending.

...

Laws regarding fatigue and driving hours are very specific in relation to the need for drivers to take rest breaks, which will often occur whilst in the middle of a journey. There is a fundamental shortage of heavy vehicle rest areas and when drivers do find a rest area it is often full.

I applaud the fact that the government has brought this legislation in relation to fatigue before Parliament and is seeking to get regulation uniformity with the other Australian states. We need not only to understand the importance of the industry to Victoria and Australia and its importance to the economy to Victoria but also to be able to return to having regulations that people can understand, that are uniform and that do not prevent

people who are operating effectively from being able to move produce across Victoria, which is an important part of their operations.

Whilst I recognise the fact that the minister has brought this legislation before Parliament, we need to look at the issues which have been analysed by the Road Safety Committee and others. More importantly, the minister needs to take more of these issues to the meeting of road transport ministers and try to have all the anomalies facing Victorian and Australian operators settled or avoided.

We need support for business; business is where the profits are made for the economy of Australia. We need to make sure not only that businesses can operate effectively and be profitable but also that they are able to provide the services necessary for the movement of produce across Australia.

In particular I want to make sure the minister understands the great concerns that have been expressed to me as a member of Parliament and as the member for Murray Valley. We want corrective action — and we want that corrective action now.

**Ms BEATTIE** (Yuroke) — It gives me great pleasure to make a brief contribution to debate on the Road Safety Amendment (Fatigue Management) Bill 2008. Some of the statistics are quite alarming. I quote:

Research reported by the National Transport Commission indicates:

up to 30 per cent of truck fatalities and 52 per cent of major crash insurance claims are fatigue related;

28 per cent of heavy vehicle licence-holders reported having fallen asleep while driving;

drivers with less than 6 hours sleep are 2.5 times more likely to doze off; and

one in five drivers reported experiencing events such as dozing off, crossing lanes and near misses in the last year.

...

Fatigue has many causes: for example:

physical or mental exertion;

long periods of time awake;

not enough sleep or rest breaks;

environmental conditions ...

For example, we all know that if we have the heater on in our car, we tend to get a bit drowsy. And there may also be personal health issues.

This is good legislation; in fact, it is excellent legislation. The minister has done a great job in bringing it before the house. We have heard some arguments from the other side of the house that there should be a bit of flexibility here and there, and we have heard it said, 'What is just another 15 minutes if you have a consignment of live sheep?'. I put it to you, Acting Speaker, that it is in nobody's interest to just press on for an extra 15 minutes — just another 15 minutes! — and maybe have the driver crash, the rig overturn and the sheep die. I fail to see how that advances anybody's interests. This is good legislation, and I urge everybody in the house to support it.

**Mr NORTHE** (Morwell) — I am pleased to make a contribution to the debate on the Road Safety Amendment (Fatigue Management) Bill 2008. The purpose of the bill is to amend the fatigue management provisions that were previously inserted in the Road Safety Act 1986, the amendments having been approved by the Australian Transport Council.

Among the main measures of this bill are provisions to alter the responsibilities of loading managers to include the nomination of a time at which the driver is to commence loading or unloading a heavy vehicle; that comes in clause 5, which inserts proposed subsection 191I(2). The bill also creates an offence for drivers who fail to comply with advanced fatigue management, better known as AFM, and the maximum work times and minimum rest times as per the amendment to section 191Q in clause 10, and introduces changes to work diary and supplementary work diary record-keeping requirements through clauses 12 and 13. It also clarifies that solo heavy vehicle drivers can take short rest breaks on board in approved heavy vehicles or their sleeping berths.

In his contribution the member for Polwarth raised the prospect of an amendment to this particular bill. This came to be from the expression of concern by the Livestock Transporters Association of Victoria (LTAV) about the working hours. It felt that in this instance the working hours should be increased from 14 to 16 hours for basic fatigue management — that is, for accredited road hauliers. That is in line with a three-year exemption which we currently see in place for their South Australian colleagues, and the LTAV proposed that it would only apply in situations where animal welfare might be compromised.

It would obviously exempt livestock transporters from the mandatory work and rest hours prescribed in the current basic fatigue management standards and allow them to work up to 16 hours, subject to mutually acceptable conditions.

In his contribution the member for Polwarth mentioned the fact that the association proposed a further option, which was that again only in situations where animal welfare would be compromised, livestock transporters would be exempt from the 15 hours currently prescribed in the advanced fatigue management standard, subject to mutually acceptable conditions, and be allowed to operate up to 16 hours, as per the Queensland and South Australian legislation.

In his contribution the member for Polwarth made a very good point which has also been raised with me by some drivers who approached me with some concerns on this bill. He referred to members of Parliament working long hours, whether it be 14 or 16 hours, and then getting in their vehicles to drive home. Another specific example brought to my attention was that of a friend who is an interstate driver and who has a base some 60 minutes away from his home. In the event that he comes home from a long trip, if he is on the maximum hours he is still able to jump in his car and travel home — outside those particular hours. This bill no doubt has the intention of improving safety standards, and I am sure all members of Parliament want to see that occur.

One of the other concerns, which also has been raised by the member for Rodney, is that these provisions are proposed to take effect in September. The members for Polwarth and Rodney expressed the concern that we do not seem to be ready for the introduction of these laws in the very short term. In fact there is a lot of confusion out there in the industry on what the proposed laws entail and mean.

It has been emphasised to me that the vocation of drivers is to drive and that they feel there is now a lot of administrative and clerical work they need to be au fait with and understand comprehensively — and they are having trouble. They are having difficulty understanding this. That means we should ensure they have the appropriate training and accreditation and understand completely what this all means, because the implications are dire if they are pulled up, having made a basic paper error or clerical error. Substantial fines and a loss of demerit points potentially hang over their heads.

In a previous life I worked in the transport industry, and I know from managing a business that employed a number of different drivers that the regulations are difficult and complicated, particularly because there are not uniform laws across Australia.

The member for Murray Valley just mentioned that laws differ from one state to another, particularly in

relation to the completion of work diaries. The rules and regulations differ, which makes it very difficult for drivers, particularly interstate drivers, to comprehend. I had a conversation with one of my old work colleagues who is still driving, Arie Gringhuis, who seemed to be completely unaware of the intended laws. For the benefit of the roads minister, who is at the table, the drivers and transport companies need to have the opportunity to undertake the appropriate training and receive the appropriate accreditation and have better education in relation to this.

As I said, in Gippsland in recent times we have unfortunately had a number of major accidents. Whilst I understand the intention of the bill is to improve safety, it is still a concern for us in regional areas.

There are a couple of other things I want to mention. I had conversations with Tripodi and Sons, local greengrocers, who travel to the Melbourne market quite regularly. This is another complication in their equation. The current working hours, buying powers and buying times of the Melbourne market authority affect when they can go and purchase their produce; that is another factor they have to consider along with these proposed laws. These provisions are just another thing on top of what they already have to contend with in terms of administration and regulations they have to comply with. There is concern out there in the industry about the prospect of the introduction of these new regulations.

I also spoke with two of our major local transport companies, Willaton Transport and Branstrans, which are both very well-respected and reputable transport companies in their own right, and subsequently received some correspondence from Norm and Nola Bransgrove, of Branstrans, who were good enough to provide me with their thoughts on this bill. I will read out part of that letter. It states that:

Overall the new regulations are being introduced in the name of safety —

which we all understand —

and including all those along the transport chain is a good thing, however already the industry is changing and I doubt the developing use of procurement managers is adequately included in the chain and already people in these positions are dictating freight rates which do not necessarily cover everything which would lead to safe transport — e.g. sufficient dollars to cover safe maintenance practices and the like.

A bigger concern for them is they do not believe the regulations overall are going to be any safer, and they think the fact that they effectively reduce flexibility means they are inherently less safe. That is indicative, I

guess, of the views out there of some of those involved in the transport industry.

One other point made is that:

All states adopted the regulation that a driver must have a 7-hour continuous break every 24 hours. The other option in addition to that which VicRoads didn't take up was the option of two 4-hour breaks in 24 hours but not two days in a row.

The letter goes on to say:

For the sake of uniformity and to avoid confusion on the road surely we could agree on this as the other states have. Those travelling interstate cross borders with differing rules for the same book ... which is ludicrous. The current position doesn't give any room for error, with a massive fine. It gives the appearance of being more revenue than safety based.

That outlines the concerns not only of the people I have spoken to — whether they be part of a transport company, owners or managers — but also of subcontractors and drivers themselves, who do have some grave concerns in relation to how these new laws will impact on them. I believe that their concern is genuine in the fact that they are really concerned that if they do make a paperwork error, a clerical error, they will face a massive fine and lose demerit points. That is a real concern for those people. Branstrans goes on to say in part of their response to me that they are very concerned that a number of older drivers are now looking to get out of the industry and that we will end up with a shortage of skilled drivers across the nation. That is a real concern not only for my region but I think for the whole of Victoria.

In closing, I think the amendment proposed by the member for Polwarth is a good one, and I hope the government looks at it seriously.

**Ms MUNT (Mordialloc)** — I am very pleased to be able to rise today to speak on the Road Safety Amendment (Fatigue Management) Bill of 2008. I try to make it a point to rise and speak on all of the road safety legislation that comes through this house. I have actually just been looking through the figures in the results of the government's focus on road safety, and I saw that there has been a significant reduction in fatalities. In 2007 Victoria's fatality rate per head of population was the lowest of any Australian state, which is very good news when you consider the lives that have been saved as the result of that focus on road safety in Victoria. It is a multipronged approach of which this bill is part. It particularly focuses on implementing nationally agreed amendments to the heavy vehicle driver fatigue management reforms approved by the Australian Transport Council. It focuses on work diaries and rest breaks so that drivers do not suffer from fatigue.

I have relatives who drive very large trucks, and they take their career very seriously and are very focused on safety on our roads and their responsibility in that regard. Having said that, though, there are operators who put a lot of pressure on their drivers to arrive in a certain amount of time at a lower rate of pay, which puts extraordinary stress on these drivers, particularly if they have taken out heavy overdrafts to buy the equipment in the first place. It is never pleasant, though, as I am sure members of this house would know, driving along the Hume Highway, for instance, with a very large transport very close to the back of your car, particularly if you have got children in the back. You really have to trust that those drivers are driving at peak performance. I would like to commend this bill to the house.

I would also like to say that there has been work done over a number of years on driver fatigue. My husband, who is a patent attorney, actually had an invention that he put a patent on that would shock the drivers through their drivers seat to keep them awake. All things considered, though, I think it is much better to tackle the root of the problem by tackling driver fatigue in the first place, and this bill will help in that regard. I commend the bill to the house.

**Mrs VICTORIA (Bayswater)** — I also rise to make a contribution to the debate on the Road Safety Amendment (Fatigue Management) Bill 2008. The idea of the bill is to amend the fatigue management provisions found in the Road Safety Act 1986. There are a lot of provisions, but there are a couple of main ones I want to cover. The responsibilities of loading managers will be altered to include nominating a time for the driver to commence loading or unloading a heavy vehicle; that is featured in clause 5. The bill creates an offence for drivers who fail to comply with advanced fatigue management, or AFM, outer limits, which is dealt with in clause 10. The bill also clarifies that solo heavy vehicle drivers should take short rest breaks on board in an approved heavy vehicle or in its sleeping berth. That is something I want to touch on a bit more.

There was research done at Flinders University showing that waking from a 10-minute power nap gives an immediate increase in mental awareness and gives some 30 minutes after that of increased mental awareness, whereas a 30-minute sleep actually gives no immediate increase in mental awareness, although it does give a long-term increase. So in fact the message that has been put out over many years to take a power nap is certainly a very good one.

There is an amendment that is being proposed by the member for Polwarth, and I believe that it is a very good one. It is to do with basic fatigue management; it is to give an extra couple of hours to those who might be dealing in livestock transport. I will not go into that too much — certainly other members have spoken on it — but I believe it is a particularly good amendment.

I think we need to look at fatigue management from a holistic point of view. We certainly need to look at driver management with regard to fatigue to ensure that we have the utmost community safety on our roads, obviously especially where trucks are going through urban built-up areas where there are a lot of children and a lot of schools. Who knows whether fatigue was a factor in the Kerang accident? What we need to do is take action to make our level crossings as safe as possible before accidents happen, certainly not after they happen.

A very big trucking company by the name of the Glen Cameron Group operates in my electorate. Members have probably seen the Cameron trucks all over the place. They are the big yellow ones; it is fantastic branding. I know that Glen and his team practice the best possible management of their drivers and have an impeccable safety record. Taking into consideration the fact that it is estimated there will be an increase of something like 50 per cent in trucks and heavy freight haulage on our roads in the next 10 years, I think we need to look at all of the points I have mentioned. This is going to sound as if I am drawing a long bow, but we need to look at things like public transport, because the more people we can get off the roads, the clearer the roads will be and the safer it will be for large vehicles to manoeuvre around. We need to free up our roads. In the outer east we have not had any increase in public transport services on the Belgrave or Lilydale lines — certainly not in the last few years — and that needs to be part of looking at the issue in a holistic way. Of course there is always the argument about the standardisation of rail gauges, but I will not get into that today.

A lot of research has been done into whether fatigue causes crashes and fatalities on our roads. The very difficult thing about fatigue is that, unlike alcohol and drugs, it cannot be tested for in a post-mortem examination. It is not possible following a fatal accident to determine arbitrarily whether fatigue has been a factor, but there are certainly ways and means using statistics whereby other factors are omitted and then fatigue or lack of concentration can be said to be the cause. The figures vary depending on who has done the research, as is the case with most studies. Some studies say 18 per cent of accidents are caused by fatigue. A

review done in Western Australia indicated that something like 30 per cent of rural crashes there could be attributed to fatigue, which is an extremely high figure. One might ask why fatigue causes accidents. Fatigue manifests itself in many different ways, including in slower reaction times and reduced vigilance. If you are trying to concentrate on staying awake you are less likely to see upcoming objects or notice whether you are starting to swerve a little bit. Information processing is also highly affected by fatigue; your short-term memory is affected by being overtired. It might get to the stage where a driver has a blackout — and you certainly hear that in accounts in coronial inquests and the like where people say, 'But I do not remember the 5 minutes before the accident'.

A very interesting bit of research which came out of Flinders University in South Australia shows that keeping a person awake for 17 hours gives them a reflex action equivalent to someone with a blood-alcohol concentration of .05 per cent, and that is pretty crucial, but after 24 hours without sleep, a person's capabilities are more akin to someone with a blood-alcohol level of .10 per cent, which is very scary. There are two distinct times of day when accidents are more likely to occur. They are the time between midnight and 6.00 a.m. and also during the afternoon period between about 2.00 p.m. and 4.00 p.m. These coincide with typical low points in a person's circadian rhythm.

There are a lot of things in the bill we could talk about. As I said, the amendments are very good, but there are also things we need to look at which are not included in the bill. I have talked about some of those issues. Others include changes to road design, which might include better sealing of road shoulders, which I know other members have talked about which gives better control if a vehicle happens to drift off a road. Having the audio-tactile edge linings which so many of our highways now have — the bits that buzz as you go over them if you happen to veer to the left — is important, as is ensuring there are the number of rest areas adequate to the needs of drivers on roads. Several drivers I spoke to said that it is all well and good to tell drivers to pull over to the side of the road, but when you are hauling a really big semitrailer or a B-double you cannot just pull over anywhere. You need to stop in a rest area, and there are not enough of them. Quite often they are full, so drivers continue on even though they realise they are suffering from fatigue.

We need to make sure that all our highways are divided which minimises the risk of head-on collisions. We need to remove roadside hazards such as poles and trees, which can help in the prevention of collisions.

That is not going to be practical everywhere, but certainly that is the sort of thing that needs to happen where there are grey spots or black spots. Road management is obviously very important.

Fatigue management of those who drive trucks carrying heavy loads is being addressed here. In essence, I believe the bill contains some good intentions. I hope this amendment is recognised for what it is, which is a way of helping out those in very specified industries. I commend the bill to the house.

**Mr BURGESS** (Hastings) — It is my pleasure to speak in the debate on the Road Safety Amendment (Fatigue Management) Bill 2008. The purpose of the bill is to amend fatigue management provisions that were previously inserted into the Road Safety Act. The amendments have been approved by the Australian Transport Council. The main provisions include altering the responsibilities of loading managers to include nominating a time for a driver to commence loading or unloading a heavy vehicle. It makes it an offence for drivers to fail to comply with advanced fatigue management, it makes changes to work and supplementary work diary record-keeping requirements and clarifies that solo heavy vehicle drivers should take short rest breaks on board in an approved heavy vehicle or its sleeping berth.

I grew up in a small country town called Tocumwal, which is on the New South Wales border. As most people in the house would appreciate, Tocumwal is on the Murray River. At this point the river snakes quite dramatically backwards and forwards, which is beautiful for people who want to look at it and obviously good for fishing, but unfortunately this natural situation requires that the roads follow those bends and curves, and of course that increases the danger for drivers. I remember all too well the countless accidents that occurred through the area that was known as 'the bends'. I also remember the overrepresentation of trucks in those accidents. It seemed that every second day we were out either helping the occupants of vehicles or cleaning up after accidents had occurred in that area.

Other members have detailed the statistics that underscore the massive part that fatigue plays in road accidents and deaths. Suffice it to say that if we can reduce the incidence of fatigued drivers, we will reduce accidents and deaths. I have no doubt that the location of Tocumwal, being a long distance north and south of any major transport hub, plays a significant role in the number of accidents and deaths that occur there. For drivers who have already driven for a long period before reaching the river bends, with their additional

dangers, it seems likely that the accumulated fatigue renders those additional dangers a death trap. Ideally all drivers should be well rested and able to concentrate 100 per cent at all times, so that when circumstances arise on a road, be they naturally occurring or otherwise, drivers are able to react in time and in the way required to avoid danger. Unfortunately human nature suggests that ideal situations are mostly unattainable and that until they are, legislation such as this will not only be welcome but is imperative.

**Mr PALLAS** (Minister for Roads and Ports) — I would like to thank all speakers in this debate, particularly the members for Macedon, Polwarth, Geelong, Evelyn, Williamstown, Benambra, Gippsland East, Lara, Swan Hill, Frankston, South-West Coast, Ivanhoe, Murray Valley, Yuroke, Morwell, Mordialloc, Bayswater and Hastings. Clearly, the vast majority of speakers understand the dangers of fatigue and support the government's efforts to manage the risks fatigue creates, particularly in the heavy vehicle industry.

At the outset, I want to say that the government will not be supporting the opposition's amendments regarding the livestock industry. I am, however, willing to have a look at ensuring that we provide ongoing education and support to the industry. I have asked VicRoads to review the operational procedures for enforcement to ensure that they are sensitive to the practical aspects of carrying complex loads in remote areas.

I want to just make reference to some of the observations that the chairman of the National Transport Commission made when he unveiled the agreement of the ministers to the system of heavy vehicle driver fatigue reform. In his press release of 4 October, he said this:

We know the majority of operators and drivers are hardworking and professional and this should be recognised. If you do the right thing, you deserve a greater say in when you can work and rest.

That is a principle that this government endorses. He went on to say:

In a nutshell, this reform is not about working less hours, it's about working safer. The ability to work 14 hours, for example, is not being taken away — the industry is simply lifting the bar to manage the proven risk of working long hours and night work.

Fatigue management is all about looking out for the driver by planning trips and rest breaks, checking for sleep disorders and better training and education. We want every driver to return home safely to their family.

This is a sentiment that I am sure every member who has contributed to this debate would agree with.

Importantly, and this should be borne in mind in the context of the development of the framework of the legislative scheme that is currently before the Parliament, he went on to say:

For some applications, the current one-size-fits-all approach is unworkable. Livestock transport, for example, has unique challenges which include pre-dawn starts, loading and checking cattle. A more flexible approach which meets your specific needs can be developed through Advanced Fatigue Management.

**Dr Napthine** — What about the training program?

**Mr PALLAS** — Of course, I will deal with the issues that the member for South-West Coast has raised around access to and availability of training in due course.

The point I make here is that the system is structured and aims to deal with the industry's capacity and need for flexibility. Ultimately, at its very heart, this is a system that seeks to reward effective management of fatigue, not to effectively circumscribe the capacity for hours of work. There are, however, some basic principles beyond which the state of Victoria will not move.

We believe that the maximum of 15 hours is the extent to which appropriate fatigue management arrangements should be structured. The member for Polwarth raised concerns expressed by the livestock industry that fatigue arrangements do not provide adequate flexibility for long distance drivers who have to feed and water live animals during their journey or potentially deal with unexpected animal management issues. But of course the limits under standard hours, 12 hours, BFM (basic fatigue management) and AFM (appropriate fatigue management) hours up to 15 hours of working time, are not meant to be rostered. They actually incorporate and cater for contingencies. That is how the arrangements were structured. The bottom line is that Victoria will not accept anything above 15 hours as an outer limit, and the practical effect of the opposition's proposed amendment is that there would be an outer limit of 16 hours.

On a matter not related to the bill, the member for Polwarth also alleged a conspiracy by the government to secretly introduce a B-triple network into this state. Nothing could be further from the truth. I am on the record as saying that we need to introduce higher productivity vehicles on appropriate routes. This will reduce the number of trucks required to meet our freight task. We recognise that there are environmental benefits and benefits from reducing congestion. The new generation of higher productivity vehicles meet stringent safety standards, and they utilise the latest

technology. I would have thought that the Liberal Party would back the transport industry in its efforts to build productivity and increase safety.

Higher productivity vehicles and specified routes will not be introduced without community consultation and careful planning; that is required. The Department of Transport actually documents what the member for Polwarth referred to, in that it simply recognises that Victoria is part of a national effort to carefully assess the implications and introduction of higher productivity vehicles. The member for Polwarth may even recall that the government that sought the introduction of a higher productivity vehicle network was in fact the Howard government.

**Mr Mulder** interjected.

**Mr PALLAS** — Despite the conspiracy theories of the member for Polwarth, there are no secret agendas. The only agenda here is to make sure that this industry is adequately serviced and that the community gets not only efficient vehicles but safe ones.

The member for Rodney raised concerns about rostering arrangements for milk tankers and drivers and cross-border anomalies. I will come to those in due course, as I will to the concerns raised by the member for Evelyn about road standards and the availability of truck stops.

The member for Benambra identified his concern that he does not understand the risk of fatigue cause and wanted to be assured that the government is not blaming drivers for fatigue. We are providing a safer environment for transport workers; that is at the very heart of the operation of these arrangements. I am not sure whether the member for Benambra believes that there is widespread corruption in respect to registering vehicles in Victoria, but if he does have evidence of this, he should go to the police immediately.

I believe we have an excellent team in VicRoads who take their job seriously, and they also consider safety to be their top priority. When it comes to vehicle design and the requirements upon manufacturers, Victoria has led the way for many years and is currently leading the way in our requirements for the mandating of electronic stability control and side impact head protection technologies.

The member for Gippsland East raised issues associated with the national stoppage. That was effectively a stoppage in name only, and it had more to do with Queensland's local politics than it did with fatigue management. He also raised the issue of rest areas and outsourcing to other truck companies or

operators, and said he is concerned about the practical impact this will have on the chain of responsibility.

The member for Swan Hill raised cross-border anomalies. Interestingly the requirement to have a work diary when working more than 100 kilometres from home was part of the national agreement. New South Wales is deviating from the national agreement, so if the member is concerned about national conformity, in this case it actually works in favour of the proposed regime that the state of Victoria is putting in place in the broader context of the bill and these amendments.

I recognise and acknowledge the continuing support for fatigue management from the member for South-West Coast. The member said that fatigue management is absolutely vital, and that of course is at the very heart of the government's efforts with respect to these arrangements, but also of critical importance is sending clear messages to the industry about how we implement fatigue management, our commitment to national uniformity and our commitment to service the industry in terms of its capacity to implement these arrangements. The member gave an example of long-haul transporting of cattle from Longreach. Such operators will have access to both BFM and AFM arrangements.

**Dr Naphthine** — They cannot get access to it; that is the problem.

**Mr PALLAS** — I will come to it; I still have 6 minutes. With respect to livestock exemptions, the transport exemption is a pre-existing arrangement in South Australia which was effective from 28 March 2002. This arrangement was adopted in lieu of any other provisions that provided livestock transporters with a facility to deal with extenuating circumstances. The fatigue reform provides the options of basic fatigue management and advanced fatigue management, which provide heavy vehicle operators with much more flexibility in working and resting. Advice from South Australia indicates that the exemption will continue as a transitional arrangement to allow livestock operators time to transition into BFM and AFM.

This is why, fundamentally, we have grave concerns about what the opposition is proposing. It is essentially proposing to put in place an amendment to this legislation that does not even purport to be a transitional arrangement; it actually is a long-term arrangement. There is no transitioning in the amendments; it is there for good. At the same time we have heard members speak about the need for national consistency; they effectively seek to use the pretext of a transitional

arrangement in South Australia as justification for national discontinuity of arrangements.

I turn to issues associated with auditors and training. Training is undertaken as we speak, and I understand there are plenty of training companies touting for business. There are approximately 14 auditors currently accredited, with seven more applications currently being processed. VicRoads is accepting applications right now, but most operators affected by these changes are currently part of the transitional fatigue management arrangements and will have six months to move to BFM or AFM. There will be that period of transitioning. Victoria fared well — —

**Dr Naphthine** interjected.

**Mr PALLAS** — I will take that issue on notice, and I will come back to the member for South-West Coast on that. With respect to the truck stop issues, which are a critical part of these arrangements, Victoria fared particularly well when it came to the recent audit by Austroads and was identified as the only jurisdiction which was not significantly behind in the provision of rest area facilities. In recent years approximately \$16 million has been spent upgrading facilities for heavy vehicle rest areas in Victoria. Significant improvements have been undertaken in regional areas — for example, on the Hume Highway, the Calder Highway, the Princes Highway east, and the Goulburn Valley duplication and Murchison deviation as part of larger projects. There are also significant new commercial truck stops included on the Western Highway and Princes Highway east. However, we recognise that there are continuing and important issues that need to be addressed further.

Now I turn to the issue of education in the industry more broadly. With regard to what we have been doing to educate heavy vehicle operators on the fatigue reforms, VicRoads is acting in collaboration with the VTA (Victorian Transport Association) in undertaking a series of public information sessions both in Melbourne and in major regional centres and rural regional hubs. Originally 14 sessions were scheduled commencing in the last week of May through to the end of July. However, due to high demand, three additional sessions have also been scheduled in Melbourne in August.

In addition to the formal series of information sessions VicRoads has presented on fatigue reform at a number of centres, including at the Australian Food and Grocery Council conference, the Victorian Transport Association state conference, the Victorian Bus Expo and the Transport Workers Union safety seminar. There

is an ongoing and continuing commitment about the need to educate the industry and to ensure that it is ready for the introduction of these provisions.

There is also a road safety day scheduled for the end of August in Hamilton and an event convened by the Victorian Farmers Federation scheduled for early September. It is estimated that by the end of the series of presentations something in excess of 4000 people will have attended presentations on fatigue reform. There are also information kits containing a series of fact sheets and a Transport Industry Safety Group DVD on managing driver fatigue. All of these issues indicate that the government takes its responsibility in terms of industry awareness quite seriously.

On the issue of standard hours that milk tanker drivers may drive, milk tanker drivers may drive 12-hour shifts six days a week; however, they are required to have at least a 24-hour rest break in a seven-day period and four nights rest in a 14-day period that includes two consecutive nights rest. Drivers can alternate between day shifts and night shifts on a weekly basis and can continue to work six days a week.

Finally, the government is committed to putting in place systems that recognise the very valuable contribution that the transport and logistics industry makes to this state. It constitutes 14.7 per cent of the gross state product, and the jobs of 340 000 people are directly affected by the operation of this industry. We take safety seriously because on average every year 59 drivers are involved in fatalities with trucks and 12 truck drivers who attend their place of work lose their lives. That is why this bill is so important. I commend the bill to the house.

### Motion agreed to.

### Read second time.

#### *Consideration in detail*

### Clauses 1 to 47 agreed to.

### New clause

Mr MULDER (Polwarth) — I move:

Insert the following New Clause to follow clause 30 —

#### “A New section 191ZZAB inserted

In section 20 of the **Road Legislation Further Amendment Act 2007**, after proposed section 191ZZA insert —

#### “191ZZAB Livestock exemption

- (1) This section applies —

- (a) to a driver of a fatigue-regulated heavy vehicle who is carrying livestock as a primary load; and
  - (b) only when the welfare of the livestock is at risk.
- (2) Section 191O applies to a driver to whom this section applies as if a reference —
- (a) in Column 2 of Table 1 of Schedule 4 to 14 hours were a reference to 16 hours; and
  - (b) in Column 4 of Table 1 of Schedule 4 to 14¾ hours were a reference to 16¾ hours; and
  - (c) in Column 4 of Table 1 of Schedule 4 to 15¼ hours were a reference to 17¼ hours.
- (3) In this section —

*livestock* includes cattle, sheep, goats and pigs.”.”.

The amendment deals with a request by the Victorian Livestock Transport Association in relation to the unique situation that livestock transport drivers face regarding the cartage of cattle, sheep, goats and pigs around the state. Their request is not based on being able to, at a whim, be given additional time on the road or additional rest breaks, it is an issue that deals directly with animal welfare. I know on a number of occasions we have had animal welfare bills passed by this house with the support of both sides that were at times the subject of hefty debate, including tail docking, pin firing of horses and teeth grinding, to mention a few. I believe that the Parliament in general has been supportive of issues surrounding animal welfare.

As a young boy I spent an awful lot of time around saleyards and animal loading facilities in and around my town of Colac. I can recall it used always to distress me to see a cattle truck pull into the saleyards area where one of the weaker animals had been knocked down during the trip and basically trampled to death by other animals that had forced it to the ground. Other animals were basically standing on it and trampling it. Whether you like it or not, there are very unique situations that exist with the transport and handling of animals. It is different from carting containers and other types of freight that are moved around the state. I believe the minister is somewhat sympathetic on this issue, but he does not seem to want to move away from what some areas of industry are saying to him in relation to the specific hours, because he has indicated that he has asked VicRoads to conduct a review.

We have got to the stage of having this bill before the house, and already the minister is prepared to concede

that a review is needed to deal with issues in relation to the transportation of livestock. He has also indicated that he is sensitive to the issue of complex loads in remote areas and has asked that VicRoads take these issues into consideration. It appears to me that if VicRoads officers come across people who have been caught up in what we call 'complex' issues in regard to moving livestock around, they should perhaps be prepared to be somewhat lenient to the drivers involved. If indeed the minister supports that — and it appears to me that he does — all we are saying is that that be provided for within legislation.

I would just like to pick up on another issue that the minister raised in relation to livestock drivers and fatigue — that is, the issue of the expansion of the B-double truck routes throughout the state and also catering for other heavy vehicles. The minister indicated that if there was going to be any expansion of particular routes, he would ensure there would be full community consultation. It seems to me quite extraordinary. The minister said on radio just prior to Christmas that there would be full community consultation in relation to this matter. He said it again today. Yet in April a briefing note addressed to the minister and provided to us under freedom of information recommended that the project the minister had requested in relation to the expansion of these routes be, one, subject to selected consultants, and two, be given a low profile. You cannot on the one hand claim that this is going to go out to community consultation — —

**The DEPUTY SPEAKER** — Order! The member for Polwarth will address his comments through the Chair.

**Mr MULDER** — The minister cannot on the one hand claim that this project is going to go out for full community consultation, then on the other hand sign off on a briefing note and also an extensive report to cabinet giving his views on the matter when it has not gone out for community consultation. I am not aware at this time that any of the communities I represent have been engaged with on this matter.

I have no doubt that the project is moving along behind closed doors at the direction of the minister. The minister has a view all right. When he is standing here or when he is on the radio, the minister's view is that this should go out for full community consultation, but behind closed doors he is saying to his own department, 'Keep a lid on it'. He cannot have it both ways. Because of the trail of documentation the Liberal Party has received on this matter, it knows very well that the minister is trying his hardest to deceive the community.

I have pointed that out on a number of occasions, and I will continue to point that out. As I said, we are here today in relation to animal welfare. We are also here today to support drivers and livestock operators in rural and regional Victoria. I do not want to hear a city-centric view of this, which is what the minister is putting across. We need rural and regional representation in this matter.

**Mr PALLAS** (Minister for Roads and Ports) — If we are turning our minds to the proposition that is before us in the amendment, not much of what was said by the member for Polwarth actually relates to the issue. I want to restate the general observation I made at the outset, and that was that the development of these guidelines has always been on the basis that they should apply to all forms of industry. I restate the words of the chairman of the NTC (National Transport Commission) on 4 October 2006:

For some applications, the current one-size-fits-all approach is unworkable.

He made specific reference to the livestock industry. The very reason advanced fatigue management and basic fatigue management arrangements were being developed was to contemplate the sorts of arrangements that those industries might see as being appropriate to them. A recognition of the circumstances of the industry would include questions associated with animal welfare. I have to tell you that when it comes to safety on our roads, the key concern of this government must be the wellbeing of Victorians on the roads. We know — —

**Mr Mulder** interjected.

**Mr PALLAS** — That just demonstrates your ignorance.

**The DEPUTY SPEAKER** — Order! The member for Polwarth will cease interjecting, and the minister will address his remarks through the Chair.

**Mr PALLAS** — As a government we continue to make efforts to ensure that safety on our roads is responsibly managed. Importantly, that requires a consistent regime which has been diligently worked through and which ensures that industry has not only been prepared but has been well involved in the processes of the development of the package. This package has the overwhelming support of industry stakeholders, including the Australian Transport Council and the NTC. It has effectively been a demonstration of Victoria's leadership and commitment to national consistency.

In respect of the issues associated with the observations I made to the Assembly in the context of the debate in reply, I want to make it clear that the government recognises that the continuing education of and support for the industry is critical to the effectiveness of the industry's capacity to take up the arrangements available to it. The review of operational procedures, to which the member for Polwarth referred, was undertaken to ensure that there is a practical and pragmatic application of the law as it applies when it comes to dealing with these complex issues.

**Mr Mulder** interjected.

**Mr PALLAS** — Enforcement officers have discretion in the manner in which they go about the functions of their job, and would you advocate anything other than that? Clearly not.

From a government point of view, we see it as critically important not only that the industry appreciate its responsibilities but that we see this as a critical partnership bounded by education responsibilities, access to appropriate accreditation, ultimately recognising that our principal focus here must be road safety and the responsible management of an industry that has indicated its willingness to participate in this process. As a nation we have agreed that we should move forward in this way.

The proposition that the member for Polwarth is putting forward quite simply is this: let us follow a transitional arrangement that the state of South Australia has put in place for three years but let us not make it transitional, let us put it in place forever; let us then not concern ourselves too much with national uniformity; let us simply put in place systems that we see, despite all the expert evidence, despite all the diligent effort that people have put in to get us to the point that we are at; let us simply compromise all that work; and let us argue about extending the hours of operation up to 16 hours. That is not acceptable to the state of Victoria.

We recognise that there is a responsibility to work cooperatively and pragmatically with an industry that is very valuable to this state and which deserves the sensitive hand of an engaged and involved government that has principally the welfare of the industry at heart. That is our commitment, and that is what we continue to advocate in this respect. I therefore oppose the amendment moved by the member for Polwarth.

**Mr MULDER** (Polwarth) — I have a question for the minister. Did the minister sign a briefing note that suggested this particular project in relation to the

extension of B-double and B-triple routes be given a low profile, yes or no?

**Mr PALLAS** (Minister for Roads and Ports) — Is that a question on the bill?

**Mr Mulder** interjected.

**Mr PALLAS** — No, it is not. This is a bill about fatigue management.

**The DEPUTY SPEAKER** — Order! The member for Polwarth cannot speak again; he can only speak twice. Does the minister wish to respond?

**Mr PALLAS** — I will simply indicate that I have signed a brief in respect of the management of issues, unlike the member for Polwarth, who sought to take political advantage of the deaths and suffering of families at Kerang, who took the view that he could seek to take political advantage.

As a consequence this government is going to deal with the issues of the appropriate management of high-productivity vehicles on our roads. As a government we do that because we are genuinely concerned about the welfare of road users. We are not going to take short-term political advantage, cheap-shot political advantage and effectively stand on the backs of the grief and the misery that surrounds road accidents. Let us not forget what the Leader of the Opposition said the day after the Kerang accident. He said that he believed there should be sober — —

**The DEPUTY SPEAKER** — Order! The minister should be clear that he is speaking on the amendment.

**Mr PALLAS** — I believe I was asked to answer the question. So far as this government is concerned, we continue to seek to engage the community in the issues of appropriate management of improved productivity within this industry, fatigue management being a critical part. Let us not forget that when we are talking around this issue we are talking about the lives of people who work in this industry.

We are talking about a road toll that has dropped from 444 to 332. In the last five years we have seen the road toll as a percentage of the population drop to the lowest it has been since 1925, since records were kept. Let us not forget that our road toll is now sitting at 6.4 per 100 000 head of population. That is an achievement for which as recently as yesterday the federal government recognised the state of Victoria as taking a leadership role in terms of road safety.

Those opposite may seek to take advantage of these issues for the purpose of short-term opportunism, as we call it. We will continue to engage the community when it is appropriate, when firm proposals are on the table and when strategies are in place, just as we have done in respect of this issue. There has been no criticism, I believe, of the management of this issue by the government in terms of the engagement of industry in these matters. I believe we have handled that matter appropriately, as we will continue to handle all complex matters that go not only to the efficiency of this industry but also its effective safety.

#### House divided on new clause:

##### *Ayes, 29*

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

##### *Noes, 47*

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

**New clause defeated.**

**Bill agreed to without amendment.**

#### *Third reading*

**Motion agreed to.**

**Read third time.**

### FAMILY VIOLENCE PROTECTION BILL

#### *Second reading*

**Debate resumed from 20 August; motion of Mr HULLS (Attorney-General).**

**Mrs POWELL** (Shepparton) — I am pleased to speak on the Family Violence Protection Bill 2008 and to say that we will be supporting this legislation. The Liberals and The Nationals would support any legislation that tries to stamp out family violence. It is one of those areas that is often hidden, because a lot of people do not report family violence. While a number of cases go to the courts, quite a large amount of — —

**The ACTING SPEAKER (Mrs Fyffe)** — Order! I apologise for interrupting. The level of conversation is too high. If members wish to have a conversation, they should leave the chamber.

**Mrs POWELL** — We welcome this bill coming forward. The bill extends the definition of 'family violence' to be behaviour by a person towards a family member of that person if that behaviour is physically or sexually abusive, emotionally or psychologically abusive, threatening or coercive, or in any other way controls or dominates the family member so that they feel fear for the safety or wellbeing of that family member or another person. It includes the behaviour by a person that causes a child to hear or witness, or otherwise be exposed to the effects of, family violence. We know of many instances where children are exposed to all sorts of family violence, whether by witnessing it or being part of it. The examples given in the bill are overhearing threats, witnessing assault, comforting or providing assistance to the abused person, or even being present when police officers attend. It can be quite traumatic for a young child when a police officer is called to that child's home when mum or dad are having a fight — or even worse, if there is a family violence situation.

The bill extends the meaning of 'family member' to include a current or former spouse or domestic partner; a person who has, or has had, an intimate personal relationship with the relevant person; a current or former relative; a child who normally lives or has lived with the relevant person; and a child of a person who

has, or has had, an intimate personal relationship with the relevant person.

There were some concerns about the possible misuse of the extension of definitions in a court of law and how they could be proved in a court of law. I hope that when these issues go to court, they are relevant.

The bill prohibits the direct questioning of protected witnesses by respondents. It allows the police to search a home for weapons without a warrant, when they believe there are grounds for an intervention order.

One provision the Liberal-Nationals coalition does not support is the reduction from five years to two years in the penalty for a second or subsequent breach of an intervention order. We believe this is an anomaly. The penalty cannot exceed two years because it is a summary offence, but the court must set the penalty having regard to the maximum penalty of five years rather than the two years.

An amendment that will be moved by the member for Doncaster during the consideration-in-detail stage will, we hope, deal with this. I would urge the government, particularly the women in the government, to support this important amendment. On this side we will certainly be supporting it. If government members really want to make sure that people who take out intervention orders are protected, they must support this amendment. In effect the amendment will create an indictable offence of a second or subsequent breach of an intervention order, with a penalty of up to five years. I urge the government and, as I said, particularly the women, to support this amendment to make sure that this bill goes further than the legislation would go and protects women in a family violence situation, particularly where there is an intervention order and it has been breached by second and ultimate offences. They need to send a very strong message to those people in the community that if they breach an intervention order, they will get a stronger penalty and not a lesser penalty. We urge the government to support the member for Doncaster's amendment.

VicHealth has reported that domestic or family violence is the leading cause of death, disability and illness among Victorian women under the age of 45 years. It contributes to homelessness, substance abuse and social isolation. Access Economics estimates that family violence costs the community \$2 billion each year. Even more alarmingly, the Australian Institute of Criminology reported that in 2001 up to one-quarter of young people in Australia had witnessed physical violence against their mother or stepmother. These statistics are alarming. They prove that we need to

stamp it out. It should not be acceptable because the violence is carried out by a family member and it happens in or around the home; it is still violence and we should not give people who perpetrate those dreadful acts any lesser penalty than if they were committed against a non-family member.

In July I attended the launch in Benalla of the *Raped by a Partner* research report. I congratulate Women's Health Goulburn North East and its executive officer, Susie Reid, and the Upper Murray Centre Against Sexual Assault. Sadly the report identified that partner rape is prevalent in our society. They interviewed 70 witnesses, who were women, police and health professionals. They interviewed 30 police for their research, which was quite an interesting piece of research, and they were more than happy to be involved. The police said that unfortunately not every case that they look at goes to court, because if the police cannot get enough evidence or the witnesses are seen as not reliable, the Director of Public Prosecutions may consider that there is not a chance the case will win.

There is underreporting in family violence. The police believe the main reason for women not reporting is the fear of not being believed and the misconception that it is not rape when you are married to the perpetrator. There is a lot of self-blame and there is a fear of further violence and concern for children. I heard about 10 women give their stories — fairly horrific stories — to the people at that meeting. Some of the abuse has been going on for some years, and in fact many of them did not want to make a report because they felt they would be victimised themselves. Some of the difficulties for police, they said to us, involved proving partner rape — the victims withdrawing their charges, the length of time before the case goes to court and the disrespectful and damaging treatment of women in court.

That came out time and time again as to why women do not go to court — because they feel they are being victimised or that they are the perpetrator rather than the victim. Often people do not want to go to court and give their evidence. It was interesting that when the police were asked if they would advise someone they loved to report a partner rape, only 6 of the 30 police said they would advise someone to report it.

The police told me that they were pleased about the provisions covering on-the-spot safety notices so that they can remove the perpetrator from the home rather than having to remove the woman and children from the home, because often when that happens the woman and children have to go into protected or emergency

housing, crisis housing, which is very difficult to find because there is a lack of that sort of housing, particularly in country areas. I know the Liberals raised the issue of safety notices a number of years ago, and I know that a committee I was a member of also raised this a number of years ago, urging the government to pick up this issue.

Some of the problems that we heard about, particularly in rural areas, were the lack of police — the shortage of police numbers — and the fact that everybody knows everybody in a small town. One of the issues in the report was about Aboriginal women. The health professionals spoke of an apparent acceptance of violence within some Aboriginal communities, where they said there were reprisals for disclosing partner rape and women would be victimised by the community, and perhaps felt they would not be believed. The Aboriginal women also said they were treated condescendingly and discriminated against, by either the health professionals or any of the professionals they went to speak to, so there was a concern about people putting forward their case that they had been raped by their partner.

I think a lot of people have the view that it happens among just people from low socioeconomic backgrounds. When we saw this report, we saw that there were very well-educated women and women who had been in the community for a long time doing civic duty and they were also reporting partner rape. It is an issue out there. We need to deal with and to call it for what it is.

One of the questions asked by the police and one of the answers given was quite interesting. The question asked of the women was, 'Why don't you leave?', when the question should be, 'Why doesn't he stop?'. At the end of the day we have to make sure that the perpetrators of family violence — usually men — do stop, that they understand it is a crime and that they understand it is not forgivable and is not going to be accepted in the community. The more we get that message out, the more we will find there is better education.

We support the bill, but we look forward to the government supporting the amendment to be moved by the coalition.

**Ms NEVILLE** (Minister for Mental Health) — It is a pleasure to have the opportunity this afternoon to rise in support of the Family Violence Protection Bill.

This new legislation is the result of this government's determination to reduce family violence, and it builds on the sweeping reforms that we have already

delivered, providing a more integrated response to family violence from the police, from the courts and from the community. We have backed this up by massive investment of over \$50 million since 2005, with the last budget containing over \$24 million to break the cycle of family violence.

Specific measures within this new investment are targeted at improving support services for women and children who are affected by family violence, including the enhancement of the statewide 24/7 telephone crisis response service and expanded case management services for women and children, including those from culturally and linguistically diverse backgrounds and those with a disability. There is also significant new funding to better respond to indigenous family violence by building the capacity of indigenous services and the capacity of mainstream services to respond in a culturally appropriate way.

This investment reflects the government's determination to stamp out family violence, but such efforts need a strong legislative framework to work from, which is what we are here to discuss today. At its heart, this bill is about increasing the protection available to victims of family violence and making perpetrators more accountable for their actions.

What I particularly want to comment on today is what this bill will mean for children. In my role as Minister for Community Services I see and read about the insidious and destructive impact that family violence has on young children. We know that family violence is a factor in more than half the substantiated child protection cases in Victoria. Other parental indicators like substance and alcohol abuse and mental health issues are also very common, but the prevailing, consistent parental indicator in these cases is family violence.

We are not talking about family violence only in its crudest form — that is, physical violence. A key to this legislation is the comprehensive definition of family violence in all its forms, from physical to sexual to economic to emotional and psychological abuse. This definition of family violence is important. From the recent research into how children develop and our growing understanding of the importance of early years development, there is new evidence that shows the impact that merely witnessing these forms of violence has on young minds.

We now know that if a young child watches one parent commit acts of violence against the other, there will be a major negative impact on their physiological development. It impairs how they grow and develop,

making it harder for them at school and harder for them to form friendships, making them less resilient. It makes them more vulnerable and more likely to engage in risk-taking behaviour. Children find it hard enough to be heard at the best of times, and for too long they have been the silent victims of family violence. This legislation begins to change that.

Another key element of the bill is recognising that, wherever possible, children should be protected and shielded from the court system. To this end, the bill provides that children should not be present in court or give evidence unless the court gives leave for this to occur.

The bill also makes a number of welcome changes to existing law to enable victims of family violence who wish to remain in the home and have the perpetrator excluded to do just that. Importantly, though, where the respondent to the act of violence is a child, the court must establish that there are appropriate support services and housing options available for the child before an exclusion order is made.

The Family Violence Protection Bill complements a range of other reform strategies that are being implemented across police, courts and community services. It also needs to be seen alongside the recent reforms to the child and family welfare sector.

A key focus of mine in my areas of responsibility has been on improving the cooperation between services responding to family violence and those providing support to vulnerable children. How we respond to family violence and to vulnerable children and families is intimately related, and all parts of the service system must be working together in an integrated way to improve responses.

I am confident that the Family Violence Protection Bill will build on the work and investment of the government and improve the safety of women and, just as importantly, children. I commend the bill to the house.

**Ms WOOLDRIDGE** (Doncaster) — I am pleased to make a contribution to debate on the Family Violence Protection Bill 2008. As the shadow Minister for Women's Affairs, I support this bill and feel it includes many long-overdue measures for the protection of vulnerable people, particularly women and children. However, the bill does not go far enough in a couple of areas, particularly in the penalty for second or subsequent breaches of an intervention order, which is a maximum of only two years. We are not, and should not be, soft on the perpetrators of violence, so I

will support our amendment, which will allow a maximum five-year penalty for multiple breaches of intervention orders.

The Sentencing Advisory Council (SAC) has said that there are a couple of key functions of maximum penalty, which are, firstly, that they serve as a general deterrent and a warning to potential offenders, and secondly, that they serve as a guide for the seriousness of an offence. I have to say this is a serious offence, a the second or subsequent breaching of an intervention order. We believe the penalty should be five years to reflect that seriousness and for it to be an effective deterrent.

Family violence is a huge problem in our society, with intimate partner violence being the leading contributor to death, disability and illness in Victorian women under the age of 45. An incredible 34 per cent of women have experienced violence from a current or previous partner, and 29 per cent of people have experienced physical or sexual violence before the age of 16. Recent research found that partner rape, as has been mentioned by the member for Shepparton, is still largely unreported, despite its having been criminalised in 1985.

Many of the changes in the legislation are very important and will help significantly to increase the protection of women. The bill increases and enhances old legislation by broadening the definition of 'family violence' to include economic and emotional abuse as well as sexual abuse. It also expands the definition of 'family member' to include non-traditional family-like relationships, such as the relationship between a person and their carer in most circumstances. These new definitions are particularly important as power dynamics within relationships can create opportunities for the control and domination of women, often making women unable to leave an abusive relationship due to financial dependence or emotional or psychological abuse.

I applaud the introduction of the police-issued family violence safety notices which serve as applications for family violence intervention orders on behalf of the police officer who issues a safety notice. However, for this system to be effective, police officers need to be trained and educated on the subtleties of family violence and the contextual background of power imbalances and different forms of abuse.

As stated above, the new elements of the bill provide increased protection for victims of family violence, including both women and children; however, the bill excludes a very vulnerable group from receiving the

same protection. I am disappointed about the exclusion from the bill of private paid care arrangements where the carer is not deemed to be in a family-like relationship. This leaves susceptible people, such as those with a disability, unprotected. The government advises that this group is currently protected under stalking legislation, but this, for example, does not protect economic and emotional abuse. A review of the stalking legislation is on the agenda, but until this is implemented and changes are made, a very vulnerable group is left exposed and unprotected. Frankly, given the time the government has taken on this piece of legislation and others like it, I think we need to encourage the government to get on with the review and make sure people with a disability in non-family-like relationships are provided the same protections.

The opposition supports the bill. It is not only the laws that need to change but the social and community views as well. Recent research, as has been mentioned, conducted by Women's Health Goulburn North East, surveyed 30 police officers and found that only one in five would take claims about rape and sexual abuse by partner seriously. The changing of such attitudes will be integral to the success of the new legislation. We must ensure that the community as a whole is expressly aware that in no circumstance is unwanted sexual activity, abuse, coercion or assault warranted or to be tolerated. The legislation needs not only to be implemented to ensure the legal recourse of family violence victims but also to be publicised to enforce the message that partner rape and other forms of family violence are illegal and will be taken very seriously.

The provision of services for victims of family violence is also very important. While there are some short-term services available, many groups feel that they are still significantly underresourced and do not adequately provide for victims, especially considering the ongoing psychological problems that result from domestic violence. Doncare, a community organisation in my electorate of Doncaster, began a project providing long-term support to women recovering from domestic violence. This project gives one-to-one support for women who have been victims. I have spent a number of hours with an amazing group of women. There are some very clear messages for all of us. First of all we need better public awareness. I would like to quote a woman of that group:

As a previous victim myself, I did not think my unhappy life fell into the category of domestic abuse, because my husband actually never hit me once. I was dragged, pushed, shirtfronted, threatened, spat on, had things thrown at me, emotionally abused, financially controlled and abused, my pets were often harmed and life was sheer hell, but as he

never once hit or punched me, I did not identify myself as a victim of domestic violence.

We must do more so that women understand the context of what is domestic violence and that there are mechanisms for them to deal with it. We also must make sure that front-line police and other relevant professionals have a comprehensive education to enable them to implement policies. While everyone recognises that there has been a lot of improvement over the last 20 years, there were many examples from the women of the group where no case reports had been written and where police had not entered houses but had just sat in cars outside houses. In one instance a police officer told a woman to just leave town and not come back. Women generally described a boys club attitude.

This legislation will have little impact unless there is greater education for police and other relevant professionals such as court staff and psychologists who write up court reports. Victims and witnesses need to feel that their claims will be taken seriously and justice will be provided. We also need more protection for families fleeing violent situations. The decision to leave a partner, which may be life saving, is difficult and not assisted by the knowledge that it is difficult to access accommodation, whether it be either emergency or long-term accommodation. Women often have illiquid assets, which means they have no other means of financial support, and they genuinely believe that there is little support in the community.

One agency has made it clear that government funding of only 13 weeks under Sentencing Advisory Council services for victims does not meet the needs of women who have often suffered for many years and have complex issues to resolve. Women feel unsupported by the courts, and in one case when a woman went to Women's Legal Aid, a wonderful service providing important support, she was told the wait was three months. Clearly more needs to be done.

A number of women have said that if it were not for Doncare, they may not have made it through. It is a weekly gathering — unfunded by government — that is their lifeline. The group of women felt that they had lost it all — their families, their homes, their dignity and, in their words, their hopes for the future — but it was really an amazing group of women who have suffered at the hands of their partners, who have made the incredibly courageous decision to leave and who were removing themselves and their children from harm's way.

I need to speak briefly about homelessness while we are debating family violence legislation, because more women and children are being forced onto the streets

than ever before. In terms of homeless people, a recently released SAC report shows an alarming rise in the number of clients who are forced into homelessness services because they are fleeing family violence. Of all the Victorians who presented to homelessness services in 2006–07, 22 per cent were fleeing from family violence, which is an increase of almost 10 per cent over the previous year. The total number of support periods for Victorians fleeing family violence jumped by more than 23 per cent up to 16 376. Clearly we must do more to make sure that women and children affected by family violence are not forced onto the streets.

I believe that our proposed amendments to the bill are a very important part of ensuring the safety of women. We must send a clear message that breaching a family violence intervention order is a serious crime, so I recommend the opposition's amendments to the house and, with their inclusion, commend the bill. Most importantly, now is the time for all of us to take family violence seriously. The victim could be your sister, your friend or the woman you pass on the street, but we need to send the message that violence and abuse are unacceptable. This legislation is a good step in that process, but we must get greater education, support and, where necessary, penalties in place so we can genuinely improve the health and safety of women and families.

**Ms MARSHALL** (Forest Hill) — I am very pleased to rise and make a contribution in support of the Family Violence Protection Bill 2008. Family violence statistics are devastating and shocking. Family violence is the leading contributor to preventable death, and disability and illness in women between the ages of 15 and 44. Police attend about 30 000 family violence incidents a year in Victoria, and sadly almost 30 per cent of these are repeated calls to the same parties.

Forest Hill, situated in a beautiful part of Victoria's eastern suburbs, is thought of as a location that is protected from some of life's more unappealing aspects, but sadly family violence is a facet of my job that I see far too frequently. Family violence is found in all parts of our community, irrespective of economic status, education, age or family situation. This bill will challenge anyone with the attitude that family violence is a domestic matter. The truth and reality is that it is a crime that is most worthy of the response by the justice system that this legislation provides.

I turn to a little bit of background as to how this bill was developed. It was the Victorian Law Reform Commission's recommendation that there be a stand-alone act to provide a targeted and cohesive response to any situation that involved family violence. The VLRC established that the existing system of

intervention orders could be inaccessible, frightening and in some cases quite ineffective. I have even found in some situations in which I have personally been involved that the issue of English as a second language has further compounded a most difficult and confusing process.

This bill seeks to address two main issues: the attitude that family violence is a domestic matter and therefore not a crime worthy of response; and the need to ensure the justice system itself does not inadvertently compound the devastating effects of family violence. The bill includes a comprehensive and broad definition of family violence, it broadens the definition of what constitutes a family member, it establishes a new system of police-issued family violence safety notices that makes it easier for victims to remain in their homes, and it also allows the court to declare a person a vexatious litigant.

There has been great community response to the bill not only from victims and survivors of family violence but also from the many community organisations that deal with the horrific aftermath on a daily basis.

The Family Violence Protection Bill has also adopted the Sentencing Advisory Council's recommendation that a maximum penalty of two years' jail apply for any breach of intervention orders as well as breaches of police-issued safety notices. I spoke earlier this week in the house about a recent event at which I was the guest speaker — that is, the launch of a DVD partially funded by VicHealth, entitled *Don't Suffer in Silence*. It is an initiative of the Federation of Indian Associations of Victoria. It came on the back of a significant print and radio campaign aimed at raising the awareness of family violence in the Indian community as well as the support that currently exists for victims and other family members.

This issue highlights one of the greatest difficulties we face in attempting to eradicate violence against women. This is the difficulty of ensuring that through education all members of our community — possible victims and perpetrators, male and female, young and old — fully comprehend that this antisocial behaviour will not be tolerated. As a government we now have a legislative framework that provides a supportive response to women; it fully supports victims and encourages them to report any incidents.

Family violence is a scurrilous aspect of society, so we have agencies with family violence services, counselling, refuges, programs that focus on creative behavioural change in men, intensive case management, phone lines specifically for men who use

violence, violence prevention education programs in schools, programs to increase awareness of the unacceptability of family violence in our society, and indigenous-specific initiatives — all of which require Victorian state government funding. It is so easy to see how beneficial it will be to us as a community to see a change in behaviour and attitudes in relation to this matter.

This bill makes it perfectly clear that violence should not and will not be tolerated in our society and that within families women and children in particular are to be protected and be able to live safely in their own homes. The Brumby government has invested almost \$50 million since 2005 in family violence reforms, including an investment in better-integrated responses to family violence and increased support services. This bill continues to fulfil the Brumby government's whole-of-government approach to family violence, and I commend the bill to the house.

**Mr R. SMITH** (Warrandyte) — I rise to speak on the Family Violence Protection Bill 2008. In voicing my support for the bill, I want to focus on the bill's sentencing aspect and on the amendments that will be moved by the member for Doncaster.

In April 2008 the Attorney-General asked the Sentencing Advisory Council (SAC) to report on the appropriate penalties for breaching intervention orders, and the subsequent report forms a fair amount of the basis of the sentencing aspects of the bill. It is important that members of this house be aware of the substance of this report before casting their vote on the amendments.

The Sentencing Advisory Council was given very little time to put its report together. In fact very early in the report the council comments that the Attorney-General had given it a short time and that it was only able to conduct limited consultations. It is troubling to wonder why the Attorney-General gave the SAC such a short time.

Currently sentences for breaches of intervention orders are covered in the Crimes (Family Violence) Act 1987. The current penalties are a two-year maximum imprisonment for an initial breach, and five years for a second and subsequent breach. I am appalled that the recommendation of the SAC is that the maximum penalty for a subsequent breach — after an initial intervention order breach — be reduced from five to two years, with the initial breach maximum remaining at two years, and that the bill acts on that recommendation.

It is also worth noting that the SAC's final recommendation goes against a submission from the Director of Public Prosecutions. In that submission the DPP said that the maximum penalty for the offence of a breach of a family violence intervention order should be five years imprisonment and that that term should be for the first and subsequent offences. I applaud the DPP for his stance on this issue and for his courage in making public statements about lenient sentencing in recent times.

I further find troubling the complete silence on the part of the government on this. I have heard enough second-reading speeches to know that the government often likes to talk about the fact that it is introducing recommendations from focus groups and other consultants when it introduces bills. In this instance it failed completely to mention that it was going to reduce the sentence for second and subsequent breaches. I am sure the Attorney-General knew that that would have been a quite unpopular thing to say, so I am not surprised he tried to keep it quiet.

Some of the purposes of sentencing as set out by the SAC are punishment, rehabilitation, specific deterrence and community protection. I believe that reducing this maximum sentence fails to meet most if not all of those purposes. The report handed down by the SAC says in section 4.3.1 that:

The statutory maximum penalty is intended to function as a general deterrent by warning potential offenders of the maximum punishment they are liable to receive if they commit an offence.

If a person has proven themselves not to be deterred by a threat of a two-year prison term for an initial breach, how is the same threat going to deter them for a subsequent breach?

Further on, at 4.3.5 the report says:

...it is difficult to say whether the maximum penalty itself acts as a deterrent. The ACT Law Reform Commission found that 'research does not establish that higher penalties would act as a specific deterrent for breach of a protection order or for criminal offences generally'.

If that is the basis for the government's actions, then we might as well cut the maximum penalties for a whole range of offences. I hope that the government is not suggesting that we should cut the maximum penalty for murder down to 10 years, or for rape down to 2 years, or for assault down to 6 months. If the threat of high penalties is not a deterrent, then why do we have them at all?

The real problem is not that high penalties are not a deterrent. The real problem is the fact accepted by the

community that it seems to be the will of the judiciary to impose sentences much lower than the maximum permitted under law. I believe that if the judiciary imposed the current five-year penalties, we might actually see how much of a deterrent those higher penalties are.

The report acknowledges that significant mental, emotional and sometimes physical harm can come to victims of family violence through repeated intervention order breaches. That is an acknowledgement that the government should also loudly support. It could do so by maintaining the current practice of graduated penalties for repeat offenders.

The report goes on to say, at 5.4.2:

For the intrinsic seriousness of these offences to be altered by prior convictions for breaching an intervention order thereby justifying an increase in the maximum penalty, it would need to be shown that the level of harm or culpability of an offender is altered by the existence of relevant prior offending.

I think that could quite easily be shown by talking over this issue with any victim of family violence. Surely we all agree that repeated offences must absolutely add to a victim's loss of sense of wellbeing. In fact the report goes on to support that exact point. At 5.4.4 it says:

...it has been suggested that where an offender has committed repeated breaches of an intervention order in relation to the same complainant, the harm caused to the victim is compounded by each subsequent breach ... it could be argued that the continuation of that conduct in breach of the order is directly relevant to the degree of harm caused.

Further, at 5.4.6 the report says:

In consultations conducted by the council as part of this reference, most of those consulted took the view that a second or subsequent breach of an intervention order caused a higher level of harm than the first breach.

At 5.4.13 it says:

There were others who made submissions to the council who felt that the graduated penalty should be retained for this offence. It was suggested by some that the symbolic value of such a penalty is the most important consideration.

My belief is that the removal of this five-year maximum penalty fails to address the cumulative mental and emotional harm that comes from ongoing contact that a victim endures from their aggressor.

At 5.4.15 the report says:

...there are difficulties inherent in retaining a workable higher maximum penalty for a second or subsequent offence....

I understand that difficulties exist with regard to elevating these matters above the Magistrates Court, but the amendment deals quite adequately with these issues, which members of this house will see if they look at the amendment in detail.

At 5.4.15 the report says:

... it is unclear whether this higher penalty has any impact on sentencing practices for repeat offending, considering the low level of imprisonment for this offence, and whether or not it acts as an effective deterrent to offenders.

If it cannot be proved that the current sentencing regime has a deterring effect, then it equally cannot be proven that it does not. The last thing we want to do is change things and then find that the change produced a detrimental effect.

The report goes on at some length to justify the regime of graduated penalties. It talks about the fact that graduated penalties are not anomalous. It says that repeated breaches against the same victim may increase the level of harm, amongst other things. After all that is said in the report, I cannot believe the conclusion that the Sentencing Advisory Council reaches, at 7.3.4. It says:

Taking all of this into consideration, the council is of the view that the appropriate maximum penalty for these offences is two years imprisonment.

What frustrates me is that the government agrees with this conclusion. I would say that the government would have a lot of difficulty selling this watering down of current penalties to any members of the community, particularly those who have been victims of family violence.

I point out that the member's amendment not only maintains the status quo but builds on it to ensure that the current maximum penalty can actually be handed down. I want to be very clear to those opposite. Voting against this amendment is in effect voting for a decrease in the current penalties. A vote against the amendment will put you on record as opposing an amendment which is proposed only in order to continue what is being done now.

Victims of family violence would be appalled at a vote against the amendment, and I urge government members to acknowledge that this amendment is good policy. I support the bill but strongly believe that this amendment will strengthen it.

**Ms D'AMBROSIO** (Mill Park) — I am very pleased and heartened by the introduction of the Family Violence Protection Bill. I am very supportive of it. The

bill shows that we can turn a bright light on every corner of family violence. To eliminate all of the complexities of family violence is the beginning of breaking the cycle of family violence, which befalls and affects many families in our community.

The bill says categorically that family violence is not just 'a domestic', as it has been seen for many generations, for many decades within the context of the justice system. The bill says categorically that family violence is not acceptable under any circumstances and cannot be treated as anything less than a crime.

The bill does more than that, though. It builds on an already very strong response of government over recent years to tackle the causes of family violence. It builds on that in several ways. The bill serves to lift up the victims of family violence, who are predominantly women and children, by the provision of key support pillars, including a more meaningful and broader definition of family violence, a new system of police-issued family violence safety notices, the facilitation of the right of victims to remain within their homes, and a prohibition on self-represented litigants cross-examining their victims in court along with a capacity for the court to declare a person a vexatious litigant.

The bill reflects on the important building blocks that this government has put in place, ensuring a whole-of-government strategy on family violence. In the last state budget there was a family violence package in the order of almost \$25 million, and that can be broken up into some very important programmatic expenditures, including \$4.3 million over four years for crisis responses and intensive case management for women and children — who, of course, are at higher risk. It includes \$6.1 million for men's behavioural change programs, including intensive case management and a hotline for men who use violence. It also includes \$8.1 million for indigenous-specific initiatives including an increase in intensive case management for indigenous victims of family violence and many other features. The bill builds on almost \$50 million of family violence reforms, including better integrated response and support services. Of course, some of those have included the family violence courts, including one at Heidelberg which services my community. It also includes police holding powers in the case of an alleged family violence perpetrator so that an opportunity is afforded to apply for urgent family intervention orders.

I want to make quick mention of the importance this government has placed on the indigenous family violence strategy. Recently the government received a 10-year plan from the indigenous communities with

respect to family violence. That plan received the unanimous support of all representatives of our indigenous communities in Victoria. A lot has been invested in harnessing good faith and goodwill right throughout our communities, including the indigenous communities where a great deal of trust has been placed in government to tackle head-on the causes of family violence and to provide as much assistance as possible to victims, predominantly women and children.

I commend this bill to the house and certainly hope it receives unanimous endorsement. I wish to congratulate and acknowledge the very avid and determined support of all of the family violence ministers, including the Attorney-General, the Minister for Women's Affairs and all of the ministers through this whole-of-government approach and strategy.

**Mrs FYFFE** (Evelyn) — Family violence is considered by Anglicare to be about power and control. Police figures for 2005–06 show a 10.6 per cent increase in family violence reports across Yarra Ranges, Maroondah and Knox, with 2287 incidents reported versus the 2067 reported in the 2004–05 year. These figures represent approximately 10 000 people who were directly affected by family violence. Then you can count the several thousand who were indirectly affected by it. How many more will have been reported in 2006–07, and how many will be reported in the current financial year? And that is only the reported cases.

The bill deals with many issues, but I am on a very tight time frame, so I want to highlight the fact that the 2006 Victorian Law Reform Commission report recommended that a case management program be established within Victoria Police for victims of multiple breaches to monitor the safety of a victim. This would require a family violence liaison officer to be assigned. It also recommended that a victim of multiple breaches should be given a choice of whether or not to accept support through a case management program.

There are many issues I wanted to highlight, but one that I promised I would highlight here today is the issue of ongoing counselling. I would like to quote a lady I will call 'Sarah' so she cannot be identified. Sarah was having ongoing counselling, but the funding to the agency was cut by this government, and she now has nowhere to go. She says:

Sometimes counselling takes a long time to repair the damage that has been done. Violence in my family of origin left me with low self-esteem, anxiety and depression. Because of this I went on to a violent relationship which led me to flee with my daughter ... I am still dealing with stuff from my

ex-partner. He is still trying to control me three years after we separated.

Sarah says:

The violence group teaches you to speak up and put a stop to violence. We definitely need this violence group or there will be women who go back to what they only know because there will be no support or encouragement. This will only lead to death and battered bodies.

Sarah needs that ongoing counselling. She is now very concerned about how her attitude to her daughter is shaping up, and yet we do not have that counselling. The Yarra Ranges community health service has a waiting list of 20 women for its family violence counselling service. Despite the demand, the state government has granted funding to employ a specialist counsellor for just two days a week.

As I said, family violence directly affects over 10 000 people in Knox, Yarra Ranges and Maroondah, yet in this house this week nine bills have been introduced. This bill is the most important bill of the week, and here we are cut down to speak in haste for just a few minutes. There is a lot more I would like to say, and I am very upset about the limited time we have for debate on this, but I know the member for Derrimut wants to say something on the bill, and I will give him that opportunity.

**Mr LANGUILLER** (Derrimut) — I thank the member. In the limited amount of time we have available for this debate may I say it is pleasing to support the Family Violence Protection Bill 2008, and particularly pleasing to hear from both sides of the house that this Parliament condemns family violence in all its forms. My very limited contribution will form part of a flyer that I will letterbox in my electorate to send a clear message that this Parliament, and the political parties across the board, condemn family violence; that non-violence is a fundamental social value that must be promoted; that family violence in any form is an unacceptable violation of human rights; and that it is not acceptable in any culture or community. Often, in my judgement, issues of culture and ethnicity are misused for the purpose of justifying forms of violence in my electorate in the western suburbs, and I think we ought to condemn that.

I am mindful that there have been a number of very good contributions from members on both sides who are members of the Scrutiny of Acts and Regulations Committee. I am sure every member, particularly members of SARC, is aware that I fully support the notion that an offender should not have the right to cross-examine a victim; and that an offender should have, and must have, legal representation.

In light of the Charter of Human Rights and Responsibilities, the proposition that an offender may have rights has been raised and discussed, but I am very happy with the fact that SARC unanimously determined that on balance far too often victims — predominantly women — walk away from court because they fear being cross-examined or encountering an offender, and therefore a lot of times they walk away and continue to put up with forms of domestic and family violence.

I commend the bill to the house. I think it is a great step in the right direction. I concur with the notion that we need to step up measures to ensure offenders do not reoffend, and on occasion tough measures ought to be introduced.

**Mrs VICTORIA** (Bayswater) — I rise with some caution in favour of the Family Violence Protection Bill. I suggest that the amendment put forward by the member for Doncaster is a very reasonable one, and that members on both sides of the house should have a look at it and not play party politics on this issue. Family violence is an incredibly serious issue. We know it affects very many people.

A couple of the fantastic parts of the bill, which I highly recommend, are the types of intervention orders being introduced, including the interim and final orders. It is interesting to note that one of the intervention orders can be made without the respondent being present, and that is really good, but it is only effective once it is served on the respondent, so I am not so sure about that, but the police can use their holding powers, as set out in clause 14.

In the very limited time available to us — I am mindful that everybody wants to go home — I want to say that this is an extremely serious matter. The amendment makes very good sense, and I hope that everybody has the good sense to have a look at it, support it and allow the bill to go through with that amendment.

**Mr HULLS** (Attorney-General) — I thank everybody for contributing to the bill, but I have to take issue with a number of matters that have been raised and indeed the language that has been used in raising those issues. It has been said — and I think the term used was that it would be ‘an indictment’ on victims of family violence. I think that is an outrageous thing to say. To follow that up, I find it quite extraordinary that the last speaker would say members should not be playing politics with this issue. I agree we should not be playing politics with this issue, but with the comments made by previous speakers, that is exactly what they are doing. They are saying that unless members support

the amendments, it is an indictment on victims of family violence. The fact is that this is a very important piece of legislation. This is groundbreaking legislation. It will ensure that Victoria leads the way when it comes to family violence protection. The fact is that the amendment flies in the face of what the Sentencing Advisory Council has recommended. It flies in the face!

The Sentencing Advisory Council looked at this issue, and it effectively said that going down the path of making this an indictable offence would further traumatise victims of family violence. Read what the Sentencing Advisory Council said! I am not going to be the Attorney-General who stands here and says, 'Despite the fact that the Sentencing Advisory Council says if we go down that path, we are going to further traumatise family violence victims', throw this out the window and say, 'Well, let's do it anyway'. The Sentencing Advisory Council says — —

*Honourable members interjecting.*

**The DEPUTY SPEAKER** — Order! The member for Warrandyte and the member for Bayswater both had a chance. They will stop interjecting.

**Mr HULLS** — The Sentencing Advisory Council's report at page 28 deals with this specific issue of the maximum penalty. It says:

In relation to the appropriate maximum penalty, it was agreed by most of those consulted that a two-year maximum penalty is appropriate for this offence, particularly in relation to other offences. Where there is actual physical or mental harm involved, there is usually another offence with a higher maximum penalty which can be charged, such as assault or intentionally causing injury or serious injury.

There were divergent views, absolutely, but on balance the Sentencing Advisory Council said:

There were a number of participants who were concerned about making this offence an indictable offence with a maximum penalty of five years' imprisonment. Their concern was that if these cases were to be heard in the County Court as indictable offences, there would no longer be the advantage of having them dealt with quickly in the Magistrates Court. While the offence could be made an indictable offence triable summarily, a defendant could still elect to have the matter heard in the County Court, dragging out the process unnecessarily. The Magistrates Court of Victoria was also concerned about the appropriateness of making breach of an intervention order an indictable offence.

We on this side of the house do not want to further traumatise victims of family violence. We believe that it is appropriate to adhere to the recommendations of the Sentencing Advisory Council. It is all well and good for members opposite to come into this place and say, 'We want to send a message that a far more serious

jail sentence should be imposed' without looking at the ramifications of what they are suggesting. This was looked at in depth by the Sentencing Advisory Council, who rejected it. We are not going to fly in the face of the recommendation of the experts.

We do not want to play politics with this. This is a groundbreaking piece of legislation. It means that women and children can stay in their homes and not be retraumatised. It means that victims of family violence, particularly women, will not be retraumatised by being personally cross-examined by the perpetrators of family violence, and it means that they will not be retraumatised by having to wait for these matters to be dealt with in the County Court, or wait a long period of time and be retraumatised by matters being dealt with in the Family Court. We believe the Sentencing Advisory Council got it right, and we believe the penalties imposed under this legislation are absolutely appropriate.

I believe that all members of this house should support the bill in its current form. The government has consulted extensively. Stakeholders by and large agree with not only all the elements of the bill but also the penalties imposed — and that is why we have gone down this path. We have consulted extensively.

I noticed in some of the contributions that members have said, 'Well, it has taken too long for this bill to come into the house'. That is not the case. This is a very important piece of legislation that has come into this house after extensive consultation with a whole range of stakeholders. In particular, victims of family violence and a whole range of experts in the field asked for further consultation.

We could have brought this bill in at an earlier stage, but we were asked not to by victims of family violence. We were asked not to by stakeholders until they had had the opportunity to look at everything we were proposing. We wanted to get it right. If I am to be criticised for taking too long to bring the bill into the house, I will wear that criticism: absolutely!

**Mr R. Smith** — So you should!

**Mr HULLS** — Absolutely, I will wear it, because we believe that victims of family violence and stakeholders had a right to be heard in relation to this groundbreaking piece of legislation. I certainly now wish this legislation a speedy passage. We will not be agreeing to the amendments. Why? We believe the amendments will further traumatise victims of family violence and that is not just our view. That is the view of victims as well.

**Motion agreed to.****Read second time.***Consideration in detail***Clauses 1 to 232 agreed to.****Clause 233**

**Ms WOOLDRIDGE** (Doncaster) — I move:

1. Clause 233, lines 7 and 8, omit “against section 37 or 123 of the **Family Violence Protection Act 2008**”.

**The DEPUTY SPEAKER** — Order! If the member’s amendment 1 is not agreed to, the member cannot move her remaining amendments as they are all consequential. Accordingly, I advise her to address the principles of all her amendments rather than limiting herself to amendment 1.

**Ms WOOLDRIDGE** — I have moved this amendment as it is important to emphasise the seriousness of continued disregard for law in cases of second and subsequent breaches of intervention orders. Our amendments would insert a separate offence in the Crimes Act. This would be an indictable offence that would be tried in the County Court, and for second and subsequent offences there would be a penalty of up to five years imprisonment. For serious breaches, prosecution could charge a person under this indictable offence and seek the penalty of up to five years.

The reality is that we must send a clear message that second and subsequent breaches are unacceptable. If the maximum penalty, as the Sentencing Advisory Council says, serves as a deterrent and also serves as a guide to seriousness, I think it is very important that this leading cause of death and disability for women under the age of 45 has that message attached to it. We need to take it seriously, and five years is an appropriate penalty.

In terms of further traumatising victims of family violence as mentioned by the Attorney-General, there is nothing more traumatising for a victim of family violence than subsequent offences against them. We see repeatedly that this is the pattern that occurs, and unfortunately it can end up with dire consequences.

The Sentencing Advisory Council stated very clearly that the time frame it was given to deal with its consideration of these issues was not appropriate at three months. It did not have the time it needed to conduct the review at the level it would have liked to. The Director of Public Prosecutions has said that five years is actually the appropriate sentence, not only for

second and subsequent breaches but in fact for first offences as well.

The Attorney-General also mentioned that there were many people who supported the ultimate recommendations from the Sentencing Advisory Council for no increase, but in talking directly with that council it was not prepared to identify who those people are. This means there is a faceless group who are supporting this recommendation that effectively reduces the sentences for perpetrators of family violence, and these are serious offences.

We want to make sure that perpetrators and the broader community have a clear message that family violence is not acceptable. We need serious penalties, we need to send clear messages and we need to put the deterrent into effect, which is why I am moving this amendment and will be supporting it. I encourage government members to do so as well.

**Mr HULLS** (Attorney-General) — We will not be supporting this amendment, and indeed the member should have looked at the Magistrates’ Court Act. She says that a second offence should be dealt with more seriously. The trouble is under the Magistrates’ Court Act she is suggesting a level 7 penalty, which has to go to the County Court for a first offence; whereas this penalty for a second offence is level 6, which can be tried summarily. Firstly, it does not make sense; and secondly, we are not prepared to support something that will retraumatise victims of family violence. This is set out in the Sentencing Advisory Council’s report. I repeat that this is groundbreaking legislation, but what is being proposed here will indeed retraumatise victims.

**An honourable member** interjected.

**Mr HULLS** — To be taking the view that the honourable member interjects, that this is ‘soft on crime’, is an outrage — an absolute outrage!

**The DEPUTY SPEAKER** — Order! The Attorney-General!

**Mr HULLS** — It is an absolute outrage, so we will not be supporting the amendment.

**Mr R. Smith** interjected.

**The DEPUTY SPEAKER** — Order! The member for Warrandyte!

**Business interrupted pursuant to standing orders.**

**The DEPUTY SPEAKER** — Order! The time set down for consideration of items on the government

business program has arrived, and I am required to put the necessary questions.

The question is that the words proposed to be omitted stand part of the clause.

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

*Ayes, 48*

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

*Noes, 29*

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

**Amendment defeated.**

**Clause agreed to; clauses 234 to 272 agreed to.**

**Bill agreed to without amendment.**

*Third reading*

**The DEPUTY SPEAKER** — Order! As the required statement of intention has been made under section 85(5)(c) of the Constitution Act 1975, the third

reading of the bill is required to be passed by an absolute majority.

**Motion agreed to by absolute majority.**

**Read third time.**

## PUBLIC HOLIDAYS AMENDMENT BILL

*Second reading*

**Debate resumed from 20 August; motion of Mr HELPER (Minister for Small Business).**

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**Remaining business postponed on motion of Mr BATCHELOR (Minister for Community Development).**

## ADJOURNMENT

**The DEPUTY SPEAKER** — Order! The question is:

That the house do now adjourn.

### Clearways: small business

**Ms ASHER** (Brighton) — The adjournment matter I have is for the Minister for Small Business. The action I am asking of him is to hold discussions with his colleague the Minister for Roads and Ports with a view to obtaining a just outcome for small business, which is his job as the Minister for Small Business.

On 29 April this year the government announced that clearway times would be extended from 1 July. The announcement applied to clearways within 10 kilometres of Melbourne. The government announced it would have the extensions from 6.30 a.m. until 10.00 a.m. and from 3.00 p.m. to 7.00 p.m. At the moment times vary. They are usually from 7.00 a.m. until 9.00 a.m. and from 4.00 p.m. to 6.00 p.m. As a consequence of the government's announcements many traders are extremely angry and believe that this decision will impact negatively on their businesses.

This decision was made without consultation. It contravenes the notice of making a code of practice for clearways on declared arterial roads given under the Road Management Act 2004. I would draw the attention of the Minister for Small Business to that code, which states in part that it:

recognises the need for a consistent, transparent and consultative approach to the implementation of clearways on arterial roads.

The code goes on to say that in determining whether to create or alter a clearway VicRoads is under an obligation to consider a number of things, including, as stated on page 3:

the economic and social activity, amenity and accessibility of the local area within the vicinity of the proposed clearway.

Again, the code requires consultation with local government. Clearly the minister has breached the government's own code, which was signed off by Peter Batchelor, the then Minister for Transport, in 2004.

Furthermore, the government has ignored commentary from the Victorian Competition and Efficiency Commission (VCEC). For example, on page 151 of its report it states:

The Municipal Association of Victoria reported that many councils do not see clearways in strip shopping areas as an appropriate solution to congestion.

Likewise there are other references through that report which indicate that the government's announcement was simply a policy announcement made on the run, with the consequence that it has impacted very negatively on small business.

In the government's response to the VCEC it acknowledged that there were problems associated with this policy solution and called for not placing 'unwanted stress' on local businesses. I call on the Minister for Small Business to do his job — that is, to be a facilitator and an advocate for small business — and approach the minister for roads and fix this problem.

### **Canterbury Road–Middleborough Road, Blackburn South: traffic lights**

**Ms MARSHALL** (Forest Hill) — I wish to raise a matter for the Minister for Roads and Ports. The action I seek is for the minister to request VicRoads to increase the duration of the right-turn arrow from Canterbury Road for drivers turning north into Middleborough Road in Blackburn South. The Canterbury and Middleborough roads intersection is extremely busy following the successful completion by

this government of the Middleborough Road grade separation project.

Originally planned to take 18 months to deliver, the government managed to fast-track the delivery of this project, with construction being completed in just four weeks. This was very much welcomed by the local community and by all users of Middleborough Road. We eliminated one of Melbourne's worst traffic bottlenecks. The lowering of the railway by 6 metres and the construction of a new road bridge across the top removed congestion previously caused by 250 trains, 30 000 cars and more than 10 000 pedestrians each workday. The quick delivery of the landmark project has been of great benefit to the eastern suburbs and the local community by significantly improving road safety and travel times along Middleborough Road.

Like any significant infrastructure project, this project has resulted in motorists changing their travel patterns, including at the Middleborough and Canterbury roads intersection. VicRoads traffic counts show that before the project works there were 27 000 vehicles per day using the road, which increased to 33 000 after the opening.

Thanks to the EastLink project, it has now reduced to around 30 000 per day, but it is still a higher number than before the grade separation was completed. Due to more cars using this intersection, the Canterbury Road right-turn arrow needs to provide more time for vehicles to safely and efficiently travel through the intersection. At present traffic is backing up into the adjoining lane and contributing to congestion at this intersection, particularly in peak hour travelling times.

The Brumby government is taking action to provide better, safer roads for our suburbs. Since 1999 we have completed 52 significant road upgrades in metropolitan Melbourne, worth around \$1.5 billion. The opening of the \$2.5 billion EastLink project, which services a population corridor the same size as Adelaide, has had a positive impact on travel times on Blackburn, Stud and Springvale roads.

While the government is monitoring the impact on roads neighbouring EastLink, I have been contacted by constituents with concerns regarding the Canterbury Road intersection, but I believe the problem can be very practically addressed. I therefore call for the duration of the right-turn arrow from Canterbury Road into Middleborough Road at Blackburn South to be increased.

### Weeds and pest animals: control

**Mr JASPER** (Murray Valley) — I raise a matter for the attention of the Minister for Agriculture — in his absence, the Minister for Housing, who is at the table. I seek action on clarifying the responsibility for the control of noxious weeds and pest animals because of huge confusion as to the responsibility for noxious weeds and pest animals in various areas.

Back in the 1980s the former Lands Department undertook a lot of work controlling noxious weeds and pest animals, but through the 1990s and under the current government we have seen closures of government offices throughout country Victoria, and the government has sought to transfer responsibility for control of noxious weeds and pest animals to other authorities. We look to VicRoads for some of the major roads, to local government for local roads and to landowners for areas adjacent to their properties. The Catchment and Land Protection Act, which came into force in 1994, raised further confusion.

I have had representations from the three municipalities in my electorate, bringing to my attention their great concerns as to who is responsible for the control of noxious weeds and pest animals. Landowners have brought to my attention the work they have been doing in relation to Paterson's curse, for instance, which is gaining control in large parts of north-eastern Victoria. I raised that with departmental representatives at Rutherglen and Wodonga, and a detailed letter came back from a representative of the department, more or less indicating that Paterson's curse is not regarded as a noxious weed and that the department is looking to control more prevalent or exotic weeds. The department is telling people what they should do, but landowners are really angry with this situation.

I wrote to the Minister for Agriculture, who more or less gave me the same response. I wrote to Indigo Shire Council and got a response that said the council looks to control the weeds as much as it can. This matter is about whose responsibility it is to look after weeds. What we want the minister to do is come out and say who should be responsible, that local government should be responsible in some areas, the agriculture department in particular areas and landowners should look after some areas. Let us get clarification on whose responsibility this is.

Local government is angry because the government is passing responsibility to it, and it also has responsibility from the department. The minister has to clarify whose responsibility it is. Let us make sure we get control of these noxious weeds and pest animals.

### High Street–Arthurton Road–Separation Street, Northcote: upgrade

**Ms RICHARDSON** (Northcote) — The matter I raise is for the Minister for Roads and Ports. It concerns the intersection of High Street, Arthurton Road and Separation Street and the announcement of federal funding made today to improve this black spot intersection. I ask the minister to take action to ensure the scheduling of these works so that they take place as soon as possible through VicRoads.

Separation Street and Arthurton Road are very narrow, considering the volume of traffic they carry. Added to this problem is the high volume of pedestrian traffic that visits Northcote Plaza and the wonderful neighbouring High Street shops adjacent to the intersection. From 2001 to 2006 there were 17 collisions at this particularly busy intersection, four of which involved pedestrians.

When I raised this issue with VicRoads I was advised that the intersection would be eligible for funding under the federal government's black spot program. Darebin City Council agreed with this assessment and made an application for funding. It was announced today by the Rudd Labor government that the intersection, along with 66 other sites across Melbourne, would receive an upgrade.

The grant will extend the time given to pedestrians to cross the intersection, provide extra time for vehicles to clear the intersection between light changes, install anti-skid measures on the surface of the road and, finally, upgrade the lighting and pedestrian signage at the intersection. It is important that these works be undertaken as soon as possible, and I would like to take the opportunity to congratulate Darebin council, a great Labor council that took the initiative to put in the application. Ably led by Labor mayor Peter Stephenson and chief executive officer Michael Ulbrick, this terrific council put forward the application.

**Ms Munt** interjected.

**Ms RICHARDSON** — And as the member for Mordialloc points out, it was a Labor federal government that delivered the funding for the intersection.

I would also like to take this opportunity to congratulate the roads minister on his recent decision to upgrade the St Georges Road roundabout. This is a \$5.1 million upgrade that will make a significant improvement to the intersection by installing traffic lights. Also integral to this decision was VicRoads, which I congratulate too. I

would like to conclude by calling on the minister to take action to schedule these works as soon as possible, because they will be very welcome.

### **Local government: rates**

**Mr MORRIS** (Mornington) — The matter I raise this evening is for the Minister for Local Government, and the action I seek is that the minister make representations to the commonwealth Minister for Human Services, Senator the Honourable Joe Ludwig, to extend the practical availability of Centrelink's Centrepay system to Victorian council ratepayers who are also clients of Centrelink.

Over the last 10 to 15 years the way people pay their rates has evolved enormously. We have had the introduction of credit card payments, Bpay and the availability of bank transfers et cetera, but one thing that has not really evolved is flexibility in terms of the frequency of the payment. Essentially the quarterly instalment regime, which has served everyone pretty well, is the most flexibility that councils have been able to offer their clients.

It is not unusual for people on an aged pension to have a rate bill of \$700, \$800 or \$1000 a year. Even when it comes to people on fixed incomes, and particularly beneficiaries of the Centrelink system, the most flexibility that councils are able to offer is, as I said, quarterly payments. That translates into a lump sum of between \$175 and \$250 a quarter, on those figures. Centrepay allows Centrelink clients to pay fortnightly. It is deducted from the benefits and is a voluntary system. There is a minimum transfer amount of \$10, and it is all at no cost to the client. Unfortunately there is obviously a cost recovery, and it is a substantial cost recovery of 90 cents per transaction from those organisations that use the system.

In my municipality of Mornington Peninsula shire there are some 15 000 pensioner rebate assessments. If 50 per cent took up the option, you would be looking at 195 000 transactions per annum or a cost to the council of \$175 000, which is clearly unsustainable and would be a substantial cost shift from the commonwealth to local government if it occurred.

What I am suggesting is that if the minister discusses it with the commonwealth or his colleagues, a range of options could be explored. There may be the ability, with more transactions, to reduce the rate to a more acceptable level. Perhaps Centrelink could collect the money fortnightly, pay the councils quarterly and recover some of its cost with interest from investments.

There is a range of alternatives that could be looked at. I have discussed it with senior council officers, and they believe it is practical that there are many ways it could be done. It would certainly make life much easier for low-income earners. I commend the concept to the minister and ask him to look at it.

### **Yan Yean Road: upgrade**

**Ms GREEN** (Yan Yean) — Tonight I wish to raise a matter for the attention of the Minister for Roads and Ports. The action I seek is for him to provide funding to undertake a planning scheme amendment to allow for the future development of Yan Yean Road between Diamond Creek Road, Diamond Creek, and Kurrak Road, Yarrambat and Plenty. I have raised the issue of this important arterial road on numerous occasions since my election in 2002. In fact the road is the spine of my electorate. I am pleased that the Brumby government is taking action to plan the road network to meet the long-term transport needs and safety requirements of our suburbs.

Yan Yean Road is an integral part of the planned yellow orbital bus route and currently carries two local bus services. The district is currently experiencing major residential development, and it is absolutely fundamental that we plan for and protect transport solutions for future growth now. A \$25 000 planning study, which was previously funded as a result of the minister's efforts, was recently completed. It identified a proposed realignment of the road so that it will be properly able to cater for the increasing traffic volumes in the future. This work now needs to be followed up by a planning scheme amendment in the Shire of Nillumbik planning scheme to reserve the land needed.

The Shire of Nillumbik has made representations to me about this important road, and I have since met with local VicRoads management to discuss the plans in detail. The planning scheme amendment will need to consider traffic volumes, flora and fauna and cultural heritage impacts on the surroundings, and it will involve further detailed consultation with the local community, which is an important part of this process. Yan Yean Road is recognised as the vital link in this area, and once it is developed it will provide a much-improved access route for the Nillumbik locals and for residents in the rapidly expanding suburbs in the neighbouring municipality of Whittlesea.

Roads are a key to Victoria's economic and social development; they connect our towns and suburbs. The Brumby government has delivered a range of projects to help tackle congestion and make roads in our suburbs safer, including putting in a new turning lane at the

intersection of Yan Yean Road and Diamond Creek Road. This further planning scheme amendment will make sure that this road can carry the expected traffic growth and be an integral part of the yellow orbital bus route that is due to begin operation in a couple of years. I urge the minister to allocate funding so that the next stage in planning for this important arterial road in my electorate is funded — and funded soon.

### **Rail: Lardners Track level crossing**

**Mr BLACKWOOD** (Narracan) — I raise an issue for the Minister for Public Transport. The action I seek is for the immediate upgrade of the Lardners Track rail crossing with the installation of boom gates. I have raised this issue in this house on two previous occasions, but unfortunately the Minister for Public Transport has not bothered to address the issue or even respond to my correspondence.

The Lardners Track level crossing is a potential death trap and of real concern to my community. Mums and dads taking their children to school, school buses, heavy vehicles, including milk tankers and cattle trucks, and many locals going about their normal daily activities are risking their lives at this level crossing every day. At this stage the only response my community is seeing is on prime-time television each night as this government spends thousands of dollars on advertising spin, stating that it is making level crossings safer by installing rumble strips, warning lights and boom gates at dangerous level crossings. The advertising campaign boasts how the government is improving level crossing safety throughout Victoria. However, the Lardners Track crossing continues to be ignored.

The Lardners Track 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 other level crossings on the fast train line in Gippsland have had boom gates installed. I have heard from one government staffer that it would simply cost too much to upgrade the safety at this intersection. It would require the installation of traffic lights on the Drouin-Warragul Road, which may double the cost. But what price does the Brumby government put on the lives of people in my community?

The minister has been warned of the dangers of this intersection and advised of the several near misses that have occurred in recent times. I have provided the Minister for Roads and Ports and the Minister for Public Transport with DVD footage of this dangerous level crossing. It is now 12 months since I raised this issue for the first time in this house. I have written to

both Minister Pallas and Minister Kosky. Minister Pallas's staff assure me it is now solely in the hands of Minister Kosky, who has not bothered to respond.

Improving driver awareness at this crossing is not enough. The position of the crossing, the low-level warning systems and the restricted vision for drivers approaching the intersection and level crossing is a recipe for a major disaster. Minister Kosky must take action immediately to ensure we do not lose any more country lives at country level crossings that have been identified as being in need of an upgrade.

### **Libraries: Altona North**

**Mr NOONAN** (Williamstown) — I wish to raise a matter for the attention of the Minister for Local Government. It is very pleasing to have him in the house this evening. The action I seek from the minister is that he give consideration to an application made by the Hobsons Bay City Council for a Living Libraries grant to build a new library in Altona North, which forms part of my electorate. The application under the new program is for \$500 000 of state government funding to build a new \$3.9 million public library facility beside the redeveloped Bayside College prep-to-year-9 school.

This is an enormously exciting project. The adjacent Bayside College recently received just over \$11 million under the state government's modernisation program to completely rebuild the school. It is looking terrific as it progresses, and adding a new library to this redeveloped education precinct would be the icing on the cake for the local community in the Altona North area. Whilst the new library will be built in Altona North, it will also service the suburbs of Brooklyn and parts of Newport West. The current population in these areas is about 13 000, but it is expected to grow significantly in the next 10 years. There are two secondary schools, five primary schools and several preschools in this catchment area, but at present there is no library in the immediate vicinity.

When it is built, the library will serve as a vibrant community space and a role model for sustainable building design, showcasing and raising awareness of practical environmental initiatives. The library will also operate as a stand-alone facility, incorporating an IT training hub and three community meeting spaces. The library will have a dedicated student and youth area with the relevant technology and collections necessary for it to engage with the expected influx of local students after school and at weekends. However, there will also be a strong emphasis on collections for the older migrant population and for the new emerging

communities in my area. Agencies or community groups which provide services or support to these target groups will also be encouraged to use the facility for their programs, such as the Pacific Islander homework help group and the north-west migrant resource centre, and also to extend English-as-a-second-language classes.

I appreciate that the Department of Planning and Community Development has the ultimate responsibility for assessing the merits of the various applications under the Living Libraries program, but I would have no hesitation in recommending the Altona North project for their strong consideration. In conclusion, given that the minister is here I urge him to have a close look at the application as it crosses his desk and consider the merits of this type of development and what it would provide for my local community. I certainly look forward to the outcome of the department's deliberations, and I thank the minister for being such a strong advocate for public libraries.

### **Firearms: handgun regulation**

**Mr McINTOSH (Kew)** — I have a matter for the attention of the Minister for Police and Emergency Services concerning the licensing services division (LSD) of Victoria Police and its inconsistent, unfair and inequitable application of the handgun target shooting and participation conditions. The action I seek from the minister is to urgently undertake a review of the LSD and the way it applies the handgun target shooting and participation conditions with a view of urgently implementing a far more workable regime.

Under the national firearms agreement owners of handguns must demonstrate annually a genuine reason for owning a handgun. However, the implementation of this regime is different in each state. In Victoria the LSD requires a handgun owner to demonstrate a genuine reason by participating in six club-organised shooting competitions and four attendances at a club's shoots. Failure to meet the conditions leads to cancellations of a licence and a prohibition on re-entry into the sport for 12 months.

The problems at the LSD manifest themselves in three ways. Firstly, administrative blunders or clerical errors leading to incorrect cancellations of licences; secondly, a complete failure by the LSD to recognise the red tape burden placed upon gun clubs and individuals who, with the best intentions in the world, cannot comply because of overly onerous and unreal conditions; thirdly, the bizarre circumstances where evidence of interstate or even international competitions is not recognised and considered as participation. I have

recently heard of several dramatic examples where clerical errors by the LSD in failing to properly record participation compliance has led to the cancellation of licences, with many handgun owners being forced to sell their guns or place them in storage, at an astronomical cost to themselves, let alone the severe stress that is caused, which in one case led to hospitalisation.

Holders of different categories of handgun licences had all handgun licences cancelled, notwithstanding meeting the minimum participation conditions for at least one class of handgun. In some but not all cases, after explaining the situation a licensee was given back their licence for at least one class of handgun. I cannot for the life of me understand why this could not automatically happen in all cases.

The non-recognition of interstate and international competition beggars belief. Angie Darby is an Australian Olympic pentathlete, representing Australia currently at the Beijing Olympics. Angie is a Victorian resident; if she is the holder of a Victorian handgun licence, she may well be in danger of losing her licence to own a handgun. According to the LSD, she is unable to claim the Olympic Games as evidence of 'a genuine reason' to own a handgun, nor can she claim other international or interstate competitions. This is a disgrace, and I ask the minister to urgently undertake a review.

### **Lower Dandenong Road–Boundary Road, Mordialloc: traffic management**

**Ms MUNT (Mordialloc)** — The issue I am raising this afternoon is for the attention and action of the Minister for Roads and Ports. I ask the minister to make sure that the funded intersection improvements to the intersection of Lower Dandenong Road and Boundary Road in Mordialloc, with the installation of traffic lights to replace the existing three-lane roundabout, can begin as soon as possible after the completion of the Mordialloc bridge works that are currently in progress.

The Mordialloc bridge works are very useful and necessary. They became necessary as the previous Mordialloc bridge had come to the end of its useful life, so I absolutely understand that those works had to be done; they are in progress and will considerably improve the traffic flow and safety of pedestrians and bicyclists on that bridge.

I would also like to have the minister provide some time line for the completion of the works on the new Mordialloc bridge. I fully understand that the traffic works to this intersection have had to be delayed until

the completion of the works at Mordialloc bridge so as to not unnecessarily cause further traffic disruption during this time. I also fully understand that a considerable number of traffic works are currently under way in our area, with more being planned.

EastLink has opened, the Dandenong bypass has been built, Cheltenham Road has been widened and upgraded, Thompsons Road has had considerable work done on it, the planning works are soon to be completed for White Street, Mordialloc, as part of the South Road extension package of work, and the South Road extension has already been opened.

Also works are about to begin on a number of intersections along Nepean Highway from Cheltenham to Mentone and Parkdale. These works will include pedestrian crossing upgrades for Chesterville Road, Cheltenham, and Balcombe Road, Mentone. Another right-turn lane will be added to Lower Dandenong Road where it meets Nepean Highway, and lights will be installed on Nepean Highway close to the Oak Avenue intersection. Road upgrades are always welcomed, but some disruption is inevitable during their construction.

The Lower Dandenong Road and Boundary Road intersection works have been keenly anticipated for some time, however, by residents in my electorate. Numerous constituents have contacted my office, keen for these works to be done. The plans and funding are in place, so could the minister please give me some idea of the anticipated time line for these works so that I may report back to my residents and constituents who have contacted me?

### Responses

**Mr WYNNE** (Minister for Local Government) — Two matters have been raised for my attention. The first was from the member for Mornington. He raised with me whether I would advocate on behalf of his local government to the federal Minister for Community Services in relation to rate payment schedules for pensioners and Centrelink recipients within his local government area, but more broadly the question of putting in place a scheme that would allow pensioners to be able to pay their rates on a regular basis direct debited from their Centrelink funds, which is the case for residents in my other portfolio area of housing.

It is an interesting proposition, and it is one that in fact has not been put to me before, and I thank the member for providing me with the opportunity to explore this. The member for Kew indicated to me that in his

electorate, Boroondara pensioners are able to pay their rates on a monthly basis. The issue really hinges both on the capacity of Centrelink to direct debit and the transaction costs, and how those issues are dealt with. Nonetheless, I think it is a worthy proposition and one that would assist pensioners in being able to budget in a more satisfactory and consistent way, and I am happy to take that matter on notice. I will explore it further, so I thank the member for that.

The member for Williamstown raised with me the question of libraries. He has a strong and well-known advocacy for his electorate, particularly in relation to library services and all matters related to water sport activity in his electorate as well.

The government has an excellent record in terms of its provision of services in the library area. The Living Library program is a fantastic program that local governments right across Victoria submit to on a very regular basis. I indicate to the member that our government has done some terrific work across Victoria in relation to not only the construction of new libraries and the renovation of libraries as well. There are also terrific examples of the incorporation of library services more broadly within local government. I think that will really be the way that library services will move forward in the future.

Gone are the days when we thought of libraries as being really pretty quiet places where you went to borrow your book and off you went. Libraries now are very dynamic places, as we all know, where you have a broad range of services that are provided to the community — whether they be the standard library services, DVDs, CDs or magazines.

**Mr Jasper** interjected.

**Mr WYNNE** — On the internet, as my colleague indicates. It is wonderful to see those libraries operating in the afternoon when kids on their way home from school drop into the library. Often there are student areas available there where students get access to the internet and do their homework and so forth, and also I know in many of our municipal libraries, the stock of second-language newspapers and magazines is really quite superb. These are fantastic services that our libraries continue to provide.

As I am sure the house is aware, since 2000, 87 projects have been approved with a total of more than \$22 million being spent, and \$31 million has been committed in total. As the member for Williamstown is well aware, the latest round of Living Libraries funding closed on 25 July. Applications are currently being

assessed by the department, and I would expect we will be in a position to make some announcements in relation to those applications later this year.

I know that his council — the Hobsons Bay council — is terrific, with strong advocates in relation to its community services more generally, and in that context I will certainly make sure that the particular advocacy that the member for Williamstown has made in relation to his application is noted by the department within the broader context of the application process that has to be undertaken by the department.

I thank him and indeed all members across the chamber for their advocacy; they have been fantastic advocates for their library services. The libraries play a wonderful role in our community — very much now as community hubs. I want to say in passing that I had the opportunity a couple of weeks ago to open the extension to the City of Melbourne library — the city library — in Flinders Lane. If members have the opportunity to visit that library in their travels while in the city undertaking their parliamentary duties, I strongly recommend that they take the opportunity to go down to the city library. It is now open seven days a week. We have opened it for further hours as a partnership with the City of Melbourne, both on Saturday afternoons and on Sundays. It has played — —

**Mr Jasper** interjected.

**Mr WYNNE** — It is in Flinders Lane between Swanston Street and Elizabeth Street.

**Mr Noonan** interjected.

**Mr WYNNE** — It is a fantastic location, as the member for Williamstown said. Members should take the opportunity to go there; they will then have the opportunity to become members of the library and borrow and use its services. That library plays an important role not only as a central service borrowing library but also in that it offers a broad and more general range of library services, as I have indicated.

**Mr Langdon** interjected.

**Mr WYNNE** — Thank you for that wind-up, Mr Whip! I also thank the member for Williamstown.

The member for Brighton raised a matter, seeking the advocacy of the Minister for Small Business to the Minister for Roads and Ports in relation to the implementation of clearway proposals that are currently undergoing consultation. I will make sure that that matter is brought to the attention of the Minister for Small Business.

The member for Forest Hill has raised a matter for the Minister for Roads and Ports in relation to the installation of a right-turn arrow at the Canterbury Road and Middleborough Road intersection in Blackburn South. I will make sure that the minister is aware of that matter.

The member for Murray Valley raised a matter for the Minister for Agriculture, seeking clarification of who is responsible for noxious weeds and pest animals in regional Victoria. This is an issue that I am also well aware of because of my other responsibility as Minister for Local Government. I will make sure that the Minister for Agriculture responds to the matter raised by the member for Murray Valley.

The member for Northcote again raised a matter for the Minister for Roads and Ports in relation to the implementation of roadworks at a particularly dangerous intersection of Artherton Road, High Street and Separation Street in Northcote. I will make sure that her representations are known as well.

The member for Yan Yean raised a matter for the Minister for Roads and Ports in relation to the implementation of a planning scheme amendment affecting a critical arterial road, Yan Yean Road, in her electorate. The planning scheme amendment would be the precursor to roadworks being undertaken there. It follows \$25 000 planning works that were put in place in Yan Yean. I will make sure that the minister is aware of that.

The member for Narracan raised a matter for the Minister for Public Transport in relation to the implementation of an upgraded level crossing at Lardners Track level crossing in his electorate. I will make sure that that matter is brought to the attention of the Minister for Public Transport.

The member for Kew raised a matter for the Minister for Police and Emergency Services in relation to the licensing section of — —

**Mr McIntosh** interjected.

**Mr WYNNE** — The licensing services division of Victoria Police, seeking a review of the target and shooting conditions of handgun ownership. He raised various examples of where he felt that that particular regime was not working appropriately. I will make sure that that matter is brought to the minister's attention.

The member for Mordialloc raised a matter in relation to the implementation of traffic signal works at the intersection of Lower Dandenong Road and Boundary Road in Mordialloc, seeking a response from the

Minister for Roads and Ports in relation to when those traffic signal works will be implemented.

**The SPEAKER** — Order! The house stands adjourned.

**House adjourned 5.46 p.m. until Tuesday, 9 September.**