PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Wednesday, 12 August 2009

(Extract from book 10)

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By authority of the Victorian Government Printer

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Professor DAVID de KRETSER, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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Minister for Roads and Ports, and Minister for Major Projects	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 Napthine, Mr Nardella, Mr Stensholt and Mr Thompson.

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

Joint committees

Dispute Resolution Committee — (*Assembly*): Mr Batchelor, Mr Cameron, Mr Clark, Mr Holding, Mr Lupton, Mr McIntosh and Mr Walsh. (*Council*): Mr D. 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, Mr Lim and Ms Thomson. (*Council*): Mr Atkinson, Mr D. Davis and Mr Tee.

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

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

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

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

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, Mr Foley and Mrs Victoria. (*Council*): Mrs Kronberg and Mr Scheffer.

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Dr S. O'Kane

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. JENNY LINDELL

Deputy Speaker: Ms A. P. BARKER

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

Leader of the Parliamentary Labor Party and Premier:
The Hon. J. M. BRUMBY

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:
The Hon. R. J. HULLS

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

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

Leader of The Nationals:
Mr P. J. RYAN

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

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

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

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WEDNESDAY, 12 AUGUST 2009

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Wednesday, 12 August 2009

The SPEAKER (Hon. Jenny Lindell) took the chair at 9.33 a.m. and read the prayer.

Mr McIntosh — On a point of order, Speaker, last night on the adjournment debate the member for Frankston requested the Attorney-General to take some action in relation to a racist circular which had been distributed in the Frankston region. He made a reference to the federal member for Dunkley, Mr Bruce Billson, and a member for South Eastern Metropolitan Region in the other place, Mrs Inga Peulich, and somehow insinuated that they had incited this particular racist document.

Most importantly, whatever else we struggle with in this place, on one matter we are at one, and that is that we are always against these sorts of racist attacks. It diminishes us all to make that sort of link to a racist document, especially when this sort of political attack is so flippantly made against another member of Parliament. It clearly has nothing to do with the federal member for Dunkley, who rejects it absolutely, as does Mrs Inga Peulich. I have spoken to both of them this morning about this matter.

I ask the Speaker to look at *Daily Hansard* of yesterday evening, to counsel the member for Frankston and to have him withdraw his comments. Most importantly, he needs to publicly apologise in this place to all of us who struggle with the difficult task of confronting racism in our community. We should all be at one, moving together on this to get a single outcome, which is to prevent this sort of racist abuse. The reality is that linking it to members of Parliament on a partisan basis diminishes us all. The member for Frankston needs to be called to account, brought to the house and asked to withdraw his comments and apologise not only to the federal member for Dunkley and Mrs Peulich but also to this chamber, to the Parliament as a whole and to the people of Victoria for this scurrilous attack, because he is demonstrating that he is just a political grub.

Mr Batchelor — On the point of order, Speaker, this matter was raised during the adjournment debate last night and the Deputy Speaker dealt with it. I refer you to *Daily Hansard*, where the Deputy Speaker is reported as saying:

> The member for Frankston should know that he cannot use any debate or any part of the proceedings of this Parliament to make imputations against any other member of Parliament.

This was at the end of the contribution from the member for Frankston. Therefore this issue was dealt with last night. The Deputy Speaker rightly reminded the Parliament and the member for Frankston of his responsibilities, and the matter should rest there.

Mr Wells — On the point of order, Speaker, unfortunately I was in the chamber last night and heard what was said by the member for Frankston. It was a disgraceful situation. I read the comments this morning in *Daily Hansard* to make sure that the events we are dealing with this morning did in fact happen.

Last night the member for Frankston drew the conclusion that comments by the federal member for Dunkley had incited the response we saw last weekend. That is what he said last night and that is what is reported in *Daily Hansard*. He has drawn the conclusion that the racist flyers that were put out in the Frankston area were incited by the member for Dunkley.

The member for Frankston also referred to a member for South Eastern Metropolitan Region in the other place. As a matter of importance the Speaker needs to ask the member to withdraw his comments and to publicly apologise to the two members who have been involved in this matter.

The SPEAKER — Order! I will review *Daily Hansard* and take the action I deem appropriate.

MAJOR TRANSPORT PROJECTS FACILITATION BILL

Introduction and first reading

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

> That I have leave to bring in a bill for an act to facilitate the development of major transport projects and for other purposes.

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

Mr PALLAS (Minister for Roads and Ports) — The bill provides for the declaration of state significant major transport projects. Declared projects can then be assessed, approved and delivered under the bill. It provides a consolidated assessment and approval process, which will bring together the necessary approvals under a range of legislation to be granted by one decision-maker — the Minister for Planning.

The bill sets the time lines for statutory decision making to ensure certainty in both the process and the outcome. It maintains legislative standards in the assessment and approval of projects while improving

time, cost efficiency and processes. It also provides streamlined project delivery powers relating to land acquisition, managing interfaces with utility providers and securing the project area during construction.

Motion agreed to.

Read first time.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I wish to advise the house that under standing order 144 notices of motions 117 to 121, 170 and 219 to 225 will be removed from the notice paper on the next sitting day. A member who requires the notice standing in his or her name to be continued must advise the Clerk in writing before 6.00 p.m. today.

NOTICES OF MOTION

Notices of motion given.

Ms GREEN having given notice of motion:

The SPEAKER — Order! I would like to comment on the notice of motion given by the member for Yan Yean. I believe it is inappropriate as a notice of motion. However, having been ignored yesterday in a very similar circumstance and with the standing orders the way they are, I intend to allow any notices of motion, which seems to me to be the way members have chosen to handle notices of motion until they are clarified by the Standing Orders Committee.

PETITIONS

Following petitions presented to house:

Cann River kindergarten: future

To the Legislative Assembly of Victoria:

The petition of the residents of Cann River and district draws to the attention of the house that our only kindergarten is threatened with closure. The petitioners therefore request that the Legislative Assembly of Victoria directs the state government to remove the kindergarten from management by RFS/Uniting Care to the Department of Education and Early Childhood Development, making it a part of the Cann River P–12 College.

By Mr INGRAM (Gippsland East) (530 signatures).

Bushfires: public land management

To the Legislative Assembly of Victoria:

This petition from the people of Victoria draws to the attention of the house the devastating impact of the state government's public land and fire management practices. The petitioners therefore request that the Legislative Assembly calls on the state government to fully implement the recommendations of the Environment and Natural Resources Committee's report into public land management, including providing the resources and direction to increase the levels of fuel reduction and ecological burning to 385 000 hectares per annum.

By Mr INGRAM (Gippsland East) (657 signatures).

Students: youth allowance

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house the proposal to change the independence test for youth allowance by the federal government.

The petitioners register their opposition to the changes on the basis that the youth allowance changes proposed in the federal budget place another barrier to university participation for students in regional areas; unfairly discriminate against students currently undertaking a 'gap' year; and contradict other efforts to increase university participation by students from rural and regional Australia.

The petitioners therefore request that the Legislative Assembly of Victoria reject the proposal and call on the state government to vigorously lobby the federal government to ensure that a tertiary education is accessible to regional students.

By Mr CRISP (Mildura) (91 signatures) and Mr WELLER (Rodney) (426 signatures).

Rail: Mildura line

To the Honourable the Speaker and members of the Legislative Assembly of Victoria:

This petition of the citizens of the region known as Sunraysia, primarily in the state of Victoria but including cross-border citizens of New South Wales centred on the city of Mildura, brings to the attention of the house the many promises to return the Melbourne–Mildura passenger train, without delivery.

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

1. the many undelivered promises;

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

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

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

By Mr CRISP (Mildura) (135 signatures).

Police: Red Cliffs

To the Legislative Assembly of Victoria:

This petition of residents of Red Cliffs and surrounding communities in Victoria draws to the attention of the house the need to increase police presence in our district.

The petitioners register their dismay after a weekend of vandalism with damage estimated to be in excess of $60 000 to the local bowling club and private and public property.

The petitioners therefore request that the Legislative Assembly of Victoria take action to increase staff levels at the Red Cliffs police station as a proactive step in ensuring that this criminal activity is not repeated.

By Mr CRISP (Mildura) (23 signatures).

Equal opportunity: legislation

To the Legislative Assembly of Victoria:

The petition of the undersigned residents of Victoria draws to the attention of the house our grave concern about many of the proposals contained in the *Exceptions and Exemptions to the Equal Opportunity Act 1995 — Options Paper* published by the Scrutiny of Acts and Regulations Committee in May 2009.

The petitioners therefore request that the Legislative Assembly of Victoria ensures that Victorians in future will continue to enjoy the freedom of choice that the current exemptions and exceptions provide for us in the exercise of our faith and values. In particular we would like to retain the freedom to educate our children in accordance with our faith and values. Removal or limiting of the provisions that allow freedom of choice in regards to faith-based schools in particular must be avoided.

By Mr WELLS (Scoresby) (83 signatures).

Tabled.

Ordered that petitions presented by honourable member for Gippsland East be considered next day on motion of Mr INGRAM (Gippsland East).

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

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

DOCUMENTS

Tabled by Clerk:

Education and Training Reform Act 2006 — Ministerial order under section 5.10.6

Ombudsman — A report of investigations into the City of Port Phillip — Ordered to be printed

Surveyor-General — Report 2008–09 on administration of the *Survey Co-ordination Act 1958.*

MEMBERS STATEMENTS

Geneva conventions: 60th anniversary

Mr HULLS (Attorney-General) — Today marks the 60th anniversary of the signing of the four Geneva conventions of 1949. All those years ago these conventions were developed to prevent the atrocities that had stalked whole continents in the first half of the 20th century. However, today they remain as relevant as ever before.

Increasingly complex conflicts rage on different stages around the world and in different guises. It is crucial then that we adhere to and reinforce boundaries around the treatment of people caught up in those conflicts.

As a community that is working to build a rights-based culture across the spectrum of public life, it is only natural that Victoria reaffirms its support of the conventions and other international human rights instruments, and we do that today. In doing so I take this opportunity to congratulate organisations like the Red Cross and Red Crescent which continue to promote and support the principles of the conventions around the globe.

I also take the opportunity to express our collective gratitude to the many Australians who work tirelessly on the international stage to put the principles of the conventions into effect.

Rail: V/Line services

Mr MULDER (Polwarth) — In its monthly franchise report of March 2009 the Brumby government's V/Line says that compared to the previous year its patronage had risen by 15 per cent for both its train and coach services. However, the number of complaints received by V/Line between November 2008 — well before the worst of the tragic bushfires — and March 2009 rose a staggering 29.3 per cent from 2781 to 3596 complaints. Complaints have doubled in relation to the rise in patronage as the Minister for

Public Transport's country trains become more crowded and punctuality remains appalling.

In November 2008, 526 complaints were made by passengers — this number was up 27.6 per cent from 412 in November 2007. In December 2008, 516 complaints were received compared with 439 in the same month in 2007. In January, February and March of 2009, 922, 824 and 808 complaints respectively came in, compared with 699, 609 and 622 for the same months in 2008. Passengers are continually delayed by V/Line, and only 25 to 27 per cent of these delays are due to congested metropolitan rail lines. Trains have officially run late between Melbourne and Geelong for the last 34 consecutive months, for two years in a row to Bendigo, for 22 months to Seymour, for 17 months to the Latrobe Valley and for 33 of the last 34 months to Ballarat. In the five months between November last year and March 2009, 67 trains were cancelled due to staff shortages on V/Line. Infrastructure and train faults were other causes.

The Minister for Public Transport is on the record as saying she does not want to receive complaints from commuters and is leaving all of the complaints to V/Line staff. Country travellers deserve better.

Indian Senior Citizens Association of Victoria: multicultural day

Ms MORAND (Minister for Children and Early Childhood Development) — It was with great pleasure that I attended the Indian Senior Citizens Association of Victoria (ISCAV) annual multicultural day. It was a great event held at the youth centre in Mount Waverley and was attended by several hundred members of the Indian community. Also attending was Vasan Srinivasan, the chair of the Federation of Indian Associations of Victoria; the federal member for Chisholm, Anna Burke; Cr Joy Banerji from the City of Monash; and George Lekakis from the Victorian Multicultural Commission. It was a fantastic success, with wonderful food and entertainment. I congratulate Dr Prem Phakey, the president of ISCAV, and all members of his committee for their work in putting together the event and their ongoing work for the Indian community.

Children: protection

Ms MORAND — I am pleased that the Australian Communications and Media Authority will be investigating live broadcasting in following up what unfolded in a live broadcast conducted by the Austereo radio program *The Kyle and Jackie O Show*. Hooking 14-year-olds up to a lie detector on live radio might excite some listeners, but it is inherently a tactic to embarrass or humiliate or to expose a secret, as it did on the show.

Children should be protected and not used as ratings fodder. I am pleased the Australian Communications and Media Authority will be investigating live broadcasting generally.

Racing: St Arnaud

Mr WALSH (Swan Hill) — The town of St Arnaud in my electorate has had its trots racing, including its cup, stripped away by the Brumby government under the guise of the Vision Value Victoria trotting industry reforms. Now the Brumby government is threatening the town's one and only gallops race meeting under the guise of the country racing restructure.

This year the R. K. Macey St Arnaud Cup will be run on Cox Plate Day, Saturday, 24 October, and Racing Victoria has delivered an edict that the St Arnaud racing club must increase its gate takings to in excess of $10 000 or the future of that race meeting will be in doubt.

To fight the Brumby government's threat to the town's only race meeting, president Brett Douglas and the St Arnaud racing club committee are conducting a campaign to increase patronage through the gate. I have taken a book of tickets, and some of my colleagues will also be attending that race meeting.

I urge all members, particularly members on the other side of the house who represent country Victoria, to also take some tickets and attend the St Arnaud Cup on 24 October. I invite the Minister for Racing, if he is tired of mixing with the toffs at the Melbourne Spring Racing Carnival, to attend the St Arnaud Cup as well and enjoy country racing and hospitality at its best.

Weeds: control

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — I was proud to recently announce that the Brumby government would contribute $1 million to boost weed control efforts in the Dandenong Ranges. This funding will ensure that this beautiful part of Victoria is protected from the impact of weeds, not only for the benefit and enjoyment of those who live in the region but also for the many tourists who visit the area each year.

The Shire of Yarra Ranges will also commit $1 million to the partnership, which will see the development of an effective approach to weed control in the Dandenongs

that will directly involve the local community, such as the Thompsons Road Area Community Fireguard and Landcare Group, which was represented at the announcement.

World Dwarf Games: Australian athletes

Mr MERLINO — Congratulations to Australia's finest short-statured athletes who have just taken home 12 gold medals from the World Dwarf Games in Belfast. The games are sanctioned by the International Paralympic Committee and included teams from Ireland, the United States of America, Canada, Africa, India and England.

Many Victorians were among the medal winners, including Meredith and Jonathan Tripp. Meredith took home gold in track and field and in the freestyle relay, as well as silver in the basketball, while Jonathan won gold in the freestyle relay, silver in the individual freestyle, athletics and basketball, and bronze in table tennis.

The magnificent performance of our athletes in Belfast was inspiring. I extend my congratulations to the organising committee for putting together such a strong team. The Brumby government was proud to support the team.

Peter Siddle

Mr MERLINO — I congratulate Victorian paceman Peter Siddle, who ripped through England's first innings during the fourth Ashes test in Headingley. Siddle, who hails from Traralgon, claimed 5 for 21 as the Poms were routed for just 102, helping set up a decisive win for Australia. I wish the entire Australian team good luck as it attempts to retain the Ashes in next week's deciding fifth test.

Bushfires: emergency services report

Mr CLARK (Box Hill) — Recently I received a reply from the Minister for Energy and Resources to a question I asked on notice about the government's delays in responding to the emergency services commissioner's report on the April 2008 windstorms. The minister's reply fails to answer when the minister first saw a copy or draft of the report, but it confirms that his office received a copy of the report on 15 August. The reply also fails to provide details regarding to whom and when copies of the report were distributed, but it discloses that copies were not given to relevant electricity businesses until January this year.

The only action the minister's reply discloses that he took upon receiving the report was to review and consider it and seek advice from his department. The reply claims that individual departments began implementing recommendations 'well before' this April's belated public release of the report and a whole-of-government response but gives no dates or details.

The Esplin report should have set alarm bells for urgent action ringing across government. Instead it is clear that the Brumby government's response was as slow and tardy as is usual when no media opportunity is involved. When Bruce Esplin went into the coordination centre on what became Black Saturday he would have known from his own report that the emergency system would be unable to cope if put under pressure, because the government had done next to nothing to fix the chronic problems he had identified.

Lives that were lost on Black Saturday may well have been saved if the government had treated the Esplin report with the urgency it deserved. Peter Marshall of the United Firefighters Union was absolutely right when he said last week on ABC TV that the role of the Brumby government and its bureaucrats in relation to the bushfire tragedy has yet to be properly examined.

Frankston Hospital: medical equipment

Dr HARKNESS (Frankston) — Frankston Hospital is sharing in an extra $3 million to purchase the latest medical equipment. Hospitals and health services have been able to use additional funding as part of a targeted equipment program to replace high-priority, high-cost medical equipment that has passed its use-by date and needs updating. This funding will allow Frankston Hospital to acquire 13 new, fully adjustable, ergonomic electric beds at a cost of approximately $51 000.

The Brumby government is providing our hospitals with the most modern and up-to-date equipment now available and is continuing with its significant investment in rebuilding and improving our hospitals. We are certainly committed to providing world-class health services that are close to all Victorians, regardless of where they live. We are getting on with the business of delivering state-of-the-art health care that benefits all Victorians.

Frankston library: refurbishment

Dr HARKNESS — The Minister for Local Government recently visited Frankston to open the newly renovated and updated library. The Brumby government provided over $193 000 from the Living Libraries program. The library has been redeveloped in three stages, including a redesign of the floor plan to

make it easier for library users to find what they are looking for. The Brumby Labor government is supporting communities like Frankston by helping residents access the library services they want and need.

The new look Frankston library gives staff and visitors more space, with dedicated areas for study and reading as well as a meeting room that has been converted from an underused courtyard. The library has now received a number of practical improvements, including a new user-friendly front desk, upgraded amenities and shade structures that let the light in but keep the heat at bay during the hot summer months.

Frankston is a fantastic example of a centre designed to support livable, sustainable communities where people have easy access to jobs, facilities and transport.

Seniors: Frankston morning tea

Dr HARKNESS — It was a great pleasure last week to host local Frankston seniors at a special morning tea at the Frankston Life Saving Club.

Crime: city of Manningham

Mr KOTSIRAS (Bulleen) — Victoria Police crime statistics confirm that Manningham has suffered its highest number of assaults in a decade. Despite the rhetoric by the government's spin doctors, certain areas in Manningham are not safe. After 10 years and $300 billion the Premier has failed Manningham, overseeing record levels of assault with the lowest number of police officers per capita in Australia.

According to Victoria Police statistics, assaults in Manningham have increased 76.9 per cent under Labor, from 160 in 2000–01 to 283 in 2008–09. Under Labor the number of violent offences in Manningham has increased by 26.9 per cent, from 279 in 2000–01 to 354 in 2008–09. The local data is consistent with statewide trends which have seen assaults and violence reach record levels this year while police numbers per capita continue to drop.

Local residents are questioning whether appropriate safety and security measures, such as an extra police presence, have been put in place in Banksia Park, Birrarung Park and Westerfolds Park in my electorate. These types of measures are vital if we are to ensure the safety of many local residents who use the walking tracks or walking paths in the parks in the late afternoon. It seems that many local residents have no faith in this government's poor track record of safety in our suburbs.

Premier Brumby has surrendered our streets to violence, refusing to put even one extra police officer in the one police station that services Manningham. The only time I see more police in Manningham is during election times.

Dromkeen Collection Art Gallery

Ms DUNCAN (Macedon) — Last night I had the pleasure of being part of the Dromkeen's fundraising launch at the Melbourne Savage Club. I was joined there by members of the Dromkeen board of governors, friends of Dromkeen, the director, Kaye Keck, and a number of authors and illustrators, including the incredibly talented Graeme Base and historian Geoffrey Blainey. Formerly known as Dromkeen Children's Literature Collection and now known as Dromkeen national centre for picture book art, this internationally known collection now has formal links with similar world collections: Seven Stories, the Centre for Children's Books in the UK and the Eric Carle Museum of Picture Book Art in the United States. It is truly in great company.

The Dromkeen Collection Art Gallery is a beautiful colonial homestead at Riddells Creek in the Macedon Ranges. The gallery houses the Dromkeen Children's Literature Collection, a unique collection of original illustrations, artwork and manuscripts from Australian children's literature, particularly picture books. The collection includes not only finished illustrations and artwork but also preliminary artworks such as sketches, storyboards and dummy books revealing the creative processes behind book production.

Dromkeen is much more than an important collection. It is a dynamic centre for displays, educational programs, children's workshops, lectures and research, all of which are activities that illuminate the world of Australian children's literature. The Dromkeen collection is the most valuable and significant of its kind in Australia and is recognised internationally. I urge all members to visit Dromkeen, a world-class collection right here in Victoria in the electorate of Macedon.

Parkinson's Awareness Week

Mr BLACKWOOD (Narracan) — Parkinson's disease is a progressively degenerative neurological disorder which affects the control of body movements. At present there is no known cause. It is not thought to be genetic, although 10 per cent of cases have a familial link. Predominately those in their middle to later years — people aged between 50 and 75 years — are affected. However, up to 20 per cent of the people who

are diagnosed are between the ages of 30 and 50 years, 10 per cent of the people who are diagnosed are diagnosed before the age of 45 and a total of 20 000 people in Victoria have been diagnosed with the disease.

In Victoria approximately 1000 new cases are diagnosed each year. On average, 19 people every week discover they have this debilitating disease. Because of the insidious nature of the disease the role of support groups is critical to both sufferers and their families. Many carers receive no training or instructions on how to cope with someone who has Parkinson's disease. Carers may feel a whole range of emotions such as guilt, anger, resentment, fear and bereavement. They need general information and practical advice, but most importantly they need emotional support.

Parkinson's Victoria supports the work of support groups in Warragul and Moe, and along with other groups around Victoria, it will celebrate Parkinson's Awareness Week, which commences on Sunday, 30 August. The celebration presents an opportunity to people living with Parkinson's to highlight the difficulties they face every day. It is also an opportunity to improve the statewide recognition and understanding of the disease. I urge the Minister for Health to support this initiative and to take the opportunity to understand more fully the needs of Parkinson's sufferers and their families.

Casey Fields: recreation facilities

Mr PERERA (Cranbourne) — Last week I had the pleasure of joining the Minister for Community Development and others in a sod-turning ceremony at Casey Fields, Cranbourne East. The Brumby Labor government is delivering $400 000 for the development of a comprehensive community outdoor area and village green, regional playground, wetlands and a community multipurpose room in the new athletics pavilion at Casey Fields. The minister's involvement complemented the visit by the Minister for Sport, Recreation and Youth Affairs three weeks ago to announce a Brumby Labor government contribution of more than $700 000 for improvements to the oval and playing surfaces. Both Brumby Labor government funding announcements complement the huge contribution of the Rudd Labor government — $8.9 million — towards the development of a regional athletics complex and other infrastructure. The City of Casey is also making a contribution of $50 000 towards this fine project at Casey Fields. This is another example of three levels of government working together to deliver outcomes to my local community. The funding recognises that Cranbourne is a high-growth area that needs extra local venues so more people of all ages can take part in sport and recreation activities. Casey Fields will be a great asset to the community and a great boost to local families. This development will enhance Cranbourne as a great place to live, work and raise a family.

VicRoads: regional and rural offices

Mr DELAHUNTY (Lowan) — The Brumby government and, in particular, the Minister for Roads and Ports are again condemned for reducing VicRoads services in country communities. I have been contacted by people in western Victoria who are upset at the withdrawal of VicRoads services that were previously provided at local government offices in towns such as Casterton, Edenhope and Kaniva. The fact that Casterton is 105 kilometres from the VicRoads office at Portland and 70 kilometres from the office at Hamilton, and that Edenhope is 100 kilometres and Kaniva 115 kilometres from the VicRoads office at Horsham, highlights how this Labor government has again turned its back on country Victorians.

Some of the services that local government bodies, as agents for VicRoads, are no longer able to provide include changing numberplates. Those offices can now only order duplicate plates; they used to be able to supply changeover numberplates for cars, motorcycles and primary producer vehicles. In addition, under no circumstances are agents able to accept payment from or issue receipts to customers for registration transfers. Licence surrender and cancellations must now be done at a VicRoads office, whereas it used to be possible to fill out a form and hand in a licence. It is no longer possible to change an address or personal details such as a change of name due to marriage. Duplicate registration labels must now be ordered from a VicRoads office or over the phone with a credit card. Not everyone has a credit card or cheque book to pay such charges over the phone or via the internet.

On top of all this is the problem of the more than 20-minute wait people must endure when they ring the VicRoads call centre. When acting as agents, local governments used to be able to get answers from VicRoads almost immediately. The loss of VicRoads services has also angered western Victorians because local government staff are as capable as VicRoads staff — —

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

Bushfires: recovery

Mr HARDMAN (Seymour) — As it is six months since the Black Saturday bushfires I think it is important that as an elected representative of areas impacted by those bushfires I say thank you to all the wonderful people who have helped the survivors in the bushfire-affected communities since the fires. Many volunteers and professionals continue to give their time, skills and dedication to support survivors through the long recovery process.

The assistance people are providing is important. It goes over a wide range of areas. Whether it be the people doing fence rebuilding, case management, counselling or property clean-ups; those providing home rebuilding advice, housing or temporary housing; those involved in environmental recovery; the volunteers on the community recovery committees; the emergency services personnel who continue to do their work assembling support that is provided to these communities; those coordinating recovery efforts; or those doing the many more tasks that obviously need to be done, I say thank you to them all.

The last six months have very much been a roller-coaster ride for bushfire survivors and communities, and over the next 6, 12 or 18 months and beyond we will still require a lot of dedicated people to provide help. I say thank you to everyone who has been helping; it has been wonderful. But it is also important to listen to communities in recovery and rebuilding processes.

Ambulance services: staffing

Mr MORRIS (Mornington) — This morning I rise to condemn the Brumby government for its refusal to negotiate in a meaningful way with mobile intensive care ambulance (MICA) paramedics. Victoria's MICA paramedics are dedicated health professionals who serve our community extremely well despite an increasing workload and reduced opportunities — —

Ms Morand interjected.

Mr MORRIS — It is about the way you treat them.

Mr Howard interjected.

Mr MORRIS — What was that?

The DEPUTY SPEAKER — Order!

Mr MORRIS — This time it was the MICA paramedics who were required to fill the gaps left by the government's refusal to properly resource basic services — a tactic known only too well to Victoria's police — and they are not happy. To quote a veteran who has served for 25 years:

> … the current government fails to recognise our dedication, professionalism and contribution to both our patients, the health system and wider community.
>
> … Mr Brumby's ongoing disdain for our efforts …
>
> … his overwhelming ignorance of and understanding of what we as MICA paramedics achieve.
>
> …
>
> … Mr Brumby's inaction and his contempt for our profession and our patients.

Minister for Roads and Ports: comments

Mr MORRIS — On another matter, last week the Minister for Roads and Ports referred to Mornington Peninsula Shire Council as being 'dominated by people aligned with the Liberal Party'. That is totally untrue. Councillors are a diverse group, independent in the best sense of the word. Party politics do not form part of their deliberations; nor should they. The minister needs to come into this house, acknowledge the inaccuracy of his assertion and withdraw his false claim.

Crime: Ballarat East electorate

Mr HOWARD (Ballarat East) — 'Ballarat assaults down' was the headline of the Ballarat *Courier* earlier this week. The article assessed the latest police figures on crime, and it could be reassuring for Ballarat residents to learn that over the past year assaults have reduced by 4.3 per cent. This has included a reduction in assaults in the Ballarat central business district (CBD). Police Superintendent Andrew Allen attributed the reduction to police enforcement, community partnerships and closed-circuit television cameras in the Ballarat CBD.

I was pleased to see that crime figures for other parts of my electorate also showed decreases in crimes against the person. Those figures showed a decrease of 5.1 per cent in the Moorabool police service area and a 9.2 per cent decrease in the Macedon Ranges police service area.

I quote these figures to assure residents in my area that although some politically inspired individuals may try to misinform and therefore scare residents of my electorate by implying that crime, particularly assaults, is on the rise in our neighbourhoods, this is clearly not the case. I believe, however, that we can never afford to be complacent about the potential for crime to take place. I know that our police will continue to apply

themselves to both reducing crime and bringing to account those who commit crimes. As a government we will continue to support our police in that regard. Police, however, are not the only group responsible for keeping crime levels low and helping our community to be safe. Many others in our community have a responsibility, and our government will continue to support them.

Anorexia: funding

Mr THOMPSON (Sandringham) — I draw to the attention of the house the lack of support for two medical conditions and circumstances. The first condition is anorexia. I have had three families contact my office this year with tragic stories to tell of the battle their daughters have confronted in endeavouring to overcome the debilitating disease that takes a colossal toll on the family and on the individual concerned. More needs to be done by the government to provide appropriate resourcing and proper care for the children of families in such circumstances.

Autism: funding

Mr THOMPSON — The second condition is autism. There is a lack of ongoing research into autism in Victoria. Data is being collated by both the private and government sectors, but over a six-year period only $170 000 has been committed to collating the research. Again, more needs to be done. There was an outstanding story on *Australian Story* on the ABC on Monday night past detailing the circumstances of a family with a child with autism where fantastic levels of intervention had improved the wellbeing of the child.

Planning: privacy controls

Mr THOMPSON — The next issue I wish to raise concerns urban planning and the need to give councils the power to require screening to a height of 1.7 metres above the floor level for any windows within a specified distance of secluded private open space on an adjoining property. This is a continuing problematic matter with urban consolidation. I think it is important that people be given the opportunity to have their private spaces protected.

Forest Hill College: computer networking competition

Ms MARSHALL (Forest Hill) — I am pleased to bring to the attention of the house four extraordinary Forest Hill College students: Ashleigh Wright, Rhys Buszko, James Shoobridge and Joshua Stratton Hatton. These four bright students represented Forest Hill College successfully at each level of the Cisco Certified Network Associate competition, which is a university level computer networking course offered to high schools. The competition is held annually, with 15 countries competing for the top international prize. The competitors are tested by having a 1-hour session of theory followed by a 2½-hour practical session which involves keeping the networks in a simulation airport up and running for as long as possible and repairing faults introduced periodically by the examiners.

The competition was fierce, and I am proud to say that the Forest Hill College team, which was representing Australia and New Zealand, ranked fifth out of the countries that competed, such as China, Malaysia and Singapore. My congratulations to the entire college and particularly to Ashleigh, Rhys, James and Joshua.

Marena Whittle and Eamon Wright

Ms MARSHALL — I was thrilled to hear of the fantastic sporting achievements recently of two young Vermont South athletes, Marena Whittle and Eamon Wright. Marena, who holds two state honours in different sports — high jump and basketball — was a member of the under-16 Vic Metro basketball team last year, and her team was the winner of the national championships. Marena is now training hard for the under-17 championship team trials. On behalf of the Forest Hill community I wish her all the best.

Another young achiever is 10-year-old Eamon Wright, who last month came first in the Victorian Primary Schools Sports Association championships and is now guaranteed a position in the national cross-country titles, which are to be held later this month.

Graffiti: removal

Mr HODGETT (Kilsyth) — I raise again in this house the ongoing problem of graffiti in our community. I implore the Brumby government, through the Minister for Police and Emergency Services, to do more — much more — to tackle the enormous graffiti problem in our local area. I am regularly contacted by constituents who abhor the sight of graffiti or, worse still, have been the victim of a graffiti attack. These community-minded people report the ongoing pointless graffitiing and vandalising of our public places. Bus shelters are constantly vandalised by being graffitied and/or having their panels smashed. There would be at least one such occurrence a week in my electorate of Kilsyth, and I have raised this matter with the Minister for Public Transport on numerous occasions.

Graffiti prevention and removal strategies must be reviewed. Tougher sentencing must be mandated, tough penalties must be handed down and more graffiti vandals must be made to clean up and remove graffiti from public places, private residences and businesses. One only has to ride a train from Mooroolbark to Croydon and to Ringwood East in my electorate of Kilsyth to witness the hideous, repellent graffiti alongside the railway tracks on buildings, signal boxes, bridges, signs and posts. I am told that rapid removal of graffiti works best as it prevents the graffiti vandals from seeing their tags on show day in and day out. I am informed that the reporting of graffiti to police greatly assists in the monitoring, identification and apprehension of graffiti offenders.

I commend the efforts of local councils, township groups, trader groups and individuals for the work they do to prevent and remove unsightly graffiti from our local streets. They need greater assistance. Graffiti is a massive problem that costs the community millions of dollars each year. The Brumby government should review the Graffiti Prevention Act with a view to introducing tough new laws to deter the senseless destruction and vandalism of property.

Centre for Independent Studies: *Declaring Dependence*

Mr SCOTT (Preston) — I rise to draw the house's attention to an appalling reactionary essay *Declaring Dependence*, published by the Centre for Independent Studies. This essay advocates the removal of voting rights for persons who become dependent on welfare. I have never read such a reactionary piece in modern Australian discourse. What is more disturbing is that the Centre for Independent Studies is a relatively mainstream right-wing think tank that seeks to influence the policy debate and has a number of members who have considerable influence on our society in both the political and business arenas. This is a deplorable essay, which I invite all members to seek out and read, that advocates literally taking away the right to vote of persons who have to receive welfare. I ask people to reflect on that appalling decision.

I call on members of the Centre for Independent Studies to disassociate themselves from this appalling reactionary piece. As people would be aware, the Centre for Independent Studies board is made up of persons who have achieved success at both a business and a political level, including the wife of the current federal opposition leader.

Victorian Assyrian Community: 27th anniversary

Mr LANGUILLER (Derrimut) — I recently attended on behalf of the Premier and Minister for Multicultural Affairs the Victorian Assyrian Community's 27th anniversary celebratory dinner. I wish to commend the work of the secretary, Mr James Gevergizian, and his colleagues on the executive committee and board, past and present. I would like to particularly commend the organisation for its longstanding commitment to serving Victoria's Assyrian community and for continuing to promote and preserve its cultural heritage.

By continuing to nurture and foster Assyrian culture and traditions they are benefiting both their community and all other Victorians. The Assyrian community of Victoria, while relatively small in number, has made and continues to make a significant contribution to our society. Like those of most migrant groups, its members have faced many challenges in settling in a new land. However, not only have they overcome the many challenges but the community has thrived and firmly established itself in many areas of society.

Like many overseas-born Victorians, including me, members of the Assyrian community came to Australia hoping to find a better life for themselves and their children, and through their courage, sacrifice, commitment and sheer hard work they have and will continue to succeed in achieving that goal. Their success can also be seen in the contribution they have made and continue to make to our society and economy in many and varied fields. The Assyrian community of Victoria not only continues to serve its own members but also reaches out to help others in the wider community. We saw that clearly earlier this year when the community donated generously to Victorians affected by the bushfires.

Essendon Choral Society

Mrs MADDIGAN (Essendon) — I would like to congratulate the Essendon Choral Society on its 30 years of operation, which it will celebrate this weekend with a concert supported by the Moonee Valley City Council at the Ukrainian Hall in Essendon. Amongst other things the choir will be singing the *Stabat Mater* by Rossini and the *Choral Fantasy* by Beethoven.

Over the past 30 years the choral society has been very successful. The choir performs at a very high level around Essendon, and it goes as far as country regions and other areas around Victoria. This is all made

possible by the very hard work of the volunteers who have been members of the committee over those 30 years and also of their current conductor, Greg Hocking, who is a great conductor. All those who have worked very hard to make it such a successful and enduring club should be congratulated on the society's 30th birthday.

GRIEVANCES

The DEPUTY SPEAKER — Order! The question is:

That grievances be noted.

Information and communications technology: Satyam Computer Services

Mr WELLS (Scoresby) — I grieve for the Victorian people and in particular for the people of Geelong for the misleading and dodgy deals done by the Brumby government. I refer specifically to the deal done by the government with Satyam Computer Services to build an information technology facility on Deakin University land to create 2000 jobs for Geelong. This deal stinks to high heaven and shows a desperate government which is focusing on spending rather than on genuine jobs.

I went to the Premier's website. In the announcement in a press release of 14 April 2008 he stated very clearly that the deal had been done:

> … with one of India's largest IT companies Satyam Computer Services to build a new software development and training campus at Geelong, creating 2000 jobs.

The press release went on, referring to the information and communications technology (ICT) industry:

> Premier John Brumby said the centre was expected to boost Victoria's economy by around $175 million annually within a decade.
>
> Mr Brumby joined Satyam founder and chairman Rama Raju at the future site of the development at Deakin University's Geelong campus today and said the company's decision to locate its new centre in Geelong was a vote of confidence in Victoria's ICT industry and in regional Victoria.

The press release continues:

> Since 1999, this government has attracted and facilitated investment worth more than $1.5 billion and over 10 000 jobs in the ICT sector.
>
> …
>
> Victoria's ICT sector generates annual revenue of $24.4 billion, exports of over $1 billion and employs around 85 000 people — over a third of the national ICT workforce.
>
> …
>
> Satyam's annual revenue is expected to top US$2 billion in 2007–2008, with a global workforce of around 42 500. It is one of India's largest IT software and services company, with 570 active customers including 165 Fortune Global 500 and Fortune US 500 companies.

If you were a young person in Geelong reading the Premier's press release, you would say, 'It is absolutely fantastic that it is going to be delivered on Deakin University land for the people of Geelong'. The Premier said he was going to create 2000 jobs. But unfortunately, when we look at the detail, on the same day the Premier was contradicted by the chairman of Satyam, who said:

> … we are talking about a 2000-people campus — and, so, we want to take this from 600 to 2000 — —

What it was actually going to do was move 600 people from Melbourne to Geelong. It is not 2000 jobs, as the Premier stated; it is back down to 1400 jobs. It is an immediate con for the people of Geelong and an immediate con for the people of Victoria.

What is more disturbing is that in a press release of the same date — and this is where it becomes very frustrating when you have a Premier who does not tell the truth — a reporter is reported as asking:

> Is university land in Victoria up for grabs for any company that can put up enough cash?

The Premier replied:

> … that's a matter for the university. But this is a great opportunity for the university.

The reporter later asked:

> … does the university maintain ownership of the land, or does the land go to the company?

The Premier responded:

> You'd have to speak to Sally about that.

He was referring to the vice-chancellor of Deakin University. The facts are very clear that the Premier knew the answer to both those questions but in his usual way fobbed them off and concentrated on the media and the spin. There is no substance to his remarks.

There are six ministers involved in this deal that stinks to high heaven: they are the Premier; the Treasurer, John Lenders; the Minister for Regional and Rural Development; the Minister for Environment and Climate Change, Gavin Jennings; former minister Theo Theophanous, a member for Northern Metropolitan

Region in the other place; and the Minister for Finance, WorkCover and the Transport Accident Commission. We have obtained documents under freedom of information, one of which is a Department of Innovation, Industry and Regional Development (DIIRD) document from 10 April 2008 signed by Minister Allan, the Minister for Regional and Rural Development, on 9 April 2008. Its first recommendation is:

> That you approve the alienation and surrender of 10 hectares of land owned by Deakin University to the Crown, in accordance with sections 33A(1) and (2) of the Deakin University Act 1974.

Recommendation 2 is:

> That you sign the attached letter to the vice-chancellor of Deakin University notifying her of your decision.

The crunch comes in recommendation 3:

> That you note the proposal that this 10-hectare parcel of land will be transferred to Satyam, a global information technology services company, for nil consideration at a later date. This matter has been the subject of a cabinet decision.

Let me make this very clear: all the ministers of cabinet have approved giving 10 hectares of prime university land to Satyam IT company — free of charge, no strings attached. The cabinet has decided to do that. We have the document that shows Minister Allan signed it off on 9 April 2008.

An interesting note on the same document says:

> The deputy secretary approving this brief certifies that this matter requires urgent attention.

The reason for the urgency:

> The Premier wishes to announce this project on Monday 14 April 2008 and requires your approval prior to this.

The government is rushing through the transfer of the 10 hectares of land to Satyam, free of charge.

But that is not good enough. Not only does the government want to give the Indian IT company 10 hectares of land worth millions of dollars without any accountability, without any transparency and without any open tender to find whether there is a better deal but some months later, on 29 July 2008, the Minister for Regional and Rural Development writes to the Treasurer, John Lenders, requesting a Treasurer's advance for the Satyam project. The cabinet and the Minister for Regional and Rural Development are not satisfied with giving 10 hectares of land to Satyam, they now want to throw taxpayers cash at Satyam to get the project up and going.

The letter states:

> Further to our discussion on funding for the Satyam project, I am writing to request your consideration of a Treasurer's advance of $ ...

The amount is of course whited out. The letter continues:

> This money will form part of the investment package offered to Satyam Computer Services Ltd.
>
> Accordingly, I seek your approval of a … Treasurer's advance to be allocated during 2008–09 to DIIRD towards the Satyam project. The department expects payment of this allocation will be made before 30 June 2009.

Does the taxpayer find out about this? No. Does the taxpayer know the amount? No. This is another secretive deal done between the government and Satyam IT. It is another dodgy deal done without any sort of accountability.

We go on to a cabinet-in-confidence brief of 7 August 2008. This is signed by the Treasurer, and it advises that he is approving the Treasurer's advance. We still do not know how much it is, but the key points are set out in this cabinet-in-confidence document:

> 1. The government's investment attraction package to Satyam included a proposed contribution from the Geelong Investment and Innovation Fund (GIIF); however, the federal government has not agreed to release funds from the GIIF for this purpose.
>
> 2. This leaves a funding shortfall of —

and an amount has been whited out. The document goes on:

> The government now has a contractual obligation to Satyam.

This document is telling the Victorian taxpayers — as we now find out — that the federal government was initially going to put funds in, but for some reason it refused to do so. There was obviously a problem with this project; the federal government obviously had concerns about it. Rather than ask for more information or exercise more investigational due diligence, the state government said, 'Do not worry about it; we will put the money in. Do not worry about accountability or transparency — we will put the money in ourselves'.

On 11 August the Treasurer, John Lenders, wrote to the Minister for Regional and Rural Development saying he would approve the money going to Satyam Computer Services. He also said:

> … I note that this request follows a funding shortfall in the government's offer to Satyam arising from the commonwealth's not agreeing to release funds in the joint Geelong Investment and Innovation Fund for this investment

> attraction package. I am advised that the funding contract between Satyam and the Victorian government is now signed.

He does not give any reasons for the federal government not putting any money in.

Then we move further along. On 2 September 2008 Gavin Jennings, the Minister for Environment and Climate Change, approves in a Governor in Council document the 'Consent to surrender of land to the Crown — part Deakin University, Waurn Ponds campus'. The 10 hectares was to be handed over from Deakin University to the Crown, and the Crown would then release it to Satyam. While all this was going on, the commonwealth government obviously had concerns about putting money in, and it left the state government to deal with that. Rather than exercising further due diligence, the government just handed over more money. On 23 December 2008 the World Bank Group put out a statement, which reads:

> In order to correct erroneous press reports, the bank —

that is, the World Bank —

> has confirmed that it declared Satyam ineligible to receive direct contracts from the World Bank under its corporate procurement program for a period of eight years. Satyam was declared ineligible for contracts for providing improper benefits to bank staff and for failing to maintain documentation to support fees charged for its subcontractors. The bank's decision was effective in September 2008 and followed a temporary suspension that took effect in February 2008.

Satyam had problems with the World Bank. It was temporarily suspended in February 2008, and there was a permanent suspension in December 2008, which was made public on 23 December 2008. Satyam was then blacklisted by the World Bank for eight years. That was announced on 24 December 2008. It was debarred from the World Bank for alleged data theft and for bribing bank officials. According to an iGovernment report:

> Fox News, a US-based broadcaster, said the World Bank has admitted to it that it had banned Satyam from all business at the bank for a period of eight years — and that the ban started in September.

We have a situation where at least six ministers are involved in what the opposition calls a deal that stinks to high heaven. Former minister Theo Theophanous flew to India to do a deal. The Minister for Planning, Justin Madden, and the Minister for Regional and Rural Development approved the transfer of land to Satyam for nil consideration. The Premier forced this deal through as quickly as he possibly could. He made that very clear when he said that he needed this document signed off because he wanted to make the announcement on Monday, 14 April. The Minister for Finance, WorkCover and the Transport Accident Commission approved a subdivision of the 10 hectares of land for nil consideration. On 8 August 2008 the Treasurer approved the Treasurer's advance.

The final title transfer of land to Satyam was to occur at no cost in December 2008, but it was delayed. On 22 December the World Bank said it had blacklisted Satyam for eight years. On 8 January the Victorian Government Solicitor's Office said it was still waiting on the transfer of land and title. It was asking where the documentation was and said the transfer was supposed to have been done.

Without doubt there is a problem with this deal. We want the government to come clean. We want to know the status of the 10 hectares of land, and we want to know the amount of the Treasurer's advance. We want this government to come clean; we are sick of the dodgy deals it is involved in.

Women: sexual exploitation

Mrs MADDIGAN (Essendon) — Today I grieve on behalf of women who are abused in the sex industry, particularly those women who are trafficked to Australia for the purposes of prostitution. It is appropriate to discuss this matter this week because 15 August is an Amnesty International day for global action for 'comfort women'. Comfort women were women who were very badly abused by the Japanese during World War II. More than 200 000 women were forced into sexual slavery at 'comfort stations' in numerous countries by the Japanese military. They were abducted, beaten and raped. Most women were under 20, and some were girls as young as 12.

Some of those women are still alive, although very old. Unfortunately during that time the Japanese government has never properly apologised for these human rights violations nor made any compensation to the women. A number of countries and parliaments around the world, including the United States of America, have called on the government of Japan to apologise. Australia has yet to do so, and I hope our federal government will turn to that in the near future.

Notice has been given that the Drugs and Crime Prevention Committee will be looking at this situation in Victoria. It is very disappointing that 64 years later, when we are thinking about the terrible trials of comfort women, women are being brought into Victoria for sexual slavery and are working in illegal brothels. In fact the two significant cases that have occurred in Australia have both related to brothels and women in Victoria.

A significant case that was determined by the High Court in 2006 was *The Queen v. Wei Tang*. This case actually started in 2003, so it was an extremely long case involving some very complicated legal procedures. Wei Tang was tried on 10 charges relating to the enslavement of women at the brothel she owned at 417 Brunswick Street, Fitzroy. Her conviction was finally upheld by the High Court in 2006. In this case five women were enslaved for between 10 months and 2 weeks. The amount of debt that each woman had to repay through prostitution ranged from $40 000 to $45 000 per woman and required each woman to have sex with an estimated 800 to 900 men at the brothel.

They were forced to work as prostitutes for at least six days a week without pay. The case finally ended up in the High Court, which upheld the decision of an earlier court but also redefined the crime of slavery in a way that addressed the reality of women trafficked into Australia. It has been a very significant case in providing quite a different examination of slavery and an understanding of what slavery is.

That judgement made some important changes and further important steps: firstly, it provided clarity to investigators, prosecutors and governments about what elements of slavery need to be proved in order to secure convictions; secondly, it provided a modern understanding of how the crime of slavery operates; and thirdly, it found that consent to come to Australia for prostitution is not equal to consent to enslavement or the conditions of slavery.

However, to obtain this judgement was very difficult for the women concerned. They had to give evidence at a committal hearing, two trials and two appeals at extraordinary public cost. Obviously without the assistance of an outside agency this opportunity for abused women like them would not have been possible, and certainly other women in the same situation would not have that access to redressing the wrongs against them. Project Respect — an organisation with which I have had some dealings — has been a great advocate for trafficked women and women working in the sex industry, and has been significant in its work giving support to women abused in this manner.

Unfortunately the case of Wei Tang is not an isolated case. In June this year two Melbourne men were found guilty of involvement in a sex slave scheme in which Thai women were forced to service 750 clients in exchange for their passage to Australia. The women received $5 of the $125 paid for each 30-minute session, and worked six days per week. They were also allowed to work on the seventh day and received $50 per client, which was really the only money they had access to.

However, the number of women brought to Australia for these purposes is probably much higher than we realise. Project Respect conducted a survey in 2004 and estimated that at that time at least 1000 women had been trafficked to Australia for the purposes of prostitution. The majority of victims detected so far have come from Thailand and South Korea, although victims have also come from Indonesia, Malaysia, Vietnam, Burma, China, Hong Kong, the Philippines, Singapore, Albania, Colombia, South Africa, India and the former Soviet republic.

As reported by Project Respect, trafficking and sexual slavery, apart from being wrong, have severe health impacts on the women as they are subject to physical, psychological and verbal abuse. Physical impacts include bruising, fractures, sexually transmitted infections, pelvic and vaginal pain, drug and/or alcohol dependency — which is very common in the end — malnutrition and fatigue. Psychological impacts include depression, low self-esteem and self-respect, anger, paranoia and fear of others, especially men. Victims of trafficking are often in a financial situation worse than they were prior to being trafficked, which causes extra anxiety as the women do not want to return home without any money to show for all the time they have been away.

In the Tang case the women were locked up when they were not working. Early this year Melbourne City Council passed a local law forcing legal brothels to display signs in every room saying ‘Sex slavery is illegal’, so at least that is a first step in making people aware of the concern in Victoria for these women. It is not an area that people often turn their minds to, so in some ways it is able to be hidden as a crime over a long period of time.

The protocol to prevent, suppress and punish trafficking in persons, especially women and children, was adopted by the United Nations in 2000. The Australian government ratified this protocol in September 2005. More than 100 countries have now formally signed on to this protocol. In fact some countries have gone further. For example, the United States government has developed an annual trafficking in persons report, which identifies those countries deemed to be experiencing a significant trafficking problem and assessing their response. In Australia federal sex slavery laws were passed in 1999, but no-one was charged under this law until the Tang case in 2003.

In May 2007 another Melbourne-based sex slave racket was uncovered. In this case Thai women were 'bought' for $20 000 and required to work in brothels for one year. They were held in suburban apartments and driven to their workplace by their 'owners', who controlled their affairs. They were locked in those apartments for most of the time they were there.

In June the Exclusively Yours brothel in Melbourne was found guilty in the Melbourne Magistrates Court, and the court was told at that hearing that when the women were not at the brothel they lived in an unfurnished apartment with locks on every door, so they were virtually kept as prisoners.

The plight of women being used for sexual trafficking and kept as sexual slaves is not new, unfortunately. It dates back to the Second World War and possibly before that. Paul Holmes, a former head of the New Scotland Yard vice squad, has shown a particular interest in this issue. He attended a conference in Australia in 2003, and his view was that Australia's and Victoria's sex slave trade was much higher than authorities realised. He pointed out that not a great deal is known about sex exploitation. He said:

> My instinctive reaction with that would be that if more in-depth intelligence monitoring was conducted by law enforcement agencies and NGOs working together, I suspect the real figure would be significantly higher than that.
>
> That would mirror the experience in other countries: once there's a deliberate targeted attempt to go out and find it (sex trafficking), you tend to start to find it in most of the places you look.

This is why I think the Drugs and Crime Prevention Committee investigation will be very interesting.

Paul Holmes also co-authored an article with Anne Gallagher in the *International Criminal Justice Review* of September 2008 in which they outlined some of the difficulties in dealing with trafficking for sexual purposes. In that article they say:

> Trafficking in persons now affects all regions and most countries of the world. Over the past decade, there has been increasing acceptance of the need for an effective, internationally coordinated response. However, the practical difficulties in realising this goal are considerable. No country can yet lay claim to genuine, extensive experience in dealing with trafficking as a criminal phenomena. Most are developing and adapting their responses on the run, often under strong political pressure, and principally through trial and error. Whilst communications between national agencies on this issue are improving, there is still very little cooperation or cross-fertilisation of ideas across national borders.

In that extremely lengthy article, which examines the world situation as well as Australia's, the authors conclude:

> The contributing factors to human trafficking are many and varied. However, underlying all such factors at every point in the trafficking cycle is a general culture of impunity for those involved in the exploitation of trafficking victims. Set in the context of the overall scale of the crime, traffickers are seldom arrested, investigated, prosecuted or convicted. Victims of trafficking are rarely identified and too often criminalised. Despite being the key to successful prosecutions, victims are almost never brought into the criminal justice process as witnesses.
>
> Changes in international law and policy have paved the way for coordinated improvements in national criminal justice responses to trafficking. There is now a growing acceptance among states of their legal and moral responsibility to end impunity for traffickers and to secure justice for victims … The next several years will be critical in terms of fleshing out the agreed elements of an effective response and confirming good evidence-based practices that can be used by all countries in their fight against trafficking and related exploitation.

One of the reasons that Australia has had very few cases is the way we deal with the women who have been brought to Australia for these purposes. Quite frequently victims have been brought in on illegal visas or have come in under refugee status, so as soon as they are identified they are returned to their country of origin. Although they might have been here for some time, there is no protection for them under our federal immigration laws. If our first step is to send them back to the country from which they came, there will no longer be any witnesses to testify in any court action that might be taken. There is obviously a significant problem there.

Another problem is that many of these women do not speak English. They have no involvement in a community outside the area in which they are often forcibly kept, nor do they have any access to law enforcement agencies. The only way Project Respect has been able to identify victims in the course of its work is by its staff making personal visits to brothels around Melbourne. None of these women has money to take legal action outside the system, so unless the federal and state governments can assist them, they are virtually powerless. All Victorians would be appalled to think women were being kept captive in Victoria for the purposes of the sex industry. The community would not see that as acceptable behaviour.

I look forward to both the federal and state governments and the parliamentary committee of which I am chair investigating these areas in the future. The Drugs and Crime Prevention Committee is a very good committee. The member for Lowan, who is also a

member of the committee, is in the chamber. There is a real opportunity for us to make a difference for these women, to ensure they are treated properly in the future and to stop the trafficking of women into Victoria for the purpose of sex.

Students: youth allowance

Mr DELAHUNTY (Lowan) — I rise to grieve for the youth of Victoria, particularly our country youth, following the federal government's recent changes to the youth allowance, which has blown away the aspirations of and opportunities for many Victorian students. Since the announcement we have heard no public comments from the Minister for Sport, Recreation and Youth Affairs, the Minister for Skills and Workforce Participation or the Minister for Education. I grieve that these ministers are not standing up for Victorian youth, particularly our young people in country Victoria, and I call on them to join the Victorian Liberal-Nationals coalition MPs in vigorously lobbying the federal government to scrap the proposed youth allowance changes.

These youth allowance changes have raised extreme anger among Victorian young people and their parents, teachers, universities and other higher education providers right across Victoria. They have all spoken with MPs across Victoria, and I am sure they have also spoken to Labor members. To back up their anger, last month they saw the report of the Victorian all-party Education and Training Committee on its inquiry into geographical differences in the rate in which Victorian students participate in higher education. The report highlights that economic barriers are the main reason why fewer regional students attended university than their city counterparts. It recommends that all university students who are forced to relocate should receive government assistance. It also highlights that 70 per cent of country students applied for university courses while the figure for their city colleagues was 90 per cent.

The deferral rates provide a most startling example. In 2007–08 in the metropolitan area 10 per cent of students deferred, while in the non-metropolitan areas that figure was 33 per cent. Even back at the start of this year we saw an On Track report conducted by the Australian Council for Educational Research which showed that 12 per cent of the 50 770 students who graduated with the Victorian certificate of education (VCE) in 2008 had deferred their studies this year. Most of those students were deferring their studies for a year to try to become eligible for the youth allowance. Schools in my electorate of Lowan — there are many secondary schools — had enormous deferral rates. I will start at the lowest level. I have to say that four schools are not included in the report because they did not have a large enough number of students. The schools are Edenhope College, Goroke P–12 College, the Lutheran college at Hamilton and Lake Bolac College. The deferral rates were: St Brigid's College, Horsham, 10 per cent; Casterton Secondary College, 14 per cent; Dimboola Memorial Secondary College, 22 per cent; Horsham College, 25 per cent; Monivae College, Hamilton, 26 per cent; Nhill College, 26 per cent; Baimbridge College, Hamilton, 27 per cent; and the Hamilton and Alexandra College, 64 per cent. Those figures highlight the enormous number of deferrals that exist and the concern we have about the changes to the youth allowance. It has all come about because this state government is not standing up for country students right across Victoria.

There is currently a Senate inquiry into this federal government budget announcement. You can find information about submissions on the Senate web page, and you can also look at the web pages of the universities and many schools across Victoria. Many people have put submissions to the inquiry. I have a copy of a submission put in by the principal of the Hamilton and Alexandra College, Bruce Simons. It states:

> As a principal of a Victorian regional school the Hamilton and Alexandra College and a parent of a teenage child, I request that the proposed changes to guidelines for workplace participation requirements for students seeking independent status for youth allowance purposes as outlined in the 2009 budget be reconsidered.

The submission goes on to talk about deferral rates. It states:

> … in 2008, 100 per cent of students received a tertiary offer. Sixty four per cent of students chose to defer their first year of university, the second-highest rate of deferral in Victoria. The majority of these students have chosen to work in the understanding that the prohibitive cost of relocation for their families once they take up their university placement is exacerbated by the additional need to supplement living expenses. Accordingly, by deferring and working, they have the expectation —

again, the expectation —

> of being able to access youth allowance in 2010.

The submission goes on:

> I am concerned that the changes will only further highlight the issues of poor access and inequity which rural students already face in pursuing further education.

It goes on to say that this will have a negative impact on economic development in rural and regional Victoria and exacerbate skills shortages in the professional fields.

Mr Simons also highlighted and quoted from the report I spoke about earlier:

> Rural and regional young people should be classified as a separate disadvantaged group when access and equity to education is the issue, they should have immediate eligibility to youth allowance if they prove they are living independently from their families.

Many schools across rural and regional Victoria have raised concerns about the changes to the youth allowance, but where are the ministers in relation to this? They have not been seen.

I have spoken about the Education and Training Committee inquiry. The inquiry report highlights that economic barriers are a major disadvantage. The inquiry found there needed to be greater financial support, particularly for students in country and outer urban areas, and encouragement of the use of a greater range of delivery models. The committee also found there is a need to improve the VCE completion rates and said that more students would qualify to pursue tertiary studies if there was an improvement in VCE completion rates. The report highlights that since this government has been in power there has been a decrease in the VCE completion rates. It also calls for improved pathways between vocational and higher education and employment.

The report is excellent, and I want to highlight some of it. Members should remember this report was completed by an all-party parliamentary committee made up of members from all sides of Parliament. We need to recognise that the majority of these committees are made up of Labor members. The Education and Training Committee is chaired by a Labor member, the member for Ballarat East, and I congratulate the chairman for his honesty. He said in his foreword to the report:

> Special thanks must also go to the many young people who contributed greatly to the inquiry by sharing their personal experiences, concerns and aspirations.

What a true statement. The chairman's foreword raises many matters, but I will not go through them all. It highlights the fact that 'access to higher education is a significant concern' for all of us. The foreword deals with the concerns of those of a lower socioeconomic status, whether they live in urban areas of Melbourne or country areas or — and this report particularly deals with this aspect — whether they are Aboriginal students in areas that are also badly disadvantaged because of the changes to the youth allowance.

Again, we all know it is an exciting time for young people. They go through secondary education and aim to go on to higher education. This report highlights the major challenges that young people go through in the transition from secondary education to higher education. Here is a direct quote from the foreword to the report:

> Student income support is therefore a major contributing factor in university participation … the specific circumstances of rural and regional young people still have not been adequately addressed … In the committee's view, all young people who must relocate to undertake their studies should be eligible to receive student income support.

Mr Weller — All!

Mr DELAHUNTY — As the member for Rodney said, 'All'. All young people who must relocate to undertake higher studies should get income support. This was said by the chair of this all-party parliamentary committee. It highlights the many concerns across regional and rural Victoria about the changes, particularly to youth allowance.

I have looked through the report; it is very extensive and was well put together. The executive summary on page xxi highlights:

> There was widespread agreement —

amongst the committee —

> that youth allowance payments have not kept pace with rising expenses, and are too low to meet the costs of living, particularly in capital cities.

That reinforces the point we have all been making: the major concern of many of our young country students going into higher education — and I am pleased to see the member for Ripon at the table; he would understand this too, because a lot of them live in his area — is the cost of living away from home and being involved in higher education. The executive summary under the heading of 'Financial considerations' states:

> The committee agrees —

and this is an all-party parliamentary committee with a majority of Labor members —

> that youth allowance payments are insufficient and should be increased to reflect the costs of living.

It does not take them away; it does not say anything about reducing anything. It says that the payments should be increased to reflect the cost of living. Again,

this report has been compiled by the Education and Training Committee, which, as I have said, is an all-party parliamentary committee.

One of my colleagues, Mr Peter Hall, a member for Eastern Victoria Region in the Council, is on the committee. I shall read the list of the members of the committee at the front of the report:

> Mr Geoff Howard, MP, chair; Mr Nicholas Kotsiras, MP, deputy chair; Mr Martin Dixon, MP; Mr Nazih Elasmar, MLC; Mr Peter Hall, MLC; Dr Alistair Harkness, MP; Mr Steve Herbert, MP.

Again, I highlight that there are four Labor members, two Liberal members and one member of The Nationals on that committee. There was unanimous agreement on the recommendations in that report.

Where are our state ministers? Where have they been in relation to this issue? Where have the Minister for Sport, Recreation and Youth Affairs, the Minister for Skills and Workforce Participation, or the Minister for Education been in relation to this issue?

Mr Weller — They are hiding.

Mr DELAHUNTY — They are hiding, as the member for Rodney said. I highlight a previous On Track report — members will remember I spoke about it earlier in my contribution — which was released last year on a survey conducted by the Australian Council of Educational Research. On its release the state Minister for Education urged the federal government to rethink the changes to the youth allowance because it did not cover the cost of living for students struggling below the poverty line. After the release of this year's report the minister and other Labor ministers said absolutely nothing. If the Minister for Education thought the allowances were pitiful last year, she must think they are appalling this year. Yet we have had no public comment from her and we have had no public comment from the Minister for Sport, Recreation and Youth Affairs. He knows that education is vital to the continuing development of these young people and to the continuing pathways from education and training through to employment.

A report given to the Minister for Sport, Recreation and Youth Affairs by Regional Youth Affairs Networks highlighted the inequity of changes to the youth allowance and the impact that will have on young people in Victoria, particularly country Victorians. Why have our government ministers not been lobbying, because this issue impacts on Victorian young people? Regional young students incur the costs of relocation and of living in rental accommodation, which can amount to up to $20 000 per year. Where have our ministers been?

In this Parliament we have seen many petitions about this issue tabled. Since 4 June just about on a daily basis this Parliament has tabled petitions calling on the Brumby government to vigorously lobby the federal government regarding proposed changes to the youth allowance. I know the member for Rodney and the member for Mildura, who are in the chamber today, have tabled petitions in this Parliament; even today they tabled petitions. Across Victoria, particularly country Victoria, I know that petitions have been flooding into the offices of MPs.

There have been youth protests. I highlight the front page — I know I am not allowed to use props — of the *Wimmera Mail-Times*. Under the headline 'Youth protest' it says:

> Gillard should face music.

Where have our state ministers, the Minister for Sport, Recreation and Youth Affairs, the Minister for Skills and Workforce Participation and the Minister for Education, been in this regard? The ministers are showing again they are Labor first and Victorians second. They have lost the support of our country youth and youth across Victoria. They should be ashamed. I again say that I grieve for the youth of Victoria regarding education opportunities.

Shire of Bass Coast: councillors

Mr NARDELLA (Melton) — Today I grieve for the Liberal Party. I call on the Ombudsman to investigate a report to this Parliament into the dirty, rotten, stinking land deals undertaken within the shire of Bass Coast. There is something wrong with the decisions of prominent Liberal councillors on the Bass Coast Shire Council who have direct links with developers in relation to zoning that has been undertaken at San Remo.

San Remo is a lovely part of the Victorian south-east area on the way to Phillip Island. It is a much sought after area for people to call home and to commute to and from work, from there to the city, or to retire. The major Liberal people involved in this sorry saga are: the Honourable Rob Maclellan, a former Minister for Planning in the Kennett government; Cr Ross Smith, a former Liberal Party member in this house and now a councillor with Bass Coast Shire Council; and former councillor Mr Neville Goodwin, who was a mayor at Bass Coast Shire Council when decisions were made about this rezoning. He was also a Liberal Party electorate officer and the chair of the Bass 200 Club,

which is the fundraising arm of the Liberal Party in the electorate of Bass. The developer is Mr Brian Rule. He is involved with a number of companies but is essentially from the Silverwater development group.

The Department of Planning and Community Development highlighted this region and some parts of the San Remo area for expansion, and support had been given to the Bass Coast Shire Council to develop a structure plan for San Remo. The time line is as follows. In September 2007 a draft boundary was put out to the wider community for comment. It essentially expanded San Remo to the edge of the township. This was a modest plan which allowed for some expansion but did not encroach on farming land in the main. Mr Brian Rule and the associated company, Trinity, then placed options on farming land that needed to be rezoned by late 2009, as I understand it, to allow the financing of the extra 2000-block expansion, which was larger than the residential draft plan that was out for public discussion.

Mr Rule is an interesting man. He is a developer from the old school. He comes from Western Australia and is now operating here in Victoria — and he has been here for a quite a while. His major company is Silverwater, which has developed a number of projects within the San Remo district. His philosophy is simple. In the *Age* of 6 February 2008, when referring to his work and his own personal history, which started when he was 17 years old, he is reported as saying, 'I was hungry for a quid then and still am now'.

He holds a number of directorships, ranging from Silverwater Management Pty Ltd, Silverwater Developments Pty Ltd and Silverwater Resort to Brico Pty Ltd. As the *Age* of 4 July says of Mr Brian Rule:

> He is a hands-on entrepreneur who knows how to schmooze, win friends and influence the right people.

In the six months between the exhibition of the draft expansion of the San Remo residential boundary and the setting of the final boundary in 2008, this schmoozing entrepreneur got his way to expand the boundary an extra 1 kilometre to incorporate his option land. Members need to understand what that means. Within that six-month period there was undue influence; behind closed doors deals were done to expand the draft boundary, which took in the residential township of San Remo, to take in this option land that Mr Brian Rule and his associated companies had an interest in. This got through at the Bass Coast Shire Council meeting on a vote of 4 to 3 with the support of the councillor Neville Goodwin.

What are some of the Liberal Party connections that influenced this outcome? Let me say that Mr Goodwin and his mates have shared in the largesse of Mr Rule. Donations were given to the Bass 200 Club — for example, $1000 was given in October 2007. Mr Rule joined the Bass 200 Club in the financial year 2008–09. Other donations are detailed in the *Age* article of 4 July. But, worse, when Mr Goodwin and his supporters ran for council they were given donations through Mr Rule's formal company, Silverwater — for example, Mr Goodwin confirmed that Mr Rule had paid for stamps for one election campaign. Support was coming from a developer to influence the council election result and to get one outcome and one outcome only — that is, Mr Rule and his associated companies would be looked after by those candidates, by those councillors, by that council. He went out of his way to make sure that he could influence them in the most direct way he thought possible — that is, to provide direct financial support to those candidates.

Mr Rule believed that further support to local council candidates was given, but the donations were below the disclosable amount. He could not remember the names of the candidates he donated to. This is a developer with major interests. Members can work it out. With 2000 blocks around San Remo selling at around $150 000 to $200 000 each, maybe the $300 000 to $400 000 mark, how much support was given? How many stamps were being purchased on behalf of those candidates? What was the amount of money Mr Rule and his associates, and the companies associated with him, were going to make out of that donation and out of that decision? Multiply 2000 by $200 000; it is quite a lot of money. If you are giving largesse, if you are giving campaign donations of stamps and money, and you are giving amounts under the disclosable amount of $500 and doing it on a consistent basis, you understand this is part of a deal to make sure that you can make millions upon millions of dollars from these practices.

Mr Goodwin is secretive and shifty, because his answers to questions on matters of support from Mr Rule were confused and contradictory. For example, he initially said he had met Mr Rule only once, but he then changed his mind — a bit of dementia, I suppose — and said he had met him maybe two or three times. If I had somebody donating to my campaign and constantly assisting me in getting elected, of course I would remember how many times I had met with that benefactor and what the discussions were. I would be up-front with that disclosure. But, no, not Mr Goodwin. At first he said he had met him once, but then said he had met him maybe two or three times. He denied knowing anything about donations to the Bass 200 Club, which is the fundraising front for the

Liberal Party out there at the Bass Coast shire, but he later confirmed the donation as fund chairman. He confirmed that a donation to the Bass 200 Club in a letter from him as chair of the club.

This is the normal modus operandi of Liberal Party members and councillors where land deals are the order of the day, where votes can be bought for favoured developers connected to the Liberal Party. This is the underbelly of the Shire of Bass Coast, where the Liberal Party and developers are doing dirty, rotten stinking deals. There have been accusations that council has given developers information that has placed the developers in a very favourable situation which has not been afforded to anybody else and that that favoured position was bought.

The call by the Honourable Rob Maclellan is interesting. Mr Maclellan was Minister for Planning under the Kennett government. In the *Age* of 4 July 2009 he called the dealings going on at the Bass Coast Shire Council 'dodgy'. It is very unusual that I agree with Rob Maclellan or other members of the Liberal Party, but I agree with him this time around. He called for an investigation into the dirty dealings at Bass Coast Shire Council and on the cliff tops of San Remo.

I call on the Ombudsman to investigate this underbelly of the south-east coast at the Bass Coast Shire Council, where the dirty and corrupt dealings have occurred over the expansion of the San Remo residential zone. He can investigate the votes that were taken with regard to this redevelopment. He can also investigate other matters, such as the decision that was taken, the political donations that were made prior to the decision being made, the influence of developers on the council, and the lack of accountability and record keeping for political and campaign donations.

For a number of years we have had calls from the Liberal Party and The Nationals for an independent commission against corruption (ICAC). They did not go to last election on that issue, but they are making it an issue now. However, the Ombudsman has greater powers that an ICAC. That is why it is important that he investigate Bass Coast Shire Council. It is the Brimbank council of the south-east — it is rotten to the core. It is full of Liberal Party members and operatives who took the dirty, rotten deals and the dirty lucre of developers to make sure that the rezoning occurred at San Remo. The Ombudsman needs to clean up this disgraceful situation of the Liberal Party having its grubby hands in this mire. The Ombudsman investigates these matters without fear or favour and reports to this Parliament, not to a star chamber. The Ombudsman is an independent investigatory officer of the Parliament.

The Liberals have form with regard to these types of land deals. The Gowans report detailed the land dealings of the mid to late 1970s and the corruption within the Liberal government around the cabinet table. That is the form the Liberals have with regard to these dealings. The Ombudsman should investigate these new Liberal Party land dealings.

Aung San Suu Kyi

Mr NARDELLA — I grieve for Aung San Suu Kyi, who has been detained for a further 18 months in Burma. It is an absolute disgrace. The army generals have done this to her based on the ludicrous situation that somebody swam to her home. It is just outrageous. The world should come down hard on the Burmese junta.

Rebiya Kadeer

Mr NARDELLA — I also want to congratulate Rebiya Kadeer, whom I hosted in this Parliament last Friday and who is standing up for her people, the Uighur people, in their efforts to gain their independence from the Chinese communist regime and for their human rights. She is a very brave woman, and despite all the pressure applied by the Chinese communist regime she is still out there doing the right thing.

Crime: Evelyn electorate

Mrs FYFFE (Evelyn) — I rise today to grieve for the residents of Mooroolbark and Mount Evelyn, who are living in fear for their safety. Having recently conducted a survey on law and order, it has become abundantly clear to me that the residents of Mooroolbark and Mount Evelyn do not feel safe on trains, on their local streets, at shopping centres or in their homes. After asking residents if they felt safer in the Yarra Valley now than 10 years ago, 48 people said yes and, by contrast, 472 said no. When asked if they believed the police have adequate powers of enforcement, 144 said yes and 391 said no. When asked if they believed police numbers are meeting the needs of the Yarra Valley, 56 said yes and 469 said no. Shifting the attention to justice issues, when residents were asked if they felt legislated sentences were adequate, 59 said yes and 474 said no. When they were asked if sentences for first-time offenders were strong enough, 68 people said yes and 456 said no.

At the heart of these answers are assessments the public is making about the level of resources this Labor government is investing in law and order to support both our police force and our justice system. The public perception is that the government is failing on all counts. A *Herald Sun* article of 9 August headed 'New police statistics show rising violence but less crime' reports that statistics from the law enforcement assistance program database extracted on 18 July 2009 show that crime has fallen by 1.7 per cent over the previous year for a total drop of 25.5 per cent since 2000–01. However, the summary of offences recorded for the Yarra Ranges shows that between 2007–08 and 2008–09 crime against property was up 1.9 per cent and other crimes were up 5 per cent; aggravated burglary was up; deception was up by 100 per cent; motor vehicle theft was up by 34.7 per cent; harassment was up by 211.1 per cent; and inappropriate behaviour in public had also increased.

The categories of crime I am quoting here are not petty crimes. These are serious and violent crimes, and they are on the rise in the Yarra Ranges. The government has promised that an extra 120 police will hit the streets soon to reclaim Melbourne streets from the violent thugs we have all been reading about in the newspapers. We are told the recruitment drive will commence immediately. But this is not going to help in the Yarra Valley. In the Yarra Ranges it seems that violence for some young people is just another way to pass the time. Whether fuelled by alcohol, drugs, peer pressure, youth codes of aggression or bad parenting, one thing is certain about this violence: it has the community worried.

I will now quote from some of the handwritten comments that were put on the surveys I received from residents:

> I … am kept up every night by hoons doing burnouts … every 15 to 30 minutes of every day and night … I have four kids and … one is under five …I have rung the police and begged them to increase patrols —

but they have not got enough people. The resident continued:

> … they say 'Get the numberplate and report it'.

It is actually physically impossible to do that. The resident wrote that he had moved to the area for peace and quiet and to be in a semirural area. He went on to say that:

> I would not have bought this house in this area. Please help …

He also wrote that he will move as he has had enough and that law and order is a problem.

Another resident wrote:

> 'Victoria — the place to be bashed'. That is the new slogan for numberplates locals have come up with … We moved from Balwyn … 24 months ago. Since that time we have called police around 48 times.

She has experienced many instances of damage, graffiti and violence, including:

> … a rock thrown through our front window where our children sleep.

She called the police; they could not come — they did not have a car.

On another survey, a resident wrote:

> I am a current serving member of the police force. Penalties imposed by courts are a joke. Sentencing of young offenders does not deter them, in fact they laugh over it. More police are required to serve our community. An overhaul is required for our legal system.

Another survey response states that people who commit fraud:

> … are punished much harder than people who rape and bash children or the elderly. Money seems to have more value than people's lives.

One resident wrote on her survey form:

> There needs to be a police presence on the streets.

A further comment made by a resident was:

> The time that it takes police to respond to an issue is ridiculous. We had a suspected car theft … police … did not respond until 4 hours later.

Another resident wrote:

> At our last address in Mooroolbark myself and neighbours often called police. Their response — 'Just wait' …

The police had only one car for the whole Yarra Valley area.

Another resident wrote:

> I have seen drunks, druggos and violence and vandals on trains and have not felt safe many times.
>
> We just need more police …

A further resident wrote that the government must put money into more members, more technology, more motor vehicles and more closed circuit TV cameras, and:

> It is crooks and hoons who run Mooroolbark — not the police.

Another resident wrote:

> On many occasions when I have called the police … the response is they are unable to dispatch a patrol car, that they are too busy.

We received another survey form on which the resident called for 'more police on the beat' and stated that:

> Current policy seems to be having police more concerned about errant road users than the undisciplined youth running around destroying private and public property …

A resident called for 'more police presence' to make 'the community more confident to go out in public and enjoy our facilities'. That same resident went on to call for 'stronger consequences for people's bad actions'.

Another resident called for 'police spending more time actively discouraging antisocial behaviour'. The lack of police vehicles and the lack of street presence was highlighted in another comment.

Another resident wrote:

> … the police force is not respected properly by the public and not supported by the courts. The escalating violence and petty crime is a direct result of there being no deterrent in the legal system for offenders. Many of the sentences handed down by the courts are a joke and an insult to the community at large.

On another survey form a resident wrote:

> The considerable increase in violent crimes is causing extreme concern both to me and amongst our law-abiding citizens both young and old. I would ask that you speak out on our behalf.

Acting Speaker, I am speaking out now on their behalf. I quote from another form which states:

> The judiciary are totally out of touch with the public's expectations on sentencing offenders, and the community-based orders handed out to offenders are a joke.

One resident is concerned for her husband, and wrote:

> My husband attends the footy, and I don't like him to get the train home because it's so dangerous.
>
> I find it embarrassing that I live on such a dangerous train line.

Another resident referred to 'drug addicts loitering, drinking in Main Street, Lilydale'. A further resident wrote:

> I witnessed a brawl at Lilydale station over one beer can and was shocked and frightened at the brutality. The police took forever to attend and didn't do anything.

One resident wrote:

> The government has a clear duty to protect citizens from the use of force and loss or damage of property.

Another one wrote:

> I have called the police when I had someone in my backyard and was told the police were attending South Oakleigh and Belgrave and were not available.

A further comment by a resident was:

> I have lived in the area for 35 years, and I feel that the area is a haven for vandalism … What most worries me is that myself and family do not feel at ease going about our business because of the possibility of being accosted or even assaulted …

Another resident wrote that 'streets are unsafe for teenagers to walk after dark'. And on and on it goes.

Many of them are concerned, and what is very concerning is that many of the elderly people living in these areas are feeling that they must stay in their homes at night and that they are not safe leaving their houses.

A further resident wrote:

> Hooligans yelling and breaking and tearing of property … groups of 20 and up drunk, breaking lights et cetera … Try ringing police; they don't want to come out. I do understand their position, but we have been in our house 25 years and we are getting older. What's going to happen in a few years?

Another resident wrote that they had had a bad experience on a train and will not travel alone again, while yet another resident wrote:

> Now people know our laws are lenient and the police have their hands tied as there are too many rules for them to adhere to. We need more police.

And on and on it goes.

I have another form on which someone has written:

> I am a war veteran and was returning to Mooroolbark station on Anzac Day two years ago.
>
> I was asked for money by three young hoons. I refused, and it looked like I was in trouble. Fortunately I am reasonably fit and active for my age — 71 years.
>
> I was lucky enough to deliver the first blow and knocked one of the hoons to the ground. His two brave companions took off …
>
> My wife reported the incident to the police and was told my experience was fairly common.

That was a 71-year-old man having to defend himself.

Another resident wrote that:

> I can't park my car outside my house (and my car is 25 years old, not some new, flash, smart car) … Not having a garage, I have to park three doors down the street …

And yet another resident wrote that they have lived in the area for more than 30 years but just do not feel safe. On and on it goes, and we are receiving more of these every day. These are ordinary law-abiding people who are not feeling safe in their homes. I grieve for them. I grieve desperately that we have people in a suburb such as Mooroolbark and a suburb such as Mount Evelyn who are too scared to go out at night.

Bushfires: preparedness

Mrs FYFFE — On another matter, Acting Speaker, I am very concerned about the forthcoming bushfire season. I attended a Department of Sustainability and Environment public briefing at Healesville last week. Briefings were held in Warburton, Healesville and Yarra Junction. The staff in attendance at the briefings were professional and very courteous, but I left with a great feeling of unease. The consultation process is giving residents the opportunity to comment, make suggestions or ask questions before the draft plan is finalised. The consultation period commenced on 1 August; it closes on 28 August. I urge residents to take a look at the plans to determine whether they feel the proposal will provide them with adequate protection.

After leaving that meeting and after studying the maps that were provided — and this is a draft plan — I went back and researched all the comments and recommendations going back to 1939. In 1939 Judge Leonard Stretton, the royal commissioner investigating the Black Friday fires, said about controlled burning that the amount of controlled burning which was done was ridiculously inadequate. The Bushfire Review Committee inquiring into the 1983 Ash Wednesday fires said that the amount of fuel reduction burning was 'too low'. The 1992 Auditor-General's report on fire prevention says:

> The failure of the department to achieve its planned fuel reduction burns each year has resulted in an increasing accumulation of fuel …

In 1994 CSIRO fire expert Phil Cheney said 'observations of firefighters and wildfire case histories have convinced royal commissions, committees of inquiry and coroners that fuel reduction, by prescribed burning, is an essential component of fire management'. And on and on we go.

In 2008 the all-party Environment and Natural Resources Committee that both you and I are members of, Acting Speaker, said that in order to enhance the protection of community and ecological access the Department of Sustainability and Environment should increase its annual prescribed burning target from 130 000 hectares to 385 000 hectares.

Going back to this draft fire plan, which I have studied in great detail, and looking at the burns that are planned for this forthcoming 2009–10 season and the burns for the following seasons, I am very concerned and so are other people. On this map there are no burns listed for either side of Mount Donna Buang. What is the rationale for not burning the back of Mount Donna Buang? It has not burnt since the 1939 fires, and heaven help us should a fire start there and come over the hills down into Warburton, Millgrove and Wesburn, because nothing will stop it.

I acknowledge that the south side of Mount Donna Buang could be difficult to burn, but are there plans for other fuel reduction? Are there going to be firebreaks to protect the residents in the townships? The government must — and it has to be done this spring — conduct enough fuel burns to put firebreaks in place and reduce the intensity of any bushfire area around the townships of Warburton, Warburton East, McMahons Creek, Millgrove, Wesburn, Gilderoy, Gladysdale, Hoddles Creek, Powelltown, Gruyere and all the settlements in between and around the towns.

Sadly, despite all the advice given over all the years — and some of it, not all, I have quoted — the focus seems to be more on the protection of flora and fauna than of lives. Another intense fire season is predicted, and if firebreaks are not prepared in time for this coming season, there will not be any flora and fauna left in these areas to protect.

An Australian Associated Press news article reported that the government had announced it is going to increase the number of firefighters on the ground and start them earlier, so 50 more are coming on and they are starting four weeks earlier. That is good. I am glad it is doing that, but it is no use if we are not going to put firebreaks around the townships. There is a large burn planned near Upper Yarra Reservoir to protect Melbourne's water, and I agree with that.

I know that we cannot burn everywhere and that mosaic burns may appeal far more, but we have to burn to protect the townships, otherwise we are going to have a far worse disaster than we had this year. It is absolutely ridiculous when all the evidence, all the reports, all the inquiries say that the best way to reduce the impact of

bushfires is to reduce the fuel load on the forest floor before the fire season comes. We do not have long. It is coming very quickly, and it is only a matter of months now before we hit the fire danger season. The window of opportunity is limited, and if the government does not grab the opportunity, the lives that are lost will be on its head.

Housing: Moorabbin

Ms MUNT (Mordialloc) — I stand here today as the product of a long line of Australian generations and the mother of a further generation. My grandfather fought for our country in two wars; he put his age up to fight in the Boer War and then down to fight in the First World War. Patrick O'Connell's name is written in the Shrine of Remembrance, and he is buried with our other past servicemen and women in the armed forces section of the Springvale cemetery.

He returned from the wars to farm outside Swan Hill on a barren piece of Murray scrub. My father, Stanley O'Connell, was the first baby born after the end of the First World War in the Swan Hill hospital. In time he had eight brothers and sisters. Patrick and his wife toiled on this land and began to raise their family of nine children. Patrick, however, was severely injured in those wars and returned as a terminally ill man.

When the children were small he died of his war injuries. His wife was left with nine young children to care for and a small plot of Murray scrub to work to make a living. She buckled under this workload contracted tuberculosis, and when my father was eight years old she also died, leaving nine young orphans to fend for themselves.

My father took his two younger brothers and lived in the bush, catching rabbits and trying to keep going to school. Eventually, however, they were thrown out of school because they had no shoes, no uniform and no money. Legacy stepped in and saved them, and for that we will be eternally grateful.

Though now desperately poor, my father tried to stay at school with the two other little boys. Time passed, he met my mother and they came to Melbourne to work and study. With two little children of their own, they came to Highett and rented a housing commission house. When they were offered the opportunity to buy their little house in Henry Street, Highett, they took it. When I was at university I went to the housing commission office in Hampton to make the final payment. After a lifetime of hard work and struggle we owned something. We had our security, we owned a home and we were very proud.

The community in Highett where I grew up was a housing commission community. These people were hard working, honest and good, as was my family, and that is why I take such deep offence at the current appalling campaign by local Liberals against the new social housing to be built in our area. On behalf of my family, friends and community I must speak out. My grandfather fought and died for our freedom, our country and his family so that new arrivals and those who need a hand could be supported and become great citizens of our country.

This is what the local Liberals are writing in our papers regarding a new social housing development in Moorabbin. On Wednesday, 8 July, an article written by Stephen Hartney of Highett, a Liberal candidate in the last state election, appeared in the *Mordialloc Chelsea Leader*. The article stated:

> Kingston council has approved a permit to have a seven-storey, 72-unit, low-cost social housing development constructed in the 'air space' next to the old Moorabbin town hall, on the corner of the Nepean Highway and South Road.
>
> This development will primarily be for no-income and low-income earners in the Kingston municipality.
>
> All councillors approved the permit with the exception of Cr Paul Peulich and Cr Ron Brownlees.
>
> The development will house about 150 people.
>
> It will give residents only 10 metres by 10 metres of a shared communal area and minimal parking.
>
> There were objections to the permit, of course, mainly from local shopkeepers; there are not many nearby residents.
>
> Everyone knows about the traffic chaos in the area.
>
> Why on earth would you allow a large and highly concentrated social housing development like this on such a chaotic corner?

This is the part at which I take offence:

> I guarantee you that if this project proceeds as planned, in 10 years it will be a slum.

Another article in the *Moorabbin Glen Eira Leader* on 22 July said in part:

> The most recent decision to fast-track 72 affordable housing dwellings at the back of the Kingston town hall is a decision I opposed because of a chronic shortage of parking and inadequate open space.
>
> In my opinion it undermines an important community facility, paid for by ratepayers.
>
> Worse still, this decision means a lost opportunity to develop something visionary for the Moorabbin precinct.

> More affordable housing is required but more suitable locations need to be identified in advance rather than on the run.
>
> The consequences of this planning mess are now so immense that it will take a magician to unscramble the omelette and many millions of dollars to fix.
>
> Cr Paul Peulich
> North ward councillor
> City of Kingston.

Mr Wynne interjected.

Ms MUNT — Cr Paul Peulich, Kingston council.

The ACTING SPEAKER (**Mr Ingram**) — Order! The minister should not interject, and the member should not respond to interjections.

Ms MUNT — Contrast this with a letter from Noel Pullen, a former member for Higinbotham Province in the upper house, also to the local paper, which states:

> It does not surprise me that two well-known Liberals, Stephen Hartney and Paul Peulich, would attack the proposal to build much-needed housing on the car park at the back of the Kingston City Hall — *Moorabbin Leader*, 8 July 2009.
>
> Mr Hartney mentions social housing twice in his letter and claims that in 10 years time it will be a slum, and Mr Peulich calls it public housing three times in his letter.
>
> One wonders if these two would have written to your newspapers if this much-needed housing was not social housing or public housing — or, as it was called in the old days, housing commission — if it was to be a private development for higher income earners and not social housing clients. I doubt it.
>
> As a proud product of the housing commission area of Hampton — built by a state Labor government in the 1950s — and a former state Labor member of Parliament that covered this area, one would have thought that these Liberals would have voiced their concerns about housing to the former Howard Liberal-National government.
>
> That government cut billions of dollars from state housing agreements, and the Rudd and state Labor governments are working in partnership to assist these decent people who are in desperate need of housing that was ignored by the Howard government over its 11 destructive years in office.

This is a concerted campaign by the local Liberals. The Moorabbin social housing development is part of a $6.4 billion package for new social housing from the federal government, with $1.5 billion allocated for Victoria.

This massive infusion of funding is necessary for two main reasons: firstly, it is part of the national stimulus package designed to buffer our economy and protect jobs during the global financial crisis; secondly, it is vital to reinvest in social housing to address homelessness and disadvantage following 10 years of paltry funding from the former Howard federal government. There is a lot of ground to make up.

Also vital is the need to address housing affordability. Rental market costs have increased dramatically in recent years, forcing vulnerable Victorians out of the private market or imposing terrible strains on household budgets. Private rental vacancies in Melbourne are currently running at a rate of 1.4 per cent, which is basically changeover rate and reflects a zero vacancy rate in real terms. In my local area these stresses are magnified. Private rental is expensive — if you can find it. Local social housing waiting lists are long, and homelessness exists. The state and federal government are now working together to address these issues and give people the dignity of a safe roof over their heads.

I recall getting a call a few months ago from our local press asking for my response to a press release from the Liberals. The press release asked what our government was doing to help people cope with the rising local rental prices. Now of course with this massive investment and provision of additional housing in our area they come out to attack it. You really cannot win. What hypocrisy — 'Housing, but not in our backyard'!

The Moorabbin development will comprise 76 one and two-bedroom units. It is a partnership with the Port Phillip Housing Association; it will provide a mix of accommodation for low-income earners and people with special needs, such as mothers caring for children with disabilities. I have these people come into my office asking for assistance: single mums who can no longer afford private rental, who are caring for their disabled child; older people on pensions who can no longer afford private rental, who need a hand in their advancing years; and people who want to stay in our local area, close to family, friends and support networks. These are the people we will be helping — people who are real people, not people who will turn accommodation into slums. I find that offensive. What a shameful thing it was for the Liberals to say that that will be the case. This development is next to a train station, close to shops and next to a bus stop. It is also close by Holmesglen TAFE, for those who wish to study. It is federal money that has gone through the proper planning processes of Kingston City Council.

Mr Wynne — Exactly! Say that again.

Ms MUNT — Proper planning processes! Kingston City Council officers recommended this development and put the proposal to council; it was voted on by the councillors and went through the normal planning processes — due processes. It was not fast-tracked; it

was not in any way different from many other planning processes that go through Kingston council. I commend Kingston council for voting for this development and putting it in place.

Finally, I would like to repeat the words of Inga Peulich, a member for South Eastern Metropolitan Region in the other place. On the 6 May last year she said:

> However, I am aware that there may be some political opportunism here and that some of those large clusters of social housing units may be perched in politically sensitive electorates which need a couple of hundred votes to prop them up here and there …
>
> … I seek an assurance that —

the minister —

> will set aside any partisan interest, any political benefit that may arise as a result of these large multistorey developments of social housing, where they may be perched in inappropriate sites, in electorates where a couple of hundred voters sympathetic to the Labor Party may give significant benefit at elections.

I stand here as a proud graduate of social housing in Highett and as the member for Mordialloc, a marginal electorate held by the government, where not one of these new social housing apartments will be located. Political opportunism from me? No. Doing what is right? Yes. I commend the federal government, Kingston City Council, the state government and the minister for putting in place this much-needed development in our local area to help those people who need it most.

Minister for Mental Health: performance

Ms WOOLDRIDGE (Doncaster) — I rise to grieve for people with a mental illness who are unable to access care unless they are in crisis. I grieve for people with a disability and their carers who wonder if they will ever get accommodation or even some respite care. I grieve for abused and neglected children who are repeatedly bounced around in the government's out-of-home care. I grieve for the state of mental health and community services under the Brumby government and particularly under the responsible minister, the Minister for Mental Health and Minister for Community Services.

I want to look at the state of inaction of the government and the minister in each of these areas, and in many cases at the state of denial. I want to cover the facts, I want to cover what the media and community say and then I want to cover the perspective of the minister and the government. To start I will read an interesting quote from the Minister for Mental Health reported in *Hansard* in February 2008 when she said:

> Within my own portfolio areas of responsibility much has been achieved …

That sets the tone for her beliefs and for her lack of recognition of the failures within her area of responsibility. We see again and again that there is something very wrong with child protection, mental health, disability and drug and alcohol services, and the government not taking the action needed to change the outcomes for these individuals and families.

I will start with child protection. The facts are that every year nearly 6500 cases of child abuse are substantiated in Victoria, and on any one day around 5000 young people need to be accommodated in some form of out-of-home care — and the numbers are increasing. The number of children in out-of-home care in Victoria has increased by 25 per cent over the last three years and by nearly 50 per cent over the decade of this government. During Labor's time in office Victoria has gone from spending the most to spending the least of any state or territory government on our children in child protection and out-of-home care.

What do we read in the headlines? They say: 'Premier admits system failed critically ill toddler'; 'Inquiry on child security rejected'; 'Children overload'. The last headline is in today's *Age*. What do we hear from the minister? She says, 'Victoria has one of the best child protection systems in the world'. The minister said that only days before admitting it is unacceptable that caseworkers have not been allocated to 2000 at-risk and abused children. The reality is that we have seen the Premier having to come to the minister's rescue. He has had to express his confidence in her and deny the allegations that she is not doing her job. He has also had to say that he is going to work closely with the minister to personally examine the recommendations of the inquiries. I would have thought that a Premier who had confidence in his minister would let her take responsibility for the job she has been given.

What do we see in the child protection workforce? Almost one in every four front-line professional staff members leave child protection each year. The union that represents child protection workers says the caseload is far too high, and in some instances workers are managing up to 25 cases at a time. Despite the load and because of the lack of workers, 2000 children have not been allocated a case manager, as I mentioned.

The minister flew business class to the United Kingdom, racking up a $52 000 bill in an attempt to recruit more workers. That is a clear admission this

government has failed repeatedly over years to address the recruitment and retention of child protection workers in Victoria. We have seen a headline stating 'State child protection workers overburdened'. The minister has plenty of empathy. She says it is a difficult and stressful job, but there have been no comments about how the government is going to fix the system that she has known about for years and the government has known about for its entire time in office.

Foster care is another area. Over the last four years Victoria has lost half of its foster carers. By contrast, there has been a 25 per cent increase in the number of children needing that sort of care. The headlines we see in the media include 'Foster carousel harming children' and 'Children in need, but care is scarce — shortfall in foster places, but demand keeps rising'.

The fact is that 43 per cent of 17-year-olds in out-of-home care are not attending school. That contrasts with 22 per cent of 17-year-olds overall. In 2007–08 more than 100 children left state care having had at least six carers in either foster care, residential care or with a relative. Of those 100 children, 27 moved between 11 or more care placements over several years. Of the more than 900 children who left state care in that year, about one-third had three or more placements, and some had been in the child protection system for less than six months.

Bernie Geary, who is the child safety commissioner, said that constantly moving was a form of 'retraumatisation' for these poor abused and neglected children, and he pointed out that the system was too reactive. Headlines in the media include: 'State children being "retraumatised"'; '100 children a night in temporary digs really is an emergency'; and 'Children in care miss out'. In response the minister selectively picked some data which states that the number of children with multiple placements who had been in child protection for less than five years was down on the previous year. That was her entire response to the fact that children are being retraumatised by moving through the system so much. Wonderfully, on the topic of multiple placement concerns, the minister's comment was, 'We have funded a foster care recruitment campaign'. She has an inability to deal with the issues and an inability to address what is happening in her own area.

I will turn to the area of disability and supported accommodation. Currently there are 2551 people with a disability waiting to access supported accommodation, community support and daytime activities immediately. Last year the Auditor-General found that the Brumby government had not invested in one new supported accommodation bed since 2003. Year in and year out the Office of the Public Advocate has found a shortage in accommodation options resulting in increasing numbers of young people with an intellectual disability or mental illness languishing in inappropriate accommodation.

Research by Deakin University found that almost one-third of carers are classed as severely or extremely severely depressed. Carers have the lowest level of health and wellbeing of any other group and a higher rate of disability or chronic illness. The headlines in the media include: 'Budget ignores carers plight'; 'Family carers "stretched to breaking point"'; and 'Drowning prompts care query — state accused of underfunding'.

The minister's response to carers who are worn out and desperate is that the number of people on the supported accommodation waiting list is 'trending down'. For the 1247 people who are still waiting for supported accommodation and who are identified as needing it now, trending down is not an answer. We need more action and we need more accommodation, and we are not getting it from this government.

What are we seeing in community service organisations across the board? The most recent budget provided a funding indexation of 3.14 per cent, 25 per cent less than the funding identified by the community sector as needed. In addition the government's disability pricing review, undertaken by PricewaterhouseCoopers but not yet released, apparently states that the sector is currently underfunded by more than $50 million. The peak group, National Disability Services (NDS), has confirmed that the disability sector is unable to continue to survive on this price indexation. The peak body in disability services says that this budget undermines the survival and future sustainability of disability organisations. The Victorian Council of Social Service says that 7 out of 10 organisations are turning away clients due to a lack of funding. While NDS is launching a major campaign highlighting that disability organisations may have to lay off staff or close, the minister says, 'The figure of 3.14 going forward is a good outcome'. The minister is disconnected from the reality of what is happening in the community sector.

Let us have a look at mental health. What we have seen is a minister who relies on expenditure as a measure of success rather than the outcomes or the impact associated with that expenditure. The minister keeps saying that the government has increased spending on mental health by 108 per cent. The fact is that during Labor's time in office Victoria has plummeted from first to sixth in terms of state government per capita investment in mental health in any one year. Over

50 per cent of Victorians with a mental illness get no access to the care they need. They are not able to get access via emergency departments. People are unable to get community-based care so they try to access care via hospital emergency departments and many of them wait for hours.

Forty-six per cent of mental health inpatient beds are blocked because of chronic shortages in discharge options. A third of people are not receiving community care after they leave hospital so they are admitted again. The Victorian government performance indicators show that Victoria's mental health system is failing all but one of the government's performance targets for adult acute services.

What are the headlines? They are: 'Government blamed for mental health services shortfall', 'Mental health system buckles', 'Government falls short on mental health care', 'Mental care failing more patients', 'Neglect hits mentally ill', 'Reports say state accused of failing to act' and 'A cry for help goes unanswered'. What we hear from the minister is that the government has increased spending, but unfortunately the reality is that investment in mental health services by this government has resulted in Victoria dropping from first to sixth among all state and territories.

The minister also said:

> Victoria is now acknowledged as having one of the best mental health systems in Australia.

Not too long after that the Minister for Mental Health admitted that too many people are 'falling through the gaps' and that mental health services are 'crisis driven'.

What we have heard more recently and very concerningly from the coroner is the admission that there is a crisis in mental health accommodation. The coroner said:

> ... the availability of accommodation for persons suffering from compromised mental health was and still is unsatisfactory at all levels.

Forty-two per cent of people with a mental illness live in insecure and unsafe housing such as rooming houses. In supported residential services set up for people who are frail aged, we find that 62 per cent of them have a mental illness and many of them are well under the age of 65. Of the 4000 Victorians who are homeless each night, one in three has a mental illness.

These are the headlines we see: 'Victoria's mental health system "in crisis": coroner', 'Killing highlights a system "in crisis"', 'Beds run out for mentally ill: patients sleeping in motel rooms'. What we have heard from the minister is:

> … we know that meeting the accommodation needs of people with a mental illness is absolutely crucial in assisting their recovery.

I am sorry, but the minister's stating of the obvious is not good enough. We need action and outcomes.

Drug and alcohol is another area where this minister has failed to act. We know that harms have increased under this government. We know that nearly two-thirds of 18 to 20-year-olds binge drink, and a further third of 14 to 17-year-olds binge drink as well. The number of 16 to 25-year-olds with alcohol-related brain injury has increased fivefold in Melbourne over the last decade. Treatment services are stretched to breaking point. The Salvation Army, one of Victoria's largest service providers, says the system is 50 per cent under capacity, and waiting times have blown out to years. We have a number of recorded cases of people who have died while awaiting access to a bed. This is particularly so in country Victoria.

What are the headlines? They are: 'Alcohol victims die on waiting list for help', 'Alcohol treatment swamped', 'Brumby ignores advice on big booze stores', 'Alarming increase in alcohol abuse' and 'Rehab funding slashed'. But what do we have from the minister? We have drug, alcohol and amphetamine strategies released but completely unfunded. She has also said:

> For supported treatment, waiting times are now less than one day. We have a strong record in this area …

The reality is that the evidence is overwhelming; it seems to be incredibly obvious to everyone but the minister herself. Even the Premier is stepping in to oversee child protection so that he knows it can be dealt with competently — and, as I have said, he has had to confirm his confidence in the minister.

Platitudes and generic statements are not enough. Comments about increasing spending are not enough. We need to know if things are changing fundamentally for individuals and families and whether the outcomes for those people who are relying on community and mental health services will actually be any different for their future.

Vulnerable people deserve better than a minister who believes her own rhetoric and platitudes and fails to see beyond the departmental briefing. She needs to look through to the individuals, families and carers who are crying out for better support. As Victorians grieve for their lack of support under this government on a

day-to-day, week-to-week, month-to-month, year-to-year basis, I grieve for the lack of leadership, I grieve for the lack of decisive action and I grieve for the failure to improve outcomes for individuals, families and communities from the Minister for Mental Health and Minister for Community Services.

Opposition: performance

Ms RICHARDSON (Northcote) — Today I grieve for the people of Victoria who have the right to be served by an effective, robust and hardworking opposition. Our democracy demands it and history tells us that stronger governments are in part born of it. Yet here in Victoria we have the exact opposite. Here Victorians are ineffectually served by a lame, lazy and incompetent opposition.

The reasons for this failure are many and varied and in truth we would need a great deal of time to detail them all. However, in the short time that I have available I would like to focus on the leadership — or, more specifically, the lack thereof — shown by the Leader of the Liberal Party, the member for Hawthorn, Ted Baillieu. It is not just the opinion polls that are reflecting his failure. The Leader of the Opposition's colleagues have ranked his performance so low that they are now even talking about replacing him with the Leader of The Nationals, the member for Gippsland South. That is right — somebody from another political party, a minor party in the coalition, is being considered to lead the opposition before the next state election.

This idea is being entertained in the minds of Liberal Party members because things have gotten so crook. On 19 July the *Herald Sun* reported that Liberal MPs refused to rule out the possibility of a member of The Nationals becoming Leader of the Opposition. The article says:

> Several Liberal MPs now believe they stand more chance of winning next year's state election under Mr Ryan than under Liberal Party leader Mr Baillieu.

Another Liberal MP is reported to have said:

> It's been discussed. But what does it say about us that we can't find a leader in our party room?

What does it say indeed! What would former Premier Henry Bolte say about a member of The Nationals leading the opposition in Victoria or about the failure of his own party to find a competent alternative — or even someone with ticker — to take Ted on? It is easy to read the faces of the opposition members during question time as the Leader of The Nationals gets to his feet. Two words sum up the expressions on their glum faces: what if? What if the once mighty Victorian Liberal Party no longer led the opposition in this state? What if Liberal Party members finally confronted what we all know to be the case — that they are simply not fit to lead Victorians anytime or anywhere in the near or distant future?

Why has it come to this? Why is the Liberal Party so incapable of being an effective opposition? The latest round of Liberal Party preselections showcased for us yet again why the Liberal Party opposition is so hopeless. The man who failed his party and all Victorians once again was the Leader of the Opposition. Rather than sponsoring and encouraging new talent in the state Parliament, he has done all he can to maintain the status quo. Members need only run their eyes over the list of shadow ministers and ask themselves whether they have the talent to actually run the government. Then they should ask whether the Liberals are entitled to be satisfied with the status quo.

The Leader of the Opposition has proudly proclaimed that he would steadfastly stand and protect any sitting member whose preselection was challenged, telling a special meeting of the parliamentary party early in June that any Liberal Party member of Parliament who was renominated would have his support. We all know his actions are not done out of loyalty to fellow MPs, and he has certainly not acted in the interests of all Victorians. The Leader of the Opposition has done this to shore up his own numbers in the party room to protect his hold on the leadership.

His actions are all the more deplorable when you consider the following statistics: nearly half the opposition members are over the age of 55 years. Compare that with Labor: less than a quarter of its members are over 55 years of age. If we have a look at the oldest quartile of MPs, we see that 56 per cent are opposition members, even though they make up only 30 per cent of the total number of state MPs. Not surprisingly, the opposition also holds the record for having the oldest member in this place. Not only can he tell you about life as an MP under John Cain, but he can also tell you about life as an MP under former premiers Lindsay Thompson and Rupert Hamer. Of course I am referring to the member for Murray Valley, the longest serving member of this Parliament after 33 years, being first elected in 1976.

Comparing the cabinet with the shadow cabinet reveals that the average age of Labor cabinet members is 48 years and the average age of opposition cabinet members is 52 years. The oldest cabinet member is 58; the youngest 35. In the opposition, the oldest shadow cabinet member is 64; the youngest 35. Facing the 2010 election campaign, four of the six oldest members of

Parliament will be opposition members. Any way you look at it, the fossils — or the Tedwood, as they are constantly referred to by members on all sides — are on one side of the house: the opposition side.

You would think that in the wake of worsening opinion polls, and given that the opposition is clearly struggling, the Leader of the Opposition would act to bring fresh blood into this place. You would think he would heed the calls of his local rank and file party members for renewal. You would think he would act once and for all in the interests of all Victorians and deliver a parliamentary team that is able to call itself an effective and competent opposition, but he has not.

Members will remember he squibbed it at the last round of state preselections, too. Just three new faces were paraded into this place as the new talent for state Parliament — just 3 out of 38 faces. The member for Doncaster, who I am pleased to see is in the house to hear this, the member for Malvern and the opposition's Northern Metropolitan Region member in the Council have all been named as future leaders — God help us! One of the three new faces is not even a member of this place. He could not win a preselection to contest an Assembly seat if he sought to do so. Unbelievably that same low number — three — was the same number of members brought back to life under the watch of the Leader of the Opposition. The member for Evelyn and Liberal Party members for Western Metropolitan Region and South Eastern Metropolitan Region in the Council were all rejected by the voters at an election, but they were all brought back by the Liberal machine.

What can be said about a party that has to recycle MPs who have been spat out by the voters? What can be said about a leader who stands by and lets this happen? But worse was to come. You would not think it possible, but the Leader of the Opposition has ensured that this round of Liberal preselection outcomes is even worse for the Liberals than the last. In spite of the obvious need for renewal, only one Liberal-held seat will offer a fresh face to the state Parliament. Ted did all that he could to convince the 65-year-old to stay put for another term in order to block a rival from the Kroger faction from entering state Parliament — namely, David Southwick. The member for Caulfield's retirement has not brought on a reshuffle of the shadow cabinet, and looking at the back bench I guess it is easy to understand why. This was the Leader of the Opposition's chance to show some real leadership. Instead he chose to act in his own interests, rather than to provide an effective and competent opposition. In short, he acted to keep his factional rivals from the Kroger-Costello camp, who are keen to see the back of him, out of state Parliament.

There was some promise of renewal before Ted stepped in to snuff it out. There was talk of a challenge in Scoresby. The 17 years served by the member for Scoresby have clearly taught him little as he flounders about as shadow Treasurer. This challenge was foiled by the Leader of the Opposition.

There was also speculation about a challenge to the member for Kew by Kelly O'Dwyer. She made no secret of the fact that she wanted to take a tilt at a state parliamentary seat rather than a federal one, but she of course has ended up in Higgins and is running a mile from the Leader of the Opposition. She is about to prove once and for all that in this climate it is far easier to get into federal Parliament than it is to get a state seat under the Leader of the Opposition. Even David Kemp's reforms, which gave such huge hope to Liberal Party members that they would have a greater say against their factional bosses, are useless in the wake of a man determined to maintain his grip on the leadership of the state Liberal Party. The only challenge left is the one against the member for Sandringham.

In short, the Leader of the Opposition's strategy is very simple: it is to keep the Kroger-Costello faction members out, for they are the first who want to see the back of him; and if people such as their Northern Metropolitan Region member or the member for Malvern do make a move, then it is to make sure that every conceivable obstacle is put in their path.

The Leader of the Opposition's failure is all the more apparent when you consider the number of turnovers in Liberal federal seats. Wannon, Corangamite, Aston, Higgins and Kooyong were all contested preselections for the Liberal Party. Instead of learning by example, the member for Hawthorn even chose to play his factional games in the federal round of preselections, doing all that he could, for example, to shore up support for his factional candidate, John Pesutto. Why did he fight this battle tooth and nail? Because his powerbase was under threat. In a major blow to the Leader of the Opposition, he failed to secure the seat for his mate and instead, Josh Frydenberg won preselection for Kooyong — much to the delight of the Leader of the Opposition's factional enemies.

The Leader of the Opposition's engagement in this latest Liberal factional stoush tells much about why the opposition is such a rabble. Not only obsessed with maintaining his numbers in the state Parliament, the member for Hawthorn is also obsessed with maintaining his numbers in Kooyong. His day job — working on behalf of all Victorians — is put to one side yet again so that he can pursue his factional enemies and all who dare to suggest that he should step aside.

The member for Hawthorn did prevail in Kew but, as I said, he lost in Kooyong, much to the delight of his factional enemies. No doubt there is a bit of backslapping going on in the Kroger-Costello camp over all this, but there is some good news for the member for Hawthorn if not for the Liberal Party. History tells us that Messrs Kroger and Costello have much more in common than being factional allies and enemies of the member for Hawthorn. Mr Costello will forever be remembered as the man with no ticker, but history tells us that Michael Kroger is actually no different. It is why Mr Kroger plays his factional games, damaging the Liberal Party's chances of ever winning government, while never stepping up to the plate and taking on a preselection contest himself. He is always touted as the Liberal Party's next great thing — offered this seat and then that seat — and people were sure he would run for preselection for Higgins this time around. But he has turned his back on this option once again.

Liberals are right to ask, 'Why is he gun shy?'. I have an explanation, and it is as simple as this: it is because he has fought for preselection once before and failed spectacularly. The preselection contest for the state seat of Malvern prior to the 1982 election was fiercely contested by those who liked to describe themselves as 'Pure talent'. Michael Kroger was part of the self-appointed cream of that star-studded field. He faced one significant hurdle though, and it was one that Liberal Party members do not like highlighted. It was that there was another candidate, whose family connections would ensure that Michael Kroger, along with the other self-proclaimed stars, was rejected. He was a candidate whose wife and father-in-law would ensure that he would succeed through their manipulation of the Liberal Party membership and whose success would leave Kroger forever gun shy.

Who was that giant slayer? None other than Geoff Leigh. Sadly for Geoff, the Liberal Party numbers swung against him when he upset his wife and most significantly her dad and his numbers. He was sent packing to Mordialloc, from where he was later again sent packing by the outstanding current Labor member for Mordialloc, Janice Munt.

As for Michael Kroger, his refusal to get his hands dirty ever again has not stopped him from continuing to want to run the Liberal Party from the outside. Having not nominated in Higgins, he strongarmed others into not nominating so that Kelly O'Dwyer could have a virtually uncontested run. Now he is causing increasing angst inside Liberal Party ranks by trying to extend his tentacles from Higgins to Wannon to influence the outcome there.

This constant obsession with the internal workings of the Liberal Party, the infighting and factional stoushes that are dominating the Liberal Party are all evidence of the fact that the Liberal Party is simply bereft. It explains why it is such an incompetent opposition and unwilling to deal with the challenges facing Victoria or working families.

It is why, at the Liberal Party state council, the Leader of the Opposition announced he was going to recycle the Guilty Party tag that failed so miserably at the 2002 state election. As reported in the *Age* of 31 May, his campaign 'is politically unwise and smacks of desperation'.

The internal machinations within the Liberal Party and the inability of the member for Hawthorn to demonstrate his leadership, despite the length of time he now has been the Leader of the Opposition, demonstrate why the people of Victoria regard him with contempt, why the Liberals are unfit to govern and why all Victorians suffer as a consequence.

Comments reported as having been made by the retiring member for Caulfield sum up the parlous state of the opposition. She said her exit set the scene for a potential rejuvenation of the state opposition. Rejuvenation? How can this be so? How can one new face in this place be considered to be rejuvenation? Are her standards and the standards of the Liberal Party so low that one new member can represent rejuvenation? She was at her local Liberal Party branches saying, 'I am comfortable with the notion of generational change'. It is great that she is comfortable, but why is she not demanding more of her party? Why is she not demanding more of her leader and more on behalf of every Victorian? Why is she not demanding that the party deliver to Victorians the opposition they deserve, the opposition they have so clearly failed to receive under the leadership of the member for Hawthorn, Ted Baillieu?

Question agreed to.

STATEMENTS ON REPORTS

Drugs and Crime Prevention Committee: strategies to prevent high-volume offending and recidivism by young people

Mr NOONAN (Williamstown) — I am very pleased to have the opportunity to comment on the report of the Drugs and Crime Prevention Committee entitled *Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People*, which was

tabled in Parliament on 28 July. From the outset I congratulate the committee, which is chaired by the member for Essendon, on producing an outstanding report, and I thank the research staff for their exhaustive work.

As the chair said in her foreword:

> Most young people are good, sensible and lawful, and will grow into great adults.

She also said:

> However, for a minority of young people this is not the case. These young people often have had a troubled childhood; mental or intellectual disabilities; little education and, in some cases, a lack of adult mentors. This group is highly represented in the juvenile justice system.

This latter statement is not about creating excuses for young people who find themselves on the wrong side of the law but rather an acknowledgement that not all young people start life on an equal footing. Indeed, the committee heard from a number of teachers who indicated that they could pick children with behavioural problems from as early as grade prep.

But youth offending is a very challenging issue in this state. As the report details:

> Around one in five offenders apprehended by the police in 2007–08 were under the age of 18 years.

Of those young people apprehended, about 60 per cent had already been apprehended at least once before in that year. Clearly, these statistics demonstrate a pattern of reoffending. The strength of this report and its 41 well-considered recommendations is that it rightly focuses on the end result of youth offending and reoffending but also broadens the agenda to explore avoidance measures that may help better support children, youth and families.

The report does not advocate a one-size-fits-all approach. On the contrary, what it says is that reducing youth offending and reoffending requires an all-of-community response, incorporating the government, community agencies, the private sector, schools, parents and young people. This statement really underlies each of the principles and carefully considered recommendations in the report.

Back in 2005, before I was a member of Parliament, I had a unique opportunity to participate in the Williamson community leadership program with 35 other participants. During that year our group met Judge Jennifer Coate, then the Chief Justice of the Children's Court, who described the personal pain she experienced daily in working with young people involved in crime. She described situations of shattered family environments and generational unemployment and spoke of 90 per cent of the young people she saw in her court being disconnected from four things: family, education, employment and community.

Jennifer challenged us as a group to think about how the community could play a more active role in the rehabilitation of young people involved in crime. As it happened, one of the participants in the 2005 group was Matt Feutrill, a general manager with the YMCA. I am pleased that Matt is here today in the gallery. Matt explained that the YMCA had been working with young people in the youth justice system for about 15 years. He, too, expressed his personal frustration at the high level of reoffending among young people.

Just as the report suggests, our group formed the view that this was indeed a community issue. And so was born the YMCA Bridge Project, for which I was fortunate to be elected the foundation chair. Since its inception in 2006 the YMCA Bridge Project has assisted more than 100 young people to make the transition from custody to the community. The project collaborates with the government, other NGOs (non-government organisations) and the business community in order to provide this support.

Work placements are the centrepiece of the bridge project's work. But it is the intensive support and practical assistance provided to the young people by the YMCA staff during the transitionary phase that is helping these young people shake their 'offender' tag. In simple terms, the bridge project is giving many young people a renewed start in life.

I take this opportunity to congratulate Sherilyn Hanson and Matt Feutrill from the YMCA for their visionary work on this project and their personal contributions to the report on the inquiry. I also acknowledge the project's chair, Jed Macartney, and the members of the community-based committee. They should all be very proud of their work.

In conclusion, I want to specifically commend the committee on its recommendations 13 and 23. These recommendations are essentially about creating a genuine pathway for youth offenders as they seek to make a successful transition from custody to community. I strongly endorse the committee's view that engaging young people in education, training, constructive leisure activities and/or meaningful employment empowers young people and assists in preventing youth offending or reoffending. I know this to be a proven strategy. I have seen it work. I do not think the committee could have got it more right.

Education and Training Committee: geographical differences in the rate in which Victorian students participate in higher education

Mr KOTSIRAS (Bulleen) — It is a pleasure to speak on the report of the Education and Training Committee entitled *Inquiry into Geographical Differences in the Rate in which Victorian Students Participate in Higher Education*. Firstly I pay tribute to the staff who worked on this report — they are very good staff who work well together — and also the members of Parliament, including the member for Nepean, who is in the chamber at present. This is a good report.

Ms Kosky interjected.

Mr KOTSIRAS — I will get to the member for Eltham. This is a very good report, but we need to put it into context. We have to understand that the committee is government dominated as the majority of its members are from the Labor Party. The chair, the member for Ballarat East, is a member of the Labor Party, as is the member for Eltham, who is also the Parliamentary Secretary for Education. So the committee is dominated by the Labor Party and includes the Parliamentary Secretary for Education and the member for Ballarat East, to name just a few.

It is not surprising that all the committee members feel very strongly about this issue. We went around Victoria and spoke to many people, many organisations and many schools, and what is contained in the report is a fair indication of what the committee found. The one thing we were told over and over again was that economic barriers are the main reason that fewer regional students attend university than their city counterparts. The committee found that fewer students in regional areas applied for university courses in 2007–08 — 89.8 per cent in one metropolitan area compared to 68.9 per cent in one regional area. Further, it found that in 2007–08 students in metropolitan areas deferred at an average rate of 10 per cent, compared to 33 per cent in non-metropolitan areas. Many students do not even bother applying for university because they know they cannot afford it. Country students defer so they can earn enough to qualify for the youth allowance.

The disappointment was with the federal government's recent changes to the youth allowance. They have caused much anger, anxiety and despair and have blown the aspirations of many country students and the opportunities for them to attend higher education.

I refer to the chair's foreword, and I remind members that the chair of the committee is a member of the Labor Party. The foreword states, in part, that the committee:

> … is concerned that the specific circumstances of rural and regional young people still have not been adequately addressed. Already, many such students defer their studies to meet eligibility criteria for income support and this route to financial independence is set to become even more difficult under the new system. In the committee's view, all young people who must relocate to undertake their studies should be eligible to receive student income support.

I refer to the findings in the report. The committee found, as stated at page 176, that:

> … many more argued that youth allowance was not available to those most in need.

The report also states:

> … the committee views with concern the Australian government's announcement that from 2010 it is tightening the workforce participation criteria so that only those young people who have worked for a minimum of 30 hours per week for 18 months will be eligible for youth allowance under the criteria for independence … the committee believes that the removal of the main workforce participation route will have a disastrous effect on young people in rural and regional areas.

Here we have Labor MPs supporting these views. There is only one person who disagrees — that is, the Minister for Skills and Workforce Participation. I cannot understand why this minister ignores the needs of young Victorians. I cannot understand why this Victorian Labor minister prefers to be Labor first and a Victorian second. She is more interested in supporting her federal colleagues than in trying to help those in need in regional Victoria. She has never criticised the federal government. Think back to when there was a coalition government in Canberra. Every day she would stand up in this place and criticise the federal government. Now she is mute; she does not say anything. She does not criticise it, even though the Labor members of this Labor-dominated committee are critical of the federal government. I urge — —

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

Environment and Natural Resources Committee: Melbourne's future water supply

Mr PANDAZOPOULOS (Dandenong) — It was a pleasure to be part of the inquiry into Melbourne's future water supply as part of the work of the Environment and Natural Resources Committee. If members have not read the report, I can tell them it is a

great report which not only talks about opportunities in the future for water supply but in effect gives an endorsement of the range of projects the government is currently working on to provide water security over the next couple of decades.

The committee recognised that we have seen a considerable decline of about 250 gigalitres in annual natural rainfall since the late 1970s. If you look at the range of different projects — the desalination plant, the Tarago Reservoir coming back on stream early for Melbourne's water supply, and the north–south pipeline — you see that in effect they will replace the loss in annual rainfall we have seen since the late 1970s.

Part of the work of the committee was obviously looking at what has been planned for the foreseeable future and what other opportunities are available to meet the needs of a growing population and industrial base, with the possibility of future additional declines in natural rainfall, if some of the climate scientists are correct, as has occurred in Perth in Western Australia, where they have seen two periods of sizeable declines in natural rainfall. South-western Western Australia is getting basically one-third of the rainfall it was getting back in the 1970s. I hope we do not continue to get less rainfall, but we need to plan for it.

It is pleasing that, following the report, the government has moved along on the desalination plant. In the report we recognised that desalination is one of the essential elements of the mix for certainty in future water supply if we cannot depend on ongoing natural rainfall, as we see we cannot, with our dam storages currently at 27 per cent. The need for the recommendations of the report is fundamental. In effect, 47 of the 48 recommendations endorsed by all members of the committee recognise the need to diversify the sources from which we get water here in Melbourne. We say that desalination is an essential element of that mix.

I am also really pleased — as I am sure the deputy chair is — that the government has agreed that the project will have underground powerlines. That is a separate issue, but I am pleased that is part of the project now, because in the region landscape issues have been confused with desalination plant issues. People are interested in the preservation of the landscape and their views, but that is separate from an argument about the usefulness of desalination. We recognise that desalination is essential.

We have basically said that desalination will provide some certainty of water supply for the next two decades. The low-rainfall option means we will have certainty until at least 2032, give or take a few years. There may be a need for further desalination plants in the future, but the geographical location of Melbourne around Port Phillip Bay and Western Port means we are very much limited with regard to future desalination opportunities. We are certainly limited with regard to smaller desalination plants, and that was part of the terms of reference and part of discussion and debate.

Part of the issue concerning the proposed desalination plant at Wonthaggi is its size. People have said, 'Well if you need desalination plants, go for smaller models'. However, the reality is the nature of our topography means that smaller types of desalination plants are not viable and you certainly cannot put them in a bay system, you need an ocean system. That really means you have to look a lot further away. Irrespective of whether it is good or bad, the reality is that Wonthaggi meets all of the requirements for accessibility to the ocean et cetera. But who knows what the future holds? It is still there as an option.

In the meantime we argue that what we and the public really want to see is a continued effort regarding demand management. Melbourne households and industry have done a great job in reducing the amount of water used per person, but there are opportunities to do even more. In cities like Amsterdam, where there is best practice, usage is 135 litres of water per person. We can possibly get there as technology and water demand management improve.

Education and Training Committee: geographical differences in the rate in which Victorian students participate in higher education

Mrs POWELL (Shepparton) — I wish to make a small contribution on the report of the Education and Training Committee entitled *Inquiry into Geographical Differences in the Rate in which Victorian Students Participate in Higher Education*, which was tabled in July.

Firstly I congratulate the committee. It travelled around Victoria and put a lot of hard work into the report. It is a very honest report. As a member of Parliament who represents a regional area, I can say that we already knew about some of the findings in the report, but it is good to find evidence of those issues detailed in the report. The committee found that regional university students are disadvantaged. The committee also outlined some of the barriers to rural students gaining university placements and accessing other higher education options. The report deals with a number of those barriers.

The committee also found that a greater number of rural and regional students were deferring as compared with city students. The 2007–08 figures show that 10 per cent of students from metropolitan Victoria deferred studies compared to 33 per cent of non-metropolitan students. The barriers stopping students going to university are financial constraints. I commend the committee for its research regarding barriers to higher education for indigenous students. The committee found there were a number of barriers, including financial constraints. It found that financial constraints existed not only for Aboriginal students and students from a multicultural background but for all students in country Victoria.

As the shadow Minister for Aboriginal Affairs I am pleased that the committee focused on the experience of indigenous students. The committee said those students were part of its focus. The committee found that to improve participation in post-secondary education there was a need to concentrate on increasing school retention rates, on student achievement and on students obtaining a year 12 qualification. I am pleased the committee found that the number of indigenous people enrolling in higher education is increasing. That is really important. We need to make sure we continue that work.

There are still a number of barriers such as students not completing year 9, poor school attendance, and — as I said earlier — financial constraints. The committee found that another issue is the lack of culturally specific support. The report highlights that issue: the importance of culturally specific programs and of engaging indigenous students in those programs to make them feel more comfortable and more supported in the university environment, and the importance of engaging their families.

The report acknowledges the great work of the Academy of Sport Health and Education, which is based in Shepparton. I know that organisation, and I am very proud of it. It is a great organisation which is trying to improve the lives of our indigenous young people. It has a partnership with the University of Melbourne and the Rumbalara Football and Netball Club. As I said, the organisation — like a number of Aboriginal organisations around Victoria — is trying to engage Aboriginal students so they understand the importance of education, the follow-on effects to employment and being able to achieve as much as you can in your life.

In the short time I have left, I would like to talk about a few of the findings and recommendations in the report. It says:

> The committee acknowledges that the university environment has grown out of non-indigenous models of social organisation, with a strong emphasis on self-reliance and individual endeavour. In contrast, indigenous culture has a more collective orientation, and opportunities to connect with support services and networks are therefore —

really important and —

> highly valued.

The report then says:

> Evidence suggests that high levels of disengagement from education in Indigenous communities are in part due to an education system that is seen as unresponsive and irrelevant to the needs of Indigenous communities.

We have to make sure that our education system, our health systems and our social systems are as inclusive as possible for our Aboriginal people and, importantly, to our Aboriginal students. The committee has put on the record a number of issues that need to be looked at. I urge the government to listen to the findings of the committee, adopt its recommendations and make sure people in rural and regional Victoria, including Aboriginal students and their families, are supported. I urge the government to make sure we have as many students as possible reaching higher education.

Economic Development and Infrastructure Committee: improving access to Victorian public sector information and data

Ms THOMSON (Footscray) — I rise to talk about the committee report on accessing public information. The issues that we as a government have to deal with include what access the public should have to information, how readily available it should be and what, if any, fees should be attached to that access to information.

In this electronic world technology enables access to information; in the past it was more difficult to access. Since the turn of the century what we have been putting out there as public information is varied. The vast majority of our information is readily available on public websites on the internet for the public to access and utilise. But we are seeing technology driving that access to information in ways that should perhaps be different.

The committee had a look at some of the work being done both interstate and at a national level as well as internationally on the way that information should be disseminated, the way that information should be protected so it cannot be misused and what information should be made readily available for research. We talked around the issue of collective commons: the

notion of setting a standard for the way information is made readily available to the public. It has to be recognised and acknowledged that we are talking about government information and also that criteria need to be established around how and for what purposes it can be used. There are also issues around the question of at what expense the government should provide this information.

We heard from some interesting people during the submission stages, particularly those in the research area, about how data and information that is of incredible importance to them and might speed up their research is either not readily available or is difficult to access and identify in the myriad of information on the internet or might not be in a form they can utilise because it might not be produced in that way. The committee felt that, where government is being asked to change the way it prepares information and it is difficult to do that, there could be a charge associated with that kind of work when there is a cost, but it should be based on the cost, particularly when we are talking about the information being provided for the greater good rather than just for a commercial good. There was also a lot of work around being able to make the information readily available when it is produced and making it accessible for that use.

Members of the committee were fairly unanimous about the need to provide government information in the best possible way and about the need to have proper standards in place for accessing that information. We were also unanimous in saying that we should not yet be at the stage of looking at retrospective action concerning information that is already accessible, because it would be very costly indeed to do that.

What we were really talking about was defining the information management framework to enable us to be clear about the type of information and who would be responsible for that information, making departments responsible for the way the data is collected and used, and the need for a register of data so researchers can look to the register to see what is available to them — whether that is in a form that is useful to them or not.

We will wait and see, but we do need to have a register of data that would be of benefit to researchers. One of the best examples we have now is spatial information and how that can be used to improve the provision of services and anticipate where services need to be as well as to assist in relation to commercial activity in the real estate industry et cetera. The report provides worthwhile reading for members. I commend it to the house.

Scrutiny of Acts and Regulations Committee: Equal Opportunity Act

Mr R. SMITH (Warrandyte) — I rise to make some comments regarding the Scrutiny and Acts and Regulations Committee options paper on the exceptions and exemptions in the Equal Opportunity Act 1995 that was tabled in this place on 7 May. I particularly want to address the options that were signed off by the government members of SARC in relation to section 75 of the Equal Opportunity Act, which allows religious bodies to determine their employment policies based on their faith and religious values.

The SARC options paper states that the committee was considering a number of recommendations in relation to this exception. There are eight in all, ranging from the option of no change to the most extreme change, which is — and I quote from page 129:

> Option 8: Expressly provide that the onus of proof of all matters relevant to the exception lies on the institution claiming it.

These options are clearly stated in the paper tabled by SARC. Public submissions from interested stakeholders were called for, and public hearings were held recently as a result of this option paper to allow committee members to ask some of the stakeholders who made submissions to expand on their arguments. Part of the process for SARC involved identifying interested stakeholders and inviting them to make submissions on their areas of interest, using this options paper as a guide for them to understand the sorts of changes to the Equal Opportunity Act that SARC was considering recommending to the Attorney-General.

Some committee members, notably the coalition members, saw it as their duty as MPs to inform relevant stakeholders in their electorates of possible changes to the Equal Opportunity Act and discuss with them how these changes could affect them. I thought all members of this place would think it was a fundamental role of a member of Parliament to inform their constituency of legislation that may affect them. What has become clear, however, is that some members of Parliament do not share that view, and in keeping with the veil of secrecy and reluctance to engage the community on controversial issues which is commonplace for this government, it seems that a number of government members of Parliament declined the opportunity to inform faith-based schools in their electorates of the recommendations the committee may be making, depriving those schools of their right to make comment.

In the *Sunday Age* of 9 August the member for Bundoora is reported as making some public comments on this issue:

> … Colin Brooks said conservative politicians have divided the community on religious grounds and engaged in a campaign of misinformation. 'There's been an attempt to score cheap political points and misrepresent the task the committee is undertaking', he said.

Firstly, with those comments the member for Bundoora betrayed his inability to keep his own constituents informed of matters that concern them. I wonder whether he contacted any of the faith-based schools in his electorate with regard to this exemption. I wonder whether he visited Northside Christian College and sat down with the principal there, Stephen Leslie, to let him know what was going on and what the ramifications of these options might be. I wonder whether he gave that principal the opportunity to put in a submission or whether he sat in Mr Leslie's office and made the government's case on behalf of the Attorney-General. My answer to that rhetorical question is that I very much doubt it, and I would challenge him to prove me wrong.

Secondly, by claiming that the conservative members of SARC have driven a specific agenda of misinformation he is treating the stakeholders who made submissions as fools by implying that after they had read the options paper they were unable to make up their own minds and draw their own conclusions about where SARC was possibly heading.

The option of depriving a faith-based school of its right to employ based on their faith and religious values is in the options paper in black and white, and I ask you, Acting Speaker, how telling faith-based schools about that option is misinformation. If the member for Bundoora did not believe SARC was seriously considering that option, if he did not believe SARC would make that recommendation to the Attorney-General or if he did not believe the Attorney-General would ever introduce that particular change through legislation, the opportunity to voice that objection to including that option in the options paper was available to him before the paper was tabled. I wonder whether he failed to read the options paper, even though he signed it. Either he did not read it or, having seen the vast opposition and community backlash, he is desperate to distance himself from this proposal.

Members on this side of the house believe in keeping their communities informed. We believe in community consultation, we believe in openness and we believe in giving those who may be affected by government legislation the right to speak up. It should alarm Victorians that members of the Brumby government do not share that belief.

The member for Bundoora claimed that conservative MPs had divided the community. I look around my own community and the rest of Victoria and see no such division on this issue. I see a community that is united in its opposition to the Attorney-General's ideological aims, and I hear a community united in asking for common sense. I also hear a community asking that the government desist from its continued interference with and persistent encroachment on people's lives.

NOTICE OF MOTION

Withdrawal

Mr BATCHELOR (Minister for Community Development) — I advise the house that I do not wish to proceed with government business, notice of motion 1, standing in my name.

ENERGY AND RESOURCES LEGISLATION AMENDMENT BILL

Statement of compatibility

Mr BATCHELOR (Minister for Energy and Resources) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

> In accordance with section 28 of the Charter of Human Rights and Responsibilities (the charter), I make this statement of compatibility with respect to the Energy and Resources Legislation Amendment Bill 2009.
>
> In my opinion, the Energy and Resources Legislation Amendment Bill 2009 (the bill), as introduced to the Legislative Assembly is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.
>
> **Overview of bill**
>
> The bill aims to improve public safety and the protection of the environment through reducing the risks associated with mine collapse as a result of geotechnical information gaps.
>
> The bill also aims to reduce cost to Victoria's petroleum industry while reducing the potential for impacts on the environment associated with petroleum operations.
>
> The bill will also make minor and technical amendments to promote administrative efficiency and further streamline regulatory requirements in the areas of energy safety and earth resources.

Human rights issues

Rights engaged by the provisions of the bill that amend the Petroleum Act 1998 to create a 'special drilling authorisation'.

Clause 804 of the bill amends the Petroleum Act 1998 (the Petroleum Act), to establish a new authorisation called a 'special drilling authorisation'.

Right to property

The right not to be deprived of property other than in accordance with law is protected in section 20 of the charter and may be engaged where the bill enables the granting of an authorisation in respect of public or private land. However, any deprivation of property under the Petroleum Act is in accordance with law. Section 128 of the Petroleum Act requires the holder of an authorisation to obtain the consent of the landowners or occupiers before operations may commence on private land. Part 8 of the Petroleum Act also provides for compensation for private landowners or occupiers and enables the Victorian Civil and Administrative Tribunal to determine the amount of compensation.

As a result, section 20 of the charter is not limited.

Distinct Aboriginal cultural rights

Section 19(2) of the charter protects Aboriginal cultural rights and, in particular, the right to 'maintain their distinctive spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs'.

Those cultural rights are currently protected under the Petroleum Act through section 146, which requires that a petroleum operation must not contravene the Aboriginal Heritage Act 2006.

This existing protection for Aboriginal heritage will apply to the new authorisation and as a result, the provisions of the bill are compatible with section 19(2) of the charter.

Right to freedom of movement

Section 12 of the charter protects the right of an individual to freedom of movement, specifically the right to move freely within Victoria and to enter and leave Victoria, and the freedom to choose where to live.

Currently, where an authorisation is granted under the Petroleum Act, that authorisation grants rights of access to land for a petroleum operator. However, it may result in the right to freedom of movement being limited, in respect of the authorisation area, for other people seeking to access the area, particularly during the construction phase of the drilling operation.

Consideration of reasonable limitations — section 7(2)

(a) the nature of the right being limited

Freedom of movement is a right that is intrinsic to the celebrated values of liberty protected in Victoria. It protects a person's right to move freely into or leave Victoria, and protects a person's right to decide where they will live. The right to move freely within Victoria is not dependent on any particular purpose or reason for a person wanting to move or stay in a particular area. It also generally encompasses the right to choose the manner of movement. The right includes freedom from both physical barriers and procedural impediments. The right may be subject to reasonable limitations, such as protecting public safety and the rights and freedoms of others.

(b) the importance of the purpose of the limitation

The purpose of the limitation created by the grant of a special drilling authorisation is to ensure public safety as well as the protection of infrastructure related to operations carried out under a special drilling authorisation.

(c) the nature and extent of the limitation

Free movement may be restricted in respect of an authorisation area but only for the establishment phase of the petroleum facility and the duration of the primary petroleum title. If the authorisation is over private land, the act requires the consent of the landowner or occupier. If the authorisation is over public land, the authorisation can only be granted with the approval of the minister within the requirements of part 9 of the Petroleum Act. The Petroleum Act provides that the grant of an authorisation must be in respect of the minimum area needed to carry out the proposed operation, and it is likely that any genuine restriction of movement would be limited to the construction phase. After construction is completed, the extraction facility would likely take up only a small area of land.

In addition, section 167 of the Petroleum Act specifically requires that the operations under an authorisation are carried out in a way that does not interfere with the activities of any other person using the land, to a greater extent than is necessary for the exercise of rights under the authorisation.

(d) the relationship between the limitation and its purpose

The limitation allows access to land for the purpose of allowing a petroleum operator to establish an operation facility on that land. As such, the limitation is directly linked to its purpose.

Furthermore, the authorisation is granted in respect of land in Victoria, to ensure that the holder of the authorisation can carry out operations in a manner that does not adversely impact on public safety.

(e) any less restrictive means reasonably available to achieve its purpose

The Petroleum Act ensures that the operator must choose the least restrictive means reasonably available to achieve the purpose of the authorisation.

The new authorisation is intended to enable petroleum operations to be carried out with as little impact on public amenity and the rights of other land users as possible. For example, a petroleum operator may determine that petroleum operations from a piece of land adjoining their petroleum title area would mean fewer disturbances of the rights of other land users.

Under section 12 of the Petroleum Act, the minister is able to exempt land from application of the act, which would preclude petroleum activities from being authorised in respect of exempted land.

(f) any other relevant factors

A special drilling authorisation would be subject to existing planning and environment provisions in the Petroleum Act, in particular requiring compliance with planning permit or environment effects statement requirements, as applicable.

The creation of the new authorisation does not alter the existing frameworks within the Petroleum Act, designed to protect rights and provide recompense where those rights have been restricted.

Accordingly, I consider that the bill imposes reasonable limits on the right to freedom of movement.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because to the extent that some provisions do raise human rights issues, the bill either does not limit rights, or the limitations are reasonable and demonstrably justified in a free and democratic society.

Peter Batchelor, MP
Minister for Energy and Resources

Second reading

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

That this bill be now read a second time.

The bill will support the government's commitment to ensuring an efficient and secure energy system and reliable delivery of energy services.

As well, the bill will deliver on the government's commitment to improved public safety, safety of infrastructure and protection of the environment, in relation to mining, quarry and petroleum operations.

In particular, the bill amends the Mineral Resources (Sustainable Development) Act 1990, to support the implementation of the government's response to the mining warden's Yallourn mine batter failure inquiry report.

The bill will require the holder of a mining licence or extractive industry work authority to notify the chief inspector of a reportable event, for example, an event that presents a risk to the geotechnical stability of that mine or quarry. The bill will enable the chief inspector to request a detailed report into a reportable event.

The bill will also enable the Minister for Energy and Resources to declare certain mines or quarries which present a significant risk to public safety, the environment or infrastructure. If a mine or quarry is declared, it will be required to prepare and implement a mine stability plan, and may be required to undertake certain geotechnical monitoring processes.

The government's response to the mining warden's report committed to establishing a technical review board which will review critical geotechnical issues, monitor data as well as monitoring procedures and risk-management functions of mines and quarries. Industry will benefit from the technical review board and the bill establishes an industry levy to partly fund the costs of the board.

The bill also amends the Petroleum Act 1998 to create a new authorisation called a special drilling authorisation. A special drilling authorisation will enable the holder of a petroleum licence, lease or permit under either the Petroleum Act 1998 or the Petroleum (Submerged Lands) Act 1982, to access their licence, lease or permit area from an adjoining piece of land in onshore Victoria, by way of directionally drilling from the adjoining land to the other area. This amendment has the potential to deliver cost savings to industry and reduced impact on environmentally sensitive areas.

The special drilling authorisation will be subject to the existing approvals, planning, Aboriginal heritage, and environment protection and rehabilitation frameworks in the Act.

The bill will amend the Electricity Industry Act 2000 and the Gas Industry Act 2001 to make a minor amendment to the energy consumer safety-net provisions in those acts. The amendments will enhance compliance flexibility for energy retailers fulfilling their customer notification requirements relating to standing offers for the supply of energy to residential and small business customers.

The bill amends the Gas Safety Act 1997 to require that a label be affixed to type A gas appliances before they can be installed, supplied, sold or offered for supply or sale. The gas label will demonstrate compliance with an approved safety accreditation scheme and will be common to all jurisdictions in Australia and New Zealand.

The bill also makes technical amendments to the Electricity Safety Act 1998 and the Electricity Safety Amendment Act 2007 to further clarify the electricity safety obligations placed on electricity distribution and transmission businesses and electricity generators and other electricity entities to which safety obligations apply.

Finally, the bill will repeal redundant provisions and make other minor and statute law revisions of an administrative and technical nature. This includes amendments to the Mineral Resources (Sustainable Development) Act 1990 to enable the Secretary of the

Department of Primary Industries to delegate to an employee in the department, his or her functions as a referral authority under the Planning and Environment Act 1987. It also includes amendments to streamline the approval process for area work plans for mining or exploration licence-holders and amendments to require extractive industry work authority holders to submit certain operational information where requested by the secretary of the department.

I commend the bill to the house.

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

Debate adjourned until Wednesday, 26 August.

LOCAL GOVERNMENT AMENDMENT (OFFENCES AND OTHER MATTERS) BILL

Statement of compatibility

Mr WYNNE (Minister for Local Government) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Local Government Amendment (Offences and Other Matters) Bill 2009.

In my opinion, the Local Government Amendment (Offences and Other Matters) Bill 2009, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The purpose of the Local Government Amendment (Offences and Other Matters) Bill 2009 (the bill) is to amend the Local Government Act 1989 (the act) to ensure penalty levels under the act are consistent with the Sentencing Act 1991 as well as reflect current community expectations, and enhance the overall operation of the act. The bill also makes minor technical amendments to the City of Melbourne Act 2001.

Human rights issues

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

The bill engages two of the human rights provided for in the Charter of Human Rights and Responsibilities (the charter).

Section 18: taking part in public life

Section 18 establishes a right for an individual to, without discrimination, participate in the conduct of public affairs, to vote and be elected at state and municipal elections, and to have access to the Victorian public service and public office.

Clause 38 of the bill amends section 29 of the act by deeming a person incapable of becoming or continuing to be a councillor for a period of seven years after the conviction of certain offences. Clause 38 engages and purports to restrict the right under section 18 of the charter. However, in my view the limitation is reasonable and demonstrably justified in a free and democratic society under section 7(2) of the charter, which is discussed below:

(a) the nature of the right being limited

Section 18 protects the right to participate in public affairs, the right to vote in genuine, periodic and free elections and the right to have access to the public service and office. However, the right to take part in public life is not absolute and may be subject to reasonable limitations.

(b) the importance of the purpose of the limitation

A person who has committed certain offences under the act thereby demonstrating a serious disregard for the fundamental democratic and political principles underlying local government should be prevented from holding a position of office for a period of time. This recognises that there are standards that are required of people who hold public office and that the community has an expectation to be represented by people that act lawfully and with integrity. It also allows such persons the opportunity to prove to society they are reformed and are capable of being trusted as elected representatives.

(c) the nature and extent of the limitation

Clause 38 purports to limit section 18 of the charter by preventing a person who is convicted under the act of:

> submitting a nomination to be a candidate at a council election while that person is not qualified to be a candidate or is not capable of becoming a councillor under the act, or submits a nomination in breach of the act (section 52);
>
> hindering or interfering with the free exercise or performance by any other person of any political right or duty that is relevant to an election (section 54(1));
>
> printing, publishing or distributing, or causing, permitting or authorising to be printed, published or distributed an electoral advertisement, handbill, pamphlet or notice that contains a representation or purported representation of a ballot paper for use in an election that is likely to induce a voter to mark the voter's vote otherwise than in accordance with the directions on the ballot paper (section 55A(2));
>
> acting as a councillor while incapable of being or continuing to be a councillor under the act (section 66);

from being capable of becoming or continuing to be a councillor for a period of seven years after the conviction.

(d) the relationship between the limitation and its purpose

There is a direct relationship between the limitation and the purpose of ensuring that elected councillors can properly undertake the duties of office and act in a manner appropriate to a community leader.

(e) any less restrictive means reasonably available to achieve its purpose

There are no less restrictive means reasonably available to achieve the intended purposes. Disqualification from becoming or continuing to be a councillor for a period of seven years is reflective of the nature and seriousness of the offences, which carry maximum penalties ranging between 6 months to 2 years imprisonment and 60 to 240 penalty units, as well as of the standards expected of persons elected to represent their community. It should be noted that section 30 of the act provides that VCAT (Victorian Civil and Administrative Tribunal) may grant a person relief from disqualification after a period of four years.

(f) any other relevant factors

There are no other relevant factors to be considered.

Section 20: property rights

Section 20 establishes a right for an individual not to be deprived of his or her property other than in accordance with law. The right only prohibits a deprivation of property that is carried out other than in accordance with law. This requires that the powers which authorise the deprivation of property are conferred by legislation or common law, are confined and structured rather than arbitrary or unclear, and are accessible to the public and formulated precisely.

Clause 42 of the bill inserts new section 66AA into the act, which provides that if a person is found guilty or convicted of the offence of acting as a councillor while incapable of being or continuing to be a councillor under section 66 of the act, a court may order that the person return to the council any allowances, reimbursements, equipment or materials that person received as a result of acting as councillor for the period that the person was incapable of doing so.

While clause 42 engages the right not to be deprived of property under the charter, there is no limitation on the right. The court may only require a person to return to the council the allowances or benefits the person received during the period he or she acted as a councillor while incapable, in breach of section 66 of the act. Since they were received when the person was incapable of acting as a councillor and therefore had no right to the property to begin with, there is no deprivation of property when the court orders that they be returned to the council.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because, although it does limit one human right, the limitation is reasonable and proportionate. The limitation strikes the correct balance by providing persons the right to take part in public life and ensuring elected representatives act with integrity and in accordance with the law.

Richard Wynne, MP
Minister for Local Government

Second reading

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

That this bill be now read a second time.

This bill amends and updates the offences and penalties in the Local Government Act 1989 and makes a number of other amendments to improve the operation of the act.

The levels of most penalties in the Local Government Act were set in 1989, when originally enacted, and changes are now required. Most penalty levels currently specified in the act are inconsistent with the standards laid out in the Sentencing Act 1991. As a result the bill amends many penalty levels to match those standards.

In addition, many existing penalty levels in the act no longer reflect community expectations or align well with similar offences in other comparable legislation. It is essential to update these penalties to support and enforce the relevant provisions of the act.

Many of the changes are in relation to electoral offences. Offences relating to the misuse of voters rolls or the provision of false enrolment information are proposed to be increased from 10 or 20 penalty units to a maximum of 120 penalty units. This reflects the importance of having accurate rolls for the conduct of elections and of ensuring that rolls are not used improperly.

The bill will increase the maximum penalty for a person who nominates for election when not entitled to do so from 20 penalty units to either imprisonment for two years or a fine of 240 penalty units. Nominating for election when not entitled not only undermines the democratic process, potentially distorting election results, but it can also result in significant costs for the community if an election is voided.

Interfering with a person's free exercise of their democratic rights or interfering with a person when marking their ballot paper will have a penalty of up to one year imprisonment or a fine of 120 penalty units. These offences previously had penalties of only 1 penalty unit. A similar penalty level will also be set for a person who breaches the secrecy of the vote.

Actions that constitute serious interference with the voting process, such as interfering with ballot boxes, interfering with the delivery of postal votes or impersonating a voter, will have higher maximum penalties of imprisonment for two years or fines of up to 240 penalty units.

A person who commits an offence by offering, giving, seeking or accepting a bribe in connection with an election may be liable to a maximum penalty of five years imprisonment or a fine of up to 600 penalty units. This is a serious criminal offence that warrants a commensurate penalty.

Some significant increases in penalties are not directly related to elections. The penalty for a councillor or a member of a council special committee who misuses his or her position for personal gain, or to improperly benefit or harm another person, will be increased from 100 penalty units to a maximum of five years imprisonment or a fine of 600 penalty units or both.

This increase reflects the particularly serious nature of this offence. A person who exercises public authority as a position of trust must never use that position for their own personal purposes. The provision has also been amended to clarify that it may apply to a breach of conflict of interest if the breach is motivated by personal gain or an intention to improperly harm or benefit another person.

The penalty for acting as a councillor when not entitled to be a councillor will be increased from 10 penalty units to a maximum of imprisonment for one year or a fine of 120 penalty units. In addition, a court will be empowered to order a person found guilty of this offence to repay any allowances, reimbursements, equipment or materials received during the period they acted as a councillor when not entitled to do so.

The bill also amends the list of possible offences that, if convicted, result in a person ceasing to be eligible to be a councillor for seven years. In addition to existing offences, this will now also apply to a conviction for an unlawful nomination or acting as a councillor when not capable. It will also apply to convictions for some additional electoral offences, such as interfering with a person's exercise of their rights or publishing a misleading representation of a ballot paper.

The bill makes a number of amendments to the Local Government Act to improve the functioning of the act. This includes some amendments relating to the conflict of interest provisions.

The conflict of interest provisions of the act were substantially amended in 2008 to set high standards of probity for councils. This was done in response to concerns raised by the Ombudsman and by councils themselves. The scale of these changes was of such significance that the government indicated its intention to monitor the operation of the new provisions and undertake further changes if required.

Extensive informal consultation has been undertaken with the local government sector during 2009, and more formal consultation will occur with local government representative bodies in the coming months to identify specific ways to support councils and, if appropriate, further improve the conflict of interest rules.

The definition of an 'applicable gift' will be amended by the bill to exclude hospitality received from a not-for-profit organisation at a function or event that is attended in an official capacity by a mayor, councillor or member of council staff. This will enable attendance at many functions without giving rise to possible conflicts of interest in the future as long as the level of hospitality is reasonable.

The act lists a number of matters where councillors are not considered to have conflicts of interest. The bill adds an additional matter to this list, in regard to a councillor conduct matter that relates to an internal dispute involving the councillor or an allegation of misconduct or serious misconduct by the councillor. This amendment protects a councillor's right to defend their own actions in a council or committee meeting that is considering their conduct as a councillor.

The bill will also insert an additional ability for the minister to grant an exemption to conflict of interest. There has been a longstanding provision that the minister may grant an exemption for a councillor when the council cannot maintain a quorum because of the number of councillors with conflicts of interest. The additional provision will provide for an exemption to be granted to a non-councillor member of a council special committee. This will be strictly limited to occasions where extraordinary circumstances exist and where the minister considers that the exemption is in the public interest.

The need for a provision of this type has been highlighted recently in relation to the establishment of a special committee under the auspice of the Murrindindi Shire Council to deal with bushfire recovery issues. The committee contains people from agencies that are likely to have interests in bushfire recovery matters.

The bill amends some provisions of the act that regulate the local law-making powers of councils. It provides for guidelines and regulations to be made regarding the process of preparing local laws, as well as the content and format of local laws. Guidelines and regulations will also be able to be made in relation to explanatory material that a council must provide when it releases a local law for consultation.

The purpose of this change is to support and improve the standards that apply to local law making by councils and to ensure that communities receive adequate information to assist public consultation on proposed local laws.

The bill provides increased scope for councils to support affordable housing. It extends the ability of councils to grant rebates or concessions in relation to rates or charges to a registered agency under the Housing Act 1983 to support the provision of affordable housing.

In addition, the bill makes a number of technical amendments and amendments to clarify the operation of the Local Government Act. This includes inserting a number of new definitions. It also makes a number of technical amendments to the City of Melbourne Act 2001.

This bill will further reinforce the functioning of councils in the public interest and strengthen provisions that ensure lawful compliance with the act.

I commend the bill to the house.

Debate adjourned on motion of Mrs POWELL (Shepparton).

Debate adjourned until Wednesday, 26 August.

Sitting suspended 1.00 p.m. until 2.05 p.m.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Department of Human Services: restructure

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer to the fact that our child protection system is in crisis, Victorians cannot get a hospital bed when they need it and our local government system is burdened with corruption, Labor cronyism and poor service delivery, and I ask: is it not a fact that the Premier's latest expensive bureaucratic reshuffle, resulting in new departments headed by two incompetent ministers, will do nothing to improve the delivery of basic health services for Victorian families?

Mr BRUMBY (Premier) — I thank the Leader of the Opposition for his question, and I may have more to say about the changes to government administration a little later today.

The fact of the matter is, in the areas — —

An honourable member interjected.

Mr BRUMBY — That is right, I cannot anticipate debate. In the areas identified by the Leader of the Opposition in his question, the budget for child protection services under our government has increased by 136 per cent. In terms of the — —

Honourable members interjecting.

The SPEAKER — Order! The opposition will not shout down the Premier.

Mr BRUMBY — In terms of the health and hospital system in our state, we all know the history of the savage cutbacks that were made to the health budget in the 1990s which our government turned around from the day it was first elected. In aggregate, we have now put more than 8000 additional nurses and support staff back into our hospital system.

Mr Baillieu — On a point of order, Speaker, the Premier is debating the question. He was asked about his expensive bureaucratic reshuffle, and he has said nothing about it.

The SPEAKER — Order! I do not uphold the point of order, and I suggest to the Leader of the Opposition that he look at the question he asked. The Premier is clearly being relevant.

Mr BRUMBY — As I have indicated, in the area of child protection and family services we have increased the budget by 136 per cent, we have established the Office of the Child Safety Commissioner, we have put in place the Victorian Children's Council and we have toughened up penalties under the law. All of these things are positive initiatives which are making a difference and which would never, ever have been delivered under a Liberal government. Never, ever! Let us be clear about it.

In health we have put more than 8000 additional nurses, clinicians and support staff back in our hospital system. We are treating 600 000 more patients this year than we were when we were first elected.

Honourable members interjecting.

The SPEAKER — Order! I ask government members not to shout across the chamber, and I ask opposition members to cease interjecting in that manner. I suggest to the member for Warrandyte, as I think I have done before, that if he wishes to ask a question, he should stand in his place at the appropriate time and he will be given the call.

Mr BRUMBY — These are increasingly challenging responsibilities for our government and governments right across the world, and I believe the changes we have made and the additional resources we

are investing are all there to make a difference and improve services for the people of our state.

Papua New Guinea: air tragedy

Ms GREEN (Yan Yean) — My question is to the Premier. Can the Premier update the house on news regarding the air tragedy in Papua New Guinea?

Mr BRUMBY (Premier) — My thoughts, and I know the thoughts of our government and of the Parliament generally, are with the family and friends of those Victorians and Queenslanders, as well as of the Papua New Guineans and the one Japanese citizen, who are missing on Airlines PNG flight CG4684 from Port Moresby to Kokoda. As honourable members would be aware, the Twin Otter plane left Port Moresby at 9.30 a.m. yesterday but did not return in the afternoon. I am advised that the crash site was located by a rescue helicopter early today. There were seven Victorians on that flight, and I cannot begin to imagine, as I know honourable members could not begin to imagine, the extraordinary personal distress and pain which the families of those people are going through at this terrible time.

My office has been in contact with the office of the federal Minister for Foreign Affairs and the Department of Foreign Affairs and Trade. I can inform the house that at this time a search and rescue team is attempting to reach the crash site on foot from a nearby village. As any members who have been to Papua New Guinea, and this part of Papua New Guinea in particular, would know, it is very difficult terrain — very hilly, very steep and very heavily vegetated. Given that terrain, there has been some difficulty in getting search and rescue personnel on the ground at the crash site. The Department of Foreign Affairs and Trade has advised that it hopes to have assistance on the ground as soon as possible, be it from Papua New Guinea police, consulate officials or Australian Defence Force personnel. As honourable members would be aware from media reports, the Australian government has committed a range of resources and personnel for search and rescue and assistance, including the Sea King helicopter, I think some Blackhawk helicopters, a number of police officers, an Australian doctor and the consul from the Australian High Commission in Port Moresby, as well as Caribou aircraft and other search and rescue officers.

I understand the families of all the Victorians believed to have been on the flight have been contacted by Australian government consular staff and offered assistance. I am also able to advise that the Department of Human Services is standing by to provide counselling and other assistance and advice that may be required by those families. Victorian officials continue to be in close contact with Australian government officials to ensure that the families receive any information about their loved ones as soon as it becomes available.

It would be inappropriate at this point in time to comment on the identity of any of the people believed to be on the plane. Anyone who is concerned about the welfare of loved ones should contact the Department of Foreign Affairs and Trade on the consular emergency line 1300 555 135. I know the thoughts, support and prayers of all members of this house go out to the families of those affected.

Mr BAILLIEU (Leader of the Opposition) (*By leave*) — In responding to the Premier's remarks I offer the thoughts and prayers of those on this side of the house to what it seems is an unfolding tragedy in Papua New Guinea and in Kokoda. There are a number of members of this house on both sides who have walked the track in recent years. I know that the member for Narracan has had an intimate involvement in those tours and that he shares, along with all members of the house, the pain and anguish of the families and all involved.

There are obviously a number of Victorians involved and others from interstate and overseas. Our thoughts are with them, with those in the rescue party and also with those in the organisations involved in this tour. I understand the tour agent is a Melbourne-based company, and, from what I have read and seen, a company of some repute. I join the Premier, as do all on this side of the house, in offering our prayers for those families and all of those involved.

City of Port Phillip: Ombudsman's report

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer the Premier to the Ombudsman's findings that Port Phillip council has been riddled with (1) poor procurement practices, (2) failure of governance, (3) conflicts of interests and (4) staff misconduct, all of which have 'allowed expenditure of significant funds to occur with little, if any, oversight', and I ask: is it not a fact that yet another Labor-dominated council was allowed to operate for years with a culture of corruption because of this government's refusal to introduce an independent, broadbased anticorruption commission?

Mr BRUMBY (Premier) — I am not aware that the — —

Honourable members interjecting.

The SPEAKER — Order! I suggest to the members for Polwarth and Bass that the Premier has only just started his response.

Mr BRUMBY — I am not aware that in his report the Ombudsman referred to the Port Phillip council in the way in which the Leader of the Opposition has referred to it, and I think it is a matter of record that the Leader of the Opposition might be wrong in his assertion. But putting that aside, the Ombudsman's report has been received and tabled. As I have made very clear in this house before, as a government we have increased the resources and the powers of the Ombudsman, and his job is to do exactly as he has done in this report — that is, to oversee public administration and, where there are faults with public administration, to report to the Parliament about those issues.

To be honest, I am not sure what point the Leader of the Opposition is trying to make. If my memory is correct, the Ombudsman was set up under the former Hamer government, and presumably, as the then Premier, the late Dick Hamer set it up because he believed if you want good government you need a third party outside the Parliament with the powers and resources to investigate public administration — and that is what the Ombudsman does. That is what he did under the Hamer government, the Cain government, the Kirner government, the Kennett government, the Bracks government and the Brumby government. That is what he has done again.

The Ombudsman's report is a combination of a number of matters that were brought to his attention, one about a whistleblower and others about some other matters. On the basis of that there was also an own-motion inquiry. These are the powers the Ombudsman has to investigate issues about public administration. In relation — —

Dr Napthine interjected.

The SPEAKER — Order! I warn the member for South-West Coast.

Mr BRUMBY — In relation to the specific report, the council — and it is a report about the council — has accepted all the Ombudsman's recommendations and the government has accepted the recommendations in relation to Local Government Victoria. I reiterate for the benefit of the Leader of the Opposition that:

> Matters involving allegations of serious criminal misconduct and corruption by public officers and local government will remain the responsibility of the state Ombudsman working with Victoria Police.

Again that is Liberal Party policy.

Department of Human Services: restructure

Mr LANGUILLER (Derrimut) — My question is to the Premier. I refer to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the Premier advise the house about the latest steps being taken to improve the delivery of health and human services for Victorian families?

Mr BRUMBY (Premier) — I thank the honourable member for his question. Earlier today I announced a major restructure of the responsibilities for the health, community services and local government functions in our state to provide more streamlined and better services to the people of Victoria.

I want to put the changes I announced today in context. For all the period we have been in government we have had a single Department of Human Services. But today the reality is that expenditure in this area of government alone now accounts for more than $4 out of every $10 that government spends, and the size, the responsibilities and the scope of what had previously been the Department of Human Services are larger and broader than those of many of the larger corporations that work across Australia or around the world. In fact the former Department of Human Services employed around 13 000 staff and more than 80 000 people through its agencies. If you go back many governments ago, way back to the days of Henry Bolte, expenditure on health was well under 10 per cent of total budget outlay. Today it is close to 30 per cent. If you take human services as well, it is now over $4 out of every $10 that we spend.

I think it is fair to say that there are increasing challenges in each of these areas in health and human services. So today I have announced that we are splitting what was formerly the Department of Human Services to create a new Department of Health and a new Department of Human Services, which will focus on family and community services and disability. I believe the new Department of Health will be better able to address the needs of Victoria's ageing population. By 2030 there will be almost 1.5 million Victorians over the age of 65 in our state. I believe with this new department we can focus on their needs better and also push into the high-priority areas for our government — areas like cancer treatment, cancer detection and also preventive health.

The new Department of Human Services will oversee services for children, for youth and families, for housing, for disability concessions and for bushfire recovery. The reality is that if honourable members looked closely at all the issues that are now being dealt with by the Department of Human Services, they would see we are getting more and more complex cases involving families presenting to government than at any time in our history.

There was an article today by Carol Nader in one of the Melbourne newspapers — the *Age*, I think — talking about our child protection system. It provided some valuable insights into the types of challenges that face governments and child protection workers when they are making very difficult and sensitive decisions about families with children where those children are at risk. How do you care for those children? How do you support those children? When do you make the decision to remove those children from their legal parents or guardians? We are getting more and more cases of younger and younger children in families at risk. I believe the changes I have announced today in the structure of the departments will give the new Department of Human Services additional focus and additional opportunity to focus on these challenges.

The Secretary of the Department of Health will be Fran Thorn, who has been an outstanding public servant for our state for many years. I have appointed Gill Callister as the new Secretary of the Department of Human Services. The head of my department has informed the unions today, as is required under the enterprise bargaining agreement, that there will be no job losses as a result of these changes. Both of these departments will continue, through our child protection system and through our hospital system, to employ more staff and not less.

After discussions with the Minister for Local Government I have also announced the establishment of a new local government investigations and compliance inspectorate. This will be headed by a chief municipal inspector. The reform will strengthen the ability to prosecute any breaches of the Local Government Act and will strengthen the independence of investigations. It will separate the two roles of policy leadership and enforcement of the Local Government Act.

It will have a number of functions, including systematic spot audits of compliance with governance requirements in the Local Government Act. It will investigate breaches of the Local Government Act. It will monitor corporate governance of councils. It will investigate alleged breaches of electoral provisions. It will undertake prosecutions for breaches of the Local Government Act. It will elevate matters of gross misconduct of a councillor to the Victorian Civil and Administrative Tribunal, and it will recommend to the Minister for Local Government that a council be suspended or dismissed for cases of serious failure in corporate governance. I have also charged the Essential Services Commission with overseeing the assessment and benchmarking of the performance of local government in our state.

It is my view that these are important changes in public administration in our state. I made a number of changes to public administration upon becoming Premier. That included putting all children's education services into the new Department of Education and Early Childhood Development. I created the Department of Planning and Community Development. I believe these changes today will further improve public administration and the standards of government in our state. They will ensure that we can deliver the best possible services to the people we represent.

Department of Sustainability and Environment: training program

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer to the government's awarding of an $80 000 consultancy to Ms Caroline Shahbaz to train state fire and emergency managers in 'transforming corporate consciousness', and I ask: given Ms Shahbaz reportedly claimed that her 'powers of intuition are on a par with a white witch', will the Premier now advise how many executives from the staff of the Department of Sustainability and Environment were sent by the government on Ms Shahbaz's Rites of Passage training workshop in India, as revealed in the Ombudsman's report released today?

Mr BRUMBY (Premier) — I thank the Leader of The Nationals for his question. Perhaps the person concerned might be able to brew up a policy for The Nationals and the Liberal Party.

Honourable members interjecting.

The SPEAKER — Order! I suggest to the Premier that he does not debate the question.

Mr BRUMBY — I hope the Leader of The Nationals is not on a witch-hunt here. I am not aware — —

Honourable members interjecting.

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

Mr Baillieu interjected.

The SPEAKER — Order! I warn the Leader of the Opposition.

Mr BRUMBY — I am not aware of the detail — —

Mr Burgess interjected.

The SPEAKER — Order! The member for Hastings once again tries my patience. He is warned.

Mr BRUMBY — I am not aware of the detail of the matters raised by the Leader of The Nationals. I will make inquiries and report back to him.

Dairy industry: future

Mr HARDMAN (Seymour) — My question is to the Minister for Agriculture. I refer to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister update the house on action being taken to secure the long-term future of our dairy industry?

Mr HELPER (Minister for Agriculture) — I thank the member for Seymour for his question. I do not think any member of this house would underestimate the importance of the dairy industry to Victoria, to Victorian communities and to the Victorian economy. Almost two-thirds of Australia's 8800 dairy farms are located here in Victoria, which is the base of the Australian industry, and 70 000 people, predominantly in our regional communities, are employed in the dairy industry.

The Brumby government certainly understands the important part our dairy farmers and the dairy industry play in our state. I do not think anybody should underestimate the tough times that the dairy industry is facing. We have seen the perverse reintroduction of dairy export subsidies by the United States and the European Union, which is suppressing world dairy prices and having a significant impact on our farmers, and the drought circumstances that many of our dairy farmers find themselves in continue.

I was proud to join the Premier yesterday in announcing the Dairy Futures Cooperative Research Centre at Bundoora, which will also be the home of the new Biosciences Research Centre. The Dairy Futures CRC is being significantly funded, with $40 million committed by the Brumby state government and $28 million committed by the commonwealth government, and we have other universities as well as the Bundoora campus of La Trobe University coming together with many industry players to fund a CRC that will really kick some goals for our dairy industry. The research will concentrate firstly on how to improve the resources that can be derived from pasture to increase pasture efficiency. It will also focus on improving the breeding of our dairy cattle and our ability to breed our dairy cattle, both of which will contribute to real productivity improvements for the dairy industry. A third tranche of the research will be about how to apply those two pieces of research on farms in a practical way so that our farmers get the best possible benefits from them.

Let us look at the benefits that research, much of which was instigated and supported by the state department of agriculture, has brought to Victorian dairy farmers. Since 2000–01 average milk production has increased from 4977 litres per cow per year to 5340 litres per cow per year in 2007–08. That has been a 7 per cent increase in productivity and has ensured that our dairy industry remains at the leading edge of the industry internationally. This $40 million investment in the CRC comes on top of an $8.57 million investment in dairy research from the Future Farming strategy, which was released in April last year, and is added to the $4.5 million investment we have made in the $6.9 million research partnership with Dairy Australia.

We are doing a great deal for the dairy industry and for agriculture in general. If we look across just some of the achievements in agriculture under the current government, we see a 10 per cent increase in the staff who work very hard with our farmers to improve their productivity in many sectors, including dairy. In April last year the Premier and I launched the $205 million Future Farming strategy. Since 2006 we have seen $400 million of state government funds committed to supporting our farmers and our rural communities in these difficult drought circumstances — drought support which earlier this year the former president of the Victorian Farmers Federation described as 'the most generous drought support in the country'. We have also seen a $230 million investment in the Biosciences Research Centre at La Trobe, $180 million of which is state funding.

I think it is reasonable to conclude that anybody who describes that as an appalling track record in agriculture is an absolute idiot. I ask the rhetorical question: if that idiot who so described our track record in agriculture were to leave the village — —

Dr Napthine — On a point of order, Speaker, the minister is debating the issue. I ask you, Speaker, to

bring him back to the question. We have heard plenty of bull, but we have not heard much about what he is going to do for the dairy industry.

The SPEAKER — Order! I uphold the point of order — the minister was debating the question — but I suggest to the member for South-West Coast that he knows better than to take a point of order in that manner.

Mr HELPER — In conclusion, if such a person were to leave his or her village or town, one may ask which village or town would be deprived of its idiot. I can inform the house that that town would be Swan Hill.

Desalination plant: lobbyist

Ms ASHER (Brighton) — My question is to the Premier. I refer the Premier to the engagement by the successful desalination tenderer AquaSure of Mr Philip Staindl, president of Labor's fundraising body Progressive Business and a director of InsideOut Strategic lobbyists, and I ask: will the Premier confirm that neither he nor his staff had any contact at all with Mr Staindl between June 2008 and July 2009?

Mr BRUMBY (Premier) — I am advised by the Minister for Water that the premise of the honourable member's question is not true.

Energy: clean coal technology

Ms LOBATO (Gembrook) — My question is to the Minister for Energy and Resources. I refer to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister update the house on how the Brumby government is taking action to ensure a smooth transition to a low-emissions-energy future for workers in the Latrobe Valley?

Mr BATCHELOR (Minister for Energy and Resources) — I thank the member for Gembrook for her ongoing interest in Victoria's low-emissions future. In response to the federal government's carbon pollution reduction scheme, or indeed any emissions trading scheme coming from Canberra, Victoria will need to change its energy mix to reduce Victoria's greenhouse gas emissions, and this will result in huge changes for the power industry and its workforce in the Latrobe Valley.

As we move towards this low-emissions future it is essential that the government, industry, communities and the workforce come together to ensure that this inevitable transition is a smooth one. The Brumby government is already taking action in anticipation of an emissions trading scheme to ensure that Victoria is well placed to make this smooth transition to a low-emissions future.

Recently I hosted an energy summit in Gippsland that brought together representatives of the state government, industry and the unions and other workplace representatives to explore ways to drive jobs, growth and investment in the Latrobe Valley and across the wider Gippsland region. The summit provided an opportunity to discuss ways to develop and use Victoria's brown coal in a cleaner and more sustainable way, and gave workers the chance to meet the new director of Clean Coal Victoria, Mr Charlie Speirs. Clean Coal Victoria is a $12.2 million Brumby government initiative. It will work with the local industry, the local workforce and the local community to plan for a future based on the sustainable development of Victoria's world-class brown coal deposits.

Brown coal electricity generation is expected to be the mainstay of Victoria's electricity supply well into the future, but we do have to find a method for using our brown coal in a more sustainable and environmentally friendly way in the future. The government is investing heavily in the development, testing and deployment of clean coal technologies that are suitable for the Latrobe Valley, and as these new technologies come on stream they will change how the energy sector operates and will require new skills for the workforce. We believe it is important that electricity workers have the chance to help shape Victoria's future directions. By engaging with the Latrobe Valley workforce and industries at all levels in ways such as the summit that has just been held, we can help ensure that the workers and the rest of the community are well informed, that they can participate in the debate around changes to the industry and the community and that they can help drive and take advantage of the new investments, jobs and opportunities that are available for clean coal development.

However, the power workers and companies in the Latrobe Valley need a certain future, which is why we are saying to the Australian Parliament that to provide that certainty it should pass the carbon pollution reduction scheme legislation without delay — so that the workers of Gippsland and the Latrobe Valley will not be further disadvantaged by uncertainty.

Insurance: fire services levy

Mr RYAN (Leader of The Nationals) — I refer the Premier to the recently announced increase in the fire

services levy paid by country businesses from 68 per cent to 84 per cent, and I ask: is it not a fact that the fire services levy now imposes an even more inequitable and unacceptable burden on doing business in country Victoria?

Mr BRUMBY (Premier) — The fire services levy, as it is known, has been a system in place in this state for a long, long period of time. In fact when our government won office in 1999 we inherited the — —

Honourable members interjecting.

Mr BRUMBY — That's false, is it? Is that false?

The SPEAKER — Order! I ask for the Premier's cooperation in the smooth running of question time, and I ask for the interjections from across the table to cease.

Mr BRUMBY — We inherited a fire services levy from the former government, which was actually administered by a former Nationals minister. The Leader of The Nationals needs to put away the hypocrisy of his argument in relation to this matter. The fact of the matter is that the levy has been in place for a long period of time. As I have said to the Parliament on many occasions, it has always been the case that the responsibility to fund fire services in our state has been a joint responsibility between government and the insurance industry. It has always been the case that the insurance industry has made its contribution because in terms of its core business it is the major beneficiary, in a financial sense, of a fire safe Victoria. Therefore as we have invested more money — —

Mr Ryan interjected.

Mr BRUMBY — I will come to your policy in a moment.

The SPEAKER — Order! I ask the Leader of The Nationals for some cooperation, and I ask the Premier not to come to The Nationals' policy in a moment. The Premier, to address the question.

Mr BRUMBY — That has always been the case. If you do not have a system that is funded that way, there is only one alternative — that is, a compulsory levy on every Victorian house owner or renter or lessee, and that is known as a poll tax. That is the only alternative.

It is true that the fire services levy has gone up. It has gone up because the aggregate expenditure across the state on making our state safer has also gone up. The fact of the matter is that when we won government in 1999 the amount of money being spent on fire protection in this state was minuscule. As a government we were spending $25 million a year on core expenditure. We are now spending close to $110 million a year on core expenditure. It is a fourfold increase. As our expenditure increases, so too does the expenditure of the insurance companies.

I will just make one other point, which the Leader of The Nationals is aware of.

Mr Weller interjected.

The SPEAKER — Order! I have been very patient with the member for Rodney, but my patience has expired. The member for Rodney will cease interjecting in that manner.

Mr BRUMBY — Each year, as we determine how much will be spent on fire protection in our state, the amount the insurance companies are required to contribute is advised to them. It is the insurance companies who then determine how much each insurance policy holder pays. It is the insurance companies who determine the breakdown between policy-holder A and policy-holder B. It is the insurance companies who determine the levy; whether the levy will be more heavily based on country Victorians or Melburnians is determined by the insurance industry. That is the fact of the matter.

As the Treasurer has made clear today, with this debate there are only two alternatives: you can have the system which has been in place under successive governments and which allocates risk on the basis of the best risk assessment made by those companies; or alternatively, you can put a flat poll tax on every property, which I assume is The Nationals and Liberal Party policy.

Honourable members interjecting.

The SPEAKER — Order! The Minister for Water! The Deputy Premier!

Mr BRUMBY — In Victoria, by the way, if you look at the national average of non-insurance rates — this is information from the insurance council — the national average of no coverage on building or contents is 8.6 per cent; in New South Wales it is 10.5 per cent; in Victoria it is 8.8 per cent; in Western Australia — —

Mr Ryan interjected.

Mr BRUMBY — I am using the data the brokers put out yesterday. In Western Australia the figure for no insurance is also 8.8 per cent, and it has a compulsory levy across every property.

We need to be clear about this. The reality is that the fire services levy has gone up because we are spending more on fire protection. We are spending more to make the state safer. There is no magic pudding here. If you want more fire trucks, more fire officers, more support for volunteers, better communications, better emergency coordination centres, better websites, the helicopters and all of the things that go to make our state safer so that we can make it as fire safe as possible, you cannot do that without money. And when you need that money you can raise it through a poll tax, as proposed by The Nationals, or you can raise it through the time-honoured system in our state, a fire services levy, which has been the practice of successive governments — Liberal, Nationals and Labor.

Regional and rural Victoria: government initiatives

Mr HOWARD (Ballarat East) — My question is for the Minister for Regional and Rural Development. I refer to the government's commitment to make Victoria the best place to live, work and raise a family. I ask: can the minister update the house on outcomes of recent meetings in Bendigo and how they will contribute to securing jobs and investment in regional Victoria?

Ms ALLAN (Minister for Regional and Rural Development) — I thank the member for Ballarat East for his question. Like the member for Ballarat East, those of us on this side of the house understand very well how conferences, meetings and statewide events that are held in regional communities have significant flow-on economic benefits to local communities, particularly in the tourism and economic retail sectors.

Recently Bendigo was pleased to host two important conferences that could not be more different in their outcomes. Last week I was pleased to host the ministerial Regional Development Council meeting in Bendigo. I was joined by the federal Minister for Infrastructure, Transport, Regional Development and Local Development, Anthony Albanese, and the federal Parliamentary Secretary for Infrastructure, Transport, Regional Development and Local Development, Maxine McKew, and representatives from all the other states and territories. At that meeting we considered a significant number of policy initiatives and ideas that affect regional and rural Australians.

One of the important agenda items that was put forward by Victoria — and, I am pleased to say, was adopted by the council — was the expansion of the Regional Industry Link program, which has been operating successfully in Victoria for some time now. Through this program we have been assisting regional businesses to capitalise on the major infrastructure program we have in place to ensure that communities within the region where the infrastructure project is taking place can get the maximum benefits from the jobs that can flow from supplying goods and services to these projects.

The most recent example came with the announcement of Australia's largest desalination plant being constructed near Wonthaggi. That will create 1700 direct jobs but also 3000 indirect jobs in the local area. We want to make sure that regional businesses can capitalise on those opportunities, just as they have done on the Wimmera–Mallee pipeline project and on the food bowl modernisation project.

To date this program has operated across 26 municipalities and we have seen around $15 million in new investment opportunities for local businesses. The *Bendigo Advertiser* reported the outcome from this meeting as 'Industry link a boon'. That is right; it is a boon for regional communities. The ministerial council meeting also considered a range of other policies, including policies to assist jobs and support local communities across regional and rural Australia.

But as I said, this is not the only conference that has been held in Bendigo and not the only conference the *Bendigo Advertiser* has covered. Back in June the *Bendigo Advertiser* reported on another council meeting which was also held in Bendigo, a meeting that you would have thought also had a focus on new ideas and new policies, generating jobs and supporting regional communities. This was a high-level delegation of elected officials for a state council meeting. The primary focus of the meeting was to plan the organisation's agenda for the next 12 months. I am disappointed to advise the house that in covering the outcomes of this meeting the *Bendigo Advertiser* reported:

> There were no actual policy decisions made at Saturday's meeting …

None. All of these people were together in a room — elected officials, party officials — and not one single new idea: zero. Not one idea on jobs; not one idea on regional economic development. Which organisation was this? Which organisation spent a day in Bendigo and demonstrated clearly that it is a policy vacuum with no new ideas? It was of course The Nationals.

Honourable members interjecting.

The SPEAKER — Order! The minister will return to government activity, or I will sit her down.

Ms ALLAN — Certainly, Speaker. Government activity — our activity on this side of the house — is about developing policies and doing the hard work that is about supporting jobs and economic development in our regional communities. It is about sitting down and having a plan for the future. It is not about sitting through The Nationals' rite of passage, which is tea and pumpkin scones — —

The SPEAKER — Order! The minister has completed her answer.

PAPUA NEW GUINEA: AIR TRAGEDY

Mr BRUMBY (Premier) (*By leave*) — Earlier today in question time I answered a question regarding the Kokoda air crash and the Leader of the Opposition made some comments as well.

I have now been advised that the Prime Minister has told Parliament that there are no survivors from the Papua New Guinea plane that crashed carrying nine Australians. The Prime Minister told Parliament that it was his sad duty to inform the house that he had some very bad news from Papua New Guinea, which was that a little before 1.00 p.m. Australia's High Commissioner to Papua New Guinea advised the Minister for Foreign Affairs that he had been informed by officials on the ground at the crash site that they had concluded there were no survivors from the crash. Mr Rudd also told Parliament that two of the nine Australians killed in the crash were a father and daughter. As I said earlier, seven people on that flight were from Victoria.

This is a terrible tragedy for all the Victorian and Australian families concerned. These are people whose family members head off on perhaps the experience or walk of a lifetime and do not return. Our thoughts, our hearts and our prayers go out to all the families affected.

LIQUOR CONTROL REFORM AMENDMENT (LICENSING) BILL

Statement of compatibility

Mr ROBINSON (Minister for Consumer Affairs) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Liquor Control Reform Amendment (Licensing) Bill 2009 ('the bill').

In my opinion, the bill, as introduced in the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

1 Overview of bill

The bill will implement commitments announced by the government in *Restoring the Balance — Victoria's Alcohol Action Plan 2008–2013* to review licence categories and the introduction of a risk-based fee structure designed to ensure that licensees associated with the most harm pay a commensurate fee. To achieve this purpose, the bill amends the Liquor Control Reform Act 1998 to strengthen the objects of the act in relation to harm minimisation and the responsible consumption of alcohol; creates three new licence categories for late-night licences, a new restaurant and cafe licence and a new category for major events; creates the two new subcategories of temporary limited licences and renewable limited licences; simplifies the process for licensees seeking to change the category of licence they hold; and provides a new risk-based structure for licence fees.

2 Human rights issues

Section 13 — right to privacy

A person has the right under section 13(a) of the charter not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with.

Clause 27 of the bill inserts division 10 of part 2 into the Liquor Control Reform Act, which provides for an authorised person (an employee of the Department of Justice authorised by the secretary for that purpose, the director, a compliance inspector, a member of the police force) to request a licence or permit holder to provide information about the conduct of the licensed premises for the purpose of (a) assist in determining the relevant fees and/or (b) assist in identifying and measuring the factors that contribute to the risk of alcohol-related harms.

A licence or permit holder which is a body corporate will not in itself have human rights (section 6(1) of the charter). It is unlikely that the requirement to provide information pursuant to this provision could amount to an interference with a person's privacy, home, family or correspondence, because the information provided must relate to the purposes specified in the proposed section 66A, in respect of which a person would not have a reasonable expectation of privacy. Although section 66A does not specify exactly what information will be requested, I consider that any interference with privacy resulting from the information request in accordance with section 66A would not be unlawful or arbitrary because the provision clearly specifies what the information must relate to and the purpose of its collection. Furthermore, the requirement for information in relation to fees is reasonable regulatory limitation on the right to privacy of those persons who voluntarily hold a liquor licence or a permit. Accordingly I consider that the provision of information in relation to fees does not limit the right to privacy protected by section 13 of the charter.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because the provisions do not limit human rights.

Hon. Tony Robinson, MP
Minister for Consumer Affairs

Second reading

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

That this bill be now read a second time.

The Brumby Labor government gave a commitment to introduce a new risk-based liquor licensing system as part of broader reform to reduce alcohol-fuelled violence in Victoria. This bill delivers on that promise by creating the power to make regulations to implement a risk-based fee system.

The risk-based fee system

The liquor industry has dramatically changed in the last 20 years. In the 1980s the Nieuwenhuysen report recommended increasing competition in the liquor industry. The vision for Melbourne was for an entirely new system to encourage growth in European cafe-style outlets.

In 2009, we are a city of small bars and restaurants attracting tourists from all over the world. Our chefs are world class and our wine is internationally recognised. What we did not account for at the time of the Niewenhuysen report was the increase in large nightclubs and bars that accompanied the liberalisation of liquor laws.

Recently we have seen community outrage over horrific incidents of late-night violence in and around licensed venues. The Brumby government is taking action to recast the liquor licensing system to ensure that bars and nightclubs that are open late and have large numbers of patrons contribute more to the cost of stronger regulation and enforcement of the liquor industry necessary to help reduce alcohol-related violence and contribute to a safer community. We are doing this without penalising the sophisticated food and cafe culture that has emerged in Melbourne by recognising that these venues present less risk to the community.

We gave a commitment to introduce a system where venues that can be identified as high risk pay a greater share of the cost of regulating the licensing system. Currently, some of these costs are being borne by the ordinary taxpayer and we say that this is no longer acceptable.

A liquor licence is not a right but a privilege and licensees should pay accordingly. We are not saying that a risk-based system will eliminate alcohol-fuelled violence but it is an important part of a bigger package of reform which includes 120 more police on the streets, the introduction of a compliance directorate, bigger penalties for drunk and disorderly behaviour and for serving intoxicated patrons, and greater enforcement powers for the police and the director of liquor licensing.

Strengthening law and regulation for licensed venues delivers on our commitment to combat alcohol-related violence and disorder and make attending entertainment precincts a safer and more enjoyable experience for all law-abiding members of the community.

Additionally, special provision has been made for small businesses and not-for-profit licensees, such as local sporting or social clubs, to apply to have their fee reduced or waived where they can demonstrate that payment of the fee would cause serious financial hardship.

Risk factors

A substantial body of evidence demonstrates that certain characteristics and practices of licensed venues are associated with a higher risk of alcohol-related harm. Among the standout factors are trading hours and compliance history.

The evidence shows that the later a venue trades, the more risk of alcohol-related harm. It also shows that a licensee's compliance history is an indicator of future behaviour. Licensees with a good compliance history are generally regarded as lower risk than licensees with a poor compliance history. The risk factors incorporated into the model reflect the evidence and were consistently identified by stakeholders during consultation — how late a venue trades and if it is caught serving intoxicated persons or minors or allowing drunken or disorderly persons or minors on a licensed premises, that is, its compliance history.

Late opening hours and poor compliance history have been shown to increase the risk of alcohol-related harm, thus they were included as risk factors in the model.

Additionally, there is concern in the community regarding the contribution of packaged liquor outlets to alcohol-related harm. More than three-quarters of alcohol sales are from packaged liquor outlets. Outlets that have extended trading hours are more likely to be associated with greater alcohol-related harm resulting from pre-loading, unsupervised and under-age consumption.

Other factors were considered, however were not included because of limitations in the evidence or an

inability to objectively identify and measure them, such as poor staff management practices and overcrowding.

Regulation-making power

To enable the introduction of the new risk-based fee model, the bill expands on the factors that can be used to determine how fees will be set under the regulations. It enables new regulations to provide for calculation of fees on the basis of:

the nature and scale of activities being carried out at the licensed premises;

the trading hours;

the number of patrons;

activities that may reduce the risk of alcohol-related harm arising from the operation of a licence or permit;

the previous conduct of a licensee or permittee in carrying out activities under a licence or permit;

the previous history of a licensee or permittee in complying with this act and the regulations;

any other factors that are consistent with the objects of the act.

Through these amendments to the regulations-making power we can capture additional risk factors in the future when further data is available. This may include rewarding venues for good management practices or looking at the broader harm minimisation objectives of the act.

Strengthening the objects of the act

The Victorian alcohol action plan commits the government to a wide range of initiatives to 'restore the balance' within families and communities. It aims, in particular, to reduce:

(a) risky drinking and its impact on families and young people;

(b) the consequences of risky drinking on health, productivity and public safety; and

(c) the impact of alcohol-fuelled violence and antisocial behaviour on public safety.

We have examined the extent to which the objects of the act support the shift in focus under the Victorian alcohol action plan to emphasise the need to increase community awareness of safe drinking practices and to mark the priority to be given to harm minimisation and risk management.

The principal object of the Liquor Control Reform Act is to contribute to minimising harm arising from the misuse and abuse of alcohol. The act currently sets out three means by which the act contributes to minimising harm:

by providing adequate controls over the supply and consumption of liquor;

by ensuring, as far as practicable, that the supply of liquor contributes to, and does not detract from, the amenity of community life; and

by restricting the supply of certain other alcoholic products.

However, in order to better support the aims of the Victorian alcohol action plan, the new risk-based fee model, and to reflect the community's expectations, we have clearly underscored that the harm minimisation object of the act extends to encouraging a culture of responsible consumption of alcohol and reducing risky drinking of alcohol and its impact on the community.

This also allows us to further explore the extent that packaged liquor outlets contribute to alcohol-fuelled violence and further costs to the community such as long-term health costs and the costs incurred by emergency wards on Friday and Saturday nights from alcohol-fuelled violence.

The bill further reinforces the harm minimisation objects of the act by providing that it is the intention of Parliament that every power, authority, discretion, jurisdiction and duty conferred or imposed by the act shall be exercised and performed with due regard to harm minimisation and the risks associated with the misuse and abuse of alcohol. This amendment is intended to reinforce the priority of harm minimisation in the act and to strengthen the way in which the objects of the act are applied.

New licence categories

The bill amends the act to create three new licence categories: a new late-night licence category, a separate restaurant and cafe licence category and a major events licence category. The bill also creates two subcategories of limited licences: a limited renewable licence and a limited temporary licence.

Late-night licence

The bill creates a new late-night licence category for licences that authorise the supply of liquor after 1.00 a.m. Currently, late-night trading hours (trading after 1.00 a.m. through to the commencement of ordinary trading hours) may be authorised under general, on-premises and packaged liquor licences.

This new category recognises that the ability to trade outside ordinary trading hours is a privilege, not a right, and such licences are granted at the discretion of the director of liquor licensing.

Evidence indicates that alcohol-related violence and antisocial behaviour predominantly occur during late trading hours. The risk of alcohol-related harm associated with violence and antisocial behaviour rises significantly after 1.00 a.m.

The creation of the new late-night licence will enable general, on-premises and packaged liquor licences trading during this high-risk period to be grouped into a single category, enabling them to be better regulated and monitored.

The new late-night licence will authorise the supply of liquor under three subcategories of licences: late-night (general), late-night (on-premises) and late-night (packaged liquor).

New licence for restaurants and cafes

This bill introduces a new category for restaurants and cafes. We acknowledge that restaurants and cafes are low risk and that their contribution to the costs of increased compliance and enforcement activity should reflect that. Accordingly, late trading restaurants will have lower fees.

In this bill a venue will fit within the restaurant and cafe category if its predominant activity at all times is the preparation and serving of meals to be consumed on the licensed premises. This provides greater clarity between those low-risk restaurant and cafe venues and other venues that may serve food but whose predominant activity is drinking. This will ensure that premises licensed under the restaurant and cafe licence category, and who will receive the benefit of lower fees under the risk-based model, cannot turn into bars, or primarily drinking places, later at night.

Major events licence

The bill creates a new major events licence for large events that attract a high number of patrons and have greater potential for safety risks and amenity impacts and therefore require a greater regulatory effort or enhanced service provision.

Currently, such events may be licensed under a temporary limited licence which provides for the supply of liquor to be authorised at any event where the scale and scope of the supply is limited.

The new major events category will distinguish those events that are likely to have a more significant impact from other lower risk activities that may be authorised under a temporary limited licence.

For example, the new major events licence category will apply to events that are likely to have a significant impact in that they are likely to require significant enforcement effort or oversight, have a significant impact on the provision and organisation of public transport or emergency services, or if they are likely to have a significant impact on public safety and the area in which the event is to be held.

The bill provides that the director may determine that an event is a major event if satisfied that it is likely to have a significant impact and sets out the criteria upon which this decision must be based.

All events that are likely to attract more than 5000 patrons will be taken to be a major event. The bill sets out the factors that the director must have regard to when determining the number of patrons likely to attend the event. The director has the power, however, to exclude an event that is likely to attract more than 5000 patrons from this new category if the director believes that, having regard to the factors just mentioned, it will not have a significant impact.

Temporary and renewable limited licences

The bill creates two subcategories of limited licences by providing that a limited licence can be a temporary limited licence or a renewable limited licence. The bill recognises a clear distinction between activities that are ongoing (and are renewable), such as bed and breakfast businesses and activities that are one-off events or events over a limited period (and are not renewable), such as a charity event at which liquor is sold.

I commend the bill to the house.

Debate adjourned on motion of Mr O'BRIEN (Malvern).

Debate adjourned until Wednesday, 26 August.

BUSINESS OF THE HOUSE

Program

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

> That the government business program agreed to by this house on 11 August 2009 be amended by omitting the order of the day, government business, relating to the Cemeteries and Crematoria Amendment Bill 2009.

By way of a brief explanation, it was the intention of the government to deal with six bills in the government business program for this week. The removal of this bill from the program will reduce it to five. This is being done in recognition of the large amount of time that was spent on Tuesday — rightly spent — debating points of order and the subsequent motion on the dispute resolution process. To allow sufficient time for the remainder of the legislative program, we think it is appropriate to take this bill off it. We have had discussions with the opposition, and I understand it has no objections to this proposal.

Motion agreed to.

COURTS LEGISLATION AMENDMENT (JUDICIAL RESOLUTION CONFERENCE) BILL

Second reading

Debate resumed from 28 July; motion of Mr HULLS (Attorney-General).

Mr CLARK (Box Hill) — The Courts Legislation Amendment (Judicial Resolution Conference) Bill is a bill to provide for the confidentiality of and judicial immunity for judges involved in what are defined as judicial resolution conferences and to empower the Supreme, County, Magistrates and Children's courts to make rules relating to judicial resolution conferences.

Judicial resolution conferences or, as they are more commonly known, judge-led ADR (alternative dispute resolution), are the Attorney-General's latest hobbyhorse. It is yet another instance where, when he is surrounded by widespread chronic problems, he fails to take systematic, effective action and instead focuses on one small component of the situation and devotes inordinate attention to that component as a distraction from his failures and inactions everywhere else. We have seen this in recent days with his boasts about the Neighbourhood Justice Centre, and we are seeing it again today with his trumpeting about judge-led ADR at a time when elsewhere across the state the courts are being neglected, particularly in western and northern suburbs — in areas such as Niddrie and Broadmeadows where the Attorney-General and the Premier act like absentee landlords who take their constituents for granted.

Indeed that was strikingly demonstrated to me during the Kororoit by-election when the Attorney-General turned up at the polling booth at my old primary school, St Albans East, dressed in his Mount Hotham après-ski outfit. When he had puttered off into the distance on his red, Lambretta-style motor scooter, ALP booth workers one after another quietly came up and told me how they hoped the Liberal Party would do well in the by-election because it was the only way to send a message to the Labor Party hierarchy that it needed to stop taking the western suburbs for granted. Well may grassroots Labor members in the western suburbs feel that they are being taken for granted because one of the — —

Honourable members interjecting.

The SPEAKER — Order! Even allowing for the leniency accorded to a lead speaker I find that the contribution of the member for Box Hill is not on the bill.

Mr CLARK — I am putting in context the Attorney-General's assertion in the second-reading speech that this bill is a key component of his justice statement mark 2 commitment to provide the community, business and industry with better options for resolving disputes quickly and cheaply. I am pointing to the numerous instances across the state where the Attorney-General has neglected his responsibility. We are seeing in the western suburbs that residents are forced to fit roller shutters to their windows and spend their days inside in semidarkness because of his failure to deliver justice and to tackle soaring levels of violent crime. He is ignoring his responsibilities to bring justice to Victorians through sentences that put violent criminals behind bars and help make the streets safe for all Victorians. Instead he has pretended that hate crimes legislation will be the solution to the wave of violent crime that is sweeping the state.

We see exactly the same attitude from the Attorney-General on the problem of the chronic delays in our courts which are causing grief and injustice for victims, witnesses and accused persons alike and are even leading to the release of offenders who might otherwise deserve to be behind bars. I have raised previously in this house the example of a violent attack that took place in July 2004, where the police were

ready to proceed to trial within a month but the trial did not take place until April 2008, by which time it was too late for the judge to send the offender to a youth training centre. Instead the offender was released on a good-behaviour bond despite a previous conviction. I have also raised cases where the Attorney-General's inadequate support for Victoria Legal Aid has led to trials being unable to proceed, often causing great cost to taxpayers and adding to chronic delays.

These problems in our justice system are not just anecdotal. The figures published each year by the Productivity Commission confirm the magnitude of the problem. On the latest figures to 30 June last year, Victoria's criminal trials waiting lists include the biggest backlogs in Australia for Supreme Court appeals, County Court non-appeal cases and Children's Court cases as well as for the percentage of Supreme Court non-appeal cases waiting more than 12 months. In Victoria almost all waiting lists have dramatically worsened since 2003, while over the same period most New South Wales court waiting lists have improved.

I will give a few specific examples. In the criminal lists there were 489 Supreme Court appeal cases waiting to be heard in Victoria compared with 432 cases in the previous year and 337 cases in June 2003. That is the highest number in Australia. The figures reveal that the backlog of non-appeal Supreme Court criminal list cases was 166 pending, compared with just 56 cases in June 2003. In the County Court there were 946 appeal cases waiting to be heard, compared with just 510 in 2003. There were 2341 non-appeal County Court cases waiting to be heard, the highest number in Australia and up from 1722 in 2003. Victoria's Magistrates Courts have the second-largest backlog of cases of any jurisdiction in Australia, with 34 701 cases waiting to be heard, up from 26 633 in 2003.

Victoria's Children's Court also has the largest Children's Court backlog in Australia: 5591 cases are waiting to be heard, up from 4398 the previous year. The nearest comparison with any other state is Queensland with 2374 cases. The lack of proper support in Victorian courts means that judges are having to be moved from one problem area to another, with any improvements in one area coming at the cost of deteriorations somewhere else. Yet the experience of New South Wales, where reductions have been achieved in court waiting lists, shows that the court system can be run much better than it is currently being run in Victoria.

Despite all these problems, the Attorney-General has no plan and no sense of urgency to resolve these problems. His office is giving new life to the use of the term 'Dickensian' to describe the tortuous snail's pace at which anything practical is being considered that might improve the coalface delivery of justice for ordinary Victorians, Victorians who are suffering justice delayed and therefore justice denied. Instead the Attorney-General is seeking to blame anybody but himself for the problems in our justice system. Of course his latest scapegoat has been the legal profession. He has gone around labelling its members as duelling barristers who engage in epic advocacy, and he is putting forward reforms such as those outlined in this bill as a way of tackling this alleged problem.

The Attorney-General often proclaims himself as the state's first law officer. As the state's first law officer he should know how much the community needs people who are fearless and willing to stand up for their clients, even if it is against the weight of public authorities and governments, and who are willing to argue a case, however unpopular. We see time and again cases that are brought into the courts that seem overwhelming, only to find their flaws are exposed and inconsistencies made manifest under the scrutiny of an advocate who is able to probe and expose and who has the determination to do so regardless of what officials, ministers or even attorneys-general might think.

The time we realise how much we need an independent, capable and forthright legal profession is when we contemplate what our society would be like without one, with citizens forced to cower and grovel mute before a state appointed judge or where any state assigned legal representation is largely for show. Tyrants throughout the ages have wanted to beat down and suppress an independent legal profession, and now we have a bully like the Attorney-General trying to bludgeon the bar, because its members dare to question the all-seeing, all-knowing wisdom of his social engineering, and make them a scapegoat for his regime of neglect and bungling that has characterised the Victorian court system.

The Attorney-General needs to realise that the buck stops with him when it comes to the rules under which our courts and legal profession operate. He has the capacity and the responsibility to bring to this Parliament legislation to change the rules of civil procedure, criminal procedure, evidence or legal profession regulation. He is the one responsible for securing the courtrooms and the facilities and equipment with which our courts struggle to operate. He is the one who has his department micromanaging the administrative arrangements of our courts, even down to controlling what emails our judges are allowed to receive. He is the one who has established a system for handling complaints about the legal profession

where complainants are left in limbo for years without resolution or even updates on progress, and where even senior members of the legal profession are complaining about lack of action on complaints about improper conduct by colleagues.

If there are problems with our courts and the way the legal profession is able and required to operate, as indeed there are, the Attorney-General has no further to look than himself to see who has responsibility for taking action. But instead of taking that action, instead of introducing effective measures to tackle the chronic problems in our legal system, instead of acting expeditiously to fix those problems, the Attorney-General is choosing yet another hobbyhorse on which to ride out proclaiming that he is providing the community with better options to resolve disputes quickly and cheaply.

Judge-led ADR is in fact a recent hobbyhorse onto which the Attorney-General has climbed. When members read justice statement 1, which was issued in 2004, they will see that the whole subject of alternative dispute resolution received only limited mention. If members then turn to justice statement 2, which was issued in 2008, they can see that the Attorney-General has become a full-blown enthusiast for judge-led ADR. In justice statement 2 the Attorney-General boasts, and I quote:

> The government will make Victoria an ADR leader in the Asia-Pacific region over the next five years …

He claims he will do that by focusing on four areas, the first of which is court-based ADR. He talks about the new legislation that will empower the courts and VCAT to make much better use of judge-led mediation. He goes on to describe how that will work. He says the approach has been successful in Canadian jurisdictions, including in the Quebec Court of Appeal, and he then goes on to talk about the government examining the recommendations of the Victorian Law Reform Commission for protocols that would require prospective litigants to make a genuine attempt to settle their dispute before commencing proceedings in the courts. He then proceeds to talk about ADR in the Magistrates Court in relation to diverting properly assessed non-family-violence-related intervention order applications.

Let us now have a good look at the Attorney-General's latest hobbyhorse of judge-led ADR, and let us look this hobbyhorse in the mouth, because it is certainly no gift horse. ADR, which is otherwise known as alternative dispute resolution — or appropriate dispute resolution, as the Attorney-General prefers to call it — has proved highly successful in recent decades. The availability and appropriate use of alternative ways of resolving disputes is something that we on this side of the house support and will facilitate in government. There has been a wide range of ADR techniques that have largely evolved without government intervention, save that various pieces of legislation have allowed or in some cases required various forms of ADR as part of the litigation system. Some of these measures go back for many years — for example, in relation to commercial arbitration.

Over the years there has been a change of attitude from a fear that dispute resolution outside the courts would be used to exclude the jurisdiction of the courts, to limit the rights of parties and to oppress vulnerable parties. We have gone from that fear to a recognition that when properly conducted it is possible to achieve satisfactory results with a less adversarial approach and at lower cost through the use of various ADR techniques. We have now reached the point where the issue before us is whether it is time for some greater regulatory framework to be introduced around ADR or for greater integration into courts and tribunals and, if so, what form that regulatory framework and integration should take.

That was the main subject of the inquiry by the parliamentary Law Reform Committee into ADR and restorative justice in which I was pleased to take part. It was also of course considered by the Victorian Law Reform Commission.

The Attorney-General, as usual, is paying no serious attention to the issue — —

Mr Hulls — To you!

Mr CLARK — He meanders into this house, interjects incessantly and with very little intellectual content. I suggest if he wants to get a balanced, informed and constructive assessment of his proposal, he might care to stay in the chamber and continue to listen.

As well as greater ADR use, we have also had courts looking at alternative ways of case management, including a range of more proactive involvements from the bench in determining the best way to prepare for trial and to bring issues to trial. I must say I was particularly impressed with some of the approaches to commercial litigation that are being trialled by several County Court judges who gave evidence to the recent parliamentary Law Reform Committee inquiry.

The proposals for judge-led ADR flow from the general success of ADR, and they go in a different direction to the approach that I have just referred to — that of

greater hands-on case management from the bench carried out in open court. As the bill makes clear, judge-led ADR or judicial resolution conferences, to pick up the new term introduced by the bill, consists of the involvement of a judge behind closed doors in a confidential mediation-type process seeking to assist the parties to reach voluntary resolution. This is an approach that is not without controversy. Not only the parliamentary Law Reform Committee but the Victorian Law Reform Commission, Canadian judicial experience and members of the Victorian Bar have been major contributors to public discussion on this issue.

Let us have a look at what the Attorney-General does not want to turn his mind to, namely, the arguments in principle, those in favour of and against judge-led ADR, before looking at the specifics of what is proposed under the bill. If one turns to the case in favour of judge-led ADR, it could be said with some force that it has the potential to bring with it the authority of a judge, in terms of respect for what is said to the parties by the person conducting the mediation. So when a mediator who is a judge makes comments on the strengths or weaknesses of legal arguments, or on how settlement offers that one party may put to the other during the course of a mediation may compare with what a court could end up holding or awarding, then the argument goes that the parties are likely to attach considerable weight to what is said to them.

In a similar vein it can be said that there will be a high level of implicit trust for a judge conducting a mediation and that that level of trust will assist the process. It can also be said that the authority and experience of a judge will mean that the judge, in leading ADR, can give informed advice to the parties on what solutions in contemplation between them might be approved and might be given effect by a formal court order. If all of that stands up, and if it is possible for judge-led ADR to achieve a quicker, less costly or more satisfactory settlement than a court might award after a protracted wait for trial or for judgement, that can be a considerable benefit for the parties and for the community.

On the other hand, a range of arguments can be brought against the proposal to implement judge-led ADR. There is a concern that it could involve cost shifting to the parties and an abrogation of the responsibility of government to provide timely access to the courts. In other words, instead of the Attorney-General achieving a functional court system in which cases can come on for trial without chronic delays, in effect he will coerce or bludgeon the parties into going along with a second-class solution because they cannot bear the delays and the costs involved in waiting around for a court hearing.

A further concern is the argument that different skills are required to effectively perform mediation compared with those that are required by a judge on the bench. A judge on the bench applies the law in an impersonal and impartial manner, according to rules; a mediator often needs to rely heavily on personal rapport, trust, lateral thinking and persuasion. There may be many existing judges who are excellent at judging but poor at mediation. It may also be difficult to recruit people with the skills needed for mediation to take up appointment to the bench. Furthermore, it can be said that if recruitments to the bench are undertaken with mediation skills at front of mind, the people who are appointed may then lack the skills that are needed to perform traditional judicial functions.

Certainly there are those who are capable of doing both. There is little doubt that a number of those who currently hold appointment on various benches throughout Australia have the skills and qualities required to conduct mediations well. However, it can be said that it is already hard enough to persuade good people to take up positions on the bench. Those who are capable of performing both the traditional judicial role and judge-led mediation well are going to be scarcer still.

Another concern that has been raised is the question of priority: of devoting judges to conducting judge-led ADR ahead of the many other pressing needs our state has for judges, if it is not possible to have as many judges as we need to do everything that is required of judges. We are, in practice, likely to be in the dilemma where, either because of the dollar constraints on the number of judges who can be funded on our benches or because of constraints on simply finding sufficient numbers of qualified people willing to take judicial appointment, a limited number of judges will be available. Additional judges put into judge-led ADR will not be available, for example, for making inroads in some of the huge backlogs that I referred to previously in our criminal or civil waiting lists here in Victoria.

In other words, the question that needs to be asked is: will having judges performing ADR provide greater benefits than having the same number of judges helping to make inroads into backlogs on our existing court waiting lists? Instead of having judges conducting ADR, should we use other available mediation expertise to carry out alternative dispute resolution?

A further issue that needs to be addressed is how allegations of abuse will be handled when made against judges conducting judge-led ADR — for example, if there are allegations of bias, breach of confidence or failure to accurately or effectively represent the views of one party to another in the course of a mediation. How are judges going to be protected if and when such allegations are made? Unlike traditional court hearings in open court, judge-led ADR is conducted behind closed doors with few witnesses. It is bad enough if allegations are brought against a private mediator, but it would be a scandal and a disruption to the entire role of a judge if there were serious allegations made about his or her conduct in conducting a judicial resolution conference, and it would be very difficult to investigate and resolve that complaint.

It could also be said that judge-led ADR is a weakening of the principle of hearing disputes in open court. How much latitude will the judge have to apply moral suasion to parties to get a resolution or to make statements that would not be appropriate to say in open court? In relation to that argument, the parliamentary Law Reform Committee put it at page 171 of the report entitled *Inquiry into Alternative Dispute Resolution and Restorative Justice* as*:*

> … private access to a judge is contrary to basic principles of fairness and undermines confidence in the courts.

Similarly, the question must be asked: does judge-led ADR affect judicial separation of powers? For example, would it be allowed at a commonwealth level? To again quote the parliamentary Law Reform Committee at page 171:

> Mediation by judges may infringe constitutional principles that prohibit judges from performing functions that are incompatible with their judicial functions.

This line of argument may even flow through to infringing section 24 (1) of the Charter of Human Rights and Responsibilities Act, which provides that parties have the right to have their case determined by 'a competent, independent and impartial court or tribunal'. This is not only because of the argument that the bill may affect subsequent hearings in open court, as the Scrutiny of Acts and Regulations Committee (SARC) has raised, and as I will comment on shortly, but because having judges perform ADR may be argued to be undermining the nature of the court itself.

In light of these considerations, let us have a look at the provisions of the bill. The bill defines 'judicial resolution conference' as a resolution process presided over by judge or a magistrate for the purposes of negotiating a settlement of a dispute, including mediation, early neutral evaluation, settlement conference or conciliation. The bill provides that no evidence shall be admitted at a court hearing about anything said or done by a person in the course of a judicial resolution conference unless the court otherwise orders, having regard to the interests of justice and fairness. It gives to a judge performing duties in connection with a judicial resolution conference the same protection and immunity as in the performance of his or her duties as a judge. The bill provides that a judge is not compellable to give evidence in any proceedings, whether civil or criminal, of anything said or done arising from the conduct of a judicial resolution conference. It gives each court the power to make rules of court relating to judicial resolution conferences, including the practice and procedure of the court.

In addition to the broad issues for and against judge-led ADR that I have previously discussed, the bill raises other specific issues and areas of concern. I thank in particular the Federation of Community Legal Centres Victoria through policy officer Lucinda O'Brien for its submission to me, copied to the Attorney-General, in which it said:

> In principle we are not opposed to judge-led mediation. Our ultimate view will depend on the way in which judicial resolution conferences are implemented in practice. The most important issues, for our purposes, will be the cost of participating in such conferences, the scope for legal practitioners to represent their clients and any other measures to ensure fairness to self-represented or otherwise disadvantaged litigants — for example, a free interpreting service.

These are very important practical considerations that have not been addressed. Who is going to pay for judge-led mediation? Is it the parties or the taxpayers, or is it to be done on a basis yet to be determined? Judicial registrars in the Magistrates Court are not mentioned in the bill. Is this an unintended omission? How extensive in practice will judge-led ADR under the legislation turn out to be? Will it make any material inroads into waiting lists, or will it be just another piece of impractical symbolism by the Attorney-General?

Both the Victorian Law Reform Commission (VLRC) and the parliamentary Law Reform Committee expect that any role will be very limited. The committee said at page 173 of its report:

> The committee recognises that given the financial pressures on the court, referrals to internal ADR processes should only be made in the limited circumstances recommended by the VLRC.

The VLRC in its *Civil Justice Review Report* said at recommendation 20:

> Court-conducted mediation is to be encouraged, but in view of limited court and judicial resources it might be preferable for courts to deal mainly with cases where private mediation is unsuitable or unavailable …

It mentioned examples such as one of the parties being in financial hardship, unable to agree on a choice of mediator et cetera. Both of these bodies contemplate that the occasions on which judge-led ADR may take place in practice could be very few indeed.

Our next question is: where has the money — the $3.7 million announced in the 2008–09 budget — gone? We have seen judges appointed to the various courts; where else is the money going? How much is being spent on bureaucrats, how much is being spent on consultants and how much is being provided for the training of judges? Will extra funds be provided to the Judicial College of Victoria so it can provide ADR programs for judges and magistrates?

The bill provides that the act will commence on a day or days to be proclaimed up to 1 August 2010. When exactly is it intended to bring the legislation into operation, and what administrative arrangements need to be completed?

The second-reading speech refers to an ADR directorate within the Department of Justice overseeing part of the process. We certainly hope that that is not an infringement on judicial independence.

SARC raises concerns about the non-compellability of judges in relation to bribery or corruption. That also needs to be responded to. The Attorney-General has adopted his usual half-baked approach: pass a law, and never mind the detail. However, this is predominantly a facilitative bill, leaving the extent to which judge-led ADR is implemented ultimately in the hands of judges and magistrates. For this reason we will not oppose the bill.

Mr CARLI (Brunswick) — I am very pleased to support the Courts Legislation Amendment (Judicial Resolution Conference) Bill. After 30 minutes of attentively listening to the member for Box Hill I finally heard him say that the opposition does not oppose this bill. I appreciate the fact that the opposition does not oppose this bill. We did hear from the member for Box Hill arguments in favour of judicial resolution conferences, and also we have heard a number of arguments against. I must say there are many compelling arguments for why we should all be supporting appropriate dispute resolution (ADR), as the Attorney-General calls it.

ADR has been used and is being used in various parts of our court system. This is really an expansion of that. It is part of justice statement 2. A very clear objective of the Brumby government is to modernise the courts, reduce the cost of justice and provide Victorians with more opportunities to resolve their disputes more quickly and at less cost. I am afraid that was not at all clear in the contribution of the member for Box Hill, but those are the objectives, and they will be achieved with the expansion of ADR.

One of the reasons why I very much support the bill is because over time I have seen constituents engaged in civil disputes which often could have been resolved by this sort of judge-led dispute resolution system. They entered into the civil law and largely bankrupted each other. Probably a lot of members have seen that. We have a very expensive system of litigation. We have a system which is adversarial and very costly. We have elements of ADR and we also have neighbourhood mediation centres. Over time we have already introduced other mechanisms to handle disputes in a way that is not adversarial and not simply based on a judicial judgement at the end. That is what this is about. Essentially the bill lays the groundwork for judicial mediation and other forms of dispute resolution. In this groundwork the judge is actively involved in assisting, facilitating and drawing the parties together and seeking a settlement agreement rather than imposing a final decision.

I listened attentively to the member for Box Hill who said there are issues of skills. Part of what the bill provides and what the government provides is training and education for judges so they will be equipped to do this important work. It is not intended to create a greater burden on the courts. It is about resolving some of the burdens on the courts and streamlining them, creating more opportunities to resolve issues and, importantly, making the court system more accessible and less costly, because as we all know it is immensely costly to take civil action in our court system.

The bill is about the government working with the courts. The bill maintains the independence of the court system, but at the same time it is about ensuring the courts are equipped. In the last budget we saw extra resources made available for these additional services in the community. The bill highlights the direction of the Brumby government and the Attorney-General and is spelt out in justice statement 2, which was released last year. It is very much about ensuring that the judicial or court system is more accessible, less costly and can act quicker so that there are opportunities for judicial resolution through conferencing, through the techniques of mediation and through assisting the parties to resolve

their differences. It allows a judicial officer to use their authority, their knowledge and their experience to help parties identify the real issues. As I said, I have had experiences at a community level of disputes that often began as small disputes between neighbours or between people who have known each other very well but which have ended up in the courts and being adversarial. That creates great distress for those people and equally a huge burden in terms of cost.

It is not that ADR is altogether new to the Victorian court system. The member for Box Hill suggested that it is all untested and untried, but that is actually not right. To an extent it has been used in the Children's Court, the Magistrates Court and the County Court, and a two-year pilot program is under way to enhance the ADR capacity of the Supreme and County courts. In a certain sense those courts have identified the positives of ADR. The bill allows for the development of ADR in the judicial system. This is not experimental or new ground. They are areas that we know and have identified as working in the system. It is about expanding the system and about setting up the framework to ensure it will work and is promoted and enhanced so that appropriate dispute resolution becomes a key component of our court system.

The reasons for ADR are fairly simple. It saves time. The member for Box Hill talked about waiting lists and the time it takes to get access to the courts. This is about streamlining things. It is about reducing time taken and resolving things quicker. It is about saving money — money coming from the people going to the court, but equally money coming from the public purse. It is also about giving people some sense of ownership of the outcome. It is about ensuring their part in the process and so it is not simply based on a final decision of a judge. There will be a process by which the parties can identify the issues, and they can seek to resolve issues. It improves their ownership of issues.

It also provides an option for parties who have not previously been able to come to a settlement of their dispute. I do not think we should underestimate that. Often litigation is time consuming, it goes over a long period. This is an option that becomes available to the parties and one which certainly from practice and the evidence before us is available and appropriate. The bill demonstrates, as did justice statements 1 and 2, that the Brumby government continues to deliver innovative and practical policies to improve justice for the Victorian community. It is a very practical response to the issues of time and money for those involved in litigation.

The bill protects the various parties. It ensures that judges and magistrates are protected from being sued by immunities in relation to their judicial function. It is an important reform, but it is in the context of a basket of reforms that are in justice statement 2, all of which are there to ensure that the civil justice system is responsive, accessible, affordable and timely. That has really been a key focus of justice statement 2. It is an important part of the reforms to the civil justice system. Unlike the member for Box Hill, I strongly support it. I think it ensures better access to the civil justice system for all Victorians. I wish the bill swift passage.

Mr NORTHE (Morwell) — It gives me great pleasure to make a contribution to the Courts Legislation Amendment (Judicial Resolution Conference) Bill 2009. I make very clear at the start that we do not oppose the bill. The bill seeks to amend four acts: the Supreme Court Act 1986, the County Court Act 1958, the Magistrates' Court Act 1989 and the Children, Youth and Families Act 2005. It seeks to clarify the judicial immunity that applies to judges, associate judges and magistrates when carrying out judicial resolution conferences. Further, it seeks to provide for the conduct of these processes by judges, associate judges and magistrates with the objective of supporting the Supreme Court, County Court, Magistrates Court and Children's Court in the practices of non-determinative appropriate dispute resolution processes in civil proceedings.

I am a bit disappointed we are debating this today. It would have been apt and appropriate to have had this debate yesterday afternoon, given the debates in this chamber and given that we are talking about dispute resolution. The bill introduces the concept of a judicial resolution conference which, as other members have outlined, encompasses various alternative dispute resolution (ADR) techniques. It includes mediation, conciliation and early neutral evaluation when they are presided over by a judicial officer.

The bill will also confirm that a judicial officer will not be liable for suit as a result of conduct undertaken during a judicial resolution conference. This is consistent with the immunity for judicial officers at common law. It also ensures that anything that is said or done in the course of this appropriate dispute resolution process will remain confidential information. It confirms that judicial immunity extends to the conduct of ADRs by judicial officers. The bill also provides the courts with rule-making powers, allowing them to determine their practice and procedures for conducting ADR processes. That is a very important element of this legislation.

The bill also provides parties who are already involved in legal proceedings with opportunities to participate in an ADR process presided over by a judicial officer. In cases of financial hardship, some affordable dispute reservation processes will be provided where the authority of the courts adds a different dimension to settlement negotiations. The court-conducted ADR processes offer the party a further option to assist in the resolution of the dispute. It basically gives it a higher authority than currently occurs at the moment.

Dispute resolution is an important service afforded to the community to resolve a diverse range of issues between various parties. We have heard previous members make mention of that. I, like many other members of Parliament, have been presented from time to time with unresolved disputes. I hope this legislation will assist in some part to help in that process.

As members would be aware, we have the Dispute Settlement Centre of Victoria. I know I have guided some people to this important program that exists in the community. The Morwell electorate is lucky enough to have a dispute settlement centre based within the Morwell justice service centre. In recent times the Gippsland community gained 16 graduating mediators to its region. Those mediators play a very important role in resolving a number of disputes that occur across our communities. It is important that those mediators have access to local knowledge, content and life experience in our region. That well serves the Gippsland community.

However, one has to question, in a practical sense, the relationship between the Dispute Settlement Centre of Victoria and the judge-led dispute resolution process as proposed in this legislation. As we know, there are a number of disputes that can be brought to the attention of the judiciary, whether it is a dispute between clubs and organisations, or whether it is about trees, fences, animals or noise — the list goes on. That is not without a number of challenges.

An example of a dispute that was brought to my office recently — and I guess it highlights some of the anomalies that might exist — involved one person who wanted to undertake and participate in a dispute resolution process; however, the other party in the dispute did not. There is no obligation on that person in some circumstances to be part of that process. In that particular case it all did not end well. If you look at the Department of Justice website, you see it refers to disputes being stressful and potentially costly, which is exactly what they are.

I refer to the 2009 information kit that was provided by the Dispute Settlement Centre of Victoria. It refers to some of the issues that occur during a dispute. It talks about disputes being expensive and mentions that people do not often have the option of employing the service of a solicitor or paying court costs. It also says the legal and court system can be inflexible at times, and the solutions provided are limited. Lastly, it goes on to say that the public's reliance on litigation has resulted in delays in outcomes being reached.

The member for Box Hill was referring to this very point — that in some cases when we put these issues back before the courts, they are not always that easy to resolve. I guess that reveals some hypocrisy in the legislation we are debating today. I can provide an example of that from my own experience. I recently had a need to write to the Attorney-General about the fact that a particular case had been cancelled on numerous occasions. The victims were very anxious and had suffered enormous emotional stress over the case being adjourned on so many occasions. The person who was required to come before the judiciary was likewise very anxious, because they did not know the outcome. It worked both ways in that case. In this regard there is some concern about whether the court system will be able to cope with the additional dispute resolution process.

Another issue of concern was raised just today in an article in the *Age* which refers to the Victorian Civil and Administrative Tribunal process. Under the headline 'VCAT chief admits faults, calls for overhaul' the article refers to the waiting times in the VCAT process. The tribunal's president has made some serious claims and contests many issues with reference to VCAT. Again it seems there are numerous hurdles to face in the dispute resolution process, whether they be through the Dispute Settlement Centre of Victoria, through the judiciary or through VCAT, and it is important that those bodies are adequately resourced to ensure that disputes can be resolved.

Finally, the comments of the Scrutiny of Acts and Regulations Committee on this particular bill express some concerns, particularly relating to clauses 5, 9, 15 and 18. The committee has written to the Attorney-General detailing some of its concerns about those clauses. In his contribution the member for Box Hill outlined some of the issues surrounding that. We will wait with interest and listen with caution to any of the comments that might be made by government members or by the Attorney-General when he sums up on this bill. We will watch to see where those questions are at and whether the Attorney-General has a response

to any of the questions raised by the Scrutiny of Acts and Regulations Committee.

Mrs MADDIGAN (Essendon) — I am pleased to rise to support the Courts Legislation Amendment (Judicial Resolution Conference) Bill, and I am — —

Mr Delahunty — Are you adjourning the debate on this bill?

Mrs MADDIGAN — No, not as far as I know. Excuse me — —

The ACTING SPEAKER (**Ms Munt**) — Order! Members are reminded to speak through the Chair.

Honourable members interjecting.

The ACTING SPEAKER (**Ms Munt**) — Order! The member for Essendon has the call.

Mrs MADDIGAN — Yes, that is not the information we were given.

Let us start again. I am pleased to speak on this bill. It is good that the opposition does not oppose it, even though it appeared to be very painful for the member for Box Hill to admit that. The member for Morwell was much more supportive of the bill, and we are pleased to have his support. Over the years, justice statements 1 and 2 have outlined a number of innovative changes to Victoria's judicial system that were designed to make justice more accessible to all Victorians. This bill is another step in that direction, and it has been widely welcomed by the community, both inside and outside the judicial processes.

In brief the bill introduces the concept of judicial resolution conferences, which are a form of confidential judicial dispute resolution. The bill confirms that confidentiality and judicial immunity extend to the conduct by judicial officers of appropriate dispute resolution processes in the Supreme, County, Magistrates and Children's courts. It also confirms that judges are not compellable to give evidence on the content of judicial resolution conferences. Finally, it provides the courts with a rule-making power to allow them to establish their own practices and procedures for judicial ADR (alternative dispute resolution).

ADR has proved to be very successful. I must confess I was a bit surprised by some of the comments the member for Box Hill made in his opening address. He quoted from part of the Law Reform Committee report entitled *Inquiry into Alternative Dispute Resolution and Restorative Justice*. Of course he is a member of that committee, but some of the questions he asked at the end of his contribution made me wonder if he had actually read all of the report. I would like to quote briefly from the executive summary — an executive summary he was partly responsible for. It says:

> ADR has the potential to resolve disputes more quickly and cheaply, and with less emotional cost, than traditional courtroom litigation. At the same time, it offers a way to relieve pressure on the courts and costs to taxpayers.
>
> …
>
> ADR is one of the success stories of Victoria's justice system. Since the 1970s it has expanded into a large, highly diverse and innovative field.

I think that is quite significant. The member for Box Hill asked some questions about that in his speech today.

Honourable members interjecting.

Mrs MADDIGAN — Are we right?

Honourable members interjecting.

Mrs MADDIGAN — Good. I do not mind if you yell at each other, but could you just do it closer together so that I do not have to listen to it?

ADR has proved to be very successful in both criminal and civil jurisdictions. The Drugs and Crime Prevention Committee has just released a report entitled *Report on the Juvenile Justice Group Conferencing Program*. That program has proved to be very helpful in the criminal section. Magistrates in some of our regional courts have spoken very highly of the benefits of group conferencing in resolving criminal disputes, and the benefits are similar in civil disputes. This bill provides for mediation, conciliation, settlement conferences and early neutral evaluation, but at the same time it protects the immunity of judges.

It is supported by the Victorian Bar and the Law Institute of Victoria, and certainly there was a large amount of consultation prior to the bill entering the house. The ADR director and the courts and tribunals unit of the Department of Justice consulted with the Supreme Court, the County Court, the Magistrates and Children's courts, the Victorian Bar and the Law Institute of Victoria, and there has been a very broad welcoming of such a process.

For many people, entering into a more formal justice system is sometimes quite scary because of the cost involved. Having a process where people can have their disputes resolved at no cost to themselves is quite a significant step in ensuring that justice is available for

all, not only for those who have the capacity to pay for it.

The member for Box Hill raised the matter of how it will be paid for, and in fact the government has allocated money. In the 2008 budget the government provided $17.8 million over four years for a range of dispute resolution initiatives, including a two-year pilot for judicial resolution conferences in the Supreme and County courts. The Supreme and County courts judicial resolution conference pilot has been allocated $3.2 million for judges, support staff and ADR coordinators. This two-year pilot will be evaluated; therefore I think we are going down a sensible path. It will have the capacity to be evaluated over two years, but I would expect it to be just as successful as the processes we have had in the criminal section of law and in other civil areas. From the experience I have had, particularly in relation to juvenile justice, these sorts of processes can make all the difference to people involved in disputes, certainly in the criminal justice system, in stopping recidivism and making people aware of the effects of their crimes on other people, particularly the people who may have been the victims of that crime. Having the capacity to meet each other in a less formal circumstance than the courts enables people to speak more frankly and have a greater understanding of any disputes they are involved in.

I am sure my colleagues have as many fence disputes raised in their electorate offices as I do. I am inclined to think that fences cause more trouble than a whole range of criminal and civil law. Certainly you see people who get themselves involved in a very expensive legal process which is really quite unnecessary, so having a process where disputes can be mediated and where people can get justice and have the opportunity to state their case clearly without being perhaps threatened by the more formal or more costly processes is really worthwhile. This introduction will be very good in ensuring that justice is more readily available to all Victorians, and I commend the bill to the house.

Mr WAKELING (Ferntree Gully) — It gives me pleasure to rise and contribute to the Courts Legislation Amendment (Judicial Resolution Conference) Bill 2009. The bill seeks to provide for the confidentiality and judicial immunity of judges involved in judicial resolution conferences, and to empower the Supreme, County, Magistrates and Children's courts to make rules relating to judicial resolution conferences.

As has been explained by the member for Box Hill in his contribution to debate on this bill, the bill is dealing with the expansion of a new process involving alternative dispute resolution. The bill seeks to do a number of things, and these include the defining of a judicial resolution conference as a resolution process which is presided over by a judge or a magistrate for the purposes of negotiating a settlement of a dispute including by mediation, early neutral evaluation, settlement conference or conciliation. 'Judicial resolution conference' is a new term to be introduced by the bill.

The process is more generally called judge-led alternative dispute resolution, or ADR. The bill also provides that no evidence shall be admitted at a hearing about anything said or done by a person in the course of a judicial resolution conference unless the court otherwise orders, having regard to the interests of justice and fairness.

The bill also seeks to give to a judge performing duties in connection with a judicial resolution conference the same protection and immunity as in the performance of his or her duties as a judge. It also provides that a judge is not compellable to give evidence in any proceedings, whether civil or criminal, of anything said or done in or arising from the conduct of a judicial resolution conference. The bill also seeks to give each court the power to make court rules relating to judicial resolution conferences, including the practice and procedures of the court.

As the member for Box Hill and the member for Morwell indicated in their contributions, there are some concerns with regard to the rollout and implications of this bill on the legal system. One of the principal concerns is the amount of judges' time that will be taken up in this process. As we all know, there is already a backlog of cases in the legal system. Our concerns are: will the proposals outlined in the bill for the implementation of the judicial resolution conferences add to that backlog, and will the process be an effective use of judicial time? This is a very important issue that relates to this bill, because what we are looking for is the optimal use of judges. We engage them to administer law and to deal with cases in a timely manner so that we can ensure an efficient throughput whilst at the same time ensuring that all parties are afforded due process as part of the legal system. Therefore we put out there as a question: will this merely add to the backlog of cases that are currently in the system?

There is also the potential issue that some of the judges and magistrates may not be suited to this new process. One would want to know what level of training, assistance and guidance will be provided to those under the new system. As somebody who has spent many years in conciliation processes in the industrial arena, I

have observed that there is an art in terms of being an industrial commissioner. I am sure there are those on the other side of the house who would also have been involved in those types of matters. There is clearly something of an art in the role of conciliator.

Conciliators certainly have the capacity to resolve matters, but if they do not understand the process, they have the capacity to exacerbate problems. Therefore it is very important that we ensure that the judges and magistrates dealing with these matters in this new system are suitable.

Conciliation also weakens the principle of hearing disputes in open court. One would have to question how free a judge would be to twist arms to get a resolution or make statements that could not be said in open court. I again know from my own experience that members of tribunals who are acting as conciliators, whilst seeking the best interests of the parties to reach a resolution, are themselves involved in a lot of arm twisting. I remember I had my arm twisted, particularly when I was representing small businesses, to advise them to make commercial decisions when they did not want to, but it was put that it was in their best interests to do so as a means of avoiding a long and nasty legal case in the future. That is going to be a very interesting point in terms of how matters are currently dealt with in open court.

Also there are concerns about how complaints about a judge's conduct in terms of bias, incompetence, breach of confidence, negotiations and so on will be handled when these matters are dealt with behind closed doors. A conciliation matter in the form of a conference will be held behind closed doors. There is also the issue of cost associated with this new system and how that will be borne by those people who may not be able to afford it.

There are also issues in terms of fairness with respect to self-representation, those from non-English-speaking backgrounds and the like. I have seen firsthand issues of self-representation. Whilst systems may be designed for those who are not represented, in many respects the conciliator has to perform the role of a quasi-representative for an individual to ensure that the individual at least understands the process as to how they should conduct themselves in a conciliation.

With the new system there will also be the issue of the rights to legal representation. Clearly, under law individuals have the right to be legally represented, but as is their wont, a number of conciliators seek for legal representatives to be kept at the door and for parties affected to deal with the matters in isolation. Again, this raises issues about the capacity of people to adequately represent themselves when they do not understand the legal system, and many people believe there is a need to be legally represented in these types of matters.

The system also raises the issue of the role of judicial separation of powers. One would have to ask whether such a system would be allowed to occur at a federal level and whether or not commonwealth courts would have the capacity to introduce such a system.

Clearly there are those who have concerns. Those concerns been raised by not only the opposition but also the government-dominated Scrutiny of Acts and Regulations Committee. In its *Alert Digest* No. 9 of 2009 the committee, chaired by the member for Brunswick, highlighted a number of concerns with the bill and identified five concerns on which it sought information from the Attorney-General. They related to the limits on compellability in clauses 5, 9, 15 and 18 being restricted to judicial officers. The committee members were concerned about the meaning of the phrase 'anything arising from the conduct of the judicial resolution conference', and they raised a number of other concerns.

It is interesting to note not only that concerns are raised about this bill by those on the opposition benches but that the government-dominated all-party committee, chaired by the member for Brunswick, also highlighted concerns with the bill before us today.

Mr SCOTT (Preston) — It gives me great pleasure to rise to support the Courts Legislation Amendment (Judicial Resolution Conference) Bill 2009. As stated previously, the purpose of the bill is to amend the Supreme Court Act 1986, the County Court Act 1958, the Magistrates' Court Act 1989 and the Children, Youth and Families Act 2005 to clarify that judicial immunity applies to judges, associate judges and magistrates when carrying out judicial resolution conferences and to provide for the conduct of those conferences by judges, associate judges and magistrates with the objective of supporting the Supreme Court, County Court, Magistrates Court and Children's Court in the practice of non-determinative appropriate dispute resolution processes in civil proceedings.

By way of background I note that in my role as a member of Parliament, and previously in my role as an electorate officer, I have come across a number of cases where persons have been engaged in civil disputes for extended periods of time at great cost to the individuals. I know of one example of people who essentially bankrupted themselves. They went from living in a lovely double-fronted brick house in an expensive

suburb to housing commission accommodation in a short period of time, through their extensive, and perhaps not wise, use of the legal system to resolve a personal dispute. In hindsight I would hope that they, as much as those who were seeking to help them, have realised that the matter would probably have been better dealt with by seeking agreement with the party they were in dispute with in a process like appropriate dispute resolution.

There are a number of other examples of people being involved in civil disputes and the costs of litigation and the disruption to their lives by the litigation have led to adverse events and where the disputes could have been resolved much more quickly and simply if they had sought to reach agreement with the parties they were in conflict with.

This is an excellent bill which provides better options for resolving disputes quickly and cheaply. It provides court-conducted ADR (appropriate dispute resolution) as another option to assist in the resolution of disputes, especially for those who cannot afford a private ADR.

In dealing with any matter related to the courts it is useful to reflect on two old sayings. One, which I think is attributable to a British judge, is: the law is open to all, just as the Savoy Grill is. If anyone knows the Savoy Grill in London, it is about the most expensive restaurant in London. The point made by the judge was that it is an expensive place to eat, just as courts are expensive places to venture. A less charitable saying, which I think is much older, is the one about two persons being in dispute over a pearl and that the resolution a lawyer would often come up with would be to take the pearl and give each party half a shell. That would of course be unfair to the many dedicated and honest members of the legal profession. But costs are an important part of the legal system, and alternative dispute resolution processes, or appropriate dispute resolution processes, known as ADRs, are often appropriate mechanisms to ensure that parties have access to speedy and appropriate justice.

One reason for bringing this bill forward is that a court-conducted ADR requires judicial immunity to operate successfully. Judicial officers should not be subject to a suit as a result of participating in judicial dispute conferences. Immunity already exists for ADR practitioners where proceedings are referred to them by a court. It is appropriate that such immunity extends to judicial officers. The government's commitment to ADR is shown by the allocation of the previously mentioned $3.7 million in funding for court-conducted ADR in the County and Supreme courts.

It is important to note there is a concern that this bill may be seen as a watering down of the traditional court processes. It is important to note that where parties are unable to agree they can still return to the traditional processes of a public hearing and adjudication by a court. So this process should be seen as an addition to the armoury of justice in Victoria, not an attempt to remove the judicial adversarial processes that we have under the traditions of English law. However, the adversarial process, as I and other speakers have noted, does not suit all disputes, and there are many disputes. I am pleased to see the opposition agrees that judicial-led ADR is an appropriate mechanism to try to reach appropriate outcomes.

I listened with interest to the member for Box Hill during his long contribution of 30 minutes. The opposition's support for the bill — or, as the opposition put it, not opposing the bill — was wrung out at the latest point I have heard yet in a speech in this house. I think one or two seconds were remaining when the words escaped his lips. While I am pleased to say the opposition is supporting the bill, as I said, it was wrung out at the last possible moment from the member for Box Hill in his long contribution.

There are a number of other issues I would have liked to raise, but I understand that other speakers wish to speak on the bill, so I will keep my comments brief. This is an excellent bill which provides an additional piece to the armoury of justice in Victoria. It will hopefully lead to better and speedier dispute resolution, with lower costs to both the judiciary and persons seeking to have their civil disputes resolved in our court system. I commend the bill to the house.

Mr THOMPSON (Sandringham) — While I have not had the opportunity to visit the Savoy Grill in London, I am aware of a range of clichés that govern the legal process and the engagement of people within the process. The first one may be something to the effect of 'A person who acts for himself has a fool for a client'. Then there is the famous picture adorning many barristers' chambers. One of Melbourne's leading barristers, the honourable member for Kew, just walked into the chamber. Around Owen Dixon Chambers there would be the immortal picture of two litigants in dispute, with one grabbing the cow by its horns and the other by its tail, with the two lawyers milking the cow in the middle. While people have been in disputation, as the honourable member for Preston mentioned, they have lost vast sums of money in this context through the dispute process.

I am reminded of a case 20 years ago where there were people engaged in litigation and $200 000 to

$300 000 was spent in the dispute. One of the parties walked away from it with nothing. There is a South Australian example where a person was prepared to stand up and fight for a matter of principle but it cost them their unit, which was the only dwelling they possessed. I think it is important that from time to time a common-sense approach is taken in these matters. Regrettably, in many different contexts common sense is not always common. It is important there be scope for wise counsel or advice.

I will share another example with members of the house. A person made some inquiries in passing, anecdotally, regarding a matter in which they were involved. I had the privilege of advising what the legal costs might be in the matter and what might be an acceptable amount for them to contemplate in a particular circumstance. A number of months later they kindly advised me they had taken my advice. I had hastened to assure them that my advice had not been legal advice but that I had conveyed to them a certain point. They were very happy with the settlement that had been arrived at, which meant that all parties were placed in a better position than they otherwise might have been if the matter had been litigated.

The question before the house is whether the Courts Legislation Amendment (Judicial Resolution Conference) Bill will add to dispute resolution in this state. The provisions of the bill define a judicial resolution conference as a resolution process presided over by a judge or a magistrate:

> … for the purposes of negotiating a settlement of a dispute including …
>
> (a) mediation …
>
> (b) early neutral evaluation;
>
> (c) settlement conference;
>
> (d) conciliation.

The term ‘judicial resolution conference’ is new and is introduced by the bill. The principal purpose of it is to provide for confidentiality and judicial immunity for judges involved in judicial resolution conferences and to empower the Supreme Court, Magistrates Court and Children’s Court to make rules relating to judicial resolution conferences.

There are a number of areas of concern because one of the benefits of longer trial processes is the distillation of the key issues in dispute where there is expert evidence imported into the process. It would be regrettable if, owing to a process organised under this particular bill, decisions were recommended or implied as being beneficial to a party in the absence of all the available relevant information just because the court process had run out of time and money to operate effectively.

Other concerns would be: how much of a judge’s time might be involved in this, will it just add to backlogs and is this an effective use of a judge’s time? There is also the issue that it may be that many people who have trained as mediators outside the law — psychologists and others — who have seen scope to develop mediation skills to settle disputes and who have been appointed as judges may not necessarily possess all the requisite skills required to guide parties towards a settlement of the matter under this process.

There is also the issue of the weakening of the principle of hearing disputes in open court, and how free the judge is to twist arms to get a resolution or to make statements that could not be said in open court and whether there will be complaints about a judge’s conduct, and how they will be dealt with. A further aspect is to what extent the cost of a judicial resolution conference will impact upon low-income litigants, how might there be an assurance of fairness for self-represented, non-English-speaking, or otherwise disadvantaged, litigants and the rights of legal representation at alternative dispute resolution.

There is a range of issues to be considered in this particular debate which the opposition has some serious concerns about. I note there is much expertise on this side of the house on the part of those people who have worked at the Victorian Bar, who have keen insights and have actually been involved at the cutting edge of these matters. Not only have people on this side of the house had the opportunity to engage in dispute resolutions in open court, but the honourable member for Kew has also been a very experienced mediator in his previous legal career. It is noteworthy that at the moment in the house on this side of the chamber there are three people who have worked in a legal capacity and mediation capacities in one level or another. There is also a former engineer representing the Sunraysia area of this state.

In terms of the opposition’s position, we arrive at a position of not opposing the bill on the basis that it is principally facilitative. It will be for the courts to decide how much, how little or in what manner they choose to use judicial resolution conferences.

I note in passing that during my time in this place during the life of four Parliaments I have served on the Scrutiny of Acts and Regulations Committee, which has looked at a number of aspects of bills against the statutory charter. A number of years ago one of our

conferences was opened by the late Justice John Harber Phillips, who was a great jurist in Victoria. He made a number of significant contributions in this state to legal education and to opening up and understanding the court process. He made a strong contribution in areas outside his immediate legal role. He had a great love for Greek and ancient Greek matters. I understand he served on the board of the Australian Greek Welfare Society. He was a great conference speaker. As I may have indicated earlier, he opened an international conference at the Victorian Parliament about delegated legislation and the principle surrounding the scrutiny and evaluation of delegated legislation.

Justice Phillips, at one of his conferences, referred to Keats's *On First Looking into Chapman's Homer*:

> Much have I travelled in realms of gold …

He was an insightful judge and made a worthy contribution to the judiciary in Melbourne in his prior work at the Victorian bar. I convey on behalf of many parliamentarians their sympathy and my own to Helen and his family.

Justice Phillips was an initiator of reforms to the law and would have been of the view that bills like this may make a contribution. The opposition is still not clear about the extent to which there will be take-up of it, but to the extent that it may assist litigants to arrive at just solutions at a reduced cost, it could be worthy, drawing also on the expertise of members of the bar, if they have an opportunity to assist in that mediation process. Mediation is not a new thing, and many barristers have already played a strong role in assisting in mediation and the settlement of disputes when parties have elected to follow through with that process, whether it be at the Family Court or in the civil courts in this state.

Mr FOLEY (Albert Park) — It gives me great pleasure to rise to support the Courts Legislation Amendment (Judicial Resolution Conference) Bill. I welcome this bill, because it fits directly into this government's broader approach to reform and the modernisation of the justice system, as is most recently reflected in the government's justice statement 2.

I remind the house what that justice statement is all about. It has a number of key priorities: to modernise and adjust the system, to protect the rights of the Victorian community, to address disadvantage among Victorians under the legal system, to reduce the costs of the justice system and, finally, to create an engaged and unified court system. This bill ticks all of those boxes in a limited but important way.

As we have heard from a number of speakers, the bill clarifies the judicial immunity provisions insofar as they apply to judges in judicial resolution conferences, as they are now called. It provides for the conduct of these conferences across a range of jurisdictions and formalises what have in some respects been less formal arrangements in the Supreme Court, the County Court, the Magistrates Court and the Children's Court. Some of these jurisdictions already have long-established traditions of less then formal mechanisms to resolve issues that come before them. This bill continues that arrangement.

As a number of parties have already noted, the focus on alternative — or indeed 'appropriate' as it is sometimes called, if you like that as the 'A' in ADR — dispute resolution is where the motivation for this bill has come from. The house heard the member for Box Hill address in his comments the position of the Law Reform Committee and its important May 2009 report on alternative dispute resolution. As a member of that committee I was pleased to hear the member for Box Hill's broad support for its recommendations. There was unanimity to a point in that committee on the issues of how ADR can reduce barriers to justice, particularly for vulnerable and at-risk communities; how it can increase the capacity of Victorians to resolve civil disputes, in particular through appropriate education, conflict resolution and communication arrangements, as well as increase the number of alternative dispute resolution services. That report also goes well beyond the scope of this bill but covers some of the same ground this bill touches on.

The cross-party support in that committee evaporated when it came to the key notions of how the justice system can deal with the important issue of restorative justice. It tested who stands up for the rights of victims and makes right the wrongs that were the subject of the initial proceedings in a way that both deals with the needs of victims and addresses the causes of disadvantage and crime in an appropriately less formal and resolution-based manner. The committee heard about a number of positive outcomes in that regard which revolve around — particularly in some regional communities — a number of youth support programs and youth offender programs.

But it was at this point that our friends opposite choked and could not bring themselves to support this arrangement, and inevitably this bill will create circumstances where some of these issues will have to be dealt with. This reflects the fact that our friends in the Liberal and Nationals parties are all over the place when it comes to the principles of restorative justice and alternative resolution. They will not oppose the bill,

but they cannot bring themselves to support it either. They believe it will involve a cutting back on justice, but they have also raised concerns about court delays and backlogs.

The opposition refuses to recognise that these measures will deal directly with that. They claim the bill will weaken justice in open court and promote closed door justice and arm twisting, and yet at the same time they ignore the fact that it has as its default position the ability to take a traditional adversarial approach, if any party wants it.

The opposition apparently has concerns about the cost of the judicial system as it is, but also says this system is going to be costly and lengthy. Apparently it has concerns about the fairness of self-representation, but it ignores the benefits that education and the less formal arrangements of alternative dispute resolution and restorative justice programs bring. Again and again we see the confused position and muddled thinking, at best, of the opposition on this bill and many other bills. But in reality what we are dealing with is a mischievous and duplicitous arrangement where the Liberal and Nationals parties oppose a direction that is so mainstream that the reform is inevitable. It is a bit sad that the opposition cannot bring itself to support the bill, rather taking the weak position of not opposing it. I wish this bill a speedy passage and look forward to its implementation.

Mr CRISP (Mildura) — I rise to make a contribution to the Courts Legislation Amendment (Judicial Resolution Conference) Bill. The Nationals in coalition are not opposing this bill. The purpose of the bill is to amend the Supreme Court Act 1986, the County Court Act 1958, the Magistrates Court Act 1989 and the Children's and Youth and Families Act 2005 to clarify that judicial immunity applies to judges, associate judges and magistrates when carrying out judicial resolution conferences. It will further provide for the conduct of those processes by judges, associate judges and magistrates with the objective of supporting the Supreme Court, County Court, Magistrates Court and Children's Court in the practice of non-determinative, appropriate dispute resolution processes in civil proceedings. There are extensive provisions, and they have been well covered by the member for Box Hill and subsequent speakers, including the member for Morwell on behalf of The Nationals.

In the time I have available I want to talk about some of the issues involved with this bill. We have concerns about the amount of judges' time involved, whether it will add to the current backlogs in the courts and whether it is an effective use of judges' time. Delays in court are a considerable concern for The Nationals. Many judges and magistrates may not be suited to the process, so we have to pick the people who are able to do this.

The Nationals are also concerned about the weakening of the principle of hearing disputes in open court. How free will judges be to twist arms to get a resolution, or to make statements that can be made in an open court? That will require some sorting out before it starts. How will complaints about a judge's conduct — for example, bias or breach of confidence in negotiations — be handled when the conduct has occurred in private?

We are also concerned about the cost of the system, particularly for low-income litigants, and ensuring the fairness of self-representation of non-English-speaking or otherwise disadvantaged litigants and the right of legal representation. It affects the separation of powers. Would it be allowed at the commonwealth level? There are some issues that need to be resolved to make this work.

I want to bring to the house's attention the Court's Legislation Amendment (Associate Judges) Bill, which was before the house in April 2008. The minister summed up the legislation on 16 April. That legislation changed masters of the court to associate judges. Masters were then able to undertake mediation, which it was hoped would assist in reducing court delays. Those were the very words the minister used in summing up.

In the discussions around this bill we would have liked to have heard how that change has gone. It has been more than a year since mediation has been available in the courts. We are now introducing another layer of mediation without hearing an update on the first attempt. Has it been successful? What are the problems? Why do we need a different style of mediation with these conferences? Should we expand the role of the associate judges that we put in place a year or so ago? Those are the difficulties I see. We are rushing into this mediation, but we have not evaluated what we have already done. I do not think that is wise.

If this is such a good idea, why was this program not brought forward and used as an example of how wonderful mediation is? The government has remained silent. The Attorney-General, in presenting this bill, did not mention it in his second-reading speech. If it were a success, I would have expected he would have used it as an example. Therefore I have misgivings about it. We have one model that is not being discussed, and yet we are applying a second one. Have we got a problem?

That is my concern. Mediation is fashionable and it is a wonderful idea, but we still do not know if the system, that has been running for a year works. To add another layer to it is dangerous.

For those reasons I am not comfortable in supporting the bill. We are not going to oppose the legislation, because we are aware of the backlogs in the court system. We will do anything we can to help, but I am concerned that one lot of mediators have been at work and we have not been given a full review or any sort of endorsement of whether that has worked. With those comments I inform the house that The Nationals are not opposing this legislation.

Ms KAIROUZ (Kororoit) — I have the pleasure of contributing to the debate on the Courts Legislation Amendment (Judicial Resolution Conference) Bill 2009. I have heard members from both sides of the house speak, and some interesting comments have been put forward.

The bill introduces the concept of judicial resolution conferences, which are a form of confidential judicial dispute resolution. Basically it will ensure that anything said or done in the course of the process remains confidential. The bill confirms that confidentiality and judicial immunity extend to the conduct by judicial officers of alternative dispute resolution (ADR) processes in the Supreme Court, County Court, Magistrates Court and Children's Court. It also confirms that judges are not compellable to give evidence on the content of judicial resolution conferences. Finally, it provides a rule-making power to allow the courts to establish their own practices and procedures of judicial ADR.

The bill provides immunity for judicial officers where ADR is conducted by the courts, but it does not grant the courts any particular power to conduct ADR, nor does it direct the courts on how to conduct ADR.

The federal constitution has been held to imply that state law cannot require or authorise state courts to undertake administrative or legislative functions that are inconsistent with their exercise of federal judicial power.

The bill is facilitative rather than directive in that it supports the courts in their desire to develop judicial ADR. Improved access to ADR will result in earlier resolution of disputes, thus freeing up the courts and reducing costs and delays across the system. This is something that we, as members of Parliament and legislators, have heard about on many occasions, where people are paying a lot of money in legal fees or wasting a lot of time when they are extremely anxious to get a resolution. The aim of ADR initiatives is to ensure that the civil justice system is more responsive, accessible, affordable and timely, as I have mentioned.

The new bill does not seek to institute new ADR programs or proposals, and it does not direct the courts as to how ADR should be undertaken. Therefore it will be for the courts, and only the courts, to consider the nature of ADR reforms and to provide for judicial ADR as appropriate in their rules and practice directions. The bill enhances the courts' powers to make rules regarding dispute resolution.

The various techniques for judicial dispute resolution are included in the bill under the term 'judicial resolution conference'. This conference is presided over by a judge, an associate judge or a magistrate, and is for the purpose of negotiating a settlement of the dispute. All parties must agree to the negotiated settlement.

In setting out this definition, the bill provides a non-exclusive list of examples of the techniques that may be employed, including mediation, early neutral evaluation, settlement conferences and conciliation. It will be open to the courts to utilise non-compulsory resolution techniques and to develop new techniques in the future if required. This approach ensures that the courts are in control of their use and development of judicial ADR, having regard to the nature of the jurisdiction and individual cases.

Some people might ask why judges should be involved in ADR. As I said, the bill will promote the development of a court ADR system to complement the existing private ADR system in Victoria. Court-conducted ADR will ensure that the benefits of ADR are available to litigants who are experiencing financial hardship and who may be unable to afford to access or pay for private ADR practitioners who can charge quite high fees to assist in resolution of disputes.

The Children's Court deals with sensitive and contentious issues and aims to deal with these matters in a very timely manner while ensuring that due process is followed and all parties are clearly heard. This bill confirms that the president and the magistrates of the Children's Court have the maximum range of options available to them in hearing their cases. There may be many instances where a traditional conference conducted by a magistrate or the president is preferable to the case being heard in the court. However, this ADR reform strengthens existing practices and provides other options to parties involved in cases before the court.

The government has undertaken a consultation process in relation to this legislation and the courts have been part of this process. The courts were fully consulted and have expressed their support for this reform. I support this bill and I wish it a speedy passage.

Mr BURGESS (Hastings) — It is a great pleasure to rise and speak on the Courts Legislation Amendment (Judicial Resolution Conference) Bill 2009. The purpose of the bill is to provide for confidentiality of and judicial immunity for judges involved in judicial resolution conferences and to empower the Supreme, County, Magistrates and Children's courts to make rules relating to judicial resolution conferences.

The main provisions of the bill define a judicial resolution conference as a resolution process presided over by a judge or magistrate for the purposes of negotiating a settlement of the dispute, including mediation, early neutral evaluation, settlement conference or conciliation. 'Judicial resolution conference' (JRC) is a new term introduced by the bill; the process is more generally called judge-led alternative dispute resolution (ADR). It provides that no evidence shall be admitted at a hearing about anything said or done by a person in the course of a judicial resolution conference unless the court otherwise orders having regard to the interests of justice and fairness.

The provisions of the bill give to a judge performing duties in connection with a judicial resolution conference the same protection and immunity as in the performance of his or her duties as a judge. The bill provides that a judge is not compellable to give evidence in any proceedings, whether civil or criminal, of anything said or done or arising from the conduct of a judicial resolution conference. Finally it gives each court the power to make rules of court relating to judicial resolution conferences, including the practice and procedure of the court.

The bill raises some issues and areas of concern — for example, the amount of judges' time involved. In other words, will it just add to the backlog and is it an effective use of judicial time? On that basis really only time will tell. Many judges and magistrates may not be suited to this particular type of process and clearly great care will need to be exercised in the selection of the people who will participate.

The weakening of the principle of hearing disputes in open court is another area of concern. How free is the judge to twist arms to get a resolution or to make statements that could not be made in open court? How will complaints about judges' conduct, for example bias, incompetence, breach of confidence in negotiations, be handled when the conduct has occurred in private with few witnesses?

Further concerns are the cost of JRCs, particularly for low-income litigants; ensuring fairness for self-represented, non-English-speaking or other disadvantaged litigants; the rights of legal representation at ADRs; and whether this reform will affect judicial separation of powers. For example, would this type of judicial mediation be allowed at a commonwealth level?

It is critical that governments do all reasonably within their power to ensure members of the community have access to justice in a timely manner. However, the record of interference of the Bracks and Brumby governments in the judicial system is anything but glorious.

The opposition will not oppose this bill for the reason that it is a matter of facilitation only. The bill leaves the implementation of this critical piece of legislation in the hands of our best judicial minds. On that basis, the opposition will not oppose this bill.

Debate adjourned on motion of Mr CRUTCHFIELD (South Barwon).

Debate adjourned until later this day.

RACING LEGISLATION AMENDMENT (RACING INTEGRITY ASSURANCE) BILL

Second reading

Debate resumed from 29 July; motion of Mr HULLS (Minister for Racing).

Government amendments circulated by Mr HULLS (Minister for Racing) pursuant to standing orders.

Dr NAPTHINE (South-West Coast) — I rise to speak on the Racing Legislation Amendment (Racing Integrity Assurance) Bill. The purpose of the bill is to create the position of racing integrity commissioner, to establish the racing appeals and disciplinary boards for Greyhound Racing Victoria and Harness Racing Victoria, which will be similar to the racing appeals and disciplinary board already in existence for thoroughbred racing within the rules of racing, and to abolish the Racing Appeals Tribunal and establish that in future appeals will be to the Victorian Civil and Administrative Tribunal (VCAT). The fourth purpose is to repeal provisions that currently ban the transmission of betting odds from racecourses during race meetings.

The Liberal-Nationals coalition will not oppose the legislation but raises a number of important issues and concerns with it, some of which were raised in the briefing. I see in the amendments to be moved by the minister that the government has picked up on some of those concerns.

In my contribution today I will outline the background to the bill, raise concerns about areas within the bill and discuss some of the challenges facing the Victorian racing industries which are raised directly in part 5 of the bill.

By way of background I point out that in February 2008 the then chief executive officer of Racing Victoria, Stephen Allanson, was exposed for making a series of bets under a false name. Further revelations showed that the chairman of Racing Victoria, prominent Labor mate Michael Duffy, was involved in attempting to cover up this situation and sweep this serious integrity issue under the carpet. He was aided and abetted in this by his mate the Minister for Racing, Rob Hulls.

To this day there has been no proper independent inquiry into the Allanson betting scandal and no proper independent inquiry into the cover-up by Michael Duffy, Racing Victoria and the Minister for Racing in Victoria. On 8 March, after enormous pressure from the opposition, the media and the racing fraternity, the minister was forced to call on His Honour Judge Gordon Lewis to prepare a report on integrity assurance into the Victorian racing industry. This was to be a broad review. Judge Lewis's report is the basis for this legislation, but Judge Lewis makes it very clear that while the activities of Stephen Allanson were a catalyst for his report, they were not the subject of his report.

Let me make it clear again: this minister has failed in his responsibilities. The minister has failed to have a proper independent judicial inquiry into the activities of Stephen Allanson and into the cover-up and the attempt at sweeping those activities under the carpet by his mate, Michael Duffy, as chair of Racing Victoria Ltd and himself as Minister for Racing.

I refer to what Judge Lewis said in his report dated 1 August 2008. It is interesting that his report, whilst it is dated 1 August, was actually not produced publicly until the day of a major event during the Beijing Olympics; it was under the cover of that major event during the Olympics that we finally got the report on the table. At page 7 the report states:

> … I saw my prime task to be a review of the internal systems the three codes have in place to monitor and manage perceived threats to the integrity of racing as a whole.

It was not to look into the Stephen Allanson matter. It is of note that around the time of these issues, on 20 February 2008 the racing minister was reported in the *Herald Sun* as having said:

> I think that we've always been credited in Victoria as having a squeaky-clean industry.

That is what the minister said, but in contrast to that comment, Judge Lewis said in his report:

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

Judge Lewis said that criminal activity was rampant in the Victorian racing industry, while at the same time the minister was saying it was squeaky clean. He said there were no problems and that there would be no inquiry into the Allanson betting scandal and no independent assessment of the cover-up perpetrated by senior racing people.

However, 12 months later the government is implementing one and a bit of the 63 recommendations put forward by Judge Lewis. It is important to note some of the major recommendations that 12 months later have not been implemented by this government and this minister. The first among those is the re-establishment of the racing squad within Victoria Police. That was a primary recommendation by Judge Lewis that has not been implemented by this minister and this government. Another primary recommendation that Judge Lewis said was absolutely vital for dealing with integrity issues and cleaning up racing was licensing of commission agents and making them subject to the rules of racing. It has still not been done. Another recommendation was that all winners and beaten favourites be swabbed. That is still not being done. A range of recommendations were made by Judge Lewis that are significant to improving integrity systems in Victorian racing that have not been implemented by this government and this minister.

I urge the minister to re-examine the report from Judge Lewis and commit to implementing all of the recommendations he made to make sure our racing industries are clean, because integrity is the basis of a good racing industry. People must have confidence. Whether they be a punter having a bet, a horse owner, a horse trainer, a stable hand, a jockey or an official in the industry, people must have confidence in the integrity of the industry and the integrity of the systems in the industry. When you have an industry that involves the employment of 75 000 people and billions of dollars turnover in terms of betting, prize money and

investment, then it is absolutely vital to have sound integrity systems.

I go to what is in the legislation itself, and part 2 of the legislation — —

Ms Pike interjected.

Dr NAPTHINE — It is all right for the member for Melbourne, who is departing to go to Thomastown, I understand to look for a safer seat — —

Ms Pike interjected.

Dr NAPTHINE — That was a secret, was it, and I let the cat out of the bag? Part 2 of the bill establishes the racing integrity commissioner. This was a recommendation of His Honour Judge Lewis, and it is supported by the coalition. We got some advice from the Office of Racing and the ministerial adviser at the briefing — and I appreciate that — and I seek assurance from the minister on whether this will be a full-time or part-time position. It was suggested that it may be a full-time position for a couple of years and then move to a part-time position. I want some assurance about what the future of that position is, and I ask whether the minister will confirm in his response that the costs of the racing integrity commissioner and its staff will come from consolidated revenue — from the government — and not be an impost on the racing industries.

The next area I will talk about relates to the boards themselves, and that is contained in part 3 of the bill entitled 'Racing appeals and disciplinary boards'. These are established in legislation under part 3 for the harness racing industry and the greyhound racing industry, establishing two separate boards under two components of the legislation. However, they are parallel because the provisions are the same for both harness racing and greyhound racing, so some of the comments I make will relate to both harness racing and greyhound racing.

It is important to recognise that when looking at this we have a different situation to what was recommended by Judge Lewis, and it is a different situation that applies in thoroughbred racing. Judge Lewis recommended that there be one single racing appeals and disciplinary board across all three codes. The working party suggested there be three separate disciplinary boards, one for each code, so that they would have the special expertise that each code requires. I am happy with the outcome of the three separate boards. The industry is happy with that outcome. In a letter to the minister, Judge Gordon Lewis said he supports the outcome pending further examination by the racing integrity commissioner who will see how it operates.

There are interesting issues which need to be discussed in the context of the bill, because while the racing appeals and disciplinary boards for harness racing and greyhound racing are based on the model established for thoroughbred racing, there are some significant differences. The thoroughbred racing model is within the rules of racing rather than in legislation, and that is a significant difference. With harness racing and greyhound racing the minister appoints the chair and the deputy chair, whereas Racing Victoria appoints the chair and the deputy chair of thoroughbred racing.

One of the issues I raised in the departmental briefing was about harness racing and greyhound racing. Clauses 50J and 83J state that an appeal must be lodged by 5.00 p.m. on the day after a penalty is given by the stewards, whereas in thoroughbred racing they have an extra day — it is 5.00 p.m. on the second day after the penalty is given. In the briefing I argued that providing greater time to assess a situation and for the people involved to seek advice before appealing would be in the interests of the industry and in the interests of all parties. Given that many harness racing and greyhound racing meetings are held at night and that a penalty may be imposed by the stewards at 9.00 p.m., 10.00 p.m. or 11.00 p.m., and people have to travel home or to their stables, arriving at 2.00 a.m. or 3.00 a.m., the wording in the legislation means they have until 5.00 p.m. on the next day to lodge an appeal, which could be quite difficult.

It is interesting to note from what I have seen of the amendments proposed by the minister that the first two will amend the bill to read 'on the third day'. I appreciate the minister has listened to my sound advice and put forward the amendments. It is a logical and sensible thing to do. I am always pleased to cooperate with the minister in the best interests of developing racing in this state.

Mr Delahunty interjected.

Dr NAPTHINE — The minister does need a bit of help, and I am happy to help on this occasion.

Clauses 50M and 83M refer to persons charged with a serious offence. When people are charged with a serious offence it is dealt with differently. If it is, shall we say, a minor offence, the stewards may impose a penalty on the day of the meeting or that evening, and if a person is dissatisfied with that, they can appeal to the Racing Appeals and Disciplinary Board. But under the rules of racing, if it is a serious offence — and serious

offences include fraudulent behaviour, not letting a horse run on its merits and drug offences — the stewards act as the prosecutor and the person who is charged acts as the defendant. The stewards do not impose a penalty per se, they present the evidence directly to the board.

Clauses 50M and 83M outline the same situation for harness racing and greyhound racing respectively, but the difference is that in the rules of racing and in thoroughbred racing serious offences are well defined. In greyhound racing and harness racing those boards are yet to define what is a serious offence. It is important we have some clarification of what will be considered a serious offence.

Clause 9 substitutes new part IIIB and inserts a new part IIIBA into the Racing Act to abolish the Racing Appeals Tribunal. Proposed clause 83OH provides that persons affected by decisions of any of the three racing appeals and disciplinary boards may apply to VCAT for a review of that decision. Proposed clause 83OH(2) states:

> A steward may apply to VCAT for review of a decision made by a Racing Appeals and Disciplinary Board if that decision was in respect of a penalty originally imposed by the steward.

That is all well and good, but it neglects a significant part of the whole process, because where a serious matter goes directly to the board, there is no penalty imposed directly by the steward. The stewards present their evidence, and the decision is imposed by the board. Therefore, if the bill was passed unamended, then the stewards would not be allowed to appeal against the severity of a sentence or anything like that when it is a serious matter. That is a great deficiency in the legislation. But lo and behold, we see the third amendment proposed by the Minister for Racing.

I am pleased to see that obviously the officers from the Office of Racing, who are earnest and diligent people, have taken back to the minister the concrete proposals I put on the table, and the minister has seen the wisdom of those ideas. I am sure the officers involved would have told the minister that they came directly from the shadow Minister for Racing. They would not have claimed the credit for themselves.

Mr Wells — They would not have done that.

Dr NAPTHINE — They would not have done that. Integrity would not allow them to claim credit for that. They would have given credit where credit is due. They would have been fair and reasonable. I am pleased the amendment has been brought forward.

But there are still issues that the racing industry has with respect to taking away the Racing Appeals Tribunal and taking appeals to VCAT. The racing industry believes the Racing Appeals Tribunal has been a very effective model. As Judge Lewis said, with the development of the Racing Appeals and Disciplinary Board within thoroughbred racing, very few matters have gone to the Racing Appeals Tribunal. But it is now to be abolished and appeals will go to VCAT.

The industry has some concerns, and I will raise those in a minute, but before I do I want to record the appreciation of the racing industry, and people involved in the racing industry like myself, for those people who have served on the Racing Appeals Tribunal over time. They have done a difficult job with distinction. Now that the Racing Appeals Tribunal is being abolished it is appropriate to place on record our thanks and the industry's thanks for their work in those circumstances.

Let me move to the issues the industry has with regard to matters going to VCAT. The industry's first concern is that VCAT will not have the expertise to deal with these issues, that many tribunal members of VCAT will have little or no knowledge of the racing industries and the intricacies of racing industries. For example, in the greyhound industry, tribunal members may have difficulty understanding the concept of penalising a dog for failing to chase. Dogs can sometimes be penalised for failing to chase even when they win the race. It seems a contradiction that the dog has won and has failed to chase, yet it can be argued that the dog should have won by 10 lengths and has only just won because it did not properly chase the lure. In harness racing and thoroughbred racing it takes a trained eye and a bit of expertise to note some of the ways that drivers or jockeys might manage their horses during the race so that they are perhaps not allowing the horse to run on its merits and not getting the very best outcome.

There are real concerns that appeals to VCAT will not be handled as they should be, because of the lack of expertise on VCAT. Time will tell, but I think it is something that we as a Parliament need to keep an eye on. The minister also needs to keep a very close watch on how that operates in VCAT.

Mr Delahunty — And the timeliness of it.

Dr NAPTHINE — The member for Lowan is exactly right: the other issue the industry has is in terms of the timeliness and the delays that might take place at VCAT. It is very important in the racing industries that matters are dealt with expeditiously. If a jockey is penalised, the jockey's livelihood could be at risk. The jockeys need to know whether they are going to be

suspended or whether the suspension is going to be overturned so that they can plan their mounts, and owners and trainers can make arrangements. If there are significant delays, that can really impact on people's livelihoods and on the running of the industry.

My attention was drawn to an article in the *Age* today, 12 August. I will read the first paragraph:

> The Victorian Civil and Administrative Tribunal is to be overhauled as waiting times for hearings blow out and its president confronts serious issues with its operation.

The president of VCAT himself is saying that there are significant time delays and blow-outs with respect to VCAT. What we need in terms of the racing industry are proper integrity processes, proper appeals process, and for those involved — the trainers, the owners, the jockeys and the drivers — to have their appeals heard in a timely way and for decisions to be made by people with expertise in that area.

The other area of concern the industry has is with respect to cost. The industry has very serious concerns for the participants who need to take matters to VCAT on appeal. The costs may be significant and prohibitive, and that is a hindrance to a proper and fair justice system where people can legitimately take their appeals to be heard in a timely manner, particularly with due respect to the greyhound industry, where many participants are owner-trainers, and many owner-trainers in all the racing industries are often termed 'battlers'. The cost of taking an appeal to VCAT can often be prohibitive.

I received a memo dated 11 August from Megan Hughes, the adviser to the Minister for Racing. The question I put to her following the briefing was:

> Will racing industries be required to make a funding contribution to pay for additional workload of VCAT?

The answer, in part, was:

> If additional resources are required by VCAT it would be expected that those costs would be similarly met by the racing industry.

The minister's adviser is saying that costs of VCAT may be shifted back onto the racing industry, and that would be of significant concern to the racing industry. The costs, the delays and the lack of expertise on VCAT are serious issues.

Finally I wish to talk about part 5 of the bill. This is an important issue, because it is symbolic of some of the challenges facing racing. Part 5 repeals provisions of the Gambling Regulation Act, which bans transmission of betting odds from racecourses during a race meeting. That was recommended by His Honour Judge Gordon Lewis. It is supported by the coalition and by the industry because it is a largely anachronistic provision. Technological changes have overtaken the legislation. It was legislation that came from the days when starting price (SP) bookmakers were a problem and the transmitting of odds from the course to the SP bookmakers was seen as inappropriate, and a ban was needed.

The repeal of that legislation, which is widely supported, highlights the changing nature of wagering in Victoria and Australia. The threats are no longer the SP bookmakers. The threats to Victorian racing are the corporate bookmakers based in Darwin or other jurisdictions who have the advantage of lower tax rates. Many of these corporate bookmakers pay little or nothing to help fund the racing industry on which they operate.

I refer to an article in the *Age* of 7 August headed 'Tabcorp warns of "concerning signs"'. The article says:

> Victorian racing's joint venture partner, Tabcorp, said yesterday that the industry would not be adequately funded by the state's totalisator in the future …

Further, Mr Funke Kupper, chief executive officer of Tabcorp, said:

> However, there are concerning signs for the racing industry when one considers the declining level of growth in the second half of the 2009 financial year and the changes taking place in the Victorian wagering market.
>
> The only way we can secure industry funding is to recognise that racing and wagering are national activities, not state-based activities. This means putting in place a national tax rate and a national industry funding regime that applies equally to all operators.
>
> In other words, we need to close the loopholes that exist as a result of differences between states in both tax rates and product fees. Getting this right will require leadership from the Victorian racing industry and the state government.

I say, 'Hear, hear!' to that.

We need a national approach on these key issues. If we do not get a national approach, and if we do not get a national agreement, we will have a very diminished racing industry in the future. We will have significantly reduced prize money, a significantly reduced spring carnival and a significantly reduced employment pool in the racing industry. It is in everybody's interests to get a national approach.

This is where I think the Minister for Racing here in Victoria can play a big role. He is the Deputy Premier

of the state, he has been in government for 10 years, he is a racing minister of some years standing and he represents Victoria — the lead racing state in Australia. Therefore I believe it is incumbent on him to take the lead on this issue, to lead the charge for a national approach, to get together with racing ministers across the Australian states and territories, to involve the federal government and to get a national solution to this problem.

If this occurs, we can get all the participants in wagering in Victoria and in Australia — wherever they operate, be they totalisators, corporate bookmakers or betting exchanges — to pay a fair and reasonable contribution to the racing product they bet on. We cannot have a situation where New South Wales is trying to charge corporate bookmakers 1.5 per cent of turnover and Victoria is saying it wants 10 per cent of gross profits throughout the year and 15 per cent in the spring. We cannot have other states saying, 'We will have much lower tax rates, and we will offer you good deals'. We cannot have that because it is not in the long-term interests of racing. It would lead to an interstate competition in which everybody would lose, and the biggest losers would be racing, jobs in racing and the state finances.

We need to recognise that there have been significant changes in racing. For example, in the past 10 years corporate bookmakers in the Northern Territory have gone from a turnover of $400 million to one close to $5 billion. This takes away dollars that would normally have been bet in totalisator systems in this state, and it takes away dollars from state treasuries and from Victorian racing. Significant dollars have been taken away from Victorian racing and have gone to the Northern Territory and into the pockets of corporate bookmakers. Now we have a situation where the government has allowed open advertising. These corporate bookmakers are now advertising 'totes plus 5 per cent' and 'best tote odds' to attract more and more punters away from the totalisator and Tabcorp.

On top of that we now have local hotels installing betting machines to allow punters to bet directly with Victorian bookmakers. Although the government was warned about this in November last year and was asked to take action, it did nothing. In May, when the first machines were installed, this government did nothing. The Minister for Gaming and the Minister for Racing are still looking into it, while more and more dollars are taken away from Victoria and Victorian racing.

This is the biggest threat facing racing in Australia — and particularly in Victoria, the leading racing state. I implore the Minister for Racing to do the right thing by Victorian racing, to use his authority as Deputy Premier and Minister for Racing to drive the national approach that is needed to address these issues. I ask him to drive all the ministers across Australia and get the federal government involved so that we get a national approach that brings a fair and reasonable return to the racing industry from all the players who bet on the racing product. That is absolutely essential if we are going to have a vibrant racing future.

In recent times we have seen harness racing tracks in country Victoria close. We have seen Wangaratta greyhound track close, we have seen thoroughbred tracks lose funding for their training facilities and we have seen meetings taken away from country Victoria. That is only the tip of the iceberg of what will happen in the future if we do not get a national approach, if we do not get a national solution, if we do not get national leadership and if we do not get a fair deal to return money to racing from gambling.

Mr DONNELLAN (Narre Warren North) — It is an honour to speak today on the Racing Legislation Amendment (Racing Integrity Assurance) Bill 2009. The racing industry is so important to Australia — and to Victoria more than anywhere else. It is estimated that the industry generates economic activity of about $2 billion a year and provides employment for about 40 000 people. It is a vital industry, and more than anywhere else, Victoria is at its heart. This bill deals with bolstering integrity assurance for the Victorian racing industry. It has three main components: establishing a racing integrity commissioner, establishing a new appeals and disciplinary structure for the racing industry and repealing the ban on the transmission of betting odds for racing from racecourses.

The bill will also abolish the Racing Appeals Tribunal (RAT) and confer its responsibilities on the Victorian Civil and Administrative Tribunal (VCAT), as was previously indicated. The racing integrity commissioner will be located in the Department of Justice. As we know, the Department of Justice takes these roles very seriously, including its role in gaming. The commissioner will be responsible for providing advice on integrity, fulfilling a process-auditing role and liaising with the racing industry over policies and practices relating to integrity. Further, the racing integrity commissioner will liaise between the controlling bodies: Victoria Police, the Victorian Commission for Gambling Regulation and other agencies as appropriate.

As we know, a report was made after the chief executive officer of Racing Victoria Limited (RVL)

was involved in inappropriate betting activity. The government at the time appointed His Honour Judge Gordon Lewis to undertake this review. In his report Judge Lewis spoke very highly of the Racing Appeals and Disciplinary Board put in place by RVL. Conversely, he indicated that he had some concerns in relation to perceived and potentially real conflicts of interest in the processes of harness and greyhound racing. Specifically in relation to greyhound racing, the appeal decisions of the stewards are currently heard by members of the Greyhound Racing Victoria board — the same board that appoints the stewards, so there are perceived conflicts of interest there; whether they are real or not is for other people to decide.

The judge at the time recommended a single board. The industry rejected that recommendation, and eventually a compromise was reached whereby the racing appeals matters were put in a different model. New boards will be established for greyhound racing and harness racing on the RVL model, and in 12 months time the racing integrity commissioner will review that process to ensure it is working well. I think it is important that we examine it after 12 months to ensure that it is operating properly.

Further, as previously mentioned, the RAT, which currently hears appeals from decisions of the existing disciplinary bodies, will be abolished and those matters will be referred to VCAT. The RAT has served the industry well. However, the judge indicated at the time that the pressure on the County Court to hear these appeals in a timely manner was detrimental to the court, and suggested that VCAT may be better placed to deal with those issues.

The last recommendation of His Honour which we are taking up concerns the view he formed that in light of modern technology and communications the Gambling Regulation Act of 2003 should be amended to repeal the ban on the transmission of betting odds from racecourses. That is a very logical recommendation because at the end of the day it is a bit like someone putting their finger in a hole in the dyke and hoping that will work. Eventually it will burst and you will be in real trouble and have water all over yourself.

The government has acted swiftly here. It has, immediately after it identified the inappropriate activity of the chief executive officer and Racing Victoria, asked His Honour Judge Gordon Lewis to make this report. The recommendations in the report were good and the government is acting on them to ensure that the industry is well.

The member for South-West Coast said a couple of things with which I disagree. He said he was always pleased to cooperate and that integrity is the most important basis of the industry. I very much agree, but in relation to the review the member for South-West Coast went on the radio and claimed he knew of people who had not had their say. He threw a bit of mud around, as usual, suggesting that the judge was not talking to appropriate people. He just threw that up in the air and let it hang as usual, which he is not bad at doing in this house.

He is not so good at receiving the mud, though. He is a bit like the Paris Hilton of state Parliament — he loves the attention and throwing those comments around, but he does not like the comments coming back to him. So he threw around the idea that somehow these people have been locked out of the process. However, when the shadow minister was contacted by Judge Lewis to provide names and contact details so that he could meet and talk to these people, the shadow minister did not respond.

This is someone who said in this house earlier today that he is always pleased to cooperate and that integrity is the most important basis of the industry but who went on radio to make these comments and when asked to deal with it did not respond. Further, he did not even bother to make a submission to His Honour Judge Lewis in relation to this matter. This is the shadow minister who is talking about integrity and so forth and throwing around mud but not dealing with the issue seriously. He is throwing around innuendo and slagging off at the industry but not doing the right thing.

He went on to suggest that somehow or other the government has not fully responded to the judge's report, but as we note in the letter of 26 January 2009, the judge wrote to the minister specifically in relation to the *Review of Integrity Assurance in the Victorian Racing Industry* and said:

> Thank you for your letter of January 15.
>
> I confirm that I attended a meeting of the implementation working party (IWP) to clarify some issues for its benefit and that subsequently I have been furnished with a copy of the IWP's final report.
>
> I have been heartened by the general support given by the WP to the recommendations in my report.
>
> While some of the recommendations in my report are not presently being fully implemented (e.g. a single appellant and disciplinary body for all codes based on the model of the present RADB), I accept that the interim position proposed in each case reflects a reasonable compromise pending further recommendations from the racing integrity commissioner.

> Finally I observe that it is gratifying that the review which I carried out has proved to be so worthwhile.

That to me suggests that the judge is very happy and believes that his recommendations have been taken very seriously and acted upon. I think the suggestion that somehow or other we have only taken bits and pieces that we like is not correct. The judge has said he is very happy, and he is the one who makes this assessment, not the shadow racing minister. The shadow racing minister may have his opinions but here is the opinion of the judge: he is very happy with it.

At the end of the day it is unreasonable because every time there is a problem we have a call from the opposition for an independent inquiry against corruption (ICAC), as if that would solve everything. It might solve water policy, which the opposition does not have at the moment; it might solve preselection problems, but the judge did not make that recommendation. The only people calling for an ICAC in the racing industry are the opposition members, which would suggest that somehow there is more mud to be thrown at the racing industry. That is quite unreasonable. For someone who supports the racing industry, as I believe the shadow minister does, some of his comments do severe damage to the industry.

Mr WELLER (Rodney) — It gives me great pleasure to rise and speak on the Racing Legislation Amendment (Racing Integrity Assurance) Bill. It is always a pleasure to follow the member for Narre Warren North, who has a different view on the shadow minister's integrity from ours. On this side we believe the shadow minister has great integrity, and he is one of the people with the most integrity in this Parliament. The member for Narre Warren North probably needs to think before he makes further comments denigrating such a valuable member of this Parliament.

As we have already seen, the shadow minister raised some very valid points during his briefing. The minister has now decided that they are very appropriate points, and three amendments were brought in as we started the debate today. I support the member for South-West Coast and the position he has taken.

The clauses in the bill provide for a racing integrity commissioner, establish the racing appeals and disciplinary boards for Greyhound Racing Victoria and Harness Racing Victoria, repeal provisions of the Gambling Regulation Act 2003 banning the transmission of betting odds from racecourses during a race meeting, and amend the Racing Act 1958, which relates to the Racing Appeals Tribunal.

Racing is a very important part of the Rodney electorate. We have harness racing clubs at Gunbower, Echuca and Kyabram. Unfortunately, we have only one place where we can race, and that is at Echuca.

The harness racing club at Gunbower was very disgruntled that it had its cup meeting and one other meeting taken away from it. They now have to be held in Echuca. This was the view of the Harness Racing Board; it was not the view of the Gunbower Harness Racing Club. Gunbower has the longest track in Victoria, and all issues, including occupational health and safety, were adhered to. It was just told that it would have fewer races so there could be races in Melbourne. Basically that is what it came down to.

The races at the Kyabram club have been split between Shepparton and Echuca. Two clubs in my electorate, through this government's cuts, have lost cup meetings at their own tracks, for no other reason than that is what the government deemed. When it comes to gallops, the Echuca Racing Club has lost a race meeting due to cutbacks by this government. Each race meeting brings great income to the Echuca area, and it is devastating to a drought-stricken economy to lose a race meeting. It is not only about the money; it is also the social outlet of people getting together, talking about other issues and having a great day at the races.

This bill is the result of a review the government was brought kicking and screaming to after some unfortunate incidents. Judge Gordon Lewis came up with 63 recommendations. As the member for South-West Coast has indicated, the government has adopted about one and a half of those recommendations. What really concerns me is that Judge Lewis made the observation that criminal activity was rampant. How could anything be more demeaning to a government than to have criminal activity rampant within the racing industry? Why then has the government not taken up the recommendation to reintroduce the racing squad? After comments like that in the report I would have thought it would have been a no-brainer to bring back the racing squad. We are being told by the government that it is employing more police; why, then, has the racing squad not been brought back?

Gordon Lewis also recommended that there be a single appeals and disciplinary board for the three separate codes. However, the government has gone against that and introduced separate boards for the greyhound and harness racing codes. I note the industry has accepted this, but obviously a compromise has been made here. It is not the ideal model, but it is the one that is going forward. We accept that that is what the industry is

prepared to take. It may not be ideal in the view of the industry, but it is one it will have to accept because the government has said, 'You will accept this'.

Clubs and trainers in my area are concerned about the costs they may incur if they have to fund going to the Victorian Civil and Administrative Tribunal (VCAT). A lot of dairy farmers in my electorate have an odd pacer or an odd trotter.

Mr Trezise — The problem is their cows go quicker.

Mr WELLER — The member for Geelong says, 'The problem is their cows go quicker'. What we must remember is that the cows are going very quick now that the north–south pipeline will take the water away. That is all we need to remember: the cows will go quicker if the north–south pipeline takes the water away from northern Victoria.

We must remember that multinational corporations are not running these hobbies. Quite often they are run by good, honest rural folk in my electorate who have a hobby. If they have to pay for an appeal to VCAT out of their own coffers, they will not be able to fund it, and that will be prohibitive.

In his contribution the member for South-West Coast said that he asked the minister about funding. The minister's adviser came back to him and said the industry might well have to fund this. The problem with the industry funding is that we will more than likely see another round of cuts. There will be either fewer races or less prize money in country Victoria, which will make it less viable for people to pursue their hobbies. That is not acceptable to us.

There is also the matter of the time it takes to go to VCAT. As we understand it, there are long waiting lists at VCAT. What would happen if there was an appeal? We cannot wait three months or six months; we would need to know, because more than likely there would be a race the next day or the next week. We cannot have long extensions; it will be detrimental to the industry. Such a proposal shows that people do not understand how the industry works.

In my electorate the number of race meetings at Echuca has been severely cut by one. One out of six races is about a 16 per cent cut. The Echuca race club cannot stand any more cuts. If there were a cut in any of the other meetings because of changes in structure or because people wanted to run races in other parts of Victoria, it would be detrimental to the tourist industry in the area. People come to watch the races in Echuca. They come to the annual race meeting held at Gunbower, which is on the first weekend of October — and a great meeting it always is.

Mr Herbert interjected.

Mr WELLER — It is, the Gunbower meeting, and I recommend it to everyone. It would be lovely to see you there.

As to the people who have served on the appeals tribunal, we should recognise their valuable service and the role they have played in adjudicating appeals that have come before them. It will be repealed and there will be no further function for them. They have served the industry well, and we should say, 'Well done and thank you'. But times have moved on and we are now looking at a different system. We will not be opposing the bill.

Mr HERBERT (Eltham) — It is a great pleasure to speak on the Racing Legislation Amendment (Racing Integrity Assurance) Bill 2009.

An honourable member interjected.

Mr HERBERT — Thank you. I am pleased to hear The Nationals are going to support the bill. It is a pleasure to speak on this bill because the racing industry is a fantastic industry, a fantastic part of Victoria and a fantastic part of our vibrant community not just in Melbourne or during the spring carnival but in numerous country towns across Victoria. As we have just heard from the member for Rodney, it is an incredible part of and provides great wealth and enjoyment for people not only in his electorate but across Victoria, regardless of their nationality, where they live, their gender or whether they are rich or poor. A day at the races can be a fantastic experience.

I listened to the shadow minister's contribution to the debate. My tip for him would be to praise the industry and support it a bit more. He should try to not knock it as much. It really does not deserve it. The Victorian racing industry is the best in the country. I am sure we would have unanimous support for that. It is also one of the world leaders and it should enjoy our support.

That recognition was shown last Sunday night at the Victorian Thoroughbred Racing Awards. I know a few members from this chamber were at the awards; it was a very good evening.

Dr Napthine — I was there.

Mr HERBERT — The shadow minister was there, as was the minister. The awards that were presented show the strength of the industry. I would like to take a

minute to congratulate the trainers, jockeys, apprentices and owners who won awards. I particularly pay tribute to and congratulate a few of them. The winner of the Fred Hoysted Medal was Bart Cummings; what a great Victorian racing identity. The Fineline Metropolitan Jockey Premiership Award was won by Craig Williams and Damien Oliver, two great jockeys; and that iconic award — sadly, Scobie was not there this year — the Scobie Breasley Medal, was won by Craig Williams.

These people are the legends of the industry; their lights reflect the industry admirably right across the globe. As I said, it is an industry that has an excellent reputation here in Victoria. I think it is a very clean industry in Victoria. I have heard comments to the contrary, but when you consider in general the amount of cash that flows through the industry you see that the industry has remarkably little corruption in it. If you are a punter here you can be pretty much assured you have a fair chance to win a race free and fair without any fixing, doping or other practices. We hear a lot about those things happening in other countries across the world where the industry does not have in place the integrity, basic regulations and procedures in place and strong government support that keep the industry here clean.

Having said that, racing is an incredibly important industry to Victoria. It generates probably hundreds of millions of dollars across the state every year and provides enjoyment for hundreds of thousands of people. We have to make sure it is safe; we have to make sure it is efficient; we have to make sure it is as squeaky clean as any industry like this could possibly be. Hence we have this legislation before the house today. It is a pleasure for me to speak on this bill.

The bill originated early last year when the government appointed Judge Gordon Lewis to lead discussions with the racing industry and stakeholders and report back to the government on the most appropriate structures for Victorian racing integrity services. It did this and came back with 63 good recommendations. We are now looking at three of those recommendations which are contained in the bill before us today.

Apart from the recommendations contained in the legislation, a lot of the other recommendations are in the process of being implemented and discussed. In some cases alternative solutions are being talked through with Judge Lewis to make sure we lift the bar on the very high standard of integrity we currently have within our racing industry. One of the key components of this legislation is to establish the racing integrity commissioner and to establish new appeals and disciplinary structures for Greyhound Racing Victoria and Harness Racing Victoria. There are three good codes; it is great when they work together. A lot of us enjoy all three kinds of racing.

This legislation repeals the ban on the transmission of betting odds by racegoers and implements a number of other measures designed to bolster the integrity of participants to add value to our racing product in this state. It also demonstrates to any potential bidders for the post-2012 wagering licence that integrity assurance is at the top of the list both for the racing industry and for the government. In that regard this is a very timely piece of legislation.

The office of the racing integrity commissioner will facilitate the exchange of information between the controlling bodies of Victoria Police, the Victoria Commission for Gambling Regulation and other regulatory agencies as appropriate to ensure we have a coordinated approach to achieving the highest possible standards of integrity in the industry.

One of the areas that has been commented on in terms of the new appeals and disciplinary structures is that there are slightly different arrangements to what was originally proposed by Judge Lewis when he recommended an overarching single appeals and disciplinary body to service all three codes. In the good and worthwhile discussions we have had, which have probably led as much as Judge Lewis's report to strengthening the integrity of the industry, it was agreed to establish three separate appeals and disciplinary boards: one for Greyhound Racing Victoria, one for Harness Racing Victoria and one for thoroughbred racing. But all three boards will be administered by a common register to ensure there is procedural consistency. I think this has been done. Those who participated in various types of racing thought this was a more efficient way of dealing with the boards than having one overarching body across the three codes. In the end, Judge Lewis said in discussions that he is quite comfortable with the arrangement in this legislation today.

The other issue I want to quickly touch on is the ban on the transmission of betting odds from racecourses. This was originally included to fight against starting price bookmakers in Victoria. It was a good thing at the time, but let us face it: we live in a different world now. We have two TV stations streaming racing constantly at us. Most bookies have laptop computers; most people carry a BlackBerry. You can get odds right around the country straightaway. Technology has made this provision redundant.

I do not have a huge amount more to say on the bill. I will once again clarify that this bill adds another level to

integrity to what is by world standards a strictly monitored and very clean racing industry. The type of industry we have in Victoria has not been seen in many other states. We have seen on other tracks in countries around the world horse doping, race fixing and many other similar activities.

The leaders of the racing industry are recognised by ordinary Victorians as genuine heroes — not just heroes at the track but great citizens in our society. It is an industry where country towns feel proud of their racing tracks. I like to see young apprentice jockeys and other jockeys come to annual race days or regular race days.

The racing industry is profitable and brings great wealth to Victoria; it is one we would hate to see diminish. No-one wants to see smaller crowds at the spring carnival week at Flemington, which is an iconic fixture that brings half a million people to the track during that week alone. We will see that grow. We want to see the industry flourish. We will see that through tightening up integrity, providing support for the industry, making the industry grow and recognising the industry for being a great part of Victoria and for the great contributions it makes to Victoria, which it undoubtedly does. I support the bill wholeheartedly.

Mr MULDER (Polwarth) — It gives me great pleasure to join the debate on the Racing Legislation Amendment (Racing Integrity Assurance) Bill. I declare a pecuniary interest at the start of my contribution: I hold a registration as a horse attendant, I have a strapper's ticket, and I regularly attend race meetings.

My respite for the week as a member of Parliament is to go out to the racetrack at Colac on Saturday mornings from 6 o'clock until 10 o'clock. I strap the horses, help clean them, saddle them up and all the rest of it. It is a fantastic industry and a great outlet. On the weekend I was fortunate enough to be asked to take one of the horses to Coleraine for one of the trainers. It was a rank outsider. Someone who stood back and listened to me giving instructions to the jockey said, 'They weren't instructions; that was just about a war chant'. Nevertheless the rank outsider got up and got the money, so I could be sent away again shortly.

Also in terms of a pecuniary interest, my wife, Sue, and I; John Vogels, a member for Western Victoria Region in the upper house; and a lot of people from Colac and Camperdown have an interest in a horse named Jagged Man, which was a winner at Swan Hill last Monday, a winner at Mildura a couple of weeks ago and a previous winner at Camperdown. The horse is showing enormous potential, and we look forward to more.

If you put your money where your mouth is, you could not get a better example than what has happened on this side of the house. I was able to syndicate a horse to 10 rural members of Parliament. The horse was bred and trained in the country and is owned by 10 rural members of Parliament. It is aptly named No Stalling in light of what will happen when we go from this side of the table to the other side of the table after November next year. No Stalling — listen for it, watch for it and get your money out. As I said, this side of the house is greatly involved in the racing industry and only too proud to support what is a fantastic industry for Victoria.

I have been on racing committees for a long time, and for as long I can remember country racing has always been under the hammer. We have just gone through another significant review. It was disappointing to see the Minister for Racing sit back on his hands and watch country clubs being gouged. They were absolutely gouged while the minister failed to rise to his feet on a single occasion and support country racing. As the member for South-West Coast has pointed out — he was absolutely on the mark — the issue that the industry faces at the moment and one of its greatest threats is the establishment of the betting exchanges in other states. They are like lice on the back of the Victorian racing industry. They are taking out of Victoria money that should stay here and be reinvested in Victorian racing — and we are getting nothing out of it. Victoria is the state that has the most to lose from that, because we have got the best racing industry.

As the member for South-West Coast asked: why is our racing minister not here heading the charge and getting this onto the agenda in a federal sense to make sure that we get all states thinking the same way and supporting their own state's racing industry? Most importantly, the lead needs to come from Victoria. It is extremely disappointing. The Minister for Gaming, who is at the table, should also be in there hanging off the coat-tails of the Minister for Racing and making sure that this vital industry is protected. It is a great employer and generates a huge amount of revenue for the state.

If members are wondering how closely it is connected to the economy, they should just have a look at this year's stud fees and how they have dropped dramatically in line with the downturn in the economy. They go up and they go down with the economy. You can look at the stud fees and the sale price of brood mares at the yearling sales and say, 'There is the temperature gauge'. That will tell you what is going on

with racing, and it will tell you what is going on with the economy. It is a thermometer for the industry. You can stand back and watch it. I have watched it over many years. Racing is a great indicator of how the community is travelling in general.

In terms of the integrity of the industry, it was an absolute disgrace for this government that the uncovering of the issues of corruption came as a result of the work carried out by the member for South-West Coast. The member for South-West Coast, not the minister, is the person who put these issues on the table and forced the government to conduct a review of the integrity of racing. The minister once again sat on his hands and only acted after the member for South-West Coast put on the table some significant issues to do with integrity in racing. We saw it here today in relation to local government, and we have seen it in relation to jobs for mates. Nothing ever happens until someone digs down deeply and smells what is going on. Whether it is in the racing industry, whether it is in local government, whether it is do with tenders, whether it is to do with jobs for mates, it is not until someone else digs down that you see this government start to turn around and act. I take my hat off to the member for South-West Coast, the shadow Minister for Racing, because this bill before us today is all about the work that he carried out and all about the issues that he raised in relation to integrity in racing.

We have issues out there at the moment that concern a lot of rural members of Parliament. I have heard a number of them speak today in relation to the loss of race meetings and what is happening out there in relation to training venues. I have in my electorate the Terang Harness Racing Club and the Terang thoroughbred racing club, the Mortlake Racing Club, the Camperdown Turf Club, the Colac Turf Club and the Birregurra racing club. All of these clubs have in one way or the other been affected dramatically by the latest review. We get these about every five years when someone comes out of Melbourne with a great, big sledgehammer and wants to make an impression and put their mark on the racing industry — and the first places they come to are the country areas. We are subjected to these intensive reviews by Racing Victoria Ltd. When you then have a look at what happens with the metropolitan clubs you see they are able to do an internal assessment on themselves and tell everyone what a great job they are doing. It is the country clubs that seem to be the weakest links and the easiest for the industry and the government to attack each and every time we have a review of racing in the state.

In relation to training, we have gone down the pathway where — I acknowledge this — for the first time in a long time we have a chief executive officer of Racing Victoria Ltd, Rob Hines, who is actually prepared to listen. Normally when a draft document on what the industry is going to do in relation to race clubs and training comes out, it is set in concrete. In this case he was at least prepared to listen to what clubs, trainers and owners had to say, and some changes were made.

I still have some concerns in relation to clubs in my area. Camperdown Turf Club has been given five years in training funding. We have the Daffy family up there, we have Ron Gravett and we have other young trainers who are coming up. They are prepared to support the Camperdown club. Providing the community is prepared to support the club, it should be allowed to stay there. Colac Racing Club — I live in Colac — has been given an indefinite amount of funding for maintenance but nothing at all for capital upgrades. We are producing winner after winner out of that location, and I would like to see some commitment for the future in terms of capital for clubs that can demonstrate again and again they are viable and have a great role to play in terms of supporting the industry into the future.

In the short time I have left I will just put this on the table: I ask members to have a look at what the Australian Football League is doing with football. It is out there in every single corner of Australia supporting smaller country football clubs, which in turn are supporting netball clubs. It knows it has other codes looking over its shoulder — soccer and Rugby — and it is not giving an ounce of ground. It has its elbows out and is pushing back as hard as it can. Yet the racing industry seems to have a philosophy that it can start to withdraw from country Victoria, take back training, take back racing dates and shut down tracks — this is what the minister thinks — and still grow the industry. How on earth can it possibly think that is going to work in the long run? In many country towns and smaller communities we have Safeway, Coles, McDonald's, KFC and Subway. These organisations do a great deal of research into where they should be located. They are arriving in these regional towns, but the racing industry under the control of the Minister for Racing and the Minister for Gaming thinks it will withdraw and disconnect from those communities and still grow. You cannot do it. I ask the Minister for Racing to have a good look at it. He has been sitting on his hands. He needs to get out there and support country racing.

Mr TREZISE (Geelong) — I am also very pleased to speak in support of the Racing Legislation Amendment (Racing Integrity Assurance) Bill. I am pleased to speak in support of the bill because it highlights the Brumby government's commitment to the racing industry in Victoria, not only to the

thoroughbred industry but also the other two codes of harness and greyhound racing. This government recognises the importance of a healthy, vibrant and, importantly, honest industry.

As has been noted in debates on racing numerous times in this Parliament, and as we have already heard today, racing is far more than just a great sport in this state. As members have noted, the racing industry is a multibillion dollar industry and is a major employer, employing more than 50 000 — the member for South-West Coast mentioned 75 000 — employees within this state. We as a government know this is a major industry, a major employer and a major drawcard for tourists, and hence we know the importance of the bill before us tonight, which essentially emanates from Judge Gordon Lewis's report back in 2008.

I am always keen to speak on racing bills in this house because I know the importance of the industry to my electorate of Geelong. We have the Geelong Racing Club, which is resuming racing this Friday, and I know from having spoken to the club's committee over a number of months that the eyes of committee members will be focused not only on the meeting this Friday but on coming meetings leading up to 21 October when the Geelong Cup will be run in my electorate. I note that that date is not a sitting day, so it will be my 31st year in a row at the Geelong Cup.

The Geelong Greyhound Racing Club is going from strength to strength. I am a bad judge of time, but it was only about six or seven months ago when I had the privilege of being with the Minister for Racing when we opened the new kennels at the greyhound track. The committee out there is going from strength to strength, as is harness racing in the Geelong electorate under Geelong Harness Racing Club's new president, David Kelly. Geelong harness racing also has a healthy future to look forward to.

As a racing enthusiast and as a member who is keen to support the local clubs in my electorate, I am in turn very keen to support any legislation such as the legislation before us tonight that will support not only the industry in my electorate but the industry throughout the state of Victoria. This bill, as we know, emanates from the 2008 report from His Honour Judge Gordon Lewis. The main issues coming out of the report that make up the provisions of the bill are the establishment of the racing integrity commissioner; the establishment of a new racing appeals and disciplinary structure across the codes, particularly the harness and the greyhound racing codes; and the repealing of the ban on the transmission of betting odds from racecourses.

Importantly these initiatives and indeed the bill itself are supported by the three codes. As we have heard, the bill will establish a racing integrity commissioner whose essential role or responsibility will be providing independent oversight of integrity assurance practices and processes across the three codes. The establishment of the commissioner is, I know, a positive step forward in ensuring the integrity of the industry. We all know on this side of the house and I think the whole house appreciates that integrity is a very important component of a healthy racing industry.

I know a number of other speakers want to speak before dinner. This is important legislation, it is good legislation, and therefore I wish it a speedy passage through the house.

Mr DELAHUNTY (Lowan) — I rise to speak on behalf of the Lowan electorate on this very important piece of legislation, the Racing Legislation Amendment (Racing Integrity Assurance) Bill 2009. I have to declare right up front that I am a member of Wimmera Racing and a strong supporter of racing in the Lowan electorate, whether it be at the thoroughbred tracks at Nhill, Edenhope, Horsham, Dunkeld, Penshurst, Hamilton, Casterton or Coleraine. Three of those tracks have jumps racing — Hamilton, Castleton and Coleraine — and in fact Coleraine had a great meeting last Sunday. Unfortunately I was unable to be there, but I am assured it was a good meeting. The member for Polwarth was there with a horse. I do not know if it won there, but it did win up in Swan Hill the other day.

Dr Napthine interjected.

Mr DELAHUNTY — He is having a good run. Yes, we did get the tip.

I am also a strong supporter of standardbred trotting or trotting racing at Horsham and Hamilton — or rather it was at Hamilton until this government got into power and wiped out what had been a great harness racing facility at Hamilton. But we have to remember that the harness racing club at Hamilton is a part owner of Alexandra House, which is a gaming venue near the main football ground which it shares with the Hamilton Football Club, and they have got revenue coming in that could be spent on upgrading the facilities. They were not given the chance to do that, but I believe an announcement is going to be made about that this week. It has taken a long time for this government to act to put back the great services that were provided by the standardbred or trotting industry at Hamilton.

Also there is one greyhound track at Horsham, and some money has been spent there in the last couple of

years. Importantly, that is a great venue that provides enormous resources to the greyhound sector across Victoria, particularly in the Wimmera region.

I put my biases up front in relation to racing, but also I have got to say that my family has had a long association with racing, particularly the thoroughbred industry. My father was a life member of Country Racing Victoria. I suppose I have not got as much passion as my other brothers because, being the oldest, I was the gofer at all those race meetings we attended.

This bill is a step forward in some ways, but it has taken us a long time to get here. Other members on this side of the house have highlighted that it was the shadow Minister for Racing who brought forward many of these concerns about integrity, and we now have this bill before us. The bill's main provisions are, importantly, to establish a racing integrity commissioner with a small staff — and I highlight the word 'small'. It will be interesting to see how long that lasts.

The legislation also establishes the racing appeals and disciplinary boards for greyhound racing and also for Harness Racing Victoria. These boards will be similar to that of the thoroughbred industry, but they are a little bit different, as the member for South-West Coast said. Importantly, the bill repeals the Racing Appeals Tribunal and substitutes the Victorian Civil and Administrative Tribunal (VCAT) as the body to appeal to for those aggrieved at decisions of the various racing appeals and disciplinary boards.

I have to say again that I have been a member of Parliament for not quite 10 years, and almost on a monthly basis I see legislation before the house that refers decisions to VCAT. I have not seen its annual report, but I bet members — I should not use those words when I am talking about racing — that VCAT has grown. The time it takes to obtain a decision from VCAT has blown out, because it needs more people and expertise and I am sure more funds to run it.

A further provision of the bill is that it repeals those provisions of the Gambling Regulation Act which ban the transmission of betting odds from racecourses during race meetings. Many members have highlighted this provision as a common-sense decision, given that such transmissions can be made by BlackBerrys and other devices — although anyone doing that currently is likely to have their photo taken.

I will now talk a little about the impact of racing on country Victoria. Some members have mentioned this in their contributions. Racing, whether it be thoroughbred, standardbred or greyhound, has an enormous influence in country Victoria and in particular in the Lowan electorate. It is a major generator of revenue. It employs a lot of people and creates a lot of activity. On race days we see an enormous number of people travel across Victoria. People come from South Australia — particularly to my electorate — and elsewhere. Racing brings economic activity to the region; it has been one of the things that has kept the area going during the prolonged drought.

Under the current government we have seen the loss of thoroughbred and harness racetracks, a decrease in the number of allocated race meetings and a reduction in funds available to support race clubs. However, I met with the Rob Hines, as has the member for Polwarth, and I congratulate him on the fact that he listened to what I had to say. I know that many clubs in country Victoria, such as Wimmera Racing, prepared submissions for the racing review. Thankfully some of the decline has been turned around, but there is still concern about the long-term viability of country race clubs in the light of the government's handling of the industry.

I now turn to VCAT. The member for South-West Coast has queried whether VCAT has expertise in racing, and that will be of concern to the racing industry. We know the thoroughbred industry is well regarded in relation to its disciplinary process. However, there is concern about the harness and greyhound industries. We believe the expertise or experience of the thoroughbred industry could assist VCAT.

Another major area of concern is cost. The harness and greyhound industries are not the big-ticket industries that the thoroughbred industry is. Many of the people involved in these industries, particularly in the greyhound industry, are the mums and dads and backyard trainers who run their businesses on a shoestring. If costs are increased through the use of VCAT and the like, we will see them suffer.

A further query we have about VCAT is whether it will be able to determine the appeals in a timely and appropriate manner. As members know, many of the appeals that are heard by VCAT take months to adjudicate, and we cannot afford to have that happen in the racing industries.

It is pleasing to see that the minister has brought in three amendments to the legislation on the resumption of the second-reading debate in the house. The proposed amendments to clauses 7 and 8 will extend

the deadline for appeals to the next day — in other words, the third day following the event. The member for South-West Coast in his contribution pointed out that for the most part race meetings for the standardbred and greyhound industries are held at night, and therefore it would not be possible for those involved in the industries to submit appeals the next day. I am sure the Minister for Racing will give credit where credit is due; it was the member for South-West Coast who brought this issue to his attention.

I will now talk about some of the areas of concern raised by Judge Lewis. In his report he said that 'criminal activity in the industry was rampant', particularly in the racing industry. That is disappointing. Those of us on this side of the house have time and again said this is a vital industry to country Victoria and Victoria in general. I was a member of the parliamentary Economic Development and Infrastructure Committee which conducted an inquiry into the thoroughbred and standardbred breeding industries.

Mr Robinson interjected.

Mr DELAHUNTY — It was a good inquiry. But the reality is that it is a big industry. We have lost the momentum in Victoria; New South Wales is now in front of us; Queensland is very close to us. In the last couple of years we have been helped by a virus which has brought a little bit of support back into Victoria.

We have seen enormous changes, particularly in the Acting Speaker's electorate of Benalla and in the north-east of Victoria where there has been significant growth in the thoroughbred breeding industry. As the member for Polwarth said, that is a bit of a litmus test to show how Victoria and Australia are going. The brood mare sales in Victoria and in other parts of Australia are a good indicator of how the economy is running.

There is more work that can be done in relation to the committee's report. We need to attract some of those thoroughbred sales into Victoria, particularly during the spring carnival. It is not the ideal time of the year for sales, but it is a great opportunity that could be utilised. The implementation of the committee's report is similar to the implementation of the Lewis report, which will help the racing industry of which I am a strong supporter.

Mrs MADDIGAN (Essendon) — It is a pleasure to rise to support the Racing Legislation Amendment (Racing Integrity Assurance) Bill 2009. I am particularly pleased to contribute to the debate on this bill because my electorate is home to the Moonee Valley Racing Club, a great racing club in this state which is host each year to the best weight for age race in Australia, if not the world. That is the view of the government. We are very supportive of the Moonee Valley Racing Club and the Cox Plate, which is the opposite view to that of the opposition as expressed in this house by the shadow Minister for Racing. The opposition's view is that the Cox Plate should be removed from Moonee Valley, a view that is strongly opposed by the Moonee Valley Racing Club and many of my constituents.

Moonee Valley Racing Club, apart from hosting the Cox Plate, provides jobs for many of my constituents and is strongly supported as a great community facility.

Dr Napthine interjected.

Mrs MADDIGAN — I hear the member for South-West Coast abusing the Moonee Valley Racing Club again, and it just holds pretty much with the attitude that he has expressed before in this house and comes as no surprise to us. Yet it is odd that the shadow Minister for Racing, who has a lot to say in this house — less to say outside the house — in relation to racing, made no submission to Judge Lewis when he was reviewing the industry. I find that rather strange. One would have thought that if he had something substantive to contribute, that would have provided a great opportunity for him to express his views. The member for South-West Coast has made a number of allegations in this house, and I am sure Judge Lewis would have been interested to hear his views.

As we know, Judge Lewis prepared an extensive report which was released in August last year and in which he made 63 recommendations. Preparation of the report involved extensive industry consultation, even though the Liberal Party was not part of it. The recommendations form the basis of this bill, which is now strongly supported by the racing industry. Some changes were requested and agreed to, and now Judge Lewis and the racing clubs are happy with the process outlined in the bill.

The racing industry is one in which there are many stories about supposed irregularities, some proven and some more a matter of gossip. This legislation brings with it a certain level of assurance which will make people more confident about the industry.

Sitting suspended 6.29 p.m. until 8.02 p.m.

Debate adjourned on motion of Dr SYKES (Benalla).

Debate adjourned until later this day.

LOCAL GOVERNMENT AMENDMENT (CONFLICTING DUTIES) BILL

Second reading

Debate resumed from 29 July; motion of Mr WYNNE (Minister for Local Government).

Mrs POWELL (Shepparton) — I am pleased to speak on the Local Government Amendment (Conflicting Duties) Bill 2009. On 7 May the Victorian Ombudsman's report entitled *Investigation into Alleged Improper Conduct of Councillors at Brimbank City Council* was tabled in this Parliament. It is a damning report. It talks about Labor councillors, members of Parliament and members of the Labor Party and corrupt practices in those areas. This bill is about the government's response. The Liberal-Nationals coalition will not be opposing this bill. We understand the changes arise from recommendations of the Victorian Ombudsman, but the coalition has some very serious concerns about this legislation and the Brumby government's handling of complaints about breaches of the Local Government Act and corruption in councils.

This government should hang its head in shame given the detrimental impact of this legislation on councillors — their anger about it and the stress it has caused them. I have had many Labor and non-Labor councillors telephone me, email me or talk to me about it. The majority of those councillors are decent, hardworking local representatives who work for and in the best interests of their communities, and yet they will be affected by this legislation, which is the result of the government sitting on its hands when the corruption was happening and doing nothing about it. This government has made councillors the scapegoats for what happened at Brimbank. It has not dealt with the Labor members of Parliament or the Labor councillors; they have not had any discipline handed to them.

This is a small bill which will have a big impact. It has four clauses. Clause 1 sets out the purpose of the bill, which is to amend the Local Government Act 1989 to provide for conflicting duties of persons who are, or want to be councillors, and for other purposes. Clause 2 provides that the bill will come into operation on the day after the day on which it receives the royal assent. The government is trying to push the legislation through this year, perhaps because it is worried that there could be more cases of corruption or allegations of corruption by councillors under its watch. The Ombudsman tabled another report today about unlawful conduct, this time concerning the staff at the City of Port Phillip. The Ombudsman's report also makes some reflections on and discusses the improved role of Local Government Victoria.

Clause 3 inserts a new section 28A headed 'Disqualification to be a councillor due to conflicting duties'. Subsection (1) states in part:

> … a person is not capable of becoming or continuing to be a Councillor or nominating as a candidate at an election … if the person is —
>
> (a) a member of —

any state, federal or territory Parliament. It continues:

> (b) employed as a Ministerial officer, a Parliamentary adviser or an electorate officer by a member of —

Parliament in Australia. It further states:

> (c) a Councillor of another Council —

in Victoria or a councillor or corresponding position of another council in another state or territory of the commonwealth. In relation to that provision, in around 2005 The Nationals raised as an anomaly in the Local Government Act, as it was then, the fact that a councillor is precluded from being a councillor of two councils in Victoria and yet is allowed to be a councillor in Victoria and in another state. In 2006 The Nationals introduced a policy ban any Victorian councillor being a councillor in another state. I am really pleased to see that the government is now supporting that policy put forward by The Nationals.

New section 28A of the proposed legislation, inserted by clause 3, states that a person who is employed as a ministerial officer, a parliamentary adviser or an electorate officer is not prevented from nominating as a candidate at a council election or from being declared elected if that person has taken leave from that office or position and does not perform any duties of that office or position during the election period. That person cannot take the oath of office as a councillor if that person continues to hold that specified office or position. That does make sense.

New section 28B is a transitional provision; it states that a councillor who does not resign their position with a member of Parliament will be removed as a councillor seven days after the act receives assent. This proposed section has generated a lot of input to me and my office from the peak bodies and from councillors from councils right across Victoria. I called for the government to give an extension of time to allow councillors to make informed decisions about their future and about future opportunities and for the government to consult with the peak bodies, but sadly the government refused.

Clause 4 states:

> This Act is repealed on the first anniversary of its commencement.

So the amending act will have a life span of one year.

As I said earlier, this bill is introduced in response to the Ombudsman's investigation into serious breaches of the Local Government Act and the Electoral Act at Brimbank council. But it is sad to say that the coalition and the community have warned the government and the Minister for Local Government for years about the conduct at Brimbank council. The community has written letters, and I have seen lots of emails and lots of letters, into the hundreds — —

Honourable members interjecting.

The ACTING SPEAKER (**Ms Beattie**) — Order! I ask the members for South Barwon, Forest Hill, Lara and Geelong to continue their conversation outside the chamber.

Mrs POWELL — As I said, the community and the coalition warned the government for years about the conduct at Brimbank council, and the government refused to act. It ignored the warnings and the complaints, and it allowed the corruption to not only continue but escalate. The Ombudsman's report had findings of evidence where there was inappropriate behaviour, corrupt behaviour, illegal behaviour by those who were involved in dealing with councillors inappropriately — getting involved in the dealings, going behind closed doors during caucus times, speaking at the offices of members of Parliament and talking to councils.

Mr Andrews interjected.

Mrs POWELL — It was illegal behaviour; it was unlawful behaviour. You see that if you read the Brimbank report. I have it here, and you can see all of those tabs which actually show the allegations — —

The ACTING SPEAKER (**Ms Beattie**) — Order! Through the Chair.

Mrs POWELL — A local member of Parliament, Mr Bernie Finn, a member for Western Metropolitan Region in the Council, also warned the government over many years and called for the council to be sacked and also for the government to look at the corruption that was happening in Brimbank. But it was not just a local member, Mr Bernie Finn, who was issuing these warnings; it was also Mr John Vogels, who is a member for Western Victoria Region in the Council and a former shadow Minister for Local Government. But just as importantly it was one of the Labor Party's own who also blew the whistle. The member for Keilor came into the Parliament, and we all sat in the Parliament and heard a most sensitive and emotive plea by the member for Keilor to sack the council. He actually warned the government of corrupt practices and allegations of bribery — a number of allegations.

When a member of the Labor Party finds that they have to stand up in this Parliament to be heard, I think it is a sad day for that party, as it would be for any political party. The member for Keilor had to stand up and speak against his own party. I think he has been a member for probably over 20 years, so he is a longstanding member of that party. He thought that was the only way he was going to be heard about allegations of serious misconduct in a council that should have been dealt with many years ago, and it is appalling that he had to go that far.

I wrote to the Ombudsman in July last year requesting his office to investigate serious allegations about the operation and governance of Brimbank council, and also to inquire into allegations of threats, bribery, intimidation, misuse of council funds, mismanagement, improper behaviour of councillors and local Labor MPs, and the council's failure to govern effectively. The chief executive officer of Brimbank, Mr Nick Foa, has told me personally that he wrote to the Minister for Local Government a number of times with complaints about what was happening at the council and that no action was taken. The Ombudsman's report was tabled nine months later in May 2009, and it exposed widespread conflicts of interest and a culture of bullying and corruption. The report was the subject of inappropriate interference by Labor members of Parliament and Labor Party members.

The report was very explosive — we had been waiting for nine months to find out what was in that report — and those of us who support local government did not take any gladness out of that report. The report looked at all the issues that are the worst part of local government, and those of us who support local government are not happy about that report. While I called for the report, I am not happy about the contents, because obviously those of us who support local government understand that that was, we hope, an isolated case. The majority of councillors are hardworking members of their community who do the right thing and represent their communities with integrity and decency, and they are also tarred with the same brush. A number of those councillors said to me, 'We keep being told, and Brimbank seems to be what is held up to us at all times'. I think that is a sad reflection

of the fact that the issue should have been dealt with much sooner.

It is now easier to bring in all sorts of recommendations and reforms. The reality is the Local Government Act as it then stood could have dealt with these sorts of issues, including the misuse of council funds, the misappropriation of council funds and the illegal practices. They could all have been dealt with under the Local Government Act as it stands even before the changes were made in November. The conflict of interest issues could have been dealt with under the Local Government Act, and still this government did not act.

It allowed the corruption to continue and to escalate, and those who work at Brimbank council and current Brimbank councillors have a bad name and wear the stench of what happened at that council. I know the council has brought in a new code of conduct. I have been to the meetings, and I know it is keen to move on. The new code of conduct has quite a large number of reforms. I know the government helped with the code of conduct, but unless the culture changes there the code of conduct is just a piece of paper. It is no more than that unless the culture changes and the councillors and the council officers make an absolute commitment to change and to change the way people in the western suburbs are represented.

In the Brimbank report there was evidence of a dysfunctional council marked by infighting. There was evidence that the council was split into two Labor factions with the council unable to govern as a whole. This alone is a breach of the Local Government Act. This alone would see a council dismissed, and yet this government did not act. There was evidence to show inappropriate interference and influence of people who held no elected local government office, including people who could not become a councillor because of criminal activities and criminal convictions. Their influence was exerted behind closed doors as a result of personal or political motivation. Nothing has changed. Decisions are still being made behind closed doors, and this bill will not stop that process.

Caucusing is still allowed with Labor Party councillors. That must stop. The caucusing of local councils means that a councillor walks into a council chamber with a closed mind, and that is totally against what the Minister for Local Government has been saying. He has said that a councillor must come in with an unbiased mind. I will just go through some of the caucus rules. When I tried to get another copy of the rules I noticed that since we raised the issue the municipal caucus rules have been taken off the website. They state:

> 12.6.1 An ALP caucus shall be established in each municipal government area where two or more endorsed ALP candidates have been elected to office. All endorsed ALP candidates who have been elected to office shall belong to the ALP caucus.
>
> 12.6.2 The caucus shall meet prior to each council meeting.

It goes on:

> 12.6.4 Every member of caucus shall be obliged to attend each meeting of caucus unless excused from attendance by resolution of the caucus.
>
> 12.6.5 The caucus shall be required to determine only upon matters covered by the municipal candidate's pledge and the party platform and policy, the election or appointment of councillors to official positions and delegations, the annual budget of council, appointments to senior council management positions, the implementation of the local municipal policy determined prior to the preceding municipal election, and items submitted for its consideration by caucus members.

Further it states:

> 12.6.6 The vote of an absolute majority of eligible caucus members shall bind all members of caucus and no member shall oppose in debate in council any matter which has been determined by caucus, except by the agreement of caucus.

The government has said councillors are to have an open mind when making a decision. Clearly it does not mean Labor councillors.

About 38 councillors in around 22 councils are going to be forced to make a decision about their future. Over 30 of them work for Labor members of Parliament, 4 work for Liberal members of Parliament and 1 works for a Greens member of Parliament. This legislation will trigger a number of costly by-elections.

I had some briefings from the department and was told that each by-election will cost between $30 000 and $50 000, and the cost is to be borne by council. If there is not to be a by-election — if it is in a multimember ward or an unsubdivided ward — it will trigger the countback provisions. That could raise all sorts of issues, particularly when dummy candidates stand. When it does the countback, the Victorian Electoral Commission will have to ring the next person on the list to see if they are available. If they are not, then the commission will have to contact the next person after that on the list. If that person is available, it might be found that he or she is a dummy candidate — a person who put forward their name to support somebody else and who did not really want to get in. Just recently the media has highlighted a number of people who had their names put forward but who said, 'I did not know

that this was to become a councillor'. We could have people being elected to council who did not want to be there, or worse still, we might have people who attracted very few votes. Again, councils might get these sorts of councillors because of the provisions in the legislation.

I consulted widely when I was preparing to talk about the legislation. It is difficult when you are dealing with the lives of councillors, and when you have so many councillors phoning and saying in a very emotive way, 'Please help us. Please bring in this amendment' or 'Please bring in that amendment'. It is very difficult to know what is the right thing to do. But what I found was that the Brumby government really did not speak much to the councils at all. I have met with the MAV (Municipal Association of Victoria) a number of times over this — the MAV is the peak body for local government; it is the voice of local government. The association did not know that the legislation had been introduced. It was not consulted about it when the bill came in. I am not saying the association did not know about it; it would have, but it did not know when the legislation came in, and it has not seen the final bill.

So much for the intergovernmental agreement that the government signed over 12 months ago. The Minister for Local Government, who is sitting at the table, signed the agreement in May with the president of the MAV at the time, Dick Gross, who is no longer a councillor. It said, 'We pledge that we will consult about any legislation that comes in. We will improve communications'. That is wrong. It has not happened. I can cite a number of times when the MAV has told me that it has not been consulted about legislation coming into this place.

The MAV is opposed to this legislation. It tells me that opinion is divided but the majority of its members are opposed to it. The association has received legal advice about human rights from Mr Jeremy Gobbo, QC, and it is going to mount a test case in the courts. It has asked councils to put in some money to create a fighting fund, and it is going to test this legislation in the courts. It believes the retrospectivity is unfair and the human rights charter has been contravened. Of the 12 councillors who are MAV regional board members, three work for members of Parliament, including one who was working as an adviser to the Premier.

The Victorian Local Governance Association, another peak body for local government, has also opposed this legislation. It also thinks the retrospectivity and the seven-day transition is unfair. I contacted all 79 councils to ask them what they thought of this legislation and how it would affect them. I received mixed responses, many from Labor Party councillors. One Labor councillor said to me, 'I can't believe a Labor government would bring in this legislation'. I was sorry to have to say to that Labor councillor that the Labor government they supported did in fact bring in this legislation. I was also told that only the Labor councillors met with the Minister for Local Government, the Attorney-General and the Minister for Industry and Trade, Martin Pakula. They were told, 'Don't rock the boat. Take it for the party, and we will look after you'. I heard from two groups that the 30-plus councillors were told not to rock the boat.

Mr Wynne — That is just not true.

Mrs POWELL — The minister is saying, 'That is not true'. Those Labor councillors who are reading this debate in *Hansard* will be told that that was not true.

Labor councillors are justifiably angry. They will be removed from their council duties before the end of this year if they choose their job of working for a member of Parliament. The Labor councillors know that the government is not listening to them and they are speaking openly to the media. Yesterday in an article in the *Australian* headed 'Staffer turns on Labor over council ban', Rick Wallace wrote:

> Burhan Yigit, who serves on Hume City Council and works for a Labor MP, said the legislation made criminals out of staffers, while MPs caught out exerting undue influence on the Brimbank Council faced no sanctions.
>
> 'What happened to them? Nothing', he told the *Australian* as Parliament prepared to debate the new law. 'It's a stupid law that doesn't solve anything.
>
> 'It doesn't address the concerns of the Brimbank report. It's a political fix, and it's quite immoral. Criminals get a trial, but staffers don't.'

I remind the house that these quotes in the *Australian* are from a Labor councillor.

The non-Labor councils are also angry; they feel let down by this government. The government should be supporting and communicating with non-government councillors as well as the Labor councillors. I urge the government to do this, because many of them are trying to work out what they want to do. They want to have some information about when they have to make the decisions, and they want to make sure they are supported as well.

I personally believe there could be a conflict of duty when a councillor works for a member of Parliament. I have been a councillor, and that is my belief. I understand the duties of a councillor. If that person was working in a member of Parliament's office and

somebody came through that door to talk to them as a staffer of a member of Parliament and was confronted by a councillor, and it could be that the complaint was about the council — quite a large number of issues that come before my office are about council issues — I can see that there would be a conflict. A member of the community would be confronted with a councillor who is on the very council the member of the public wants to complain about. I say there could be a conflict of interest. Many people may not agree with me, but I certainly believe there could be a conflict of duty when a councillor works for a member of Parliament.

There are still some major concerns about this legislation — namely, the retrospectivity provisions. The bill will come into effect the day after royal assent, which could be about 14 October. I have worked out when the Parliament sits and when the legislation can be debated. If we allow about four weeks for royal assent, it could be 14 October. Resignations by councillors will trigger by-elections. As I said earlier, 22 councils are going to be affected, and some of those councils have two and three councillors that will be affected. The removal of two or three of those councillors will be a huge impact on those councils, if they choose to leave. It leaves the councils very vulnerable.

It is the timing that is a consideration. These by-elections are going to happen just before Christmas. New candidates are going to have to put out ballot papers, candidate statements and election material, and they are going to be in the letterboxes with the Christmas brochures. The Victorian Electoral Commission is going to have to deal with people having to make decisions about elections over the Christmas period. That is an issue for people. They do not want to be looking at more council elections. They have just been to council elections; they went to council elections in November last year. Not even a year later they will be going to council elections again, when they thought they had elected that councillor for a four-year period.

One of the issues about the councillors losing their position with three years left to serve is the loss of income. Councillors are telling me that it is having a huge impact on the decisions they have made. Based on the security of the income they thought they were going to have, many councillors have made decisions to purchase assets such as cars or to pay off mortgages or bills. They believed they had a secure income for four years.

On the issue of the seven-day transition, I have said that I called for an extension of time to allow councillors to make informed decisions, and the government has refused.

Section 18 of the Victorian Charter of Human Rights and Responsibilities establishes the right to participate in the conduct of public affairs, the right to vote and be elected at state and municipal elections and the right to have access to the Victorian Public Service and Public Office. Minister Wynne gave his opinion that the bill is compatible with the human rights protected by the charter. I asked for the legal advice from his office on which he based his reasons. I was told, nicely, that the government does not show the legal advice, and that the reasons are given in the second-reading speeches. They are there for people to see — those who want to read the second-reading speech.

The Scrutiny of Acts and Regulations Committee is a committee with a majority of Labor members of Parliament. There are five Labor members of Parliament, two Liberal members of Parliament and one member from The Nationals. The report from that committee raised a number of concerns about human rights issues.

It has said that it has written to the minister for clarification, but we are dealing with this bill before that clarification has been provided. I would hope that the clarification the Scrutiny of Acts and Regulations Committee receives is enough to make its members feel confident and comfortable with the decisions the minister has made with regard to this legislation.

This legislation does not deal with the problems with Local Government Victoria that the Ombudsman highlighted in his report — and there were 30 recommendations. The government has today introduced reforms which will improve Local Government Victoria and empower it to a higher degree. Those provisions will give Local Government Victoria the teeth it needs to enforce the law and to investigate any breaches, which is an important role. However, unless the laws that have been brought in are enforced, that bill is just a piece of paper. As I said earlier, even as it stood before the November provisions, the Local Government Act was able to deal with the issues of Brimbank, but the government failed to use those provisions to deal with the councillors concerned appropriately.

The government's failure to act shows there is a need for an independent anticorruption commission to deal with corrupt people, whether they be councillors, members of Parliament, police officers or public servants. It is important that we have some sort of investigation process which can give the community at

large confidence that this government is looking at complaints. People want to know that if there is a complaint made, whether by a member of the community, by a member of Parliament or by another councillor, that complaint will be investigated and dealt with.

If nothing is found to be wrong, people want to know that that council or councillor will be exonerated so they can move on; if something is found to be wrong, people want to know that that council or councillor will be investigated and dealt with. Then those councils want to make sure that the matter is not all over the media. The media responds to these sorts of criticisms because it finds the government is not dealing with them itself. If we want the media to stop writing about these sorts of issues, the government has to deal with them and make sure that it is not always up to the media to highlight problems in local government.

The majority of local government councillors are decent people. A number of members of this chamber have been councillors, and I know they are going to put their comments and experiences on the record. Council is a good stepping stone to Parliament because it teaches you the importance of dealing with the public, of looking at legislation and regulations and of making decisions based on the law — the laws of the council or the chamber. It is important that councillors are people of integrity, decency and honesty. Those people need to be supported and assured that they can to continue to be councillors.

Again I ask the government to deal with breaches of the Local Government Act impartially and quickly and to stop the meddling in local government affairs by Labor members of Parliament, who seem to think that local government is their area and that they can get involved in it. They seem to think they can make some moves into local government. I urge those members to remove themselves from local government issues and to allow councillors to make the decisions, as they are the ones elected to make decisions at that level. I urge the government to support local government and to ensure that local government is a great place for councillors.

Ms D'AMBROSIO (Mill Park) — I rise to support the Local Government Amendment (Conflicting Duties) Bill 2009. The bill is a direct and complete response to some of the recommendations arising from the Ombudsman's investigation into the conduct of councillors of the Brimbank City Council. The Ombudsman's report raised very serious examples of improper conduct on the part of some councillors, who at times were influenced by some members of Parliament and some parliamentary electorate officers. From the outset the government made it absolutely clear that the Ombudsman's recommendations would be dealt with seriously and in a timely fashion befitting the severity of the issues raised. With respect to this bill, I refer the house to one of the Ombudsman's recommendations:

> The Local Government Act be amended to disqualify persons employed as electorate officers, ministerial advisers and parliamentary advisers, or employed by federal or state members of Parliament, from becoming or continuing to be a councillor or nominating as a candidate.

Several responses to other recommendations are being made or have already been made following the Ombudsman's report. I will refer to some of those to highlight the seriousness with which our government has taken the findings of the Ombudsman's report and our commitment to accepting each and every recommendation.

The government is committed to fully investigating the matters that have been raised and, where necessary, prosecutions will be brought forward with the full force of the law. May I add that on 11 May, Mr Bill Scales was appointed to monitor and review the workings of the current Brimbank council. Mr David Walker was also appointed to conduct a specific investigation recommended by the Ombudsman. This matter has certainly been given the full attention of this government.

The bill also amends the Local Government Act to disqualify persons employed as electorate officers or as ministerial or parliamentary advisers in the state or federal jurisdictions from simultaneously standing for or remaining on council as elected representatives. Further, the bill will prohibit a Victorian councillor from continuing in their elected role in Victoria if they are also an elected councillor in another state or territory. This final disqualifier plugs a gap in the existing act which currently only disqualifies a Victorian councillor from being simultaneously elected to another Victorian council.

Similarly, a person will no longer be able to simultaneously hold two elected positions across jurisdictions. For example, they will not be able to hold an elected position on a local council at the same time as being elected to either a state or federal Parliament. A person will not be able to hold an elected position on a Victorian council at the same time as holding an elected position on a local council in another state or territory. These disqualifying categories make a clear statement that to remain an elected representative on a local council you cannot be employed in or have an allegiance to another level of government.

However, the bill will allow candidates for local council to take leave from their employment if they are employees of a member of Parliament for the period of their candidacy only, as it removes the candidate from their conflicting position for the duration of the election period.

As a measure of the seriousness of the issues raised by the Ombudsman in his report, the bill will take effect as soon as reasonably possible. Once the bill is effective, an elected councillor who is employed in the categories described above will have seven days to decide whether to relinquish their employed position.

I wish to place on the record my firm view that the overwhelming majority of elected councillors, whether or not they are employed by members of Parliament, are beyond reproach in their actions and conduct themselves with a high level of integrity and scrupulousness. I add my experiences locally. The city of Whittlesea is fairly renowned for the scrupulous way in which candidates and councillors have conducted themselves in their duties in representing their communities. I want to make that absolutely crystal clear.

Those who are elected councillors are committed to the communities they have been elected to serve. This is certainly the case for most people. These scrupulous councillors who fall under one of the conflicting categories will soon choose between remaining a councillor or remaining employed by a member of Parliament. The changes this bill brings about should not be taken by them or the communities who have elected them as a mark against their good name or good reputation. What we should take from this bill is that the reforms in local government undertaken by this government are a continuing work in progress. It is important that we understand the record of this government in reform to local government.

I remind the house that it was this government that enshrined local government as an essential tier of government in the state constitution. The government built into the constitution genuine protection so that never again would the member for Shepparton, her party colleagues, other opposition members and her commissioner mates be able to show such utter disregard for councils. We need to remember that back in the 1990s councils as we knew them were fairly much destroyed. For members of the opposition parties to say in the one breath that they support this bill and at the same time cry for the councils they say they uphold is absolutely inconsistent. Their record speaks for itself. The other things that this government has done to squarely mark its support for local government as a genuine elected tier of government include abolishing the insidious instrument of compulsory competitive tendering and replacing it with best value tendering. The government has also allowed councils to pay better remuneration and has given better guidance on the appropriate support for councillors. The government has introduced simultaneous elections. November last year was the first election point where all councils came into alignment for election periods. For government members that is in stark contrast with the undemocratic sackings that were conducted by the Kennett government. Some members of the opposition were present when the Kennett government wrought havoc in local government.

Mrs Fyffe — On a point of order, Acting Speaker, this is a quite tight bill. Lead speakers are allowed to speak widely and canvas other things. I ask you to bring the member back to speaking on the bill.

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

Ms D'AMBROSIO — Government members are intent on reform of local government which increases the confidence of members of the community in their elected officials, which is vitally important. As I said, that is what we need to take from this bill: that the reforms in local government undertaken by this government are a continuing work in progress, and the government is very committed to that.

Ultimately, this reforming bill is about restoring people's confidence in an important level of government — that is, local councils. Government members support them wholeheartedly. This bill is about addressing the potential for conflicting duties. This state government has reformed local government to provide for systems and processes to minimise improper conduct and decision making to maintain the high value that the community places on local government. It is a duty bestowed upon the state government by our constitution and one that government members take absolutely seriously.

At this point I wish to acknowledge the Minister for Local Government's commitment to local government and his hard work in the area of reform in this sphere of government over recent years. The minister has been a sound advocate for local government, ensuring that local government, being the closest government to the communities represented, is robust and maintains a high level of integrity and service provision. I know that he is well respected for the fine work that he has

done for a long time. I commend the bill to the house, and I am pleased to hear that the opposition parties support it.

Mr MORRIS (Mornington) — The Local Government Amendment (Conflicting Duties) Bill is an appalling measure, although I concur with the final comments of the member for Mill Park about the integrity of the Minister for Local Government. I agree entirely with them. He must be finding it difficult to introduce and guide through the house a measure of this nature.

The bill goes to the very heart of our democracy. It will impose unprecedented constraints on the ability of a group of people to participate fully in civic life. That is what it will do. It is of profound regret to me that we have come to this position. We have had 10 years of Labor rule in this state and we have had 10 years of decline of standards in public life. The standards of many ALP councillors in particular have now sunk so low — and the Brimbank report is clear evidence of that — that the Ombudsman had no alternative but to make the recommendation that he did, that the Local Government Act be amended to disqualify ministerial advisers, parliamentary advisers and electorate officers from being elected or remaining a councillor. Under Labor the relationship between elected officials of the two spheres of government in some parts of the state has become so corrupt that the Ombudsman had to suggest that this Parliament radically circumscribe people's democratic rights, the democratic rights of a whole class of citizens.

After the Brimbank report came out, the Premier made a promise which I am sure most people will remember. He promised that he would implement every recommendation in the report. The relevant recommendation from the Ombudsman was that:

> The Local Government Act be amended to disqualify persons employed as electorate officers, ministerial advisers and parliamentary advisers, or employed by federal or state members of Parliament, from becoming or continuing to be a councillor or nominating as a candidate.

That was the recommendation that was made. It was not to allow them to go on leave to stand or to otherwise take time off to stand. Taking leave does not mean leaving employment, and yet that is how that promise is being translated in this legislation. That is the get-out clause. Simply put, a person can now take leave on the day nominations close and resign if they are elected. That is not the intent of Ombudsman's recommendation. Anyone who has ever run for public office knows that you need to do a great deal of work and often generate a lot of material before nominations close. Under this bill that work can still be done by people while they are employed by state or federal members of Parliament. That was clearly not the intent.

All the benefits of working within the parliamentary system — which of course should not be abused, but we know from the Brimbank report they have been again and again — all the entitlements, all the privileges and all that information are available to these candidates. They take leave on the day they nominate, and they have all the information. That was not the intention.

The proposed amendment to the Local Government Act is consistent with the approach taken by the government. It claims full compliance, and yet it relies on semantic distinctions — some might call them weasel words — to get past the difficulty. Quite frankly you have to say that the cynicism — the self-serving approach — is, if not breathtaking, very effective.

I will speak briefly on the detail of the bill. Essentially it adds two new sections, 28A and 28B. Under section 28A a person is subject to automatic disqualification as a councillor if they are a member of the Parliament of Victoria, of the commonwealth or of another state or territory, or if they are a parliamentary adviser, a ministerial officer or an electorate officer to any members of any of the parliaments to which I have already referred. They are also disqualified if they are a member of another council in Victoria — I am not quite sure how that works; whether you simply do not get elected to the second one or whether you are disqualified from both, but I think it is a minor detail — or if they are a member of a council in another state or territory.

Then there is the get-out clause, new subsection 28A(2). The government would have us believe that going on leave is the same as resigning. Going on leave does not mean cessation of employment; it never did. It is a straight out con, it is a straight out failure to comply with the intent.

Mr Wynne interjected.

Mr MORRIS — It is a straight out con, absolutely. Then we get to new subsection 28B, the sacking clause. Let us talk about what it is. It is the sacking clause. Anyone to whom subsection 28A(1) applies will be sacked seven days after royal assent is given to this bill. They will not be sacked because they are doing the wrong thing, or for formal misconduct, or because they are mixing with inappropriate people. We know that under this government you do not even get sacked if you are a councillor and you fail to declare an interest

and you vote on an issue. Under this legislation you get sacked as a councillor because of the job you have. That is all it is.

The Scrutiny of Acts and Regulations Committee had quite a bit to say on the bill. Obviously I will not go through its comments in detail, but two points are worth making, both relating to the statement of compatibility. The committee said the claim in the statement of compatibility that there are no reasonably available alternatives does not satisfy the argument. There should have been an explanation from the minister as to why no alternatives are reasonably available. Simply a statement of alleged fact — an assertion — is not adequate. The other point raised by the committee was that the statement of compatibility claims this is not retrospective. That is just plain laughable. This is clearly retrospective.

Unfortunately, by the time the committee writes to the minister and the minister writes back, the legislation is through the Parliament. You have to ask: what on earth do we have this Charter of Human Rights and Responsibilities for? It is window-dressing. If anyone needed their rights protected, it is these councillors. Once again, it is failing to have any effect.

Briefly, it might be useful to look at the people who are affected or who would have been affected by this legislation, had it been in place. A present day councillor, Cr Tim Smith of Stonnington City Council, works in Frankston for Bruce Billson, the federal member for Dunkley. There is no possible overlap, there is no possible conflict of interest, but he is gone as soon as this bill receives royal assent. My predecessor as member for Mornington, Robin Cooper, served as a councillor for a number of months after being elected to this place, as did Mr Vogels, who is now a member for Western Victoria Region in the other house but was first elected to this place.

There was also a councillor with the Abercrombie shire in New South Wales from 1933 to 1947 who served in the commonwealth Parliament, and for a number of years as Prime Minister, while remaining a councillor. His name was Ben Chifley. Under this legislation he would not have been able to continue to hold office as a councillor.

Victoria already has good, effective laws that would have dealt with these issues, had they been enforced. It does not matter what laws we make in this place, if the government of the day does not enforce them there will be these problems. The Ombudsman recognised that a recommendation had to be made, and I do not criticise him for it. But he has endeavoured to avoid a conflict by saying, 'These people cannot be in this situation'. If the laws we have were enforced and if people knew they had to do the right thing, this situation would not have arisen. They would not be able to get away with something for 10 years and then conclude that the laws do not apply. The whole government should be totally ashamed of itself.

Mrs MADDIGAN (Essendon) — I am pleased to rise and support the Local Government Amendment (Conflicting Duties) Bill 2009. I must say I found the speeches from the two opposition members intriguing to a certain extent. The member for Shepparton spoke about people being rolled in caucus. I am inclined to think they were both rolled in caucus, because the whole of their speeches were about how they oppose this bill, although they tell us they do not actually oppose it. That is a bit hard to follow. But I have a few questions. Some of their comments make me think they have very short memories.

Which was the party that sacked every councillor in the state of Victoria? The opposition, when in government, sacked them. What notice did it give councillors? None. Were they given a chance to resign? No. What assistance did it give councillors sacked? None. Where was its concern for the good names of the councillors then? Not there. Where were its concerns for the democratic processes?

Ms D'Ambrosio interjected.

Mrs MADDIGAN — OTD — out the door, as my colleague the member for Mill Park has so clearly explained to us, right on cue. I thank the member for Mill Park. It really is a bit rich for those members — one of whom was appointed as a commissioner — to come in here and criticise us for following an Ombudsman's report.

The member for Shepparton said, 'You're rushing it through'. Goodness me. What would have been the appropriate time frame the member for Shepparton had in mind? Would she have preferred us to wait for a year or so? If we had waited for a year or so, what would the opposition have said then? It would have said, 'You're not doing what the Ombudsman told you'.

We are doing the right thing. We are bringing in this legislation following the Ombudsman's recommendation, and yet the opposition members are still not happy with us. The member for Shepparton also made a whole lot of comments about Labor councillors. I am quite happy to inform her that very few Labor councillors are endorsed, so reading out the rules that relate to endorsed candidates misses most of

the Labor councillors in this state. I would have thought it was fairly well known that there are very few councils where Labor members do not have the right to do exactly what they like, as they normally do, sometimes much to the annoyance of the Parliament. To suggest that is just a nonsense.

I was a councillor for six years before being elected to this place.

Mr Wynne — And a distinguished career it was.

Mrs MADDIGAN — I thank the Minister for Local Government for that. But I have always told my staff, and it has always been a clear rule of mine for anyone I employ in my electorate office, that if they wish to stand for council they will have to leave, because I am firmly of a view there is a strong conflict of interest in being elected to a council to represent the people in the council area and working for a member of Parliament.

On many occasions the policies of the state government are in conflict with those of councils or with council politics and council theories. To try to suggest there is not a conflict of interest seems to me to really misunderstand the nature of councils and the different nature of the state government. When for six years I was a councillor with the former City of Essendon, we disagreed with the state government many times and many times our policies conflicted with its policies. It was of course a Liberal government at the time, but if it had been a Labor state government I am sure we would have disagreed with it as well for part of the time.

This bill prevents that conflict of interest, but it also protects councillors. There are two sides to that issue. I do not want electorate officers who are working for me wasting their time answering questions about council activities; I want them to be working every moment of the day supporting the local electorate office. It seems to me totally inappropriate to put your electorate officer in a very awkward position. If you have an electorate officer who is a councillor, it is very difficult for them. If they are working in a member's office and someone comes into the office who has a problem with their drains, the poor electorate officer can hardly say, 'Nick off! I am working for a member of Parliament; I cannot address your concerns'. So you are putting them in an awkward position. On both sides there are really difficult conflicts having councillors working for members of Parliament.

It was suggested we are sacking councillors. I take issue with that; it is not true. Councillors are given the alternative of selecting which job they want. If a person wishes to remain a councillor, they can. We are certainly not sacking them like the previous Liberal government. I am also surprised that the member for Shepparton and the member for Mornington found a vast range of faults with this legislation. If the opposition thinks this legislation is so bad, why has it not proposed any amendments? Opposition members have told us at length what they see to be faults in this legislation. There is every opportunity to propose amendments in this house if members think they can make the bill better. I am sure we would have been very interested to hear any suggestions the Liberal Party and The Nationals might have had if they thought they could make this bill better, but they have made no suggestions at all.

I am pleased to support this bill. I think it is very sensible. It shows that the government is serious about following the recommendations of the Ombudsman, who has done an excellent job. I would have thought that anyone who supports democracy would be pleased to support this bill. To suggest, as the opposition has suggested, that this bill reflects on the quality of councillors is absolute nonsense. There is nothing personal about councillors in this bill. Especially having been a councillor myself, I can say how hardworking councillors are and that there are excellent people who choose to stand for election to council. To suggest otherwise is just nonsense. This change is not about individual persons; it is about doing what the Parliament should do and what the government should do. We are following recommendations made by the Ombudsman. For any government to ignore them would be quite outrageous. I am pleased to support the bill. I look forward to it passing through this house.

Ms ASHER (Brighton) — I wish to make a couple of comments on the Local Government Amendment (Conflicting Duties) Bill 2009. As a number of other speakers have said, this bill is in part in direct response to a Ombudsman's report on Brimbank City Council. However, there were many other issues raised in the report.

This bill simply addresses the issue of employment. The bill posits the view that members of Parliament cannot be councillors and that councillors cannot work for MPs as electorate officers, ministerial officers or parliamentary advisers but can take leave to contest an election. That is probably one of the very few elements of fairness in the bill. I refer in particular to the Ombudsman's report entitled *Investigation into the Alleged Improper Conduct of Councillors at Brimbank City Council*. We on this side of the house make the observation that the reason this bill is before the house is because of bad conduct by members of the Australian Labor Party. The fact of the matter is that nobody will

be allowed to be simultaneously a councillor and an electorate officer because of bad conduct by members of the ALP. This is not a reflection on this side of the house. I have to say many good people will be harmed as a result of this piece of legislation and the recommendation in question.

As I said, I particularly want to refer to the Ombudsman's report in relation to Brimbank City Council. That report deals with the influence of unelected persons, a dysfunctional council, conflict of interest, the improper use of powers, bullying and intimidation, the misuse of council funds and equipment, the inappropriate release of information and the improper use of electoral information by the Australian Labor Party, not by those on this side of the house. We see a bill before the house which is designed to rectify improper, corrupt and appalling conduct by members of the ALP.

In particular this report is centred on the Kororoit by-election preselection process. The report refers to deals done to secure the preselection of a particular candidate. It deals with the allocation of ratepayers funds to do over and malign one candidate and impose another candidate. Again, the Ombudsman clearly specifies the risk to ratepayers as a result of that. We on this side of the house have a few willing preselections, but we do not put taxpayers money on the line. This is an example of the fact that the ALP for the pursuit of political preselection is prepared to put ratepayers or taxpayers money on the line. It is that area of this response that I find so offensive.

I particularly want to refer to a couple of recommendations in the report. Point 18 says:

> The 'ruling faction' —

that is the ALP —

> demonstrated that it was willing to place the council at financial risk for a personal vendetta.

The Ombudsman at point 19 made the comment:

> My investigation also revealed a culture in which the overbearing attitude of a councillor —

that was the preferred councillor for preselection for the seat of Kororoit —

> was allowed to substantially modify how a budget should be developed without the matter going to a full council meeting. This involved a councillor demanding that $680 000 be allocated to works at Cairnlea Park (which is allocated to a club linked to the councillor's family) or the budget would not be adopted.

The Ombudsman again found the most appalling use of ratepayers funds in the pursuit of a preselection.

I go to the direct point of this bill, which is the Ombudsman's recommendation that the Local Government Act be amended to prohibit elected councillors from being employed by state and federal members of Parliament. What prompted this? The employment practices of the Australian Labor Party are what prompted this. Again, I go to the Ombudsman's report and make reference to the fact that he has highlighted a number of people employed by members of the Australian Labor Party who are being subjected to undue influence by members of Parliament in the conduct of their council duties. I particularly want to refer to page 26 of the Ombudsman's report, where he says:

> A number of Brimbank councillors are/were employed by local members of Parliament. Cr Capar was employed by Mr Languiller and the Honourable Brendan O'Connor, MP. Cr Suleyman was employed full-time by the Honourable Andre Haermeyer, former Minister for Police and Emergency Services. Cr Socratous is employed by Mr Theophanous; Mr Languiller; and the Honourable Brendan O'Connor. At interview, Cr David also said he had volunteered for Mr Languiller for nine years.

Again I make the point that the fact that this bill is before the house is because of the employment practices of ALP members. I particularly refer to page 28 of the Ombudsman's report. In an interview with Cr Socratous, who worked for the Honourable Theo Theophanous, a member for Northern Metropolitan Region in the other place, he told the councillors in his faction — and I quote from the Ombudsman's report:

> I had this telephone call, and I believe my job is on the line, and which —

pause —

> that's how I understood it.

This councillor who worked for the Honourable Theo Theophanous believed his job was on the line because of a discussion with that member of Parliament in relation to his job. I note there is no Ombudsman's report into the conduct of a handful of councillors of the Liberal or Nationals persuasion; this one is a direct consequence of the despicable conduct by the ALP in relation to the way it runs local government.

I invite honourable members to look at the comments of the staff member who worked for the Honourable Theo Theophanous. One example is on page 28, which I have already read out. At page 30 the report states:

According to Cr Socratous, Mr T. Theophanous told him:

> 'you have to remove your motion —

which was a motion in relation to the government's gambling policy —

> it's no good being against the minister … You work for me, you should follow orders'.

There is no doubt that in the ALP regime councillors follow orders. I make the point that honourable and good people on this side of the house and perhaps even on the other side of the house were not always in these circumstances, but as a result of shocking behaviour we now have a bill before the house which bans all opportunities for employees of the Parliament to be councillors.

I refer members of the house to other references in this Ombudsman's report — for example, the one at point 130 on page 33 in relation to what is clearly bullying and intimidation of a member of staff.

I also draw honourable members' attention to the Scrutiny of Acts and Regulations Committee report. Given that there is an ALP majority on that committee, it is a damning indictment in relation to the rights transgressed by this legislation. Normally this Scrutiny of Acts and Regulations Committee is a compliant one; most government committees are — people are in fear of their careers — but in relation to this committee there are multiple instances of letters being written to the minister and other observations that this may well transgress people's human rights.

This legislation before the house does not address the major problems of the Ombudsman's report. It does not address those MPs who influence councillors. It does not address Hakki Suleyman and his absolutely foul influence on that council. It does not address ALP members caucusing when they are elected. When they are elected to council as ALP members they are obliged to caucus. This bill before the house does not address that. There are many more anomalies in the way in which the ALP operates in local government, and this bill addresses only one issue. The reason for the bill is that the ALP has corrupted local government. It is a disgrace, and this bill is a direct consequence of the corruptive behaviour of ALP members in local government.

Ms GRALEY (Narre Warren South) — I rise to speak on the Local Government Amendment (Conflicting Duties) Bill, which is a direct and complete response by the Labor government to the alleged improper conduct of councillors at Brimbank City Council. I just want to put on the record that the report was tabled in Parliament on 7 May 2009, because I will come back to that.

As most members in this house know, I am a former councillor, and I enjoyed my time on the Mornington Peninsula Shire Council. Most councillors go into local government because they want to make a difference; they want to make a significant contribution and improve the facilities, the services and the health and wellbeing of their local community. As local councillors we are all aware of the possibility of conflicts of duty and conflicts of interest. In fact I recall that we took these matters seriously when I was a councillor. We were eternally vigilant about these matters. There was one councillor who made it a habit to remind us of our duties and make sure that we were going straight down the line and being loyal to our constituents.

But I must say I do recall one particular incident that occurred when I was in local government. Sitting here tonight and listening to the members opposite it is as though they are as pure as the driven snow on a few issues. I was on council and the then Minister for Local Government, Robert Maclellan, was wearing the two hats of planning and local government. It could not be said that he was not an interfering minister. I recall being at the Victorian Civil and Administrative Tribunal one day and a developer came straight from the minister's office and changed the planning scheme. On another occasion we were told that we had a conflict of interest, but 12 months later he rang the chief executive officer of the shire and told him that everybody no longer had a conflict of interest because he wanted us to vote on a matter that he did not want to call in and make a decision on. I say to members opposite: do not talk to me about interference in local government because I saw it, and it was blatant, and it was ugly, and it was nasty. It turned off community members, and there are some members opposite who remember it very clearly.

Mr R. Smith — And it was 15 years ago.

Mr Wynne — People don't forget, mate.

Ms GRALEY — No, we do not forget, especially when it was so blatant. And it was not 15 years ago; it was less than 10 years ago when the Liberals were interfering so blatantly in local government.

Two councillors worked for me, and I want to put on the record what good councillors and electorate officers they were. I am pleased to say that both councillors took this decision calmly — —

Honourable members interjecting.

The ACTING SPEAKER (**Mr Jasper**) — Order! I am listening intently to the member, and I do not want any interference from the front table.

Ms GRALEY — Cr Joy Banerji, who works for me, has twice been the mayor of the City of Monash, and I would like to put on record her commitment to her local community, especially the multicultural community. She has been an outstanding councillor, and I think now she has made her decision and looks forward to her future career.

I would also vote to put on record my other part-time employee, Nick Staikos from the City of Glen Eira, who is one of the youngest councillors ever elected. He came into the City of Glen Eira after the council was sacked because of the internal political bickering between the conservative councillors there and the outside interference of local conservative members of Parliament. He teamed up with a group of not overly friendly councillors, but he has been able to work on that council very constructively as one of the youngest ever councillors in local government. He started off being the one single councillor advocating for a swimming pool in East Bentleigh and has slowly convinced the rest of his fellow councillors — most of whom are conservatives — that they should be spending $45 million on a pool, so well done, Nick! Those two councillors now have the difficult task of choosing between serving in local government and working in my electorate office, but I wish them the best of luck in whatever decision they make. I know they will do well in whatever they do.

I would like to pay particular attention to the fact that the shadow Minister for Local Government talked about the short time lines in regard to this legislation. I blatantly disagree with this. The report came before Parliament on 7 May, and if you had a councillor who had been working for you or you had a lot of contacts in local government who were speaking to you without bravado, you would have heard that they really wanted this matter dealt with pretty quickly. I think the second situation is a fair one given the amount of time that has already passed.

The other part of the bill deals with the specific concern of the Ombudsman that a person who is employed as a ministerial officer or parliamentary adviser or anyone employed by a member of any Australian state or territory parliament may no longer be a councillor, but also the provision that they cannot be a councillor in another state. That is a good, productive and sensible way to go.

I speak with some disappointment that we need such a bill at this time, that we need laws of this type. But I think the Ombudsman made it very clear that a number of people who enter local government have great difficulty in dealing with the issue of the conflict of duties, and I commend the government and support it in bringing the recommendations of the Ombudsman to the house so quickly. I commend the bill to the house and wish it a speedy passage.

Mr DELAHUNTY (Lowan) — I rise to speak on the Local Government Amendment (Conflicting Duties) Bill 2009. I think the words in brackets, 'Conflicting Duties', should be changed so the title of the bill would be 'Local Government Amendment (Labor Corruption) Bill 2009', because that is where it has all come from. The reality is this has come about because a report was produced by the Ombudsman back in May this year in relation to investigations into the alleged improper conduct of councillors at Brimbank City Council. As many members have said in this house today and before, there have been problems with Brimbank City Council, and the matter went right to the heart of this government. Ministers were involved in it. Even the report produced by the Ombudsman highlights that one of them was a minister, and that was the Honourable Theo Theophanous, MLC. On page 26, point 93, the report says:

> My investigation identified that Mr T. Theophanous influenced council business on two occasions, through his electorate officer, Cr Socratous, who was a member of council at the time. The influence of Mr T. Theophanous related to:
>
> 1. Cairnlea Park allocation
>
> 2. Notice of motion — government gambling policy.

I heard the member for Brighton go into detail about that. It comes back to the fact that the corruption, after 10 long years of this government, has led to this bill coming to the house. It is a disappointment because there are many good people who have held these positions, whether in local government or working as electorate officers or advisers or whatever they may be: there have been no outstanding problems. But because this government failed to act plenty of times when it was told that this bill was coming to the house, it forced people to give up what could be a very important role of looking after their community.

I had a reasonably long life in local government before I was elected to this place. I started off my local government life with the Horsham City Council, where I was under the great leadership of many good councillors and a great chief executive officer, Rob Marshall, who unfortunately has passed on. They gave

me excellent advice on the role of a councillor, what you should do, what you should not do, the protocols involved and all that.

One of the key benefits of local government, particularly in the councils in my area, is that it is non-party political. The councillors might all vote in different ways, but they are not political councils. In my area the seven councils are not political councils. I know where there are members who vote Labor and work with other members on various issues. They go into the council doing what is best for their community. They do not wear any political hats. And I was very fortunate to experience this myself.

I was not only a councillor with the Horsham City Council but after I was stood down there I was appointed a commissioner with the Rural City of Mildura for two years. That was a great experience. I was also re-elected to the Rural City of Horsham Council as the first mayor following the restructure.

My experience with local government has been good. People say to me, 'You were one of those commissioners'. This government has stood down councillors; this government has sacked councillors. However, this government has not addressed the issues that prompted the Ombudsman's report on the Brimbank City Council which has led to the bill before the house today.

I will now go through the main provisions of the bill. Clause 3 will insert two new sections in the act: section 28A and section 28B. Under section 28A a person will be disqualified from being a councillor due to conflicting duties if they are a member of a state, federal or territory Parliament; employed as a ministerial officer, a parliamentary adviser or an electorate officer by a member of Parliament in Australia; or a councillor of another council in Victoria or interstate.

A dear friend of all members, the Honourable Bill Baxter, who stood in this house for a couple of years but was for a long time in the other place, tells me that when he was elected to Parliament he was also the shire mayor. He carried on both those duties for a long time because he did not have an electorate office. He worked from home, he had no electorate staff and he did not even have a typewriter; he hand wrote letters two or three times a week. But the duties of a member of Parliament have expanded and no-one can do justice to their role as an MP if at the same time they are serving as a councillor.

The shadow Minister for Local Government spoke earlier about the policy that The Nationals took to the last election which stated that a councillor should not be allowed to serve as a councillor on two councils, no matter whether they are intrastate or interstate. The disqualification provision is the main provision of the bill.

New section 28B provides transitional arrangements for persons who are councillors immediately before the commencement of the bill. A councillor who does not resign from a specified position is removed as a councillor seven days after the act receives assent.

The shadow Minister for Local Government, the member for Shepparton, has spoken to all councils across Victoria as well as the Municipal Association of Victoria and the Victorian Local Governance Association, and I know she has received many representations from members of Parliament and those affected by this bill. Some people have said that they have known about it and expected it to happen. But many of them are concerned about the transitional provisions. However, it is the government's call. It has specified seven days in the bill, but in reality those people have had a lot more time than that because of the passage of the bill through the Parliament.

The genesis of this bill is the failure of the government to act on the issue of corruption in Brimbank. Not only was it raised in Parliament but it was also raised in the many letters written by members of the community. It has featured in newspaper articles and the like. I can recall the time the member for Keilor stood up in this Parliament and said the Brimbank City Council was the underbelly of local government. I had not heard those words said in Parliament in relation to local government before that. It rang alarm bells not only in this chamber but throughout the building. Following that and the letter from the shadow Minister for Local Government to the Ombudsman, we finally got some action.

It was not a case of the minister being powerless. I know he has the powers to review local government and to look at such issues. However, even though many people wrote to government about their concerns, nothing was done. There were allegations of threats, bribery, intimidation, misuse of council funds, mismanagement, improper behaviour and the failure of councillors to govern effectively. It was only after the report of the Ombudsman was released in which it was said that there was inappropriate influence by Labor MPs and party insiders that we saw the government act.

As the shadow Minister for Local Government said, there are 38 individuals who will be affected: 30-plus Labor councillors, 4 Liberal Party councillors and 1 Green councillor. The bill will place them in a difficult position, and it will lead to by-elections and countbacks. But I come back to the point that it was only after the Ombudsman's report that the government acted.

Another matter that concerns me greatly is the assertion by the Labor Party that councillors who are party members must caucus before council meetings. I think it is time the Minister for Local Government stepped up to the plate and did something about it. That requirement is contrary to the Local Government Act, which says that you must have an open mind and not be biased. We are all biased, but we are not subject to the pressure imposed by Labor caucusing. As the Labor Party document states, councillors who are party members must meet before the meetings and not speak against caucus decisions. Councillors are supposed to go into council meetings with an open mind. That document and that requirement is still out there and this government is failing to do anything about it.

The Ombudsman released another report today, this time on the Port Phillip City Council. There is more to come. It comes back every time to the failure of this government to act on matters that have been brought to its attention years ago. We have had 10 long years of this Labor government. Because it has failed to act, we have the legislation before us today. With those words and on behalf of the Lowan electorate, I will not be opposing this bill.

Mr PERERA (Cranbourne) — I rise to speak in favour of the Local Government Amendment (Conflicting Duties) Bill 2009. This bill will implement the recommendations made by the Victorian Ombudsman in his report on the alleged improper conduct of councillors at the Brimbank City Council. The Ombudsman conducted an investigation and made recommendations, and this bill will implement those recommendations. The investigations are completed and the results are contained in the report. There is not much point in reading out the Ombudsman's report or transferring what is in the report into *Hansard*. This is a debate about implementation of these recommendations.

As stated by the Premier publicly on many occasions, the Brumby government is implementing all the recommendations made by the Ombudsman in relation to Brimbank City Council. This bill specifically amends the Local Government Act to prohibit elected councillors from being employed by federal, state or territory members of Parliament or as advisers in ministerial offices. It also prohibits elected councillors from serving on a different council. Members of Parliament are also prohibited from serving as councillors under the provisions of this bill; it does not happen on many occasions. Historically it may have happened on one or two occasions.

Local government is a distinct and essential tier of government consisting of democratically elected councillors. This bill will deliver transparency. Councillors are jointly accountable for the decisions and actions of councils, and they are responsible for ensuring good governance by the council. The oath that councillors take requires them to undertake the duties of the office of councillor in the best interests of the people who elected them and not under the influence of somebody to whom they are responsible in their part-time job. They are expected to faithfully and impartially carry out their functions to the best of their skills and judgement, and not be guided by unelected persons.

Invariably candidates run for council elections as independents leaving behind their political allegiances so that they can represent people as independent councillors. I can remember one council election during which someone knocked on my door and asked me for my vote. I asked him which party he was representing and he said, 'I am an independent; I am standing as an independent, but I am a member of the Liberal Party'. If I had voted for him, if I had found him to be the best candidate out of the lot, I would not have wanted him to join the Liberal member's office because he would have been guided by that particular Liberal member of Parliament, and I believe it is the same with the members on the opposite side. If a councillor is elected as an Independent and joins a Labor MP's staff, I do not think the average constituent would be very happy. It could be seen that a councillor loses their independent representation the very moment they join a member of Parliament's staff, in which case arguably ratepayers have been misled.

An electorate officer is an employee of the Parliament and hence is a public servant. However, we all know that many electorate officers are employed on the recommendation of their manager, who is the member of Parliament and the person to whom the officer will be reporting on operational and policy matters. Whatever argument is presented, we all know that is the reality. Some members on both sides have employed councillors and they know the reality. I am sure most MPs do not get involved in council discussions, but there is always a possibility for the member or other members of the staff who are not elected to the council

to mount undue influence over their colleague who is a representative of the council.

Councillors have a clear public duty. Councillors represent a different level of government from the member to whom they are responsible during their job, or part-time job. When councillors are employed by members of Parliament they also have a private interest in maintaining their position as electorate officers. A councillor will have more likely than not sought to protect this private interest by misapplying their public duty in an effort to suit the employment situation. This is something the officer would do for private gain, and therefore in my view it is a conflict of interest in the officer's public life.

There is a broader ethical obligation of elected public officers to avoid conflicts because people have voted for them in good faith, not expecting them to have an axe to grind. In this situation tensions could develop between the two duties of the councillors which may impact on the honest performance of their functions as elected councillors. That is why, in my tenure as a member of Parliament, I have never employed a councillor in my office. That continues to be the case, and will be covered by the legislation.

The fact that councillors have been employed in members' offices has been a long tradition in Australia and therefore this is a groundbreaking piece of legislation. This bill also prevents a person nominating for a council if they hold a conflicting position. However, it would be unreasonable to prevent a person from being a candidate unless they left their employment. The candidate cannot predict the outcome of the council election results. If they lose they will be out of income and will have trouble putting food on the table. Therefore the bill allows a person who is employed as a ministerial officer, parliamentary adviser or electorate officer to be a candidate if they have taken leave from their conflicting position while campaigning during the election period. This reduces potential conflicts between their duty to the member and the need to represent their own views in the community. This will remove potential pressure from the member's office.

The issue of council candidates running a campaign whilst in the member's office means they will automatically gain access to a wide variety of resources as well. These are not available to other candidates and hence create an uneven playing field.

Council candidates, while in the office of a member of Parliament, will have access to voter enrolment information provided to members of Parliament. The Electoral Act definition of 'election' is limited to state Parliament elections and therefore the councillors are not permitted to use the voters roll for their election campaigns. The use of the electoral information for council elections is not permitted at all. The penalty for an offence against section 36 of the act is 600 penalty units in the case of a natural person and 3000 penalty units in the case of a body corporate or registered political party. It is an uphill battle to convince somebody that an electorate officer who is skilful in using the voter database for the member will not be tempted to use it to support his or her own council campaign if they have access to the same database during the campaign.

The bill will limit the right of some people to participate in public life in the role of a councillor. However, it is well justified because of the need to ensure the institutional integrity of local government as a separate level of government. I congratulate the Brumby government for making the tough decisions and showing guts in bringing this grey area to an end.

Mr R. SMITH (Warrandyte) — I rise to join the debate on the Local Government Amendment (Conflicting Duties) Bill 2009 and to make a few comments on the corrupt practices of the Australian Labor Party. This bill has arisen from the Victorian Ombudsman's report into the improper conduct of councillors at Brimbank City Council as well as Labor members of Parliament, and also from the recommendation that the Local Government Act be amended to disqualify electorate officers, ministerial advisers and parliamentary advisers from nominating as or becoming councillors.

The Ombudsman's report received a great deal of press coverage when it was first tabled in this chamber and was the subject of many questions from the opposition — questions that, when asked in this place, were largely unanswered by the government. The report was particularly damning of a number of people: Labor MPs, Labor electorate officers, Labor branch members and Labor councillors. It showed us that there was a stench of corruption throughout Brimbank. In fact, it showed us that Labor powerbrokers treated the place as their own fiefdom, dispensing favours at their will.

It showed us the true culture of ALP, a culture where this sort of behaviour is the norm. It is accepted by the ALP as a way of getting things done. When discussing bringing this bill into Parliament the Premier claimed that he moved very quickly, that he was ready to stamp out this sort of behaviour very quickly, but the truth is that was just the same sort of spin that is regarded as

commonplace by this Premier. The reality is that the Premier knew all about this sort of culture and about the goings-on in Brimbank and in other areas. These issues have been raised many times. They were raised by the Sunshine Residents and Ratepayers Association in numerous letters to the office of the Minister for Planning, Minister Madden. They were raised by two members of the Legislative Council: Mr Bernie Finn, a member for Western Metropolitan Region, and Mr John Vogels, a member for Western Victoria Region. Everyone knew about these issues, particularly those who lived in the area.

The Premier likes to come in here and tell us how he is across all the issues. Although increasingly we hear him beginning answers with the phrases 'I am not aware', 'I did not know' or 'I am not across that issue', generally he likes to think he is across these issues. But he conveniently pleaded ignorance to the issues that were going on around Brimbank; he conveniently pleads ignorance to issues that can damage him. When members of his own cabinet are involved in this sort of improper behaviour it is impossible for Victorians to believe that the Premier knew nothing about it.

By introducing this bill to the Parliament the government seeks to impose a blanket rule across all councillors. After this bill is passed no electorate officer will be able to sit on a council anywhere in Victoria. This has justifiably caused some angst amongst some sitting councillors who work for MPs, particularly those who work for MPs who are not Labor MPs. Those people have done nothing wrong: they are absolutely untarnished in this scandal and they are honest, hardworking people who are committed to working for the betterment of their communities. It is only those who are entrenched in the Labor culture who, in fairness, should be penalised.

I ask the question: why is it that whenever the issue of corruption in politics arises it is always the ALP's name that comes up? It is always the ALP. Be it Brimbank council, Casey council, Geelong, Dandenong or Wollongong. In the *Age* of 2 August we see a headline: 'ALP staffer facing 42 counts of fraud'. It is always the members of the Labor Party who seem to be the ones who are named in these allegations — every single time. Every time we see these allegations the Labor Party machine throws its collective hands in the air and does nothing about it but pretends it is concerned about the issue. Time and time again we see nothing changing. It just continues to be the ALP that is the party named in all these allegations.

I listened to government members and they cited all these incidents that happened 10 or 15 years ago. The fact of the matter that was raised and pushed home by the member for Brighton, and if I may I would like to comment on that again, is that we would not be standing here in this chamber tonight if it were not for the corrupt practices of the ALP. This bill would not have been introduced to the house if not for the corrupt behaviour of the Australian Labor Party. That is a fact. The interesting thing is that the Labor Party not only encourages this within its culture but actively rewards it.

We had former councillor and mayor of Brimbank City Council, Natalie Suleyman, named and shamed in the Ombudsman's report. She had been actively promoted by the Premier himself as the best candidate for the Labor seat of Kororoit. I think Victorians would be very pleased that that particular person does not hold a seat in this Parliament now.

The member for Derrimut — the go-to man if you need a reference, regardless of your conduct — was also named in the Ombudsman's report. He was preselected again with no investigation — back here for another term, no worries at all.

Mr Wynne — Is this on the bill?

Mr R. SMITH — The Minister for Local Government suggests that I should be on the bill. The fact of the matter is that the member for Derrimut was named in the Ombudsman's report, which has led us to this bill.

Mr Theophanous, a member for Northern Metropolitan Region in the other place, is another one. Again, there was no investigation into his conduct in the Brimbank affair. The office of the Minister for Planning was used as a base of operations for everything that was corrupt in Brimbank. For 10 years he employed the major figure in the scandal, he received dozens of letters from concerned residents that he ignored and he denied point-blank in the Parliament that he knew anything about the wrongdoing that was reported in the Ombudsman's report. And how did the Labor Party respond? It said to him, 'Have a safe seat in the lower house, and perhaps you would be a great Premier in the future; perhaps you would be the person to lead us'. I suppose if you embrace the appalling values that the Labor Party — —

Mr Wynne — On a point of order, Acting Speaker, I ask you to draw the member back to the bill. He has clearly had an opportunity to stray around in his contribution here tonight and to raise a number of examples, but in fact this is quite a tight bill, a restricted

bill, and he has had ample opportunity to stray in his contribution. I ask you to bring him back to the bill.

Mr R. SMITH — On the point of order, Acting Speaker, this bill has arisen as a result of the Ombudsman's report, which I am commenting on; it is relevant to the bill. The Ombudsman's report was mentioned in the second-reading speech, and I think I am being relevant to the bill.

The ACTING SPEAKER (**Mr Jasper**) — Order! I am not prepared to accept the point of order at this stage, but I remind the member that the bill before the house is a local government-specific bill. He is making reference to the Ombudsman's report, but we will listen carefully to what he has to say.

Mr R. SMITH — This bill imposes a blanket rule on a large number of sitting councillors who did nothing wrong. It is only the standover guys — the corrupt ALP members who have been reported as acting improperly — who should be punished. In reality they have got off scot-free, as have the Labor MPs who were mentioned in that report.

This bill is a perfect example of why this state desperately needs an independent broadbased anticorruption commission. The circumstances surrounding the introduction of this bill are the reason why this independent broadbased anticorruption commission will never be introduced under this government: it does not want to be investigated, although it is clear that Labor MPs need to be investigated following the report of the Ombudsman into the issues surrounding Brimbank.

I question whether this legislation will actually prevent the conflicts of interest that it is claimed it will. My concern is that electorate officers and ministerial advisers of the ALP are not the only ones who are too close to the ALP machine. I think Victorians should also be worried about other councillors who hold ALP positions. Perhaps Victorians should be suspicious of councillors who are union members, and if we ever have a councillor who works for Trades Hall, that would be another issue that Victorians should be very worried about. The Ombudsman's recommendations have the effect of clearing up Labor's mess for the government, and Labor is using this bill to give the impression that the slate has been wiped clean. However, until the Labor Party sends a clear message by allowing Labor MPs to be investigated and by rooting out the corruption that is endemic in their party, they are really not fit to hold office in this state.

Ms MUNT (Mordialloc) — I am pleased to rise this evening to speak in support of the Local Government Amendment (Conflicting Duties) Bill 2009. The bill is primarily intended to implement the recommendations of the Ombudsman in his report on Brimbank City Council this year, which I believe was tabled in this Parliament on 7 May.

It states that councillors should not simultaneously work for members of Parliament and recommends the disqualification of two additional groups of people from being councillors, being members of any Australian Parliament and people who are already councillors on another council in any other state or territory. It is my information that around 30 to 40 councillors will be impacted by the legislation, and they will have a choice to make within a time frame after the passage of this bill either to stay as councillors or to stay in their employment for members of Parliament. It is also my information that another person will be impacted as that person is a councillor in another state and also in Victoria.

It is easy to stand in this chamber and throw stones one side to the other. We say, 'You said', 'We said', and, 'You did', 'We did'. That has happened over the course of the history of local government, state government and federal government. Members from both sides of the house recognise that the people of Victoria have a right to have full confidence in the openness and accountability of their representatives at all levels of government.

There are three levels of government in Victoria — local, state and federal government. Openness, accountability and responsibility to the people of Victoria is critical in each of those levels of government particularly in the performance of our duties and the duties of the representatives in other levels of government. During my seven years as a member of Parliament, in my dealings with other members of Parliament and also with councillors, including councillors who are members of electorate staff, the highest levels of propriety have been observed. I would not deal with anyone who did not comply with those particular rules and regulations.

The government has accepted every one of the recommendations in the Ombudsman's report.

Mr Wynne — Accepted them all.

Ms MUNT — It has accepted them all. The Ombudsman is an independent investigator who carries out his duties without fear or favour on behalf of the people of Victoria. He carried out his investigations and

made his recommendations. I have a copy of those recommendations with me this evening. He made 30 recommendations in all. A number of them relate specifically to Brimbank council, but a number also relate to the state government. I would like to go through those recommendations so it is on the record that the government has accepted every recommendation made.

First, the Ombudsman recommended that the Minister for Local Government closely monitor the activities of the Brimbank council and, should the poor practices that occurred prior to the 2008 election continue, that he considers suspending and/or dismissing the council and appointing an administrator. That recommendation has been accepted.

The second recommendation was that the Local Government Act be amended to disqualify persons employed as electorate officers, ministerial advisers and parliamentary advisers, or persons employed by federal or state members of Parliament, from becoming or continuing to be a councillor or nominating as a candidate. That recommendation has also been accepted, and that is why we are speaking on the bill this evening.

Recommendation 19 recommends that Local Government Victoria provides guidance to councils about the requirements of section 62 of the Local Government Act in relation to what constitutes a gift. Recommendation 27 recommends that Local Government Victoria provides to all local councils guidance on all remuneration packages of outgoing chief executive officers, to ensure that such packages are in the community's interests. Recommendation 28 recommends that measures be taken to ensure that Local Government Victoria is sufficiently resourced to meet its statutory requirements in relation to investigating breaches of the Local Government Act. Recommendation 29 recommends that Local Government Victoria introduces a dedicated investigative team to investigate complaints under the Local Government Act. Recommendation 30 recommends that Local Government Victoria documents the formal assessment of each complaint, assessing each allegation against the relevant sections of the Local Government Act.

That the minister and the government have accepted every one of those recommendations and put them into place really speaks for our desire not only to appear accountable but actually to be accountable to the Parliament of Victoria and to accept all that the Ombudsman has recommended. We have moved quickly to implement all of these recommendations. The report was tabled on 7 May and here we are in August speaking on the drafted legislation. Three months might not sound much in the great scheme of things, but in the workings of Parliament it is the blink of an eye.

Further measures have been put in place today, and the Premier announced reforms in the establishment of a new local government investigations and compliance inspectorate to be headed by — —

Honourable members interjecting.

The ACTING SPEAKER (**Mr Jasper**) — Order! I cannot hear the honourable member. I ask for a bit of order from the front table.

Ms MUNT — This new compliance inspectorate will be headed by the chief municipal inspector. The functions of the new inspectorate will include conducting systematic spot audits of compliance with government requirements in the Local Government Act, investigating breaches of the Local Government Act, monitoring corporate governance of councils, investigating alleged breaches of electoral provisions, undertaking prosecutions for breaches of the Local Government Act, elevating matters of gross misconduct of a councillor to the Victorian Civil and Administrative Tribunal and recommending to the Minister for Local Government that a council be suspended or dismissed for cases of serious failure in corporate governance. The legislation and this further range of measures should make it very clear that we are determined to make sure that local government is open and accountable and observes the highest levels of protocol and responsibility.

The Brumby government has been very supportive of local government. We have enshrined local government as an essential tier in the state constitution as a genuine protection for local councils. It is important that the three levels of government work well together to provide the very best level of governance possible.

Some people hold the view that councillors can work in an electorate office and still maintain the highest level of propriety. As I said, there has to be the appearance of the very highest level of compliance as well as the actual highest level of compliance, particularly in respect of a range of duties in local government and state government. We work very closely together. I have never had a councillor work in my electorate office, because I believe that sometimes it would be hard to separate the two responsibilities. I try to keep my office at arm's length from local council.

This is a very good piece of legislation. I congratulate the minister for his speed in putting it together. I congratulate the government on accepting all of the Ombudsman's recommendations and enshrining them in the Victorian statutes.

Mr MULDER (Polwarth) — I join briefly with my colleagues to comment on what could basically be described as the George Seitz Bill. It was the member for Keilor who blew the whistle on the Brimbank City Council and all the dirty Labor politics that were being carried out there. It was the shadow minister who took the matter up with the Ombudsman, who worked tirelessly to make sure this matter came before the Parliament and included these provisions which actually prevent electorate officers from being engaged in council activities, which is something I support.

I am a rural member of Parliament. I could not accept having a councillor sitting at my office reception when the vast majority of the issues that come through my front door are council-related matters. I would say that that would make my office completely dysfunctional. A lot of the issues that come through the door relate to individual councillors, where perhaps a person has taken up a matter with the councillor and has not been happy with the outcome. Can members imagine a constituent walking through the front door and seeing the councillor they had dealt with sitting in the local member of Parliament's office? It simply and utterly would not work.

In addition to the bill and the issues that have been discussed in relation to Brimbank, we find today there are problems at the Port Phillip City Council, another Labor council. You only have to go down the road from where I come from in Colac and have a look at the activities that have been taking place in Geelong. Electorate officers have been working for Labor members of Parliament and have been councillors at the same time. Brown paper bags! It is an absolutely deplorable situation.

Unfortunately there is a retrospective element to this legislation, which we all feel uncomfortable about. We know there are some good electorate officers out there who have taken on the role of councillors. They are being punished as a result of the introduction of this bill. I feel sorry for them, because they are there for the right reasons. We know the Labor government has an infatuation with local government. The first thing the local Labor member wants to do when they get in is to try to control the local council. The best way of doing that is by hooking a spy into the council to try to feed information back to the local member.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The ACTING SPEAKER (**Mr Nardella**) — Order! The question is:

That the house do now adjourn.

Children: protection

Ms WOOLDRIDGE (Doncaster) — I raise a matter for the urgent attention of the Minister for Community Services. The action I seek is for her to commission a comprehensive independent judicial inquiry into child protection. This should include examining reporting and investigation, retention of the workforce, the role of the courts and evaluating the outcomes for children who are victims of abuse and neglect in out-of-home care.

In 1999 Labor inherited a child protection system which led the nation in investment in child protection and out-of-home care. After 10 years of Labor it is devastating to see how quickly we have plummeted right to the bottom. Thanks to this government Victoria now spends the least amount per child on child protection and out-of-home care of any other state or territory. We have seen the results of this. Two thousand children who the government knows are at risk or who have been abused or neglected are missing out on any continuity of care because they do not have a caseworker. A third of all children who left out-of-home care last year had placement instability, which the child safety commissioner characterised as causing their 'retraumatisation'.

Child protection staff are overworked, overwhelmed and undersupported, and as a result they leave the system in droves each year. Each time we lose a worker we lose valuable information, our vulnerable children lose a relationship and the system becomes even more fragmented. Children who have been innocent victims of abuse and neglect rely on the government for protection, because often there is nowhere else for them to go and no-one else to protect them. Our child protection system is broken. The Premier has admitted it, the minister has admitted it and the child safety commissioner has admitted it.

For almost a decade the Labor government has stood by and watched as our workforce has been eroded, as foster carers have left and as our most vulnerable children have slipped through the cracks. It is too late for bandaid solutions. The system needs to be comprehensively examined. To inform this process we

need a full and independent judicial inquiry into the state of our child protection system. The Premier has rejected this suggestion already. He is clearly too arrogant to listen to the sector, to listen to families, to listen to foster carers and to listen to the opposition. But we will continue to call for a comprehensive review, and I challenge the minister and the Labor government to adopt our proposal.

We also believe that the system needs an independent children's commissioner with the power to initiate investigations and make recommendations to protect vulnerable children without having to wait for direction from the minister. We continue to see a government which is not only bereft of new ideas but which will not even listen to those with ideas that could assist. I ask the minister to undertake the review, learn from others, hear the advice and make the necessary changes. I ask him to do it because it may just mean that one less child is abused or neglected in the future; if that is the case, it will certainly be worth it.

Consumer affairs: Vietnamese orphans appeal

Mr DONNELLAN (Narre Warren North) — I raise a matter tonight for the Minister for Consumer Affairs. The action I am seeking is for his department to fully investigate the activities of Ausvina International Productions and MK Communications in relation to fundraising events in Melbourne on 28 August and 30 August 2009. Those fundraising events are for a very worthy cause: the poor and orphaned children of Vietnam. Unfortunately, I am not convinced of the bona fides of the organisations running this appeal.

I have undertaken some initial investigations into the aforementioned business names. MK Communications is a registered business name in New South Wales. It was registered in 1998, but it has provided no principal place of residence and scant other details. Ausvina International Productions is a registered business name in Victoria but, again, has no principal place of residence. The mysterious registration of these supposed fundraising organisations is interesting to say the least, but of greater concern to me is the fact that neither organisation is registered in Victoria to undertake a fundraising appeal.

Having reviewed the Fundraising Act for the state government some years ago, I know the importance of the integrity of the system for donors. Donors wish to see the maximum amount of money going to the beneficiaries. They certainly expect administrative costs to be minimised. If we cannot be certain that a fundraiser has properly undertaken all the requirements of the act, how can we be certain the beneficiaries will receive the money? In this instance those beneficiaries should be the poor and orphaned children of Vietnam.

I have twice undertaken searches on the business names listed above, and they simply do not appear. I have done this in Victoria and in New South Wales. This greatly concerns me. Further, I have sought information from members of the Vietnamese community, and they are not able to confirm that these organisations are legitimate. If these organisations are not actually undertaking fundraising but are simply providing show productions, then they should have an Australian business number (ABN). But again, no such registration has been undertaken. Therefore will these organisations pay tax? Probably not. If they are businesses, why are they not registered with an ABN?

I am very worried that members of the community may give money to see the performances but may not actually be helping the poor and orphaned children of Vietnam. I know how generous the Vietnamese community was in our time of need, raising in excess of $200 000 when the bushfires devastated Victoria. I do not wish to see their generosity abused, and I ask the minister to have the Consumer Affairs Victoria properly investigate this fundraising appeal.

Housing: Ringwood development

Mr R. SMITH (Warrandyte) — I rise with a request for the Minister for Planning. There is currently a proposal on the minister's desk to build a nine-storey, 96-apartment housing-commission-style block in a residential street, Larissa Avenue, Ringwood. This will be the tallest residential building east of Box Hill. This development, to be used for social housing, is largely to be paid for by the federal government's social housing initiative program and, as a consequence, it has been called in by the minister for his approval. I ask the Minister for Planning to delay the approval of this project until my community has been consulted on the design of the building, the appropriateness of its location and the impact it may have on local residents. I further ask that the results of this consultation weigh heavily when the minister makes a subsequent determination on the project.

Let me be very clear. I have no problem with social housing being developed in my electorate; it is certainly needed, and I strongly support it. But both sides of politics have previously agreed that this sort of housing should be integrated throughout the community as an alternative to concentrating disadvantage in one location. This style of social housing is not the way to go. By becoming the responsible authority in relation to this development, the minister is removing my

community's right to make any comment on this development. The message members of this government are sending to my community is: we will build any development we choose, in any street we choose.

Because this government has seen fit to keep my constituents in the dark about this project, it has fallen to me to keep them informed. I wrote to local residents last week explaining the nature of the project to them. I asked them to sign a petition requesting that the minister consult with them before making his final decision on the project. In just one week I have received over 1800 signatures, with dozens of people coming into my office to voice their concerns. The people in my electorate are united in their desire to have a say about planning decisions in their community.

There are numerous examples of this government riding roughshod over communities right across Victoria when it comes to controversial planning decisions. I desperately hope this will not continue to be the case in Ringwood. I hope this Labor government will allow the thoughts and comments of the local community to be heard, carefully consider those views and act in the best interests of the community.

Only last month the Minister for Planning announced the funding of a pedestrian and cycle path at the end of Larissa Avenue. He stood there for the photo shoot and made all the right comments about the good news story. Just one week later, and barely 100 metres up the road, a huge, controversial project is about to be rubber-stamped by the same minister, and he is nowhere to be seen. This government avoids controversy like the plague; it hates to be associated with anything that may tarnish the positive image it works so hard to portray. This government seeks to keep communities in the dark about projects that may adversely affect them. My community now knows about this project, it has genuine concerns about it, and it wishes to be heard.

Police: Carrum Downs station

Mr PERERA (Cranbourne) — I wish to raise a matter for the Minister for Police and Emergency Services. I call on the minister to ensure the speedy commencement of the construction of the new state-of-the-art police station in Carrum Downs. I would be grateful if the minister could also come and officially turn the sod with me when this terrific local building project is complete. I welcome the news that a builder has now been engaged for the construction of this police station.

The new station is to be built along Ballarto Road. It will provide police with a modern facility, and it will cover Carrum Downs, Langwarrin and surrounding suburbs. The new Carrum Downs police station will play a vital role not only for the Carrum Downs community but also for residents of surrounding suburbs. This new police station was promised by the Labor government at the last election, and it will be delivered next year. It is part of the continuing commitment by the Victorian Labor government to providing the vital infrastructure needed to support expanding communities in growth corridors such as the Carrum Downs-Langwarrin area. This infrastructure is not only vital for providing better services for local communities but each new project stimulates the building industry, creating and sustaining jobs, which is what this Labor government is all about.

The new police station will accommodate up to 80 staff, it will house the uniform branch and the traffic management unit, and it will include interview rooms, two holding rooms, a property store and staff amenities. It has been a pleasure to work closely not only with local residents but also with community support groups like the Carrum Downs Community Group, which has worked hand in hand with me in delivering this police station for the local community.

Rochester and Elmore District Health Service: funding

Mr WELLER (Rodney) — I wish to raise for the attention of the Minister for Health a matter regarding a recurrent funding shortfall at Rochester and Elmore District Health Service. The second stage of a major redevelopment at the hospital is now complete, including a brand-new, state-of-the-art operating theatre. However, the hospital is unable to fully reintroduce surgical services because of a significant shortfall in government funding. The action I seek from the minister is to ensure that these fantastic new facilities are funded to a level where they can reach their intended purpose.

Rochester and Elmore District Health Service is a public health service incorporating the former Rochester and District War Memorial Hospital and associated health services. Several years of detailed planning preceded the organisation's full redevelopment program, which received a $21.7 million allocation by the state government in 2005. The redevelopment now provides brand-new facilities including acute, emergency and ambulatory care, a new 30-bed nursing home and a large primary care centre with 11 consulting rooms and 2 treatment areas.

However, in 2004, prior to the commencement of the redevelopment, the board of management of the Rochester and Elmore District Health Service closed the hospital's operating theatre following an adverse Australian Council on Healthcare Standards accreditation report, which was supported by independent specialist advice. The move was met with significant community dissent and, as a result of the enormous outcry, in May 2005 funds were allocated to the redevelopment of the theatre as part of a major rebuild of the hospital.

The second stage of the redevelopment project, including the new theatre, is now complete and the Rochester and Elmore District Health Service is eager to reintroduce surgical services. However, it is facing significant shortfalls in funding for surgery and has no funding allocation as yet for training. In order for the new theatre to meet its objectives, increased government assistance will be required in a number of areas. Training will need to precede the commencement of surgery, and this must be made a priority.

With the passage of several years since theatre services functioned at the Rochester and Elmore District Health Service, there are no longer any nursing staff at the hospital with theatre experience. Therefore funding will be required to train staff in peri-operative nursing. Central sterile supply department training of staff will also be required to manage cleaning, sterilisation and related activities associated with the theatre. Given that there is little or no existing knowledge of theatre practices within the hospital's existing staff base, a project manager will also need to be employed for the initial six-month period to lead staff through the process.

Equipment for the theatre complex is also facing a shortfall in funding. The redevelopment project provided $700 000 for equipment. However, in real costs, it is estimated that another $400 000 will be needed before the theatre can be operational.

Gembrook electorate: sports funding

Ms LOBATO (Gembrook) — I raise a matter for the Minister for Sport, Recreation and Youth Affairs. The action I seek is for the minister to favourably consider an application to assist with an upgrade at the Yarra Junction Football and Netball Club. The club, which is located in the Upper Yarra, has applied through the country football and netball program for funding of $20 000 to contribute to its $70 000 project that will refurbish the deteriorating surface of two existing tennis courts to establish multipurpose courts for netball and tennis. This upgrade will result in the co-location of netball and football facilities. Yarra Junction has been successful in both football and netball and has received much community support. The netball sides have gone from strength to strength and the popularity of Yarra Junction demonstrates a real need for upgraded and adequate facilities.

By combining football and netball over recent years, local clubs have experienced higher participation rates in both sports, but particularly netball. The combination of both sports allows members of families to participate together in sport and to spend their weekends together as families, rather than some having to be taxidrivers. Warburton-Millgrove Football Netball Club has been experiencing similar levels of enthusiasm for netball and has been actively lobbying for its own netball facilities for about four years now. Past president Rodney Woods and his partner, Anita, who established netball at Warburton, speak passionately about the positive benefits provided to families and the broader community when a club shares both sports. The hold-up in establishing netball courts has been the delay in developing a master plan. With the club, I look forward to the completion and implementation of the plan by the Shire of Yarra Ranges to enable netball courts to be constructed.

The country football and netball program is a very successful partnership between this government and the Australian Football League (AFL). Subsequent to the initial joint funding, the state government tripled its funding to the program, investing a further $6 million in it. A further $1.2 million was allocated to it in the recent budget, demonstrating the need of our regional football and netball clubs. Several clubs in the Gembrook electorate have received funding through this funding, including the Gembrook Cockatoo Football Netball Club, which recently had its courts resurfaced. The club is ably led by its president, Steve Goodie, and prides itself on its facilitation of families being involved in sport and socialising together at the club.

In mentioning the Gembrook Cockatoo Brookers, I would like to congratulate 15-year-old Cassandra Retzack, who played her 100th footy game on 26 July. I was honoured to have been asked to present her with her 100-game medal. Yarra Junction also celebrated recently, when Camille Ridd played her 50th netball game.

In closing, I would like to congratulate the minister and the AFL on such a successful program that is contributing to the health and wellbeing of so many regional communities. I reiterate my support for the Yarra Junction Football and Netball Club in its

application and my ongoing support and encouragement for its ongoing success.

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

Ambulance services: air ambulance

Mr CRISP (Mildura) — I raise a matter for the Minister for Health. The action I seek is for the minister to confirm that all airstrips now serviced by Air Ambulance Victoria (AAV) will continue to be serviced under the new Ambulance Victoria contract. Victoria has announced a change of operator for AAV from 2011. Air Ambulance Victoria provides emergency aeromedical care which ensures and has ensured that location has not been and is not a problem when it comes to receiving medical care. The current fleet of four King Air B200 aircraft is based at Essendon Airport.

For the past 12 years the Royal Flying Doctor Service (RFDS) has been supplying fully serviced and piloted purpose-built aircraft with emergency medical facilities and equipment to meet its contract with AAV. My concern is that the new operator may not be able to operate to all existing AAV-serviced locations in all conditions. The technical issues are, first, the maximum take-off weight, which is important because some country airstrips have limits on what the pavements can carry. The second issue is the take-off distance, which is generally a function of the take-off weight, terrain and obstacles beyond the runway threshold. Take-off distance is also a function of weather conditions. If the air temperature is high, the air is less dense and thus it takes longer to achieve the lift required for take-off.

As I understand it, the RFDS uses King Air B200 aircraft, which have a maximum take-off weight of about 5670 kilograms and are fitted with low-pressure tyres. My concern is that AAV will seek to use larger aircraft such as King Air 350, which are heavier at 6818 kilograms and have tyres at 85 pounds per square inch pressure. Surprisingly, there are not many choices of aircraft offered in the world in the category required. If that aircraft is chosen, tyre pressure concessions will be required to operate on some of the airstrips that are served currently. A King Air 350 needs approximately 1500 metres to take off. My concern is that the Ouyen airstrip is 1252 metres long, the Patchewollock airstrip is 915 metres long, the Hopetoun airstrip is 1137 metres long, the Birchip airstrip is 1100 metres long and the Robinvale airstrip is 1140 metres long. I am using the Enroute Supplement Australia of Airservices Australia for that information.

There is a concern that AAV may be taking away a service provided to the communities of country Victoria. Aircraft selection will be vital to maintaining a service to country Victorians. Bigger is not always better. I am very wary and ask the minister to explain what is achieved by having larger aircraft. Again I ask the minister to confirm that all the airstrips now serviced by AAV will continue to be serviced by the bigger and heavier aircraft.

Hallam Road, Hampton Park: pedestrian crossing

Ms GRALEY (Narre Warren South) — The matter I raise is for the attention of the Minister for Roads and Ports, and it concerns traffic safety on Hallam Road, Hampton Park. The action I seek is that the minister consider placing a pedestrian crossing with lights on Hallam Road, outside St Kevin's Primary School. The school's principal, Mr Thomas Coghlan, recently wrote to me expressing concern about the safety of his students crossing busy Hallam Road. These concerns are shared by many in the school community and other local residents.

Hallam Road is carrying an increasing amount of traffic. As the traffic has increased, we have to ensure that appropriate measures are adopted to enhance the safety of pedestrians, especially young students and mums and dads taking their kids to and from school. In his letter, Mr Coghlan said he believes that traffic lights would provide a safer option for children and parents. The lights would also provide a clearer warning for approaching traffic, which he believes will assist in reducing the speed at which cars drive near the school. This is despite the fact that they already have speed limit signs there.

Members of the local community are concerned that the nearest traffic lights where parents and children are able to cross the road safely are situated at the intersection of Coral Drive and Hallam Road. In addition to St Kevin's Primary School, the 123 Kids early learning centre is also located on Hallam Road.

It is a busy area for pedestrians. Clearly it is used by many young children and their parents. In my opinion this alone should warrant some special attention. The Hampton Park renewal project is operating in the Hampton Park area, and I am thankful for the participation of the Hampton Park residents in that project. They have indicated that the duplication of Hallam Road is a priority and also support the installation of pedestrian lights outside St Kevin's Primary School. Tony O'Hara from the Hampton Park Roads Committee has undertaken extensive research

about traffic flow and volume in the area. I commend Tony for his dedication to the task. I have been most appreciative of his research which has assisted me greatly in my discussions with the minister and with VicRoads.

I am pleased that VicRoads met with the local community when the issue of pedestrian lights outside St Kevin's was raised. It has committed to go away and look at it again, given that the residents raised special concerns that traffic was speeding and a lot of traffic was going along the road. I ask that the minister consider placing a pedestrian crossing and lights on Hallam Road near St Kevin's Primary School.

Motor vehicles: registration reform

Mr MORRIS (Mornington) — I also raise a matter for the Minister for Roads and Ports this evening. The action I seek from the minister is that he ensures the government promptly considers and responds to recent work undertaken by the National Motor Vehicle Theft Reduction Council with regard to the increasing practice of inappropriately repairing and re-registering vehicles classified as repairable write-offs. I am aware from the licensed motor car traders in my electorate that this has become a considerable issue.

Already this state has a framework via the Road Safety Act to control the repair and reuse of smashed vehicles, including the distinctions that are made in the legislation between repairable write-offs and statutory write-offs. I am not suggesting that this is a problem for the state of Victoria alone. Clearly it is a matter which affects all states and territories.

It is a practice that has at least two serious impacts. The first is when a motor vehicle trader gets stuck with a trade-in that somehow got registered when it should not have been registered. On many occasions they have paid tens of thousand of dollars, sometimes many tens of thousands of dollars, for a vehicle they could do nothing with, so they have simply had to accommodate the cost. The second concern is that the purchaser of these vehicles is running a considerable risk of death or injury from the construction of a vehicle from second-hand parts cannibalised from other vehicles.

In October 2008 the National Motor Vehicle Theft Reduction Council completed a preliminary report on the management of written-off vehicles. In the report it talked, amongst other things, about improved recovery rates for newer stolen vehicles. It considers that the statutory ban on the re-registration of severely damaged vehicles has effectively dealt with the traditional rebirthers. But it is becoming clear that, as a consequence, repairable write-offs are now emerging in the market, and the current processes make it difficult to refuse registration. In July this year the council held a workshop on the matter. I understand it is now preparing a final list of actions for reform of the current system. I urge the minister to consider these reforms promptly and to deal with and eliminate this problem once and for all.

Aqualink Box Hill: funding

Ms MARSHALL (Forest Hill) — I wish to raise a matter for the attention of the Minister for Sport and Recreation. The action I seek is for the minister to meet with representatives of the Whitehorse City Council, which encompasses the electorate of Forest Hill, regarding the council's application for funding to assist in the completion of a two-stage redevelopment of the Aqualink facility in Box Hill. The application is being made under the state government's community facility funding and the Better Pools program 2010–11. The Aqualink facility in Box Hill has proven to be a great asset to the people of Forest Hill and the wider community, with more than 650 000 visits being made to the centre each year.

Aqualink, which was originally known as the Box Hill Swimming and Recreation Centre, has a long history in the area. In 1977 the council began upgrading the deteriorating facilities, and by 1981 the centre was regarded as a place where champion swimmers and divers could train alongside toddlers learning to swim, while others could play squash, exercise in the gym or just relax by the pool. Since then the centre has continued to expand to meet the needs of the residents who just want to have fun and keep fit. Many successful Australian swimmers and divers, including well-known swimmer Matt Welsh and coach Ian Pope, have spent long hours training there. Aqualink is a vital recreational and sporting facility being enjoyed by the people of the Forest Hill electorate all year round.

For the past three years the Whitehorse City Council has undertaken a feasibility study into the redevelopment of the Box Hill Aqualink centre. It has found that the current facilities are no longer adequate to meet the demands of ever increasing patronage. To address this issue, concept plans have been developed which indicate that the project will be completed in two stages.

Stage 1 will involve the acquisition of a new hydrotherapy pool; an extension of the existing gym facilities, allowing for more assessment rooms; additional change rooms; three extra program rooms; a separate change facility for school groups; and extra car

parking spaces. Stage 2 will see the installation of a new pool hall, a warm-water pool, upgraded spa and sauna facilities, as well as a separate pool designated specifically for toddlers.

The estimated cost of the refurbishment is $15.1 million, which is by far the largest single capital works project ever undertaken by the City of Whitehorse. Of that the council is seeking $2.5 million for this project under the state government's community facility funding through the Better Pools program.

As the minister knows, recreational facilities such as Aqualink play a vital role in encouraging more people to get active and stay fit while at the same time helping to build a stronger, more inclusive community. Making certain that these facilities meet the needs of the people of Forest Hill and the wider community will also aid in ensuring greater social cohesion. For these reasons I call on the minister to meet with representatives of the Whitehorse City Council to discuss its application for funding under this program so that the envisioned redevelopment is given every chance to be realised.

Responses

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — The member for Forest Hill raised a project at Box Hill Aqualink which seeks the redevelopment of this magnificent facility, which, as the member said, has been a vital asset for the local community for many decades.

We all know how important our local pools are to our communities. Some of our fondest and earliest memories are of learning to swim at our local facility or spending summers by the pool with our mates. Recently I started taking my daughter Sophie to swimming lessons at the new Croydon indoor facility in the member for Kilsyth's electorate. The facility recently received the maximum grant of $2.5 million through the Better Pools funding program, so right across the state we are making improvements at local aquatic facilities. Every Sunday morning I take her to the Croydon indoor facility. They are fond memories — apart from the tantrums. Every Sunday that pool is packed with families.

The Brumby government has invested heavily in pools right across Victoria, providing funding of $46 million for aquatic facilities in this term, which is record funding for pools right across our state. Applications are currently open for the latest round of the Better Pools funding program. I can assure the member for Forest Hill that I am happy to visit the centre and for my department to speak with the City of Whitehorse about the proposed redevelopment. I will be keen to do that myself and will be happy to join the member in those discussions with the City of Whitehorse.

The member for Gembrook raised the matter of an application to the country football and netball program for a redevelopment of facilities at the Yarra Junction Football and Netball Club. I often speak of this program in the house because it is one of the best examples of the Brumby government's commitment to rural and regional Victoria. Over 230 projects have already been funded through this program, and many more great projects are currently being proposed and submissions made.

As the member for Gembrook informed the house, co-location is one of the great benefits of this program. Getting the netball court and the footy oval close together and getting the two sports close together does exactly what the member said — that is, bring families together to watch their boys and girls play various sports. That is one of the great benefits of this program.

I also take this opportunity to thank the volunteers at the club for their efforts. It takes a lot of hard work to develop proposals, advocate to council, advocate to state government and see their goals achieved. With very large local projects, this often takes a number of years. I put on record my thanks to the club and to the member for Gembrook for raising this matter with me. I assure the member that the project at the Yarra Junction Football and Netball Club will be strongly considered along with the many other great projects currently applying to the country football and netball program.

The member for Doncaster raised a matter for the Minister for Community Services, the member for Narre Warren North raised a matter for the Minister for Consumer Affairs, the member for Warrandyte raised a matter for the Minister for Planning, the member for Cranbourne raised a matter for the Minister for Police and Emergency Services, the members for Rodney and Mildura raised matters for the Minister for Health, and the members for Narre Warren South and Mornington raised matters for the Minister for Roads and Ports. I will ensure those matters are referred to those relevant ministers for their action.

The ACTING SPEAKER (**Mr Nardella**) — Order! The house is now adjourned.

House adjourned 10.32 p.m.