PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Tuesday, 1 May 2007

(Extract from book 6)

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Joint committees

Scrutiny of Acts and Regulations Committee — (*Council*): Mr Dalla-Riva, Mr Eideh, Mr Elasmar and Ms Pulford. (*Assembly*): Mr Brooks, Mr Carli, Mr Jasper, Mr McIntosh and Mr Thompson.

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

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FIFTY-SIXTH PARLIAMENT — FIRST SESSION

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Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Vogels, Mr John Adrian	Western Victoria	LP

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TUESDAY, 1 MAY 2007

Tuesday, 1 May 2007

The PRESIDENT (Hon. R. F. Smith) took the chair at 2.04 p.m. and read the prayer.

ROYAL ASSENT

Message read advising royal assent on 23 April to:

Livestock Disease Control Amendment Act
Prahran Mechanics' Institute Amendment Act
Victims of Crime Assistance Amendment Act.

PARLIAMENTARY COMMITTEES

Membership

The PRESIDENT — Order! I advise the Council that I have received from the party leaders and the Australian Greens Whip within the time set by the resolution of the Council advice of appointment to the following committees:

Dispute Resolution Committee

Mr P. Davis, Mr Hall, Mr Jennings, Mr Lenders and Ms Pennicuik.

Legislation Committee

Mr Atkinson, Ms Broad, Mrs Coote, Mr Drum, Ms Mikakos, Ms Pennicuik and Ms Pulford.

Privileges Committee

Ms Darveniza, Mr D. Davis, Mr Drum, Mr Jennings, Ms Mikakos, Ms Pennicuik and Mr Rich-Phillips.

Standing Orders Committee

The President, Mr Dalla-Riva, Mr P. Davis, Mr Hall, Mr Lenders, Ms Pennicuik and Mr Viney.

QUESTIONS WITHOUT NOTICE

Schools: class sizes

Mr P. DAVIS (Eastern Victoria) — I direct a question without notice to the Minister for Education. I refer the minister to recently released census data of class sizes in prep to grade 2 classes in government schools in Victoria which indicates that classes as large as 33 students are not uncommon. I ask: given Labor's pledge of 1999 to cut all class sizes for prep and grades 1 and 2 to 21 students or less, how does the minister explain the 63 per cent of schools whose average class size is above 21 students?

Mr LENDERS (Minister for Education) — I just never cease to be amazed. I have spoken to this house before of Philip Davis's conversion on the road to Damascus. He is a man who mutely sat in this chamber where Mr Somyurek is sitting while Don Hayward, who was the education minister at the time, was slashing schools, while he closed — —

Honourable members interjecting.

The PRESIDENT — Order! The Leader of the Government will recall that last week I made a statement in the house with regard to answering questions and not debating them or personally abusing anyone et cetera. I would remind the leader of that position I took last week.

Mr LENDERS — Thank you, President, for your timely reminder.

I would advise the house that when the Bracks government came into office in October 1999 class sizes in this state in the prep to grade 2 group that the Leader of the Opposition refers to were on average 3.1 students larger than they are as I stand in this house today. The reason those class sizes have gone down on average by 3.1 students in those seven years is that the current government has actually legislated and over seven budgets — and I will not speculate on what the Treasurer will do in an hour's time in our eighth budget — invested in education like no other government in the last 20 years has.

For the benefit of Philip Davis I would be delighted to advise the house of our commitment in 1999. I coincidentally have in my pocket a pledge card from the Labor Party in 1999, and with your leave, President, I will read from it. The pledge card talks about cutting class sizes for prep, 1 and 2 to 21 or less through annual savings of $40 million in cuts to government waste and advertising.

We certainly cut the waste and advertising of our predecessor. The proof of the pudding is in the eating. In the 1594 state schools in Victoria we have over the last seven years gone from a statistic of 41 per cent of schools having average class sizes of 25 or more to 2.4 per cent of schools having class sizes of 25 or more today. In his supplementary question Philip Davis will undoubtedly say, 'Why isn't every single school?'. I advise Mr Davis to start going around to some of the schools in Victoria. I know he has made a beginning and has been to some. I advise him to go to a number of

the schools that have the higher class sizes than this one he talks of.

If he goes to Sunraysia — perhaps Ms Lovell will take him up there — and finds a school in the state with the largest class size it is because the census on 28 February showed there were a lot more students in the school than we thought — surprise, surprise. A lot of pickers had moved up there. There was a movement from another school. What happens? We adjust these figures after a period of time. Also what happens is that some schools make choices, and 1594 schools actually have a devolved right to make choices, and some schools, rather than have a class size of a certain size, will pull a teacher out to do reading recovery across four or five preps, grade 1s or grade 2s.

If we look at the average figures for schools we find the Bracks government has delivered, our student resource package has delivered the resources for it, and the fact that some schools in Victoria actually choose innovative educational models where they — —

Mrs Peulich — Oh!

Mr LENDERS — Mrs Peulich says 'Oh' in a very unconvincing way. Mrs Peulich, being a former teacher, would know that sometimes — surprise, surprise — unlike Julie Bishop who prescribes everything from Canberra, schools make decisions on education in this state. We have a great record on education. It is our no. 1 priority. I am as proud as punch to stand here today as the 55th minister for education in the history of the state and look on the system that has gotten so much better in last seven and a half years, but there is still more to be done.

Supplementary question

Mr P. DAVIS (Eastern Victoria) — I thank the minister for his answer. It confirms that the government made a promise in 1999 which not only the government has chosen to ignore but obviously schools have ignored government policy as well.

I refer the minister to the 20 per cent of schools in this census data the class sizes of which were all below 21 students, and remind him that their average enrolment across the three grades of prep, grade 1 and grade 2 was 48 students. The class sizes are averaged down across the state predominantly by the effect of rural schools that have small student enrolments over the three grades — for example, Athlone Primary School, which has 13 students; Walpeup Primary School, which has 13 students; Bona Vista Primary School, which has 12 students; Yaapeet Primary School, which has 11 students; Upper Sandy Creek Primary School, which has 10 students; Bullengarook Primary School, which has 6 students; Glen Park Primary School, which has 7 students; and of course Dargo Primary School, which has 3 students. And I ask: when will the government honour its 1999 pledge to cap all prep to grade 2 class sizes to 21, given that after eight years of government there are still nearly 800 schools with class sizes above this number?

The PRESIDENT — Order! Before I ask the Leader of the Government to respond, I will give him some time to think about his answer. I draw the attention of the house to the fact that one of our comrades is back with us today, Mr Koch, who is in the gallery. It is good to see him back.

Mr LENDERS (Minister for Education) — As Comrade Koch would know, in response to Mr Davis, my predecessor delivered that commitment retrospectively three years ago.

Schools: national curriculum

Mr TEE (Eastern Metropolitan) — My question is for the Minister for Education. Can the minister advise the house what the Bracks government is doing, together with the other states and territories, to ensure a quality education for our children?

Mrs Peulich interjected.

Mr LENDERS (Minister for Education) — I absolutely endorse Mrs Peulich's interjection, 'Getting a new minister'. It is time Stephen Smith took over.

I thank Mr Tee for his question and for his interest in education, particularly his comment about what the Bracks government is doing to move forward in these areas in conjunction with the other states and territories. I was absolutely delighted to be with the Premier on the day before Anzac Day when he released the document entitled *The Future of Schooling in Australia*. This document is the culmination of work by the eight state and territory governments in coming forward with exactly what its title says it is — a document dealing with the future of education in Australia. The document does a range of things. It brings a return to the traditional disciplines such as history, geography and economics, which is an extraordinary response to the community and parents. It acknowledges that large numbers of Australian students perform very well at an international level; however, it says that the tail is too big. Those are the fundamentals behind what the document identifies.

The document has five chapters. I urge the Leader of the Opposition and all members of the house to go to

the Department of Education website and read the document. In an era when seeds of mischief have been sown and the system has been demoralised by the federal minister, surrounded by her 700 public servants in her Moscow on the Molonglo, prescribing everything, what the state and territory governments have done is come up with a plan for education which they all subscribe to and which, beyond the governments, education stakeholders subscribe to.

In response to Mr Tee, those are the key findings of the report. The report is analytical about where education is and what can be done to make it better. It also has a strong emphasis on high-quality teaching and school leadership that respects innovation and diversity across the nation — things that in this state under my predecessor, Lynne Kosky, who is now the Minister for Public Transport in the other place, we commenced with the blueprint for education. All the states and territories have embraced the same philosophy as Victoria. We have all picked the best of our philosophies to take education forward.

The report also goes through a 12-point action plan. Sadly, other than requiring certificates to be signed and paperwork to be filled out, the federal minister for education, Ms Bishop, has no action plan. What the states and territories have come up with is to work collaboratively towards a national curriculum; testing student achievement — we are talking about guidelines for education; reporting on performance; supporting workforce reform; harmonising teacher registration; having a national forum which includes not just 700 public servants and a minister in her Moscow on the Molonglo but the eight state and territory governments — —

Mrs Coote interjected.

Mr LENDERS — I agree with Mrs Coote that it is not funny anymore — and it never was. Unfortunately it is the reality — Ms Bishop has her Moscow on the Molonglo. We are talking of reducing red tape. This should make the opposition beam with delight — a government wishing to reduce red tape. Tragically a lot of people in my department spend their days filling in paperwork because the federal government at Moscow on the Molonglo requires paperwork to be filled in on a daily and hourly basis. In this state significantly we have put our money where our mouth is and reduced red tape. In the 1594 state schools in Victoria, at this time of the year when they are required to present their annual reports, rather than their having to reinvent the wheel and recompile the statistics, the Department of Education sends them a template of what is required for federal and state reporting requirements for them then to vary the contents and editorialise for their local needs. However, the core information is there. That is us putting our money where our mouth is.

Further, we have given clear consideration in the statement to — this is nailing our colours to the mast — the future of Australia; our students, our parents and the community as key stakeholders; schools, teachers and principals as key stakeholders; rigorous curriculum standards; equality of opportunity; and collaborative federalism. *The Future of Schooling in Australia*, the document I urge all members of the house to read, outlines in clear layperson's terms that every parent in this state could read and enjoy — not the highfalutin language of Julie Bishop from her Moscow on the Molonglo but clear language that parents and others in the community can understand — a vision for education under collaborative federalism, with all the state and territory governments working together.

This is the most significant thing in education since the Adelaide declaration of 1999, when the commonwealth subscribed to these sort of things — when David Kemp, the new president of the Liberal Party, and Phil Gude, a former Minister for Education, signed up to collaborative federalism. We have gone back to it. We have gone to the future, and every school in Australia — all 10 000 schools in Australia — whether they be state or territory, Catholic or independent, have a view about where the states and territories are going. They have a view devoid of politics. It is a view that is actually based on the future of children, parents and our economy.

I commend the report to the house. I congratulate the Premier on his strong leadership of the Council for the Australian Federation. This is a worthy document and one that can give confidence to every school in Victoria.

Planning: red tape

Mr DRUM (Northern Victoria) — My question is to the Minister for Planning, Justin Madden. The Bracks government went to the last election promising Victorians to cut red tape and remove unnecessary regulation. The VCEC (Victorian Competition and Efficiency Commission) has released a report stating that there has been a 6 per cent increase in regulation and legislation over the last 12 months. How much of this increase is attributable to planning matters?

Hon. J. M. MADDEN (Minister for Planning) — I thank Mr Drum for his question. I am always interested when Mr Drum asks a planning question, and I note

that he has asked quite a number over the time we have been here in Parliament.

We are very conscious of the need to cut red tape in government, but particularly in the planning system. There have been a number of reports in relation to this, but one of the great initiatives undertaken by the previous planning minister in the other place, Mr Hulls, with the support of Elaine Carbines, a former parliamentary secretary from this chamber, was to ensure that we set in motion a process of cutting red tape. The ability to cut red tape is particularly important because local governments are implementing the planning process and their officers are having to deal with a multitude of small issues rather than getting to the big-ticket items and consulting more broadly with the community. They are spending an enormous amount of time bogged down on smaller issues and cannot get the time they need to dedicate to the bigger projects that need appropriate consideration and consultation.

As a government we are committed to cutting red tape. As part of that we announced a range of initiatives through the *Cutting Red Tape in Planning* report. It was known by many as the Carbines report, and I want to compliment Elaine Carbines on the tremendous job she did and her tremendous contribution to the planning portfolio. It is interesting to note that there are some people who have made tremendous contributions who are no longer here, and on the other side of the chamber they have many people who are still here who have never made a contribution in any form.

I want Mr Drum to know that I am very conscious that we have to do everything we can to reduce red tape. We are committed to reducing red tape to make sure that we can get projects off the drawing board and on to the building site to make sure that we deliver jobs right across the state. Without pre-empting the Treasurer's announcements today, I suspect that he may well have something to say in this area. I also suspect that he will have many announcements about jobs. I suspect that he will have many announcements about investing in regional Victoria. I suspect a lot of things, and I suspect that my suspicions will be confirmed.

We are cutting through that red tape and getting projects off the drawing board and going so that we can make sure that we get employment and opportunity right across Victoria. We want this right across rural Victoria in particular, because as we have seen recently, people are coming to Victoria in droves. Regardless of what members of the opposition say, people are coming to Victoria in droves — more than 1000 per week. We have to make sure we cut through that red tape to ensure that we get those projects built and make Victoria a better place to live, work and raise a family.

Supplementary question

Mr DRUM (Northern Victoria) — The minister did not touch on anything to do with the 6 per cent increase. I would like to touch on part of the minister's response where he mentioned cutting red tape and the streamlining planning processes committee that was chaired by Elaine Carbines. Can the minister outline any specific initiatives that have arisen from that round table set of meetings?

Mr Atkinson — You don't have to get a permit for a dog kennel any more.

Hon. J. M. MADDEN (Minister for Planning) — I take up the interjection from the other side of the chamber, because if anybody would know what a dog kennel looks like, it would be somebody who had spent time in a dog kennel!

Can I just say that what we have seen is a government that is committed to cutting red tape. Many issues have been addressed through that report. There are quite a range of them, and I am happy to give Mr Drum a briefing on the comprehensive nature of that report and any detail that he might like, because to single out one or two would not do it justice. I say to Mr Drum that at any time, on any planning matter, he should just ask. I suggest that any time Mr Drum wants any advice on planning — I am pleased that he has asked his first planning question in relation to his shadow portfolio — I look forward to having a significant and detailed briefing given to him by members of the department and my office.

Housing: energy rating

Mr LEANE (Eastern Metropolitan) — I also have a question for the Minister for Planning. Can the minister update the house on recent developments with the implementation of the 5-star housing energy rating system?

Hon. J. M. MADDEN (Minister for Planning) — I welcome the member's question in relation to 5-star energy rating standards. One of the great things about living in Victoria is that it is a great place to live, work and raise a family. But as well as that what we are seeing is Victoria leading the way when it comes to 5-star energy rating standards for new houses and apartments. Of course that has not been achieved without some criticism on various fronts, but people need to move in that direction. It has not necessarily been easy to get the sector to move in that direction without some leadership and facilitation.

The industry is very enthusiastic about taking up the 5-star energy rating system because the 5-star standard means we are cutting energy usage and we are saving water. In terms of that, households each year are saving hundreds of dollars, not only on their water bills but also on their energy bills. Under the 5-star rating system — I will give a few statistics here — new homes are now 50 per cent more energy efficient for heating and cooling, and they are using 25 per cent less water. Not only that, but the 45 000 Victorians who purchase a new 5-star home each year are enjoying a home that is — wait for it, President — up to 5 degrees warmer in winter and 10 degrees cooler in summer. It is much better than this house, that is for sure!

The 5-star standard is also a success story of how to go about introducing cutting-edge environmental standards. Victorian new homebuyers are impressed and delighted with their new 5-star homes. Around 90 per cent of households surveyed in 2006 agreed that all new homes should be 5-star rated. That is not a bad rating in terms of happy customers. They said their homes were definitely warmer in winter and cooler in summer. They said that achieving the 5-star rating was easy, which is even better, and on top of that, the cost of a 5-star home is also less than originally anticipated. So it is not as hard as people might like to make out. Consumers and builders alike have responded positively, due in large part to the flexible approach taken by this government in implementing these standards, because they have the opportunity to take up various products or opt for flexible arrangements.

Our approach to timber-floored homes has been a case in point. We have been working closely with the industry to encourage it and ensure that timber floors can be used, but they have to reach the necessary design standards, and the industry is now developing insulation techniques and new flooring systems so that it can achieve that. What is also important in relation to this is upgrading the relevant energy rating software programs, because to streamline the process it is very handy to be able to use not only the software that is already available but also that which is being developed. AccuRate is a software that is already available, and the final touches are now being placed on a new version of the popular FirstRate software. Sustainability Victoria, I understand, will be trialling FirstRate5 over the coming months and will then release the software. That is anticipated to be in July. Training in the use of FirstRate5 will be offered as part of a trial over this period.

In recent months industry associations have said that they need more time to adjust. Whilst they have had a sufficient period of time, we also appreciate that that critical pointy end of the adjustment is now taking place as we speak. Builders need to opportunities to develop different designs and products to meet the standards. Currently a timber floored house can meet the 5-star standards for a good design by giving consideration to matters such as orientation, material selection and installation. However, the government has agreed to extend the transitional 5-star period provisions for new timbered floors until 31 August 2007 so that builders can make that significant adjustment. It is important that this time is used by the industry to review the designs of homes with timber floor construction to ensure compliance with the 5-star standards. Whilst builders have had a number of opportunities, this is no doubt likely to be the very last opportunity for them to make that adjustment.

The additional extension will ensure that the industry is well placed to meet the full 5-star standard by 31 August 2007, but it is further evidence that this government is committed to working collaboratively with the industry to get the implementation of this important standard right to make Victoria an even better place to live, work and raise a family.

Teachers: code of conduct

Mr P. DAVIS (Eastern Victoria) — I direct a question without notice to the Minister for Education. I refer the minister to the recently released *Victorian Teaching Profession Draft Code of Conduct* of April 2007, specifically principle 1.5 under the provision 'A professional relationship may be compromised if a teacher invites a student or students back to their home, particularly if no-one else is present'. I ask: under what circumstances would a professional relationship between a student and a teacher not be compromised if a teacher invited a student or students back to their home, particularly if no other adult were present?

Mr LENDERS (Minister for Education) — Mr Davis's question is a hypothetical question, and I guess under the standing orders I would be inclined to not answer it, but in the spirit of this government being the most open, transparent and accountable government in the history of this state I am more than delighted to answer every question in question time for Philip Davis — every question in question time. I only lament the fact that other ministers get questions sometimes. I am the very greedy minister: I want all the questions, because I love my portfolio so much.

Mr Davis refers to the draft code of conduct. The Victorian Institute of Teaching is required to come up with a draft code of conduct for teachers. One of the things that it has put forward is a draft code to deal with

the particularly complex issues of the relationships between students and teachers, which are never clear cut. We can never be totally prescriptive about these things because, as Mr Davis says, these things are relationships. Particularly in country communities, where a teacher may well be the football coach, where a teacher may well be part of the community and where the student's family and the teacher interact periodically, these things are not simple, they are not clear cut. What the draft code of conduct has done is try to put in place suggestions of, appropriate behaviour — ways teachers can deal with the issues that will inevitably come up in a community where there is contact between them and their students.

What I am really delighted about in this code — and this is where the Bracks government is so different from Julie Bishop's Moscow on the Molonglo — is that we do not purport to regulate every single microbe of human behaviour, but we do put out helpful guidelines for teachers and students.

Mr Viney interjected.

Mr LENDERS — We are not a nanny state, as Ms Bishop would like us to be. I thank Mr Viney for that help. I think Ms Bishop is the most nanny-stated person since Joseph Stalin. Nevertheless, what we do here, in collaboration with the community and the teaching profession, is put out a draft code of conduct and seek comment on that draft before the code of conduct goes out.

Given his interest in this matter, I invite Philip Davis to approach the Victorian Institute of Teaching and suggest how the draft code of conduct could be made better. With that sort of collaboration across the chamber we can make Victoria a better place still to live, work, go to school and raise a family.

Supplementary question

Mr P. DAVIS (Eastern Victoria) — In the spirit of the minister's invitation and given that the government agency that drafted the code, the Victorian Institute of Teaching, told the *Age* newspaper recently that 'the code was not meant as a disciplinary tool, but rather as guidelines promoting adherence to the values of teaching', will the minister ensure that a disciplinary code that actually does regulate teacher-student relationships is enacted?

Mr LENDERS (Minister for Education) — I imagine Philip Davis laments no longer being a prefect in a private school — he is into disciplinary codes like you would not believe!

Honourable members interjecting.

Mr LENDERS — Maybe he was not. If it is a reflection on Mr Davis, I withdraw.

Mr P. Davis — I don't think you should be talking about private schools, Minister.

Mr LENDERS — Let me assure Mr Davis that at Trafalgar High School we had no prefects with discipline codes. We did not have that sort of thing at Trafalgar High School.

The serious answer to Mr Davis's question is that of course schools have disciplinary codes. Of course the principals of schools and schools are required to meet the requirements of the Department of Education in certain areas. However — this is a genuine call to Mr Davis — when they are out there talking to the 1594 state schools and 702 non-government schools in this state, opposition members need to know whether they wish to prescribe every single action of a principal or a teacher in this state.

Mr P. Davis — A question for ministers, not for opposition members.

Mr LENDERS — Mr Davis says it is a question for ministers, and I am responding as a minister. You have two ways with education. Either a department puts best practice in place, like our blueprint does; puts guidelines in place, like our blueprint does; puts advice out to schools, both electronically and on paper and from a regional office on a case-by-case basis, like our blueprint does; or it is regulates from on high and from afar to prescribe every single action.

Quite frankly the last person who thought that was fashionable was Konstantin Chernenko in the Soviet Union before Gorbachev unseated him. To my knowledge no-one since Konstantin Chernenko has been suggesting that level of prescription in an educational system on this planet. If Mr Davis wishes to join Mr Chernenko in a Moscow on the Molonglo, or perhaps Ekaterinburg on the Yarra or whatever he wants to call it, he is welcome. I will not be part of a knee-jerk, overprescriptive regulation of our schools.

However, I will be part of the Victorian Institute of Teaching putting in place best practice which complements the agenda of our blueprint for schooling to get good outcomes for students in this state. I might say, if we look at the outcomes in our schools, they are very impressive by world standards. I am proud of our education system. There is more to be done, but the way to do it is to work collaboratively with schools, with the other states and the territories, with the

teaching profession, with the Catholic system, with the Victorian Institute of Teaching — with almost everybody other than the federal minister for education, Julie Bishop, who is not collaborative — and we will get better schools than we have at the moment.

Schools: class sizes

Mr SOMYUREK (South Eastern Metropolitan) — I refer my question to the Minister for Education, Mr Lenders. Can the minister outline to the house how the reduction in class sizes in Victorian primary schools is assisting Victorian primary school students?

Mr LENDERS (Minister for Education) — I thank Mr Somyurek for his question.

Mr P. Davis — You're only allowed one supplementary, aren't you, President?

Mr LENDERS — I thank the member for his question and take up Mr Davis's interjection about a supplementary. It is amazing how some members of Parliament are so positive about this state. They look with vision towards the future and have a ticker that says we can make this a better place. This is in contrast with others who are nay-sayers. I will not mention anyone, because I am conscious of your rulings, President.

In response to Mr Somyurek's question, a lot has been done and there is more to be done to make schools better places. However, his question concerning the relationship between class sizes and outcomes in schools is one I will take up with relish. It is interesting, as I mentioned before, the blueprint was brought forward by Lynne Kosky, the Minister for Public Transport in the other place, when she was Minister for Education and Training, but less than three years ago in this place — —

Mrs Peulich interjected.

Mr LENDERS — I take up the interjection of 'Directed' by Mrs Peulich. Again, she wishes to be in her own Moscow on the Molonglo obviously. She is another devotee of Konstantin Chernenko We on this side are not devotees of Mr Chernenko. We are devotees of a modern, progressive education system with good values that is based on student outcomes and getting parents involved so that we can bring our students into the 21st century and best equip them to deal with the future.

Mr Somyurek asked what was happening with class sizes. Smaller class sizes allow the blueprint to be carried out. They allow for things like specialists in schools, so that in every one of our 1594 schools there is greater scope for specialists than there was seven years ago. Smaller class sizes make a difference. They mean you can have specialist physical education teachers, librarians and all of those things in place. It also means you can devote resources to leadership. Whether it be leading teachers or teachers with other specialist skills who are paid to stay in the classroom because they are gifted teachers, whether it be the professional development of teachers, whether it be principals or whether it even be that teachers can spend time one on one with students — I mentioned reading recovery in an earlier answer — all are things that the lower ratios of students to teachers enable the education system to do. It is something that this government takes great pride in.

Again, the Treasurer may not be on his feet yet, so I will not pre-empt budget paper 3, but when the Treasurer releases that budget paper I urge all members of the house to actually look at some of the performance measures to see what our school system has done in this state. It has happened because of good teachers, good leadership and a good investment of resources. You do not put 7000 extra teachers into schools without seeing some outcome. The outcome of the investment in schools is smaller class sizes, which means you can do these other things. I thank Mr Somyurek for his question. I share with him the confidence that in his electorate of South Eastern Metropolitan Region these policies are making Victoria a better place to live, work and raise a family, because we are delivering services that make a difference to families and individual students.

Planning: implementation reference group

Mr GUY (Northern Metropolitan) — My question is to the Minister for Planning. Can the minister advise the house how many times the Melbourne 2030 implementation reference group has met since his appointment as Minister for Planning?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Guy's question in relation to Melbourne 2030. I am happy for the member to ask as many questions as he likes in relation to Melbourne 2030 because it highlights the stark contrast between that side of the chamber and this side of the chamber. The stark contrast is simple: we have policies and plans and the opposition has no policies and no plans. To take that even further, our plans are part of our story — —

The PRESIDENT — Order! Unfortunately the minister will not be taking it further. This is absolutely

inconsistent with my ruling last week about debating, which was directed to the minister in particular. If the minister wishes to answer the question, the answer must be relevant to the question and must not debate or criticise the opposition. I ask the minister again to take note of that.

Hon. J. M. MADDEN — Thank you very much, President. In relation to 2030, the opposition does not quite understand that when we went to the election we put to the electorate whether it felt confident about 2030 or about the proposition of the opposition. The resounding answer was that the electorate was happy with 2030, so we are getting on with the job of implementing 2030. I know that Mr Guy is interested in the implementation reference group that was established in relation to 2030, but we are delivering 2030. It is what we do; it is the business that we do. It is not about talking when you do not have a policy.

We have policies, we are committed to them, we are delivering them and everybody across the community is confident that they can be achieved. The only nay-sayers are members of the opposition, who do not believe 2030 is worth pursuing. We will continue to pursue 2030. It is part of our business. It is what we do, and we will continue to do it.

Supplementary question

Mr GUY (Northern Metropolitan) — It is obvious from the minister's answer that the reference group has not met once since he took on his job, and I ask: is this not yet more proof that the Melbourne 2030 policy and the government's claims of community input are a sham?

Hon. J. M. MADDEN (Minister for Planning) — It is interesting that Mr Guy consistently raises two issues about Melbourne 2030: public involvement and consultation; and the audit and stocktake of Melbourne 2030. We are going down the path of doing the stocktake and the audit, as we have committed to. That will involve considerable consultation across the community. Whilst the reference group has had very significant input into the implementation of course there is going to be an initial hiatus in terms of what the reference group does or does not do while that is being conducted. I look forward to making sure that there is significant community involvement in that process.

We have a story about development, about livability and about where that should take place. I reinforce that the Labor government has a story. We took that story to the electorate, and that story was accepted. I appreciate — —

Mrs Peulich — A tall story, a very tall story.

Hon. J. M. MADDEN — I could make comments about Mrs Peulich's attributes as well, but I will not. Even Tony Staley said that the opposition did not have a story. We have a story, we are delivering on it and we are making Victoria a better place to live, work and raise a family. The opposition has no story, no plan, no commitment, no vision and nowhere to go.

Automotive industry: government support

Mr EIDEH (Western Metropolitan) — My question is to the Minister for Industry and State Development. Can the minister inform the house of any recent announcements by the Bracks government that show its continuing support for the Victorian automotive industry?

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — I thank the member for this question. I know he has a very significant interest in the Victorian automotive industry. The Bracks government is committed to supporting the automotive industry. We have done an enormous amount to try to bring this industry into a position where it is able to compete on the world market. I have spoken before in the house about the great number of export opportunities being won by our local automotive manufacturers. They include Toyota exporting to the Middle East, General Motors Holden announcing its intention to export to South Korea and China, and Ford exporting its engineering and design excellence throughout the world, to name a few of the initiatives that are taking place in this sector.

The government has worked very hard to make this sector competitive, because ultimately it means more jobs for Victorians, given that the centre of the automotive industry is in Victoria. Last Friday the Treasurer continued this strong support for the industry when he announced that today's budget will include a cut in stamp duty on new vehicles. This cut in stamp duty will help to encourage motorists to buy new cars, which will benefit Victoria's automotive manufacturing sector. It will benefit men and women who work in the manufacturing sector and those who work in car dealerships, but most importantly it will deliver real benefits to Victorian working families that want to purchase a vehicle.

Victorians from today will enjoy savings of between $1140 and $1350 on the purchase of Australian-built cars such as Ford Fairmont and Territory, Holden Calais and Toyota Aurion. The changes will also provide around $600 worth of savings on other

Australian-built cars valued at between $35 000 and $45 000. These include the Toyota Camry, the Holden Commodore and the Ford Falcon. There are even savings in excess of $500 on the environmentally friendly Toyota Prius, which, although not produced in Australia, does of course assist from an environmental perspective.

I am pleased to be able to say this is an important initiative. It helps working families who want to purchase a motor vehicle, and it means that Victoria's automotive industry gets a boost. I expect that the opposition would not welcome this initiative, because it never welcomes an initiative which assists working families. It was also disappointing to see that the Greens' Mr Barber described this initiative as a disaster — —

Mr Barber interjected.

Hon. T. C. THEOPHANOUS — And he continues to interject in the house, describing it as a disaster. Let me say this: this is a really good example of why the Greens will never be a mainstream political party. They look at one dimension. Of course public transport is important — we recognise that in this government. But we also recognise and care about the environment. We care about public transport, but we also care about jobs for Victorians.

We care about safety. It may not be known to members of the opposition or the Greens, but the cars that Victorians drive around in make up one of the oldest car fleets when looked at from an international perspective. It is absolutely appropriate to try to incentivise the updating of vehicles for working-class families, because do you know what you get out of that? You get greater safety, you get more environmentally friendly cars and you get more jobs for Victorians as well. It is an absolute no-brainer to get up and say this policy is a disaster, as the Greens have said, and it just shows that they are completely out of touch with working families.

Aboriginals: Dharnya Centre

Mr BARBER (Northern Metropolitan) — It is so tempting to ask a different question. My question is for the Minister for Aboriginal Affairs, and it relates — —

Hon. T. C. Theophanous interjected.

Mr BARBER — No, it is a good one.

Honourable members interjecting.

Mr BARBER — Just wait for the question! Wait for the question first. It relates to the Dharnya Centre, the cultural heritage centre of the Yorta Yorta nation in the Barmah forest. The centre will close tomorrow, I am led to understand, and there are fears that it will never reopen, following an engineering assessment that said the building is no longer structurally sound. It was opened by a Labor government some 20 years ago. I would like to know from the minister what he can do through his portfolio to ensure that the proud Yorta Yorta nation's cultural heritage can continue to be celebrated in the way that that of any other Aboriginal nation, or for that matter any other cultural group within Victoria, would be, particularly as the centre has been so important in educating us about the Yorta Yorta nation and for them in educating their own community and conducting various activities? What can the minister do through his portfolio or what representations can he make to his government?

Mr JENNINGS (Minister for Aboriginal Affairs) — It is a pretty good question. I thank the member for his question and his concern about the wellbeing of Aboriginal people, in this case the wellbeing of the Yorta Yorta and the potential for the Dharnya Centre in the Barmah forest to be used to ensure that there is cultural heritage interpretation and understanding and that respect is shown by all people who go into the Barmah forest. As the member indicated in his question, the Dharnya Centre has been physically bedevilled by ants for some time. In fact the fabric of the facility has deteriorated for a number of years. It is no longer structurally sound, and that is recognised by all parties.

There is also a recognition by the Yorta Yorta nation itself that the hopes for what the Dharnya Centre might bring over time have not been realised in terms of the services that have been provided and the capacity of the centre to generate a stand-alone and viable tourist trade or to underpin the social and economic development of Aboriginal people in accordance with the original aspirations. The member would be aware that the Yorta Yorta nation has invested significantly in a training centre in Barmah, just outside the forest near the township of Barmah, which has been the centre of its educational services and training capacity in the last few years. People within the Yorta Yorta nation would recognise that in some ways the centres are direct competitors in terms of providing an opportunity for people to immerse themselves in cultural heritage and become better educated about the hopes and aspirations of Aboriginal people and their ongoing connection to their country.

There has been significant investment in the training centre that is nearby. There have also been many discussions between the Department of Sustainability and Environment, Parks Victoria and the Yorta Yorta nation about the way in which the Dharnya Centre may best be used in the context of what it provides to visitors to the park or forest and how it might distance itself from or have a different use to the training centre within the centre of Barmah.

This issue has not been resolved. I must say it has not been resolved — from what I understand — at either the community level or the government level. There would be a range of views among the people of the Yorta Yorta nation about what the hopes and aspirations for the Dharnya Centre may be. There is no doubt about their aspirations in relation to connection to country, their aspirations pending the outcome of the consideration by the Victorian Environmental Assessment Council (VEAC) of the land tenure of that particular part of the forest and their aspirations for involvement in land management and control into the future. Cultural heritage interpretation may play an important part. Those issues are very much alive and under the consideration of the Victorian government.

I believe we will be in a much better position following the outcome of the VEAC inquiry about the nature of the tenure of that land and the ongoing relationship between the Yorta Yorta nation and land management issues within the forest and the land abutting the Murray and Goulburn rivers in particular. I look forward to working constructively and collaboratively with the Yorta Yorta nation and other sections of the Victorian community which have an interest in this important forest and the ongoing opportunities for the cultural heritage of the land to be recognised.

Disability services: aids and equipment program

Mr VINEY (Eastern Victoria) — My question is also to the Minister for Community Services. Given the quality of the last answer, I am sure I will get another very good answer. Can the minister inform the house how the Bracks government is supporting greater mobility and independence among Victorians with disabilities?

Mr JENNINGS (Minister for Community Services) — I thank Mr Viney for his question and his confidence. Maybe his assumption is that I would have been talking for so long that I would have taken the prerogative to go on and talk about matters that the Treasurer may be talking about in the other house. I will not abuse our respect for the other chamber and the Treasurer by pre-announcing government commitments that the Treasurer will be voicing shortly in relation to support for those in our community with disabilities, in particular through the aids and equipment program.

I can share with the house an announcement the Premier and I made last week as it relates to some discretionary funds that were available to the state of Victoria in the 2006–07 budget. Beyond our commitments that were announced in the last election and in addition to what may be coming in the 2007–08 budget, the Premier and I announced a $9.5 million commitment coming out of the 2006–07 budget. It provides for additional opportunities for a range of services designed to address needs of people currently on the waiting lists in the aids and equipment program. It introduces innovation to the program to account for aspects of home and vehicle modifications that have not been previously available through that program. We believe the commitment will be particularly popular with parents who have been doing it very hard for a very long period of time in relation to providing for the mobility of their children.

Mrs Coote — Do you know how much it costs to upgrade a vehicle?

Mr JENNINGS — I am sure Mrs Coote will be particularly aware of the costs and imposts that have previously been accounted for entirely by parents carrying some of the load in providing the wherewithal for the transportation of their children. It is very expensive. Indeed we recognise that through the announcement we made last week. It is a significant one-off investment made with discretionary funds that were available at the end of this budget. The sum of $9.5 million is a very significant commitment given that the ongoing nature of the program is in the order of $23 million recurrently. It is a significant one-off investment in laying the foundation for what I am certain will be a well-received program announcement by the Treasurer shortly.

We recognise that there is a need to provide the service in a flexible way. We will be introducing a library arrangement to enable people to use equipment.

Mr Koch is so convinced by this answer he is trying to enter the chamber. I am pretty pleased the comrade is actually showing his determination to join us, and I thank him for his ongoing support in wanting to come in and hear the conclusion of my answer. I can assure him and members of the chamber — —

Mrs Coote interjected.

The PRESIDENT — Order! Mrs Coote's interjections are not helpful.

Mr JENNINGS — President, I thank you for your assistance in ensuring I stay on message and do not divert from conveying to the chamber and the people of Victoria that the Bracks government recognises our obligation to provide support and encouragement to those with disabilities in our community and those who provide for their care. Through this augmentation of the aids and equipment budget I am very confident we will address the waiting list demand and the needs of our citizens, and in fact we will grow it in future budgets to meet those needs.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Minister for Education) — I have answers to the following questions on notice: 44–6, 60, 116, 129–31, 137, 177–90, 208–38, 240–47, 255, 256, 272–83.

The PRESIDENT — Order! I wish to make a statement with regard to the issue of the restoration of questions on notice. Mr Dalla-Riva has written to me seeking my ruling in relation to a number of answers to questions on notice concerning the Victorian government's school plan building program.

In respect of questions nos 149 to 168 and 199 to 207, I consider that parts 1 and 3 of each of those questions have been answered. However, I am of the opinion that part 2 of each of those questions has not been answered, and I therefore direct that that part of those questions be reinstated to the notice paper.

In noting the answers provided by the minister to Mr Dalla-Riva's questions, I wish to remind ministers and members that in the last sitting week I made a statement in the Council regarding the conduct of question time. In that statement I reminded ministers that they may not debate answers or attack the opposition. These principles also apply in relation to questions on notice.

Mr ATKINSON (Eastern Metropolitan) — I have just received answers to questions 222 to 247, President, which have exactly the same problem that you have referred to in your ruling. I wonder if, by mechanism at this time, you are able to reinstate those or whether you would seek a written response from me for you to give a further ruling of the same note.

The PRESIDENT — Order! I invite Mr Atkinson to write to me to give me the opportunity to consider his request.

PETITIONS

Following petitions presented to house:

Disability services: supported accommodation

To the Honourable the President and members of the Legislative Council in Parliament assembled:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council their concern about the inadequate number of shared supported accommodation facilities for disabled adults in the Goulburn Valley and north-east Victoria, particularly within the Moira shire local government area, and draws to the attention of the house that the Bracks Labor government:

is not doing enough to address this current critical shortage; and

is not adequately planning to address the future need for shared supported accommodation within the said area.

The petitioners therefore request the state government act immediately to resolve the shortage of shared supported accommodation places in the Goulburn Valley and north-east Victoria.

And your petitioners, as in duty bound, will ever pray.

By Ms LOVELL (Northern Victoria)
(11 signatures)

Nuclear energy: federal policy

To the Legislative Council of Victoria:

The petition of certain citizens of Victoria draws to the attention of the Legislative Council the commonwealth government's promotion of a nuclear industry in Australia, and the strong likelihood that Victoria will be selected as a site for the construction of a nuclear power facility.

The petitioners fherefore request that the Legislative Council of Victoria reaffirm the opposition of the Victorian government to the creation of a nuclear industry in Victoria, including the construction of a nuclear power plant.

By Ms MIKAKOS (Northern Metropolitan)
(17 signatures)

Laid on table.

AUSTRALIAN CATHOLIC UNIVERSITY

Report 2006

Mr LENDERS (Minister for Education), by leave, presented report.

Laid on table.

MELBOURNE COLLEGE OF DIVINITY

Report 2006

Mr LENDERS (Minister for Education), by leave, presented report.

Laid on table.

ABORIGINAL AFFAIRS VICTORIA

Indigenous affairs report 2005–06

Mr JENNINGS (Minister for Aboriginal Affairs), by leave, presented report.

Laid on table.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 5

Mr EIDEH (Western Metropolitan) presented *Alert Digest* No. 5 of 2007, including appendices.

Laid on table.

Ordered to be printed.

Statute Law Revision Bill

Mr EIDEH (Western Metropolitan) presented report on the Statute Law Revision Bill, including appendices.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Bendigo Regional Institute of TAFE — Report, 2006.

Box Hill Institute of TAFE — Report, 2006.

Central Gippsland Institute of TAFE — Report, 2006 (three papers).

Centre for Adult Education — Report, 2006.

Chisholm Institute of TAFE — Report, 2006.

Deakin University — Report, 2006.

Driver Education Centre of Australia Ltd — Report, 2006.

East Gippsland Institute of TAFE — Report, 2006.

Gordon Institute of TAFE — Report, 2006.

Goulburn Ovens Institute of TAFE — Report, 2006 (two papers).

Holmesglen Institute of TAFE — Report, 2006.

Kangan Batman Institute of TAFE — Report, 2006.

La Trobe University — Report, 2006.

Land Acquisition and Compensation Act 1986 — Minister's certificate of 24 April 2007 pursuant to section 7(4) of the Act.

Major Events (Crowd Management) Act 2003 — Minister's order of 19 April 2007 declaring a Managed Access Area pursuant to section 7 of the Act.

Monash University — Report, 2006.

Northern Melbourne Institute of TAFE — Report, 2006.

Planning and Environment Act 1987 — Notices of Approval of the following amendments to planning schemes:

Cardinia Planning Scheme — Amendment C79.

Casey Planning Scheme — Amendments C90 and C92.

Glenelg Planning Scheme — Amendment C36.

Latrobe Planning Scheme — Amendment C16.

Maroondah Planning Scheme — Amendment C59.

Melton Planning Scheme — Amendment C58.

Moreland Planning Scheme — Amendment C57.

Moonee Valley Planning Scheme — Amendment C76.

Stonnington Planning Scheme — Amendment C69.

Yarra Planning Scheme — Amendment C59.

Royal Melbourne Institute of Technology — Report, 2006.

South West Institute of TAFE — Report, 2006.

Statutory Rules under the following Acts of Parliament:

Audit Act 1994 — No. 22.

Catchment and Land Protection Act 1994 — No. 23.

Children, Youth and Families Act 2005 — Nos. 21 and 24.

Subordinate Legislation Act 1994 — Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 17 and 23.

Sunraysia Institute of TAFE — Report, 2006.

Swinburne University of Technology — Report, 2006.

University of Ballarat — Report, 2006 (two papers).

University of Melbourne — Report, 2006.

Victoria University — Report, 2006 (two papers).

William Angliss Institute of TAFE — Report, 2006.

Wodonga Institute of TAFE — Report, 2006.

Youth Parole Board and Youth Residential Board —

Minister's report of failure to submit 2005–06 report within the prescribed period and the reasons therefor.

Report, 2005–06.

A Proclamation of the Governor in Council fixing an operative date in respect of the following Act:

Children, Youth and Families Act 2005 — remaining provisions (except sections 18, 185, 190(1)(b), 191(3), Division 2 of Part 4.6, Division 2 of Part 4.7, Division 3 of Part 4.8, Part 4.13, sections 349(2), 350(2)(b)(ii) and (iii), 352-4, 547(d) and (e), Divisions 4 and 5 of Part 7.8 and section 605) — 23 April 2007 — *(Gazette No. G16, 19 April 2007)*.

MEMBERS STATEMENTS

Anzac Day: remembrance

Mrs COOTE (Southern Metropolitan) — We have all just celebrated Anzac Day, and many of us in this chamber will have represented our communities at very touching and moving ceremonies right across the state, starting with the dawn service in many of our electorates. It is pleasing to see the number of young people joining in these celebrations to remember what had gone beforehand, to be part of the process, part of the march and part of the service.

For me, I attended many services, starting on the weekend before. I should like to read the words of the Caulfield president of the RSL, John Decker, who said:

For Australians and New Zealanders — Anzac is our own day.

So here we stand today, to honour great men, great women and a great tradition. We gather, as we shall always gather, not to glorify war but to remind ourselves that we value who we are and the freedoms we possess, and to acknowledge the courage and sacrifice of those who contributed so much in the shaping of the identity of this proud nation.

The spirit of Anzac is as relevant today as it was all those years ago. We need to be vigilant so that our society remains one that values freedom, tolerance and a fair go for all. We need to maintain the sense of commitment, courage and perseverance to get through the tough times. The need for us all to look after each other is as important now as it was then.

Lest we forget.

Anzac Day: Geelong

Ms TIERNEY (Western Victoria) — The pre-dawn Anzac Day service in Johnstone Park, Geelong, had an atmosphere that could be virtually touched — people walking from all directions in the dark in silence, with a common purpose, to the dome. Children of all ages crouched and made their way through the crowd and sat in a circle, ever so attentive to the speeches, prayers, poems and the military presence. It was a time to reflect and remind ourselves, regardless of age, the sacrifices others have made which make this country so dynamic, yet fragile like any other country.

It is my hope that with the growing number of people attending Anzac ceremonies and services that this fragility is more widely understood and therefore actively protected in all fields, such as governance, the environment and people's treatment of each other.

Seeing the tears — grief that is very old but still so very raw — is not the legacy we wish for any generation. The quiet dignity of the service, ably facilitated by the president of the Belmont RSL, Hayden Shell, was a fitting tribute to the men and women who have died in war.

Lest we forget.

International Campaign to Abolish Nuclear Weapons

Mr BARBER (Northern Metropolitan) — I would like to let the house know of an event I attended. It was the launch of the International Campaign to Abolish Nuclear Weapons, which was held in Queen's Hall. ICAN is a 66-country campaign launched by the Medical Association for Prevention of War. The former vice-president of the International Court of Justice, Judge Weeramantry, spoke at the launch, along with former Prime Minister, Malcolm Fraser, and Professor Fred Mendelsohn of the Howard Florey Institute.

The campaign argues that the world stands on the brink of a second nuclear age: nine nations hold 27 000 nuclear weapons; two major nuclear weapons states, the United States of America and the United Kingdom, recently announced renewal programs; last week Iran announced increased nuclear capabilities; proliferation

risks are increasing; and disarmament talks have stalled. Participants at the event were unanimous that the Australian government should cease uranium exports to any nation that maintains nuclear weapons. I understand Mr Carlo Carli, the member for Brunswick in the other place, was in attendance. I urge all members to get more information about the International Campaign to Abolish Nuclear Weapons.

Budget: Western Victoria Region

Mr VOGELS (Western Victoria) — Today is budget day. As a member for Western Victoria Region there are a number of financial commitments I will be hoping have been addressed. The first is for an all-emergency helicopter for the western region of the state — the only area not covered. Such a commitment would save many lives. The second is for the full funding needed to complete the ring-road — the stage 4 extension of the Geelong bypass — with links to Anglesea Road and the Surf Coast Highway. The third is funding in the forward estimates for the duplication of the Princes Highway to Colac, with more overtaking lanes, better realignment and stopping areas from Colac to the South Australian border.

The fourth is the funding of local roads and bridges, with a commitment to match the federal government's Roads to Recovery funding to ensure that the three tiers of government — federal, state and local — all contribute to maintaining this vital infrastructure. The fifth is funding to put in place the water infrastructure to ensure that our farmers have security of stock and domestic supplies into the future, including the clearing out of silted-up dams and so on. The sixth is funding of improvements to public land management. Weeds and pests are out of control. It is common knowledge that if your land adjoins public land, you are dealing with neighbours from hell. The seventh is funding to ensure that the Department of Primary Industries is funded adequately to ensure we have enough resources on the ground to manage veterinary pathology and surveillance.

I look forward to reading the budget papers. I note that some members already have a copy. Those are some of the items I will be looking for in the budget. I will check the list carefully to make sure they are there.

Industrial relations: Labor Party policy

Mr PAKULA (Western Metropolitan) — I rise on May Day to express my optimism that the election of a Rudd Labor government will return a swag of hard-won conditions to the working families of the western suburbs.

Peter Hendy and his mates at ACCI (Australian Chamber of Commerce and Industry) say that Labor's recently ratified industrial relations policy is a sign of Labor going backwards. In some respects Labor has taken bold steps in advance of the positions it has previously held, particularly with the acceptance of the unitary system and secret ballots. When a system is as lopsided as WorkChoices is, winding parts of it back is actually a positive thing. The policy passed by the 397 delegates, of which I was one, does that. It will see a return of a remedy if you are sacked unfairly, it will reinstate weekend penalty rates and overtime penalties, it will ensure the protection of public holidays and it will make it a requirement for employers to negotiate in good faith.

On this May Day I say to the families of the west: relief is at hand, stick with Labor, stick with your local member and shadow industrial relations minister, Julia Gillard, and the Labor Party will defend your right to a fair day's pay for a fair day's work.

Rosebud and Casey hospitals: unit closures

Mr O'DONOHUE (Eastern Victoria) — The people of Eastern Victoria Region are suffering a health-care crisis as a result of the negligence of this government. Two recent examples illustrate this point. The closure last week of Rosebud Hospital's birthing unit that has been in operation since 1961 means expectant mothers on the southern peninsula will have to travel to Frankston or beyond to deliver their babies. Travelling from Cape Schanck, Rye or Sorrento to Frankston can take up to an hour during busy periods. In an emergency that amount of time could mean the difference between a safe delivery and a tragedy. Moreover, this closure is another example of the centralisation of health services by this government at the expense of smaller community-focused hospitals.

The closure over the two-week Easter period of three of Casey Hospital's theatres is disturbing when one considers the enormous waiting list for surgery that currently exists and the scarcity of medical services in the growth corridor. The health minister must explain whether this shutdown was driven by the hospital's budgetary concerns and, if so, why additional resources were not provided to keep the theatres running. People who have been waiting months or years for surgery are rightly disgusted by this move. The people of eastern Victoria deserve better.

Jean Halbert, Florence Stuart and Martin Kost

Mr EIDEH (Western Metropolitan) — As a member for the Western Metropolitan Region I was

pleased to learn that three of my constituents have attained the special age of 100 years. I was brought up by my family to respect my elders and to pay due reverence to what they have achieved. After all, the hard work done in years gone was a factor in creating the society in which we live today.

I wish to acknowledge Jean Halbert, Florence Stuart and Martin Kost, who reached this very special milestone last month. Their achievements are all the better given that they lived through the considerable social upheavals caused by the Great Depression and the world wars and had to endure the many economic ills thrust upon the community by Liberal governments. In an age when health issues and the care of the elderly have greater prominence than ever before it is something very special to see members of our community reach 100 years of age. I can only imagine the many great stories that they would have to tell. I intend to write to each centenarian to personally congratulate them.

Australian Football League: political correctness

Mr FINN (Western Metropolitan) — As the house would be aware, I have previously expressed my concern about the creep of political correctness in our society and the subsequent denial of freedom of speech that it brings. I was absolutely flabbergasted on the Sunday just past when I opened the newspapers and saw that the AFL (Australian Football League) director of umpiring, Bill Dellar, had called for the banning of the use of the term 'white maggot' in reference to umpires. Mr Dellar is technically correct, because the white maggots are red, green and yellow, but that is not the point I am concerned about. I was particularly concerned to learn that at the Gabba in Queensland spectators at football matches have been evicted from the ground for using that term.

To my way of thinking — I am someone who loves my football very much, although not so much now — it is a birthright of every Australian to give the umpire an earful at the football. I have to say that for Mr Dellar, the AFL and the people who run the Gabba, the MCG, Telstra Dome or anywhere else to be telling spectators what they can say to the umpire and indeed evicting them from the stadium if they do not like what they say is a great breach of all things Australian. I suggest to the AFL that it has many bigger issues on its plate than telling football spectators what they can say on the weekends.

Anzac Day: Koo Wee Rup

Mr SCHEFFER (Eastern Victoria) — I wish to commend the members of the Koo Wee Rup RSL sub-branch, the Koo Wee Rup community and the people from nearby towns for the wonderful dawn service that was conducted on Anzac Day last Wednesday. I had the great pleasure of attending the unveiling and dedication ceremony of the new Koo Wee Rup war memorial on Sunday, 25 March. It was an honour to have been able to return for the first Anzac Day dawn service to be held at Koo Wee Rup in 45 years and the first ever at the new cenotaph.

The dawn service was the same simple, dignified ceremony that was being conducted at that moment right across the state and in sequence over the time zones across the country. People travelled to Koo Wee Rup from many of the neighbouring towns to celebrate this very significant event.

I especially wish to pay tribute to RSL sub-branch president Mr Ron Ingram and secretary Mr Geoff Stokes, who, together with their committee, the wider community and Cardinia shire councillor Doug Hamilton, set about rebuilding the war memorial that led to this highly successful dawn service.

I also commend Ms Jenny O'Donnell and Ms Wynn Pankhurst for their outstanding fundraising efforts and concern for the welfare of the Koo Wee Rup community, and I recognise the splendid playing of young bugler Darcy Manks, whose art moved us deeply in that dawn.

Lake Eppalock: capacity

Ms LOVELL (Northern Victoria) — During a visit to Bendigo last week the federal Minister for the Environment and Water Resources, Malcolm Turnbull, announced that he would discuss joint funding with the state government for a feasibility study into increasing the height of the Lake Eppalock wall, thereby increasing the lake's storage capacity. This commitment was gained from the federal minister by our local federal Liberal candidate, Mr Peter Kennedy, who is doing a great job.

It has been estimated that by increasing the height of the dam wall by 1.5 metres, Lake Eppalock's capacity could be increased by approximately 15 per cent. During times of drought governments are given an ideal opportunity to plan ahead and increase storage capabilities to benefit future generations. The federal government can see this opportunity. It is looking to increase Lake Eppalock's capacity and wants to ensure

the opportunity is not squandered by the Bracks government. The Bracks government should follow suit and match the federal government's commitment to funding this feasibility study. With Lake Eppalock at 0.8 per cent capacity, now is the ideal time to undertake the study. This would mean that if it is feasible, there may still be time to undertake the necessary works before the lake fills and precious water needs to be spilt.

I call on the Bracks government to jointly fund a feasibility study into raising the wall at Lake Eppalock so that we have increased storage capacity for the people of Bendigo and the surrounding region.

Anzac Day: Ivanhoe and West Heidelberg

Mr ELASMAR (Northern Metropolitan) — I rise to address this house concerning the two Anzac Day services I attended on 22 and 25 April 2007 at the Ivanhoe RSL and the West Heidelberg RSL. I was proud to lay wreaths at both services.

I was touched by the many tributes to our fallen combat soldiers — more than 100 000 have lost their lives. On Anzac Day perhaps more than on any other day it may be tempting to glorify war and to label them as heroes. But in truth it is ordinary men and women whom we honour. What makes these ordinary people special is that they were prepared to lay down their lives. It does not matter whether this was for nation, democracy or freedom. In wearing the uniform, they represented us. They were, in essence, the same as us. We are honour bound to remember them.

We remember that the Anzac tradition is continued by our current members of the Australian Defence Force. They wear our nation's uniform and in doing so they also represent us. To them, as to those who went before, we offer our thanks, our support and our prayers.

This year I was pleased that special recognition and honour were bestowed on our gallant wartime nurses, some of whom suffered great deprivation and torture during their military service. These brave men and women will never be forgotten while we are all still here to remember them.

Dutch community: heritage

Mrs KRONBERG (Eastern Metropolitan) — Last Friday I had the privilege of joining the Associated Netherlands Societies in celebrating the birthday of Her Majesty Queen Beatrix of the Netherlands.

The Dutch people and this country have been inextricably linked for centuries now. In fact the written history of Australia began when the Dutch discoveries were recorded. Last year, 2006, marked the 400th anniversary of the first recorded European landing on the Australian mainland, and this event was commemorated in both Australia and the Netherlands. Many of the Dutch immigrants to Australia arrived as young, enterprising individuals in their twenties during the 1950s and 1960s. There are around 300 000 people living in Australia who have some Dutch blood, and a large proportion of the 96 000 Dutch-born immigrants live in Melbourne.

The Dutch have assimilated extremely well into Australian society and have made splendid contributions to all walks of life and professional endeavour. Whilst this has been of great benefit to our society, much of their identity has been lost in the process. In recognition of the impact this very effective form of integration has had on the community, nowadays many of the Dutch Aussies who arrived in the 50s and 60s are redoubling their efforts to maintain their common Dutch heritage, shared patterns of everyday behaviour, language, ritual, custom and artefacts. I believe this should be supported.

Anzac Day: Ringwood

Mr LEANE (Eastern Metropolitan) — It was a humbling experience to attend the Anzac Day service at the Ringwood Clock Tower, and I want to congratulate the Ringwood RSL. There was a record crowd there.

The importance of these types of ceremonies has really been driven home to me personally. I have been reading a book called *Double Black Diamond* which is about the 2/5th commando unit in the Second World War in which my late father served. It is a very interesting book. The unit was made up of volunteers from right across Australia. They volunteered because they were to work behind enemy lines. They trained on Wilsons Promontory, got a train to Townsville, and used their new skills in stealth to liberate a lot of beer out of a lot of hotels along the way. They ended up in New Guinea. They performed raids behind enemy lines. They had bombs dropped on them to the point where they were in trenches and scratching into the dirt to try to get lower so as not to be blown up. They were sick, they caught malaria and they watched some of their buddies die. They were 17, 18 and 19 years of age.

I agree with the words in the service: 'Lest we forget'. We should not forget these things.

Sydney Road, Kilmore: traffic

Mrs PETROVICH (Northern Victoria) — As a new member of Parliament I have come to appreciate

that no two days are ever the same. Last Wednesday my staff and I were conducting a meeting in my office at 86 Sydney Road, Kilmore, when a runaway truck ploughed into the front of my office. Fortunately my executive officer, Mrs Clancy, was not sitting at her workstation. Incredibly this driverless vehicle did not collide with any one of the estimated 18 000 cars and trucks which travel every day along this major thoroughfare linking Kilmore and Wallan with the Hume Highway. After the adrenaline stopped pumping, those who witnessed the incident were left to speculate about the width of this road, the proximity of the streetscape to the traffic and the large heavy-vehicle usage. What a different scenario this might have been if the truck had been a B-double!

Earlier this year I participated in a meeting conducted by VicRoads and attended by nearly 200 people. Ben Hardman, the member for Seymour in the other place, spoke about the urgency of the study, and in a media release the Minister for Victorian Communities in the other place, Peter Batchelor, stated that the time frame expected to complete this study has been brought forward to mid-2007. Members of the community who live amongst this barrage of highway traffic are angry at being unable to access and enjoy what should be a country town shopping precinct.

Pedestrian safety and useability of facilities in the town are seriously impacted by high-volume traffic, particularly trucks and B-doubles. The issue of a bypass has been studied and talked about to death. I will be holding the member for Seymour in the other place, Ben Hardman, personally responsible for any delays in this study being completed by mid-2007 as promised.

Drought: Wimmera and southern Mallee

Ms DARVENIZA (Northern Victoria) — I had the pleasure of travelling to Horsham last Thursday with the Minister for Regional and Rural Development in the other place, John Brumby, to announce a $3 million drought support package. This package recognises the Victorian government's belief that the Wimmera and southern Mallee have the capacity to bounce back quickly from a drought. I know the recent rains will have been welcomed by those in the region. These initiatives will help to ensure that the region is well equipped to make the most of a change in circumstances.

The $3 million package is going to be rolled out across the shires of Buloke, Hindmarsh, Northern Grampians, West Wimmera and Yarriambiack and the Rural City of Horsham. Through its drought task force the government will of course continue to work with the communities and businesses across the region that are affected by the drought. The $3 million support package focuses on initiatives around regional growth, business and community development, infrastructure, the Wimmera–Mallee pipeline, health promotions and counselling services. Five hundred thousand dollars will be allocated to a regional growth strategy to enable the community to identify regional priorities and requirements for growth in key industries as well as infrastructure development.

LEGAL PROFESSION AMENDMENT BILL

Second reading

Debate resumed from 19 April; motion of Hon. J. M. MADDEN (Minister for Planning).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to rise this afternoon to speak on the Legal Profession Amendment Bill. This is the first substantial piece of legislation that has come before this place in relation to the Attorney-General's area, and it builds on work that was done by the Parliament in 2004 in enacting the Legal Profession Act. The passage of that legislation established a new framework for the legal profession in Victoria. That act arose following work done by the Standing Committee of Attorneys-General, which met to develop a national framework for the legal profession in Australia. This is something that has been widely supported, and it is supported by the Liberal Party. We certainly see the benefit of having national consistency across state boundaries in the legal profession and in as many other professions as is possible.

It is unfortunate that in a nation of just 20 million people we have substantial differences across state jurisdictions on matters of professional practice and in legislation — for example, the operation of WorkCover and professional standards. It does not assist anybody, either practitioners or clients, operating in different professions to have varying standards across state boundaries. It is sensible in the 21st century, now that state capitals are effectively close together through technology, that to the greatest extent possible we harmonise the differences in professional practices across state boundaries, and the legislation that was introduced in 2004 was a big step forward in doing that.

The bill before the house this afternoon is a further extension of that work. The agreement that was put in place by the attorneys-general in 2004 had several aspects, one of which was a national platform that was adopted by all jurisdictions. There were other elements

to that agreement which were up to individual jurisdictions to adopt, and we are seeing some of those measures come forward today.

One of the interesting things about this bill is that consistent with all legislation from this year the responsible minister has laid before the house a statement of compatibility with the Charter of Human Rights and Responsibilities. In fact, unlike many of the others, this bill flagged an issue with the charter relating to section 13 headed 'Privacy and reputation' which states:

> A person has the right:
>
> (a) Not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with; and
>
> (b) Not to have his or her reputation unlawfully attacked.

The reason this bill has been flagged against the charter is that clause 70 introduces requirements for banks, or authorised deposit-taking institutions such as banks, to disclose certain matters in relation to trust accounts held by legal practitioners. It was assessed that that relatively minor matter was covered by the charter and therefore had to be reported, and this reflects more on the charter than it does on the legislation.

We have this extra level of bureaucracy now introduced in this place where these ordinary provisions, hundreds of which would be on the Victorian statute book, have to be flagged and commented upon through the Charter of Human Rights and Responsibilities. Yet in other areas where a clear human rights issue might arise — for example, the infertility treatment matters that will eventually come before this place — I understand there is no reference to the charter in terms of impact. So it is an unnecessary level of bureaucracy that has been introduced into the handling of bills in this place. I do not think having those two pages tacked onto the second-reading speech provides any additional value to members in this place who are considering legislation.

The Liberal Party does not oppose this legislation, consistent with its support for a national framework for the legal profession. However, we have a couple of concerns with two aspects of the legislation. The bill will implement a number of actions. The first is to only require interstate lawyers to give notice of their operations in Victoria if they become authorised to draw funds from a Victorian trust account. The second is to exempt interstate government lawyers from regulatory requirements to the extent they are exempt in their home jurisdiction. So a lawyer with exemptions in New South Wales would be entitled to the same exemptions when practising in Victoria.

The bill allows foreign lawyers to practise foreign law in Victoria for a period up to 90 days in any 12 months — so a cumulative period of 90 days in any 12 months — without having to register unless they become a partner or a director of a Victorian law practice. It restricts the handling of moneys in trust funds. In accordance with the national model it prohibits cash withdrawals, the use of automated teller machines or telephone banking, although interestingly enough it is silent on the issue of internet banking. It appropriately applies legal professional standards only to the legal operations of firms that operate across a number of professional disciplines. If a firm that operated as a legal practice, an accounting practice and an auditing practice et cetera, under this legislation the legal professional standards would apply only to the legal practice of that firm, not the other professional disciplines.

The two areas in which the Liberal Party has some concerns relate to the matter of costs. The first is a provision that will allow clients of a legal firm up to 12 months to seek a cost review by the taxing master of the Supreme Court. If they have been represented by a practitioner and have a dispute with the account that was rendered, they will now have 12 months to seek a review by the taxing master of the Supreme Court.

The concern we have with this provision is that it means there is a period of 12 months uncertainty for a legal practitioner as to whether the revenue they have earned will actually be collected. While there is not a current legislative restriction, I understand that the current practice is 60 days. It would seem that 60 days would be a reasonable period in which a client of a law firm would decide whether they wished to challenge an account that had been rendered, and that gives them a suitable period of time while ensuring that the practitioner can also book their revenue in a reasonable period of time.

We are concerned that extending that to 12 months allows a large window of ambiguity for a practitioner as to whether a particular account they have rendered over the past 12 months will be challenged or paid. Allied to that is a requirement that law firms provide an itemised bill to their clients, if required, within 21 days. It is my understanding that there is not currently a time line laid down for that in legislation; however, under the practising rules of the legal profession 60 days is nominated. The advice the Liberal Party has received is that 21 days to prepare such an itemised account is an unreasonable period.

The advice through some of the peak bodies of the legal profession is that an itemised account, as required under

this legislation, is a very specific document which details every individual action that is taken by a practitioner. For example, it details every individual telephone call and photocopy that undertaken. It is an extremely detailed document that records every individual expense incurred in the prosecution of a case. For cases that run to many tens or, dare I say, hundreds of thousands of dollars and may run over a year or more, to require a practitioner to render such a detailed account within 21 days seems to be unnecessarily onerous. It is not clear, certainly through advice from the government, as to why that period has been reduced from the current 60 days under the practising rules to 21 days under this legislation. It is those two areas in which the opposition has its greatest concerns with this bill.

The third area I touch on is the provision that allows third parties who are liable for legal costs to have similar rights in relation to the client of a practitioner. An example of that would be the parents of a juvenile, where the juvenile is the client of the legal practitioner. In that instance you could well argue that it is not unreasonable that the third party — the parents — have the same rights as the client in terms of obtaining an itemised account and seeking a review of the account.

However, in other third-party relationships — for example, a borrower paying the legal costs of a lender, or a person leasing premises paying the legal costs of the landlord in the preparation of a lease — some concerns have been expressed by the legal profession about whether it is appropriate to extend to that third party the capacity to challenge the legal costs directly with the practitioner rather than through the client. To this point those concerns have not yet been resolved to the satisfaction of the Liberal Party.

Consistent with the Liberal Party's support for national harmonisation of the legal profession, we do not oppose this legislation. We do, however, note those three concerns: the matter of costs, the shorter time lines and the introduction of third-party entitlements. We seek some indication from the government as to the reasons for those particular measures, and we await its response to the concerns expressed by the legal profession.

Mr HALL (Eastern Victoria) — I am pleased this afternoon to have an opportunity to speak on behalf of The Nationals to the Legal Profession Amendment Bill 2007. Members who have the bill before them will note it is a bill of some substance. Its some 81 clauses make amendments to the Legal Profession Act 2004. That act, passed in December 2004, was based on national model provisions regarding the regulation of the legal profession, not only in Victoria but in Australia.

The first comment I want to make is that from The Nationals' point of view it makes eminent sense when we have professions like the legal profession to have national uniformity and reciprocal rights, if you like to use that term, across state boundaries. That statement applies not only if you are a lawyer but also if you are a builder or a plumber or a teacher or a student. It makes sense to be able to move from one state to another with little disruption to the profession you practise or the education you are receiving.

We have been very supportive of national uniformity in respect of many professional categories in recent years. We think the ability of people to practise interstate is sensible, particularly given the mobility of our population nowadays. It is quite common for people involved in professions and trades, particularly those who live close to a state border, to practise their professions and trades along both sides of the border. We also see a lot of business being transacted interstate now, so the fact that a qualification is transportable from one state to another makes a great deal of sense.

I make the comment that it applies to education, an area of particular interest to me. I applaud the efforts of the state education ministers and the federal education minister to achieve some uniformity in education across the states at both the tertiary and the school education level.

This bill builds on the work done in the formation of the 2004 act, which was national model legislation. This too is model legislation, being based on some work undertaken by the attorneys-general in 2006. So it is that we have this amendment bill before us this afternoon — and I understand this is model legislation that all states, not only Victoria, will be enacting.

What we see in this amending bill is a range of amendments which we could probably group in two major categories. The first contains amendments with a national perspective. The other group of amendments particularly relate to the profession as it is regulated here in Victoria.

I indicate that The Nationals are going to support this legislation. We believe the changes mentioned are, on the whole, very sensible. We think they will be practical changes as well.

I will run through them very quickly — firstly, those with a national perspective. The first of those relates to a situation where an interstate practitioner previously had to give the Legal Services Board notice of their establishing an office in Victoria, such notice to be provided within 28 days of that event. Notice will now

be required only if the practitioner is authorised to withdraw trust money in any jurisdiction in which they practise. That will help legal firms which have a need to work in more than one state. As I said before, we are in concurrence with the principle of uniform national legislation for the legal profession.

Secondly, there were previously restrictions on government lawyers working across jurisdictions. One of the amendments in this amending bill will address that problem. Lawyers who are working for the government will, again, be able to practise in a state other than the one in which they are employed. There are some conditions with respect to working interstate if any matters are under investigation or are part of the history of the legal firm. A legal practitioner will be required to advise the local regulatory authority of any orders made interstate affecting their practising certificate and any disciplinary action taken against them. It is appropriate that the various legal authorities in each state have access to the histories of the legal professionals operating in their states. There are also some amendments which relate to simpler information-sharing agreements between various jurisdictions.

Similar provisions will apply to lawyers from overseas who have short-term operations in Australia. There will be no requirement for those people to register for work that involves less than 90 days in any 12-month period. If they are working for more than 90 days in any 12-month period, they will have to register. Again, they will be required to notify the Legal Services Board of any case history that might be relevant to their ability and their integrity to operate in Australia. We believe that giving foreign lawyers the ability to work in Australia on a short-term basis makes a great deal of sense.

There are also some amendments which will further restrict and regulate the manner in which trust accounts are operated, and the previous speaker gave examples of that. There will not be any ability to make cash withdrawals or use automatic teller machines or telephone banking. I agree with the comments made by Gordon Rich-Phillips with respect to internet banking: strangely the bill is silent in that area. However, we believe those amendments relating to restrictions on the operation of trust funds are appropriate. I know it is an area of concern for some people. Hopefully these amendments will go some way towards addressing those concerns. They are largely the amendments from a national perspective.

There are some amendments which are specific to Victoria, particularly the issue of cost reviews. As was pointed out by the minister in the second-reading speech and by the lead speaker for the opposition, the time frame within which a person can request a review has been extended from 60 days to 12 months, with further provision for an extension of time upon application to the Supreme Court. There are also amendments that entitle third-party players to cost disclosures and cost reviews. We believe that is appropriate. It is not always the person directly involved who is paying the bill. If it is a parent or a borrower who is paying the legal costs for a lender of money, for example, we believe it is appropriate that they be entitled to receive a full cost disclosure.

There is also a provision in the bill that says that the interest on unpaid costs will now be tied by regulation to the Reserve Bank of Australia's cash rate. That is appropriate. The issue of legal investment funds and trust funds being held by legal firms is an important one that needs to be regulated tightly. We believe these amendments will go some way towards improving consumer confidence in the way those funds are handled by legal professionals.

I share the concern expressed by Gordon Rich-Phillips about the ability of a person to protract the payment of costs to legal professionals. We hope that is not abused. We hope the government monitors this to ensure we do not have any litigants who deliberately extend the payment of costs which might be rightfully owed to the legal profession. That is an area which we hope the government keeps a close eye on. However, in general these seem to be sensible amendments, and we are happy to lend our support to them this afternoon.

Ms PENNICUIK (Southern Metropolitan) — I am pleased to speak today on the Legal Profession Amendment Bill. As previous speakers have said, it is a detailed bill with some 81 clauses. It amends the Legal Profession Act 2004, which was the result of an agreement by the Standing Committee of Attorneys-General to introduce national consistency in the regulation of the legal profession, which we support.

I have received a briefing on the legislation, and I have consulted some legal professionals. The provisions regarding the practices of interstate and international lawyers, improvements in the handling of trust accounts, extensions of time for cost reviews and changes to the rights of third parties are all sensible initiatives in and of themselves, and they also serve to bring about national consistency in the regulation of the legal profession. I do not want to spend the time of the house outlining the provisions in detail — that has been done by Mr Rich-Phillips and Mr Hall, and it was done

by the minister in the second-reading speech — so I will just indicate that the Greens will be supporting the bill.

Ms MIKAKOS (Northern Metropolitan) — I am very pleased to be able to rise to support the Legal Profession Amendment Bill. This bill is part of the government's commitment to ensuring that we have a robust, efficient and modern legal profession. It is a profession I was proud to be a member of before I came to this place.

We have worked consistently through the Standing Committee of Attorneys-General to ensure that we can achieve national consistency in the legislative framework. Having observed and also participated on one occasion at SCAG, I believe it is a very good example of cooperative federalism. There are issues that we do not agree on with the federal government in particular, but the states and territories have adopted a very cooperative approach to ensuring that we can minimise inconsistencies in our laws as much as possible.

It is particularly important that we have a modern, efficient and robust legal profession in this country. In any democracy I would argue that the legal profession is the advocate for our legal rights. It is the first port of call, the first bulwark against tyranny of any government, and it is important that we encourage a legal profession that is able to defend citizens' rights and also protect consumers of legal services. That is exactly what this legislation does. It is part of achieving national consistency across the jurisdictions. It is also about ensuring a more robust profession by reducing the regulatory burden on legal practitioners, and it is about improving consumer protection.

I point out that the bill has come to this place following extensive consultation with key legal profession stakeholders including the Legal Services Board, the legal services commissioner, the Law Institute of Victoria, the Victorian Bar, the Federation of Community Legal Centres and the Supreme Court.

It is interesting that Victoria is seen as the leading jurisdiction in this area, and I particularly refer members to an article in the January/February 2007 edition of the *Law Institute Journal* in which the chief executive officer of the Law Institute of Victoria, Michael Brett Young, stated:

> The Victorian government is leading by example when it comes to introducing legislation designed to promote the national profession.

It is important that our legislation reflect that the legal market today is increasingly a national market which has a number of firms — including some firms I have worked for — which have offices in every state around this country, but there are also many smaller firms which operate on interstate borders and which represent clients on different sides of the border. It is important for those firms that they be able to approach their practices with some degree of uniformity when it comes to things like cost disclosure, paperwork and other regulatory requirements. It seems absurd that in a country with such a small population as ours we impose different requirements depending on in which state you practice as a legal practitioner. That is what the harmonisation project which began in 2004 has been all about.

This is the second step in the process. Other members have already referred to the first national model bill that was agreed to in 2004. What we have here is a second model bill agreed to in mid-2006. This bill is about maintaining our uniformity with the updated national model. There are in particular changes that will allow for consistency in trust account procedures so that firms do not have to keep different records in different jurisdictions. There are provisions in the bill that relate, for example, to reducing the regulatory burden on foreign and interstate legal practitioners, in particular in relation to registration requirements and the information that is exchanged by different regulatory authorities.

There are changes to the way that practising certificates are required to be obtained by such foreign and interstate practitioners, and changes to ensure that those practitioners who are practising in Victoria only for a very short period of time are able to rely on their interstate practising certificates during the period when they are practising here. There are a number of provisions that will, in effect, allow consumers to derive the benefit of economies of scale, a reduced regulatory burden on legal practitioners and a more efficient and modern legal profession.

A very large component of the provisions contained in this bill is about protecting consumers and ensuring that consumers can have confidence in their legal practitioners. I concede that there have been examples in the past — and I am sure they continue to this day — of legal practitioners abusing their position. As is the case with professionals in any position of trust, unfortunately on some occasions practitioners abuse their position. We need to ensure that consumers are provided with protection and redress where that is appropriate.

The bill seeks to provide further rights and protections to consumers — for example, in relation to the interest rate that is imposed currently on unpaid costs. In Victoria currently the rate is set by the Penalty Interest Rates Act 1983, and that rate is set at 12 per cent, which is quite a high percentage given the level of interest rates these days. The bill proposes to set the rate of interest by linking it to the Reserve Bank of Australia's cash rate target, which is currently 6.25 per cent, and will enable all practices to charge 2 per cent above that rate — so it would get to 8.25 per cent, which is considerably lower than 12 per cent. There will be a transition period of six months to enable legal practices to adjust their billing practices, but it is about ensuring that consumers derive the benefits of being able to pay a lower rate of interest on unpaid accounts.

There are other protections there for consumers, some of which I will refer to now in the context of concerns that were also raised by Mr Rich-Phillips in his contribution. An example is that at the moment clients have 30 days after receiving a lump sum bill to request an itemised bill. Under the current law there is no requirement for a law firm to provide an itemised bill within a reasonable time frame. That of course has been the subject of numerous complaints from consumers. The bill introduces a 21-day time limit which has been agreed to as a provision in the national model bill. The government considers this to be about strengthening consumer protection and ensuring national consistency.

In a similar way there are changes to the period that will apply for cost reviews by the taxing master of the Supreme Court. The current law enables a client to apply within 60 days for a cost review by the taxing master. That will be extended to 12 months to reflect the time that a consumer needs to prepare such a case for review before the taxing master and to ensure again that we are consistent with other state and territory jurisdictions in this regard. The government considers it reasonable to give consumers that time to prepare themselves for such a review. There is also a provision for applications to the Supreme Court to be made out of time. I should point out that in some cases when seeking a review by the taxing master of their legal costs the consumer will have paid part or all of their legal bill. So it will not always be the case that the legal firm will have to wait for that time to pursue its costs.

The third area I touch upon was also raised by Mr Rich-Phillips. It relates to third-party payees. Examples were given of mortgagees paying the legal costs of their bank. The government considers it a positive thing to require some relationship to be established between the person who is paying the fee and the legal practitioner. Again this is about strengthening consumer protection and ensuring that national consistency can be achieved.

The final area I touch upon, which was raised by Mr Hall, relates to internet banking. The bill introduces protections for legal consumers which put restrictions on the type of transactions that legal practitioners can engage in with clients' trust funds. It is about ensuring that there is a paper trail in those instances. That is why the bill has an explicit prohibition on law firms dealing with clients' money by way of cash withdrawals, ATM (automatic teller machine) withdrawals or telephone banking. In the case of internet banking there will of course be a paper trail as there would be in any other normal banking transaction involving, as a good example, a cheque. That is why internet banking has not been included. It is not about giving open slather to lawyers but about putting in place prohibitions where there will not be a paper trail. Again that is, as are the other provisions in the bill, about ensuring that consumers are protected.

In conclusion, this is an important piece of legislation. It is about ensuring consistency across the nation in an increasingly national profession. It is about reducing the regulatory burden and providing for an efficient legal profession. But, most importantly, it is about providing additional protection for consumers of legal services. I commend the bill to the house and I thank the other parties for indicating their support.

Mr O'DONOHUE (Eastern Victoria) — I am pleased to speak on the Legal Profession Amendment Bill, which amends the Legal Profession Act 2004. I will start by taking up just a couple of the points made by Ms Mikakos. I agree with her that the legal profession is critical to both the administration of justice and the separation of powers, and that it is an industry that employs many people in its own right. Therefore a legal industry that is appropriately regulated in the context of its function in the administration of justice and for the protection of consumers or users of legal services is very important.

However, I add that, whilst Ms Mikakos may assert that Victoria is a leading jurisdiction, it has been sad to watch over recent years as large corporations have opted to contract out of Victoria into other jurisdictions and often large pieces of civil litigation have moved to New South Wales. Sadly, one may — in fact some do — argue that the New South Wales bar has become the pre-eminent bar in Australia for civil and commercial matters. This is not just a matter of parochialism and a state-versus-state position; the reality is that these matters generate significant earnings for the state in which they are heard. The legal services

industry, like any other industry or business, is competitive.

On that point, I move to the bill. The nature of law firms and legal services has changed significantly in a relatively short time. Law firms have become larger and larger and partnerships are no longer state based but nationally based — and indeed have offices in Hong Kong, Singapore, London or New York et cetera. No doubt Australian law firms will follow the model of many English or American law firms which operate on a global scale. Some law firms are moving away from the traditional partnership basis and are incorporating. As members would know, that is pursuant to federal legislation. So the nature of legal practices has changed.

In that sense the opposition supports the amendments which create greater consistency between the different jurisdictions within Australia and make it easier and less complicated for lawyers to practise in different jurisdictions in Australia. In particular, some of the matters in the bill include the requirement for interstate lawyers to give notice of their operations in Victoria if they become authorised to draw funds from a Victorian trust account. There are also provisions that exempt interstate government lawyers from regulatory requirements to the extent that they are exempted in their home jurisdiction and others which allow foreign lawyers to practise foreign law for up to 90 days in a year without having to register unless they become a partner or director of a local law practice. They are reasonable and logical amendments.

Whilst talking about greater uniformity between jurisdictions and simplification to enable cross-jurisdictional practice, I implore the government to also act on other industries where often trades are still based on state regulation and there is not enough uniformity — unlike, as it could now be argued, will exist in the legal profession. Australia now really is one market. We have moved beyond having multiple markets within Australia. It is high time the Labor governments recognised this and allowed for greater simplification in regulation across different jurisdictions for all industries, not just for the legal industry but for professions, trades and all other industries.

The bill also deals with the handling of trust account funds and, again, moves towards establishing a national model. It introduces prohibitions on cash withdrawals, the use of automatic teller machines and telephone banking, but I echo the comments of Mr Rich-Phillips and Mr Hall as to why internet banking is not included in this list. Hopefully that is something the minister can provide an answer to in due course. There is always a temptation for practitioners to deal with trust account funds, and that is something about which the government through its regulator must be eternally vigilant. It is absolutely critical that consumers of legal services have faith that they will be protected by the regulations and that their funds will not be used for purposes other than the reasons for which they were deposited in a trust account in the first place.

We have some concerns about this bill which relate predominantly to the issue of costs. This bill will give a consumer of legal services 12 months to question a bill. Twelve months may not seem like an overly long period, but in a practical sense that is a long time. More and more often junior lawyers do not stay engaged with a particular practice for a long period of time, and there is often a high turnover of staff. It is possible that a solicitor may work on a file which could perhaps extend over two or three years, as sometimes happens with litigation matters, before a final bill is rendered. Under this legislation 12 months later that bill could be queried. That could call into question legal work carried out two, three or four years previously, by which time there may be no-one at the firm who actually dealt with the file, making it very difficult from a practical perspective to resolve a dispute.

Moreover, if we see a dentist, doctor or other provider of professional services, it is not normal practice to have 12 months to query a bill. It also brings into question issues of compliance with taxation requirements. Having that length of time to query a bill could lead to a requirement for changes to tax returns if the bill queried is proven to be excessive or inadequate, which again adds to the red tape and compliance issues. With those brief comments on our concerns relating to costs, the opposition will not be opposing this bill.

Mr VINEY (Eastern Victoria) — I am pleased to rise to speak in support of the Legal Profession Amendment Bill. I think it is important to declare these things, so I should make the point that my wife is a solicitor. It is probably worth declaring that interest. It is also probably a good reason to choose one's words carefully on this sort of legislation.

This legislation deals with amendments to the Legal Profession Act 2004, which introduced a statutory regulatory system for the Victorian legal profession that was based on consultation involving both the profession and some independent statutory bodies such as the Legal Services Board, the legal services commissioner, the professional associations and the legal practice list. At the same time as the development of the new regulatory system the Standing Committee of Attorneys-General (SCAG) agreed to develop a national approach to the regulation of various

operational aspects of the profession. That was at a time when historically legal practitioners had operated within single state and territory markets.

Regulation of legal practitioners has also been based on state and territory arrangements, and that became the impetus for the national legal profession project. The primary goal of that project was to establish a regulatory framework that removed state and territory barriers and met the needs of the profession while at the same time protecting the interests of consumers. The project has now resulted in the development of model provisions for a national approach to the regulation of the legal profession through uniformity in legislation and regulations consistent with a set of national standards. This model, which was published in April 2004, includes provisions to regulate the legal profession in a wide range of areas such as admission to legal practice, management of trust money and accounts, cost disclosures and reviews. Flowing from that, consultation with the profession on the model was conducted through the Law Council of Australia. Since 2004 a number of amendments to the model have been required, and a second model bill was approved by the SCAG group in mid-2006. The Legal Profession Amendment Bill 2007 now updates the Legal Profession Act to maintain uniformity with the updated model provisions.

The bill continues to improve regulation of the legal profession, and it is worth noting that Victoria is now leading the way in implementing the national model provisions. That has been recognised in the January/February 2007 edition of the *Law Institute Journal* where the chief executive officer, Michael Brett Young, is quoted as saying:

> The Victorian government and state Attorney-General Rob Hulls are to be congratulated on having embraced national consistency in legal profession legislation.
>
> The states and territories, via the Standing Committee of Attorneys-General, gave the profession the belief that a national approach would be undertaken by all through the provision of similar legal profession acts in each jurisdiction.

The chief executive's article goes on to talk about the fact that the Law Institute of Victoria supports the legislation before the house. That is another example of the continuing reform of the profession under the leadership of the Victorian Attorney-General in the other place, and the general support for this legislation that is being expressed by the legal profession ought to be endorsed by this house. I commend the bill to the house.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

MAJOR EVENTS (AERIAL ADVERTISING) BILL

Second reading

Debate resumed from 19 April; motion of Hon. T. C. THEOPHANOUS (Minister for Industry and State Development).

Ms LOVELL (Northern Victoria) — I rise to speak on the Major Events (Aerial Advertising) Bill and in so doing state at the outset that the Liberal Party will not oppose this legislation, which is not only known as the Major Events (Aerial Advertising) Bill 2007 but has also been known as the ambush marketing bill. The government has been forced to bring this bill before Parliament because of ambush advertising that occurred last year, mainly with the Holden blimp.

Late last year Fran Bailey, the federal Minister for Small Business and Tourism, urged the Bracks government to introduce these laws. In an article in the *Herald Sun* of Tuesday, 12 December, Minister Bailey called on the Bracks government to urgently legislate against so-called ambush marketing, with the blimp identified as a prime target. In response to that article the Minister for Sport, Recreation and Youth Affairs in the other house said laws aimed at ambush marketing were not a priority for the government. Just 24 hours later the Premier contradicted him. An article that appears in the *Herald Sun* of the following day, Wednesday, 13 December, says:

> Just 24 hours after novice sports minister James Merlino said laws aimed at the blimp were not a priority, Mr Bracks said the government would rush to ban the 54-metre airship from hovering over major sporting events.

The Bracks government had no intention of bringing in this legislation; but after the urging of the federal tourism minister, it was forced to do so. The legislation has not arrived here because of the concerns of the Bracks government about maintaining major events in Victoria or because the government wants to protect the rights of sponsors of major events; it has arrived here because of the urging of the federal tourism minister, Fran Bailey. I congratulate Ms Bailey on her win over the Bracks government in forcing it to bring this bill into the house.

I have to admit that I come from what we call a 'sports tragic' or 'major events tragic' family. My family attend a lot of events in Victoria, and we always have. If there is an event on, we will be there. My sister and I, who purchase the tickets, know the best seats in every venue in town, because we frequent most of the major sporting events and other major events in Victoria. In fact my nephew Rodney has recently become the subject of an ongoing feature in one of our local newspapers, the *Y Weekly*. It has nicknamed him Rodney X and described him as Shepparton's very own serial pest. That is because Rod is a very cute kid, and the cameras love him. He always seems to get himself on the TV or in the newspaper coverage of major events.

He was spotted recently at the Australian Open and the 12th FINA World Championships with Ian Thorpe. Rodney was spotted at the launch of the Liberal Party campaign last year, sitting right behind the Prime Minister; in fact, the only photo that appeared in the *Herald Sun* of the event showed our Rod sitting behind the Prime Minister. He was also recently spotted with stars of *Dancing with the Stars*, Jamie Durie and Amanda Garner. Rod is getting himself a bit of a reputation for attending major events in this state. We are very proud to take him along to these events and expose him to international sports and other events that occur in Victoria.

As someone who attends these events, I know and appreciate the value of sponsorship. Sometimes it can be annoying for people who attend an event and discover they can buy, for example, only one brand of drink, but sponsorship does bring many benefits with it. We only have to look at the Australian Open to see the benefits that the two major sponsors, Kia Motors and Garnier, along with others, bring to that event. They pay millions of dollars to sponsor that event, and it in turn ensures that Melbourne remains the host. This also makes the event affordable to the public. Without sponsorship, many of these events would be out of the price range of the general public attending them. It would be very unfair on Kia Motors, as a car manufacturer, if the Holden blimp were able to ambush this event by flying above it and getting free publicity.

The bill will provide for the regulation, management and control of aerial advertising at major events in Victoria. It defines he term 'aerial advertising' and lists the Boxing Day cricket test, the Australian Open Tennis Championships, the Australian Formula One Grand Prix, the Australian Motorcycle Grand Prix, the AFL Grand Final, the Caulfield Cup day, the Cox Plate day and the Melbourne Cup carnival as specified events. The bill also specifies the time, date and venue of events. The bill allows the minister to declare any other event as a specified event. I guess if Victoria were to host a round of the Davis Cup, that event could be protected by this legislation as it would be regarded as a one-off event.

The bill creates an offence relating to unauthorised commercial aerial advertising. The penalty is 400 penalty units for an individual or 2400 penalty units for a body corporate. It establishes an authorisation process by which to obtain permission to engage in commercial aerial advertising at an event. It enables the secretary to appoint authorised officers, and it sets out their inspection powers. It also enables the state or event organisers to apply to the Supreme Court, the County Court or the Magistrates Court for an injunction restraining a person from engaging in unauthorised aerial advertising. It also enables a person to bring an action for damages.

The bill protects games sponsors at selected events from ambush aerial advertising, and, as I said, that is something I support. The Liberal Party has consulted widely and has received feedback saying that this legislation is long overdue and should have been a priority for this government much earlier. Tennis Australia wrote to the Liberal Party. It commented:

> This is an important issue for Tennis Australia as the owner of the Australian Open. We must protect the investment our sponsors make in our event as their investment helps fund the growth of tennis in Australia.

Tennis, a very important sport in Australia, is a sport that many Australians enjoy.

Cricket Victoria also wrote to the Liberal Party. The letter states:

> Please let me say from the outset that Cricket Victoria believes this bill to be one of the most important pieces of legislation in relation to sport that has gone before the Parliament for many years …

Racing Victoria Ltd (RVL) also endorses the legislation. Its letter states:

> RVL fully endorses the bill as it proposes to introduce important protection for the corporate sponsorship of the Victorian racing industry's major events against the risk of aerial ambush marketing.
>
> The appearance of the Holden airship during last year's Spring Racing Carnival was considered to be detrimental to the racing industry's sponsorship agreements and our capacity to attract future sponsors. Indeed, if such unauthorised marketing and promotional conduct was to remain unchecked, it would inevitably impact on the industry's future financial performance and in turn adversely affect the substantial economic and social benefits that racing generates in the state.

The Australian Football League (AFL) also thinks it is important legislation but has some concerns. Its letter states:

> However, from an AFL perspective we believe that the 'specified events' should be extended to more AFL matches than just the AFL Grand Final.
>
> All AFL matches attract extensive coverage in all forms of media and prime targets for (this) type of ambush marketing.

The letter lists some attendances at AFL matches and then says:

> The AFL believes that these numbers justify having all AFL premiership season matches, all AFL finals series matches (including the AFL Grand Final) and the preseason competition grand final … noted as 'specified events' alongside …

It then refers to other events specified in the bill. Perhaps the number of specified events should be extended. The AFL needs to have that conversation with the minister. Perhaps we will see some amending legislation.

Concerns have also been raised with the Liberal Party by aerial advertisers, who are unsure whether this legislation may impact on their ability to take on customers who have personal messages such as asking their girlfriend to marry them or just telling someone else they love them. It would be great if in summing up on this bill the minister could give an assurance to those aerial advertising firms that this bill will not impact on them. They say that the term 'commercial aerial advertising' is referred to in the bill but is not defined in the definitions clause. The bill does not adequately define commercial and non-commercial advertising. One advertiser states:

> For example a skywrite message of 'Happy birthday, Freddy' or 'Marry me, Jane' to my company is a commercial job which I would receive remuneration for. I would therefore have to apply for authorisation to do either of these.

We have been told that the bill will not impact on that sort of commercial aerial activity, but it would be really nice if the minister could give some assurance to those companies.

Major events have become a very important section of the Victorian tourism industry. This government loves to hail Melbourne as the events capital of Australia — we all like to do that because we are very proud of our state and the events we hold here — but we have to be honest about why we are the events capital. We should look back to the start of the major events program here in Victoria and give credit where credit is due — that is, to the Kennett government. The Kennett government established Melbourne as the events capital. You only have to look at the annual and one-off events that were attracted under the Kennett government to establish that. Some of those events are the grand prix, the motorcycle grand prix, the Australian Masters Games, the orienteering world cup, the Commonwealth Games, the Melbourne Food and Wine Festival, the fashion festival and the World Cup soccer qualifiers. The list of events that the Kennett government attracted to Victoria goes on.

The Bracks government has tried to imitate the Kennett government by attempting to replicate its success in hosting major events, but the Bracks government has failed on the management side. It has failed to manage events as the Kennett government did. Some events such as the recent FINA world swimming championships have run at a huge loss. Why? It is because of poor management by this government. I am told that even though the Bracks government spent $50 million to attract the FINA world swimming championships to this state, it did not have a promotion budget for the event. Certainly if people do not know that an event is on, they will not attend. The event was very poorly attended. There were lots of empty seats.

On the four occasions that my family and I attended, it was occasionally just like being at a local swimming meet. In fact my sister commented that she used to get dragged around to watch my brother and me at local swimming meets, and when we went to the heat section events in the morning, it was very much like that because of the lack of crowds and atmosphere. That was a shame, because our swimmers are world class and they deserve a capacity crowd to support them. It would have been fantastic if the Bracks government had provided a promotional budget so that the event could have been promoted adequately and there could have been the appropriate crowds to cheer them on.

The Australian Formula One Grand Prix is another event that is attracting adverse publicity at the moment. I have to say I am a great fan of the grand prix. I become a serious petrolhead every year when the grand prix is on. I absolutely love it. I think it goes back to when I found myself at the age of 16 in Monaco for the grand prix there. It gave me a love of grand prix events, and I try to get along every year just to soak up the atmosphere and enjoy it a little bit. This is a great event for Victoria because of the international exposure it gives us. It also attracts some of the very high-yield tourists who may not be attracted to Victoria in other circumstances. The losses for this event have exploded under this government to a point where the media and others are beginning to ask whether the cost outweighs the benefit. Why have the losses exploded? It is not

because it is not a great event. It is because the Bracks government cannot manage major events.

We are currently waiting on an Auditor-General's report into the Bracks government's strategy of attracting major events, and press reports on the Auditor-General's report suggest that he will challenge the methods the Bracks government uses to assess economic benefits of major events. We have seen articles in the *Age* and other newspapers about this. One from *AAP NewsWire* says:

> Victoria's Auditor-General has strongly blasted the state government's strategy of attracting major events … questioning their economic benefit to the state.
>
> A draft report by Victoria's new Auditor-General … Des Pearson … challenges the methods used to assess the economic benefits of major public events … calling for a more rigorous approach.
>
> The *Age* newspaper says the report warned of rising public expenditure on the formula one grand prix … compared with its economic benefits.

Figures on the grand prix show that when the Kennett government first brought it to Victoria the loss for 1996, the first year, was only $1.7 million; the loss for 2007 has exploded to $24 million. That is why people are starting to question not only the benefit of that event but also the Bracks government's management of it. I look forward to reading the Auditor-General's report when it is finally tabled to get a full understanding of just how poorly the Bracks government is managing major events.

As I said at the beginning of my speech, I am a strong supporter of major events, and realise the broader economic benefits they bring to the community and the exposure they gain for Victoria both nationally and internationally, some of which we could never afford to buy. However, they must be managed well to ensure those benefits flow to the community and to the state, and good management is a concern under the current government.

I believe this bill is a step in the right direction. There are companies that spend millions of dollars to sponsor events, and they deserve to be protected. They have the right to know that a competitor or any other company will not be able to ambush an event and gain free exposure by means of aerial advertising.

Mr DRUM (Northern Victoria) — This is an interesting bill that deals with a specific problem, one that touches on the broader issue that affects many events around the state — events that missed out on having been declared major events. The bill deals with aerial advertising that was brought about with the conjecture surrounding the Holden blimp. It is interesting that in the Commonwealth Games legislation that was debated in this place in 2003, or maybe 2004, I made reference then to the fact that we were not doing enough in the area of looking after major sponsors in relation to blimps. My comments were effectively ignored by the government at that stage because it did not think it was a significant problem. Today I had a look back through *Hansard*.

Mr Jennings — You are not Fran Bailey!

Mr DRUM — Success has many fathers. This morning I went through *Hansard* and, sure enough, there it was. I am happy to bring it up, give a little bit of 'I told you so, Minister', and then get on with it. The bill touches on the specific issue of how protect our recognised and legitimate sponsors so that we can make major sporting events operate the way they should.

If we are unable to protect our sponsors, then certainly they will call into question the whole viability of putting their money into major events. As a consequence there will be higher admission prices, which will effectively force many Victorian families from participating as spectators. I am sure everybody is aware of the claims that are continually made in this chamber — and I am probably at the forefront — about Melbourne and Victoria being the sports capital of the world. We are all blessed to be able to go for a stroll around the precinct and attend events that are effectively located around the Yarra River.

We also have world-class racecourses, the Docklands stadium and the Melbourne Sports and Aquatic Centre, which provide us with an absolute plethora of world-class sporting events in nearly every field possible. We are truly blessed. History surrounds us because we have built up a reputation over many decades, and now it is time for us to protect it. One of the best ways to protect it is to protect the sponsors to make the events work. This legislation will give us the opportunity to do that.

It has been pointed out by the previous speaker that we have large car companies that invest huge money into these events. Those companies are leading sponsors of the Australian Open and the Australian Football League season. Those car manufacturers need to be protected from ambush marketing. Ambush marketing in this bill has been addressed, but there is still a huge area in not only major events but also big events which have not been addressed. Many people give away blow-up items that can be used to capture the live television audience.

Mr Jennings — They also become inflatable objects!

Mr DRUM — Exactly. I was struggling with the blow-up aspect, but inflatable objects is an excellent description of what we are dealing with. It is a real problem. Many larger sponsors have had their marketing processes hijacked by unscrupulous dealers who find a specific area of high importance and high viewer participation. They go after that specific area and effectively remove viewers from the advertising capacity of the registered and legitimate sponsors.

The bill applies to major events, which include the Boxing Day test, the Australian Open, the Formula One, the motorcycle event at Phillip Island, the Caulfield Cup and Cox Plate and also the entire Melbourne cup carnival, which includes obviously Derby Day on the Saturday, the Melbourne Cup on the Tuesday, the Oaks on the Thursday and finishing with the Stakes on the final Saturday.

Mr Pakula — A great carnival.

Mr DRUM — It is always a great carnival. It is very important that it is protected. The bill refers to how airships will have the right of passage to get from where they are housed and launched at Essendon Airport. One of the confusing issues is that the Australian Open coincides with the final of the one-day cricket at the MCG; therefore there is a crowd of 50 000 or 60 000 people going through the tennis centre throughout the two sessions, combined with 100 000 people over the railway lines at the MCG for the one-day cricket final. We have a situation where it will be easy for any advertiser to effectively steal the march on the other crowd without paying for it.

There will always be issues, but we must be mindful that this legislation deals with aerial advertising at major events. There is the problem of ambush marketing in a much smaller way but nevertheless it is just as an important.

Quite often you will see a B-double with curtain advertising parked in strategic locations near sporting events. To get a similar type of advertisement put near the arenas would cost legitimate sponsors or advertisers many thousands of dollars, yet here we have people being a bit mischievous and taking advantage of the fact that they are located in regional settings to work directly against advertising rivals. The government will have to look at this in the future because it is very easy for the big B-doubles, which are very easy to manoeuvre and park strategically, to have a major impact on small organisations that are relying on the $5000 or $10 000 sponsorship packages they are getting in regional Victoria. The government needs to make sure it is not focusing just on the big events, because the small sponsorship money is just as important to small organisations throughout regional Victoria.

This bill will create an offence for people who transgress and have a process which companies will have to go through to gain permission to advertise at major events. It will also enable the secretary to appoint more authorised officers. That will mean that the Bracks government has introduced approximately 62 pieces of legislation that appoint authorised officers. An enormous number of authorised officers are now being employed under this government's regime. You have to ask why it needs so many authorised officers to do the work out in the workplace. There is a real jobs-for-the-boys-and-mates notion involved. There is a real undercurrent of union presence in the workplace. We need to be very mindful of a government that is hell-bent on putting in the workplace more and more union officials who have sweeping powers that far outweigh the powers given to police. This is another example. We have to be very mindful of this and make sure the people of Victoria understand what this government is doing with every second piece of legislation that comes before the house introducing more and more authorised officers. We all know in this chamber where those authorised officers come from — straight from union headquarters.

While we continue to be very proud of the number of major events brought to this state and this city, we need to be mindful of their financial viability. We need to ensure that future events brought to Melbourne financially benefit our economy. I am sure Sir Rod Eddington, the chairman of the Victorian Major Events Company, will continue to do a great job, and we need to support the work he is doing. We need to make sure, if there are major events on the world market that can be brought here, that we have in place the management structure that will ensure those major events are run well and give a financial return.

The Nationals will not oppose the legislation. We urge the government to look into a range of other areas such as ambush marketing and advertising being hijacked by unscrupulous advertisers. We believe there are a raft of practices going on in regional communities that need to be looked at and possibly further worked on. With those few words The Nationals will not oppose the legislation, and we hope it has the effect everyone wishes it to have.

Greens amendments circulated by Mr BARBER (Northern Metropolitan) pursuant to standing orders.

Mr BARBER (Northern Metropolitan) — I have circulated my proposed amendments informally to the other parties. Perhaps I am a deeply suspicious individual, but when I see a bill that proposes to make certain activities illegal and those activities are in the public domain, my ears prick up, my eyebrows start moving up and down in characteristic fashion and my spider senses start tingling. I gave this bill a really good going over. I looked at the various definitions in the bill and what it was attempting to do, and I thought about how they might relate to community protests and the sorts of things I have been involved in over the years. The bill defines advertising as:

> … any form of communication (including selling or giving away any goods or services) made to the public or a section of the public in relation to any —
>
> (a) goods or services;
>
> (b) brand of goods or services;
>
> (c) person who provides goods or services.

Having looked at things like the Trades Practices Act and seen how it has been waved around like the sword of Damocles at environmental groups and trade union groups, I started to give more thought to that definition, which is later qualified by the use of the words 'commercial advertising'. I would expect that that would be interpreted in the light of the *Concise Oxford Dictionary*'s ordinary meaning of the word 'commercial'. However, I believe the definition in relation to goods and services could start to capture some of the activities of not-for-profit groups. There are regular attempts to bring them within the scope of the Trade Practices Act. Some of them run for-profit arms through which they provide goods and services. It could also simply be argued that Greenpeace, in accepting subscriptions and protesting at a major event, is providing a service. Those sorts of arguments concern me.

As I say, my background as an environmentalist and sometime protester is that every time you go to a protest you have to pay great attention to the various laws the government might use against you. I am not arguing that the government has brought in this law as a way of tackling protesters. I think it has made some reasonable attempts to make sure that does not happen, but I know that future governments and other sorts of actors may decide to suppress a protest and will look for laws they may be able to use. Even the existence of a law where there is some doubt as to how it would operate can create a chilling effect. It means that individuals who do not have the means to get legal advice or are obviously afraid of the sorts of fines and punishments that could be coming are frightened off from participating in a protest. I do not think we can be overly concerned with examining those issues. I do not expect the Liberal Party will jump up and down and behave like the classic model of liberalism and actually oppose the introduction of more laws, and I know the government will push forward with this bill.

My first concern, which is incorporated in the amendment I will move later, is to make sure that this definition of advertising in relation to goods and services or even a brand — perhaps Greenpeace is a brand — does not apply to not-for-profit organisations. If I could get that amendment passed, I would be less concerned about the other provisions in the bill. However, in light of that provision I am concerned about a few other things. One is that the definition of aerial advertising includes not only skywriting and banners towed from aircraft but also laser or digital projection of advertising. I am not aware that that has been a concern up until now. I do not know why it has been added in this legislation, except as an afterthought.

You need to consider that one of the possibilities is that an event, not just a listed event, that the government chooses to designate could be held at Crown Casino.

Crown Casino could be the designated property. Any digital advertising or any other form of advertising visible from those premises could be captured by one of these prohibitions. Crown Casino is a pretty big place. It has a dirty great big hotel sticking up on the top of it. If a minister in sloppy fashion simply designated Crown Casino as the location of the event for the purposes of this act, then anybody anywhere in Crown Casino, including up on the eighth floor of the hotel, might be able to look out and see some digital or projected advertising, and suddenly that advertising would become an offence. As members know, there are a lot of digital billboards along Flinders Street which could be observed from Crown Casino. I am not sure why that particular provision is in the bill. I think it is unnecessarily wide.

Another thing that concerned me when I looked further into the bill was that nowhere that I can see does the government require the permission of the event organiser to declare a no-fly zone over their event. If I were going to parachute into the Big Day Out with a parachute that said 'Stop climate change' and the Big Day Out organiser did not care, theoretically a minister could declare their event to be captured under this bill against the wishes of the organiser. What I have done is

propose an amendment that simply says that a criteria the minister must consider be that the consent of the event organiser must be obtained. It would still need to be to the satisfaction of the minister. The minister in any case, in circular fashion, would decide who the event organiser was by issuing the event order. I do not think that is a major consideration that could not be accommodated.

There are a lot of other provisions in this bill that I would be concerned about if I thought they were going to apply to me. For example, there is the situation mentioned by Mr Drum in which the government could continuously create a clause that said it could have authorised officers to enforce this, and anybody who the secretary of the department thought was an appropriate person — even a class of person — could become an authorised officer. If you then look at the powers of those people, you can see that with a search warrant they could come into your house and take your gear. For that matter, they could take any of your items that they thought might contain evidence that you had committed an offence. They could take your computer. They could take your camera. It is those sorts of provisions that are quite chilling for someone who believes that that legislation could be brought to bear against them. Those are my amendments. I hope to get support for them. I look forward to discussing them a bit further during the committee stage of the bill.

Ms PULFORD (Western Victoria) — It gives me pleasure to rise to speak on the Major Events (Aerial Advertising) Bill. The purpose of this bill, as other speakers have indicated, is to regulate and control aerial advertising at major events. In particular it targets ambush advertising. The bill aims to maintain Victoria's reputation as a great place to host a major event and to ensure that we maintain our place in the competitive major events market. The bill aims to prohibit ambush marketing at major events so that Victorian major events will continue to be commercially attractive to sponsors and promoters alike.

Aerial advertising is defined in the bill as including skywriting or sign-writing by an aircraft; a banner or other sign being towed by an aircraft; matter displayed on an aircraft other than its normal markings; matter displayed on a hang-glider, parachute, paraglider or similar device other than its normal markings, and similarly a banner or sign attached to a hang-glider, parachute or paraglider. It also includes a banner or sign attached to a person suspended from a hang-glider — I do wonder how people do that — and any laser or digital projection of advertising. The bill details how this will work by outlining a number of proclaimed events, which other speakers have detailed. It also enables the Governor in Council, on the minister's recommendation, to declare special events to be covered by this legislation. The bill will provide civil and criminal remedies for breaches of this law, enabling the organisers of major events and their sponsors to have some confidence that their sponsorship arrangements will be protected.

It is important to note a couple of points with respect to this bill. Tourism operators in the hot-air balloon industry will not be affected. The legislation will not apply until 9.00 a.m., therefore it will not impact on ballooning sunrise flights. As Ms Lovell indicated, those involved in assisting lovebirds with their wedding proposals and other special announcements will also not be affected, nor will this bill impact on an individual's capacity to make a statement if they choose to use a major event to do that. It will not have a significant impact on existing aerial advertising operators because it will apply only on the days of the major event in question.

There are a couple of responses I would like to make to comments made by previous speakers. Ms Lovell made a few comments about major events in Victoria. She suggested that this government cannot run major events. I urge her to cast her mind back to not so long ago when we held the Commonwealth Games, which was surely the biggest and best event in Melbourne since the 1956 Olympics. I suggest that she have a look at the policy put forward by the Liberal Party at the state election only seven months ago which says something to the effect that Victoria is renowned as Australia's sports capital and that a Liberal government will continue that. As to providing further objective information pointing to Melbourne and Victoria's excellence in hosting major events, a detailed study was recently completed by a London-based firm, ArkSports. After looking at several criteria, it judged Melbourne to be the best city in the world at hosting major sporting events. I will not go into Mr Drum's comments about inflatables; I am not sure we need to go there again.

I will make a couple of comments about Mr Barber's amendments. On the matter of non-profit organisations, I think it is an unclear line to take and an unhelpful amendment that would have the impact of watering down the legislation. As we know, many non-profit organisations have commercial operations to support their fundraising. This includes the Cancer Council Victoria. Its sales of products and its arrangements with manufacturers of sunglasses, sunscreen and other products certainly sit comfortably with the good work it does. I think the amendments would have the effect of undermining the purpose of the bill. As to concerns

about the right to protest or free speech, these are protected by the bill. On the matter of Crown Casino being declared a major event precinct, my mind did boggle a little at the thought of racing cars, athletes or even thoroughbred horses dashing around the Southbank precinct. I encourage members to oppose the amendments.

Victoria makes a significant investment in hosting major events. The return on this investment is that major events contribute over $1 billion annually to the Victorian economy. To be competitive in the major events market, sponsors need to have some confidence. This bill will ensure they have that confidence. It will enable organisers, after concluding sponsorship arrangements, to plan their budgets and consequently their ticket prices. More secure sources of revenue from sponsors can only mean less pressure will be placed on organisers of major events to raise substantial revenue through ticket sales. I hope that a consequence of sponsors having greater confidence in their arrangements with major events organisers may be better ticket prices and more accessible sporting and other major events. Major events play an important part in supporting the social, cultural and sporting activities that are very much a part of life in Victoria. This bill supports our ability to be a great place to host a major event, and I commend it to the house.

Motion agreed to.

Read second time.

Committed.

Committee

The DEPUTY PRESIDENT — Order! Clauses 1 and 2 will be considered together. Clause 1 is the purpose clause, and we will canvas issues in discussion on that clause.

Clause 1

Mr RICH-PHILLIPS (South Eastern Metropolitan) — Clause 1 provides for the regulation, management and control of aerial advertising at major events in Victoria. What I seek from the minister is an understanding of the head of power under which the Victorian government seeks to establish this legislation. I refer in particular to Australia's obligations under the *Convention on International Civil Aviation*, otherwise known as the Chicago convention, which Australia signed in 1944. That convention provides for certain rights of passage for participants in international civil aviation. Chapter II of the convention headed 'Flight over territory of contracting states', and article 5 headed 'Right of non-scheduled flight' provides that a contracting state such as Australia must provide to all aircraft of other contracting states engaged in non-scheduled air transport the right to free passage over their airspace. Article 9 of the convention further provides that the only restrictions that can be imposed upon that are for military necessity or public safety. It would appear that the legislation before the house this afternoon is inconsistent with Australia's obligations under that international convention. I therefore seek from the minister his assurance that this legislation is consistent with Australia's obligations under that convention.

The DEPUTY PRESIDENT — Order! The minister wishes to take advice on the question. We have had a change of ministers during the course of the member's comments. I remind the committee that a discussion of the purpose clause is not an opportunity to revisit all of the second-reading debate. When we are considering clause 1 it is important for us to focus on issues that are relevant to the purpose, as indeed has been put by Mr Rich-Phillips on this occasion.

Mr JENNINGS (Minister for Community Services) — It is a very good question that Mr Rich-Phillips has asked me in absentia. I am able to inform the committee that I am advised that we do not fall foul of our international conventions in relation to this bill, which regulates advertising as distinct from regulating airspace. It does not contravene commonwealth obligations in relation to the regulation of airspace, and the commonwealth jurisdiction deals with matters that relate to international conventions. So we comply with the commonwealth law that regulates airspace.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for getting that answer based on having heard only a small part of the question. I wonder if he could elaborate further on the nature of the advice that was received. Specifically, can he say whether it is advice that was obtained by the Victorian government or whether the Victorian government has had discussions with the commonwealth in respect of this matter?

Mr JENNINGS (Minister for Community Services) — I have the good fortune to report to the committee that the answer to Mr Rich-Phillips is that we have obtained both, in terms of commissioning independent advice of the Victorian government, which provides us with a degree of comfort, but probably more importantly for Mr Rich-Phillips is that we have

received some correspondence that I believe is dated 2 December 2006 from the Prime Minister confirming that from the commonwealth's perspective the Victorian determination of this matter was to proceed unimpeded.

Clause agreed to; clause 2 agreed to.

Clause 3

Mr BARBER (Northern Metropolitan) — I move:

1. Clause 3, line 9, omit paragraph (c) and insert—

"( ) person who provides goods or services—

but does not include advertising by a not-for-profit organisation or an organisation established for a public purpose;".

I have a question for the government: is it the government's intention in this bill that a protest by Greenpeace involving, say, flying over the grand prix in an ultralight towing a banner saying, 'Stop climate change' and the words 'Greenpeace' would be captured by this bill and made an offence?

Mr JENNINGS (Minister for Community Services) — I think it is a bit provocative of Mr Barber to ask a question in that fashion — that Greenpeace may be mobilised to support a political cause as distinct from advertising itself as an organisation. I think it is a provocative question, because it might actually fall into two categories: there may be a commercial benefit to be derived by an organisation, and that organisation may be mobilised to support a political cause.

Mr BARBER (Northern Metropolitan) — There is this thing called the Triple J challenge where the radio station offers young people a prize for the best example of getting the Triple J logo the most exposure. If a couple of kids entered that competition and managed to, say, digitally project on a building the Triple J logo in a venue that was covered by this legislation, is it the government's intention that Triple J, having urged, encouraged, or whatever the words are in the bill, or the youths themselves, would be captured by this bill?

Mr JENNINGS (Minister for Community Services) — I think Mr Barber is being provocative again, because I know of his second amendment which relates to laser and digital technology. So from the example he has given it is obviously uppermost in his mind that Triple J may derive commercial benefit from such methods, and Mr Barber in his amendment would facilitate such an approach.

Mr DALLA-RIVA (Eastern Metropolitan) — I am just putting the opposition's view in respect of the amendment proposed by Mr Barber. We have considered this in some detail and had discussions as a party with respect to this. In this instance we cannot see reason for supporting the amendment and will not be supporting it as it is set out in committee.

Mr JENNINGS (Minister for Community Services) — Apart from confirming that the government is of the same view — and I thank Mr Dalla-Riva for pointing that out — I think I do not have to make any further contribution at this point.

Committee divided on amendment:

Ayes, 4

Barber, Mr	Kavanagh, Mr
Hartland, Ms (*Teller*)	Pennicuik, Ms (*Teller*)

Noes, 34

Atkinson, Mr	Lovell, Ms
Broad, Ms	Madden, Mr
Coote, Mrs	Mikakos, Ms
Dalla-Riva, Mr	O'Donohue, Mr
Darveniza, Ms	Pakula, Mr
Davis, Mr D.	Petrovich, Mrs
Davis, Mr P.	Peulich, Mrs
Drum, Mr	Pulford, Ms
Eideh, Mr	Rich-Phillips, Mr
Elasmar, Mr	Scheffer, Mr
Finn, Mr (*Teller*)	Somyurek, Mr (*Teller*)
Guy, Mr	Tee, Mr
Hall, Mr	Theophanous, Mr
Jennings, Mr	Thornley, Mr
Kronberg, Mrs	Tierney, Ms
Leane, Mr	Viney, Mr
Lenders, Mr	Vogels, Mr

Amendment negatived.

The DEPUTY PRESIDENT — Order! I call Mr Barber to move amendment 2 standing in his name and to make any remarks apposite to that amendment.

Mr BARBER (Northern Metropolitan) — I move:

2. Clause 3, lines 29 and 30, omit paragraph (f).

I do not have any remarks, but I have a quick question for the Minister for Community Services. If the minister has seen the electronic scrollers on Flinders Street, is the one above Young and Jackson's hotel, for example, digital projection advertising according to the definition in this bill?

Mr JENNINGS (Minister for Community Services) — It is a variation of the technology that may have been used in the blimp, so I think in effect the answer is yes.

Mr BARBER (Northern Metropolitan) — Just to reiterate my previous concern, obviously some of the advertising along Flinders Street and other places is visible from a long way away. The bill applies if something is visible from the premises as defined by the event order. It does not have to be visible from inside the MCG: if you were still on the MCG premises but on your way out and could see something happening on the other side of the road, that could, inadvertently I am sure, be captured by this bill. That is the reason for this amendment. I am not aware that there has been a particular concern about digital projection advertising until now — I thought it was all about airships.

Mr JENNINGS (Minister for Community Services) — The commentary has predominantly been about airships, but we are not limiting the range of technology that could be used for the projection of advertising images. The government believes this provision should allow for the scoping in of this technology. I think we are all intending to administer the law in a common-sense way that would not rope in items in the middle distance that could inadvertently be drawn to the attention of patrons, as Mr Barber may be concerned about.

Bells rung.

The DEPUTY PRESIDENT — Order! In view of the large number of members voting for the noes, I formally confirm that the votes of Mr Viney, Mr Somyurek and Mr Theophanous, who are not in formal seats, are to be included as votes for the noes.

I indicate that — this is new — for the sake of speeding up the process of counting the votes I intend in future to convey my vote at the start of the voting procedure so that the tellers are in a position to incorporate my vote at the outset. On this occasion my vote will be for the noes.

Committee divided on amendment:

Ayes, 4

Barber, Mr (*Teller*)	Kavanagh, Mr (*Teller*)
Hartland, Ms	Pennicuik, Ms

Noes, 34

Atkinson, Mr	Lovell, Ms
Broad, Ms	Madden, Mr
Coote, Mrs	Mikakos, Ms
Dalla-Riva, Mr	O'Donohue, Mr
Darveniza, Ms	Pakula, Mr
Davis, Mr D.	Petrovich, Mrs
Davis, Mr P.	Peulich, Mrs
Drum, Mr (*Teller*)	Pulford, Ms (*Teller*)
Eideh, Mr	Rich-Phillips, Mr
Elasmar, Mr	Scheffer, Mr
Finn, Mr	Somyurek, Mr
Guy, Mr	Tee, Mr
Hall, Mr	Theophanous, Mr
Jennings, Mr	Thornley, Mr
Kronberg, Mrs	Tierney, Ms
Leane, Mr	Viney, Mr
Lenders, Mr	Vogels, Mr

Amendment negatived.

Clause agreed to.

Clause 4

Mr BARBER (Northern Metropolitan) — I move:

3. Clause 4, after line 17 insert—

"(iv) the event organiser consents to the making of the event Order; and".

I have no questions for the minister. I am pretty clear. It has been confirmed that there is nothing in the bill that says the event organisers themselves have to be consenting in order for one of these amendments to be made, so theoretically the minister can create a no-fly zone over the Big Day Out next year if he wants to and hence the reason for my amendment.

Committee divided on amendment:

Ayes, 4

Barber, Mr	Kavanagh, Mr
Hartland, Ms (*Teller*)	Pennicuik, Ms (*Teller*)

Noes, 34

Atkinson, Mr	Lovell, Ms
Broad, Ms (*Teller*)	Madden, Mr
Coote, Mrs	Mikakos, Ms
Dalla-Riva, Mr	O'Donohue, Mr
Darveniza, Ms	Pakula, Mr
Davis, Mr D.	Petrovich, Mrs
Davis, Mr P.	Peulich, Mrs
Drum, Mr	Pulford, Ms
Eideh, Mr	Rich-Phillips, Mr
Elasmar, Mr	Scheffer, Mr
Finn, Mr	Somyurek, Mr
Guy, Mr	Tee, Mr
Hall, Mr	Theophanous, Mr
Jennings, Mr	Thornley, Mr
Kronberg, Mrs (*Teller*)	Tierney, Ms
Leane, Mr	Viney, Mr
Lenders, Mr	Vogels, Mr

Amendment negatived.

Clause agreed to; clauses 5 to 49 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Mr JENNINGS (Minister for Community Services) — I move:

That the bill be now read a third time.

In so doing I thank members for their contributions to the debate.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (REPEAL OF PART X) BILL

Second reading

Debate resumed from 19 April; motion of Mr JENNINGS (Minister for Community Services).

Mr D. DAVIS (Southern Metropolitan) — I am pleased to rise and make a contribution to the Drugs, Poisons and Controlled Substances Amendment (Repeal of Part X) Bill. The opposition will oppose this bill, and I will shortly lay out the reasons why. The bill amends the Drugs, Poisons and Controlled Substances Act 1981 and the Confiscation Act 1987. The repeal of part X of the act will close the drug rehabilitation and research fund and provide for the transfer of all moneys standing to the credit of the fund into the Consolidated Fund.

Treasurers always like money to be paid into consolidated revenue. They do not like money to be hypothecated to specific causes or for specific purposes but prefer each year to make a decision that is based on what they think is appropriate. However, I think it is appropriate from time to time that the Parliament and the community send a very clear signal, as the 1981 act did, about the importance of a particular area and arrange through that act the hypothecation of funds, initially from fines but also from confiscation of drug-related moneys, into this fund. Thereby that money can be used in the prevention of drug use, the rehabilitation of people with drug-related problems and research into matters surrounding drugs and related factors.

The point is that the government has not managed drug policy well over the recent period. I do not believe the Bracks government can point to a well-managed arrangement in terms of how the community is handling drugs. The community wants more from the government and a bit more from the Parliament. The community wants to come together on these matters.

It was the Thompson Liberal government that first passed the Drugs, Poisons and Controlled Substances Act in 1981. It was at the time a clear method of hypothecating funds to ensure sufficient money would be available. My concern is that treasurers of whatever political colour may not place such a high priority on the issue of drug treatment and rehabilitation. By maintaining that hypothecation the Parliament and the community can send a signal about what they think is important.

As I said, I do not believe the state government has performed well in the area of drug treatment and rehabilitation. We need more in the way of centres for those addicted to methamphetamines, particularly ice, because despite the recommendations of the Drugs and Crime Prevention Committee of this Parliament in 2004, they are still not in place. There is a need for treatment and rehabilitation facilities to be tailored to maximise access for people from a range of culturally and linguistically diverse backgrounds, those in rural areas and those with dual diagnoses — that is, with both mental illness and drug abuse challenges — who are certainly a very large group in the community. The Drugs and Crime Prevention Committee has constantly pointed out the need to improve research into drug and alcohol abuse, but unfortunately those points have not been picked up by this government in full or even close to satisfactorily. I think it is true to say that the commonwealth has pumped a significant amount of money into drug education but in essence it remains an area of fundamental state responsibility.

For those of us who have been in this Parliament a long time it is interesting to think back to the period of the last Liberal government when Jeffrey Kennett was Premier and there was a drug summit in this Parliament at which the issues surrounding drug use, the challenges of rehabilitation and the requirement for proper research were closely and deeply examined by both chambers. Dr David Penington spoke to Parliament in the lower house — we joined the lower house on that day — and there was wide discussion across party lines about many aspects of drug treatment and rehabilitation and where research should go. Education on drug prevention was a key part of the message at that time. The Kennett government's Turning the Tide initiatives — I know the Deputy President will remember that set of initiatives well — had a positive

impact and took a significant step forward regarding these challenges.

No-one should imagine that one program or one step forward in this area will be all we need. It is very clear that there are deeper causes of many of these issues. Obviously certain mental illnesses feed into substance abuse, as do a range of social factors. It was very clear to me and others in the Parliament at the time that smaller programs here and there are simply not sufficient to deal with this problem. Steps had to be taken at a deeper level, using a capacity-building approach to strengthen people's resilience and their ability to manage their lives — both young people and the full breadth of the community.

The Turning the Tide initiatives were an important step, and significant money went into schools, and I think that has in general had a positive effect. However, I think it is time to take further steps, time to focus on this area again. This bill, tinkering with policy as it does, is fundamentally not broad enough and has not been thought through in a comprehensive way. What limited steps the bill takes we think are in the wrong direction.

I make the point that there have been significant developments over recent years that need to be responded to. Alcohol abuse is increasingly seen as a problem for younger people, and there are also questions about the expansion of the number of licensed premises. The debate about that is evolving, and I make no definitive statement on it. I am observing the situation and have had a good deal of information put to me on those matters. The usage of ice, the methamphetamine, is significant, and it involves a significant range of symptoms that have played out in the community.

There are myriad challenges involving not only younger people but also people in rural areas. There are a range of matters that have to be grappled with. When I was shadow health minister I spent a good deal of time talking to people in this sector — the various drug and alcohol rehabilitation groups and service providers of various types — and it is quite clear to me that this government does not have sufficient direction or a comprehensive policy.

Returning specifically to the bill, I indicate that the opposition opposes the bill. We think it sends the wrong signal. We think there is a need to dedicate a specific stream of funding. I concede that a modest amount of money is involved and that in the scheme of drug policy spending it is not a big part of the process, but those providers who certainly over time have grown to understand the importance of this fund will in my view in the long run be disadvantaged. I accept the commitment by the government that there is no plan in the immediate future to wind back funding; however, I do not believe that funding will be secure over the longer haul.

I am not pointing the finger at this Treasurer particularly but to treasurers in general. Future treasurers would prefer to have funds that are not hypothecated. That gives them the maximum flexibility. There is a role for the Parliament from time to time to send a signal that ties the hands of treasurers. The current arrangement does that in part. For those reasons the Liberal Party opposes this bill.

Mr DRUM (Northern Victoria) — The Nationals also oppose this legislation. We have looked carefully at the Drugs, Poisons and Controlled Substances Amendment (Repeal of Part X) Bill, and we have some real concerns with the fact that the moneys which have previously been allocated to the Drug Rehabilitation and Research Fund and which over the last four years have averaged about $1.3 million a year are effectively to be replaced by an annual contribution of $830 000. The government is in fact taking money out of the sector. We cannot support this. It must also be noted that, again, the government has refused to index this money going forward.

We understand that the recipients of this money historically have been the Rock Eisteddfod Challenge, which picked up in the vicinity of $70 000 on an annual basis; the Mirabel Foundation, which picked up $25 000; and the Victorian Law Enforcement Drug Fund, which received over $500 000. They will still be funded out of the ongoing $830 000. It is a shame that this money will not be indexed. Over the last few years the government has effectively indexed all of its new taxes, existing taxes, charges, licences, fees and fines. All those things that create revenue for the government have been indexed and Victorians continue to pay what this government considers to be the accurate amount so that a speeding fine continues to hold its value as a penalty and deterrent.

The government argues it has to index all those fines to make sure that the financial pain is enough of a deterrent — it believes it to be right and just that all fees, charges and taxes be indexed — yet when money is going out into areas where the government has to fund a particular sector, such as the drug and alcohol rehabilitation sector, recurrent funding is not indexed. Effectively another group will be created in the community just like local government, organisations in the health sector and other organisations that are out

there advocating and agitating for more funding. Now there will be another group that has to beg and come cap in hand to continually ask the government for money to enable it to keep doing what we expect it to — that is, provide support for people in our community who have been hit with the scourge of drugs and alcohol.

The situation in Victoria with drugs and alcohol is quite astounding. You would think that this area would be looked after and in fact have an abundance of resources and funding thrown at it in order to try to make some inroads into these problems. But when you go to these organisations and the respective support agencies that are helping people with drugs and alcohol, you see that is just not the case. We find that organisations that are out there trying to help people in this area are either not getting government funding at all or, if they are getting government funding, it is part funding. They have to spend a considerable amount of their time sourcing income and opportunities for grants and putting submissions together to try to achieve funding. They then have to report on the projects and programs and continually advocate for more money. Effectively they simply just need to be funded in order to be able to do their job.

The impact that drugs are having must be very clearly understood. It is not only on individuals who get caught up by the habit but we also have to be mindful of the number of Victorian families that are wrecked because someone in the family has problems with illicit drugs. You need to talk to the respective peak bodies. I have spent a fair amount of time talking with the Victorian Alcohol and Drug Association over my time in this chamber. VAADA is the peak association which looks at drug and alcohol issues in this state, yet it operates on the smell of an oily rag. It effectively has 2.5 full-time positions and yet it is supposed to help government create policy.

VAADA should help the government work out effective marketing and advertising campaigns as well as direction and study the data that is available not only in Australia but worldwide. I cannot believe how lean the prevention agencies are in this state. This is a genuine opportunity to throw more resources at VAADA, and until that is done we are all playing around with the drug and alcohol issue.

I have a media release put out by VAADA prior to the election, which states:

> If the major parties bothered to look beyond the current election bidding war about getting tough on crime and increasing police numbers they would know that the most effective way of making the community a safer place is to deal with drug problems.

The VAADA executive officer, Carol Bennett, went on to say:

> We're tired of listening to politicians trivialise the community's understanding of the best ways to reduce crime and increase safety. The community is not stupid. The community knows that most offenders have drug problems. It's about time we saw some real debates and promises about community safety and drug-related crime. It is about time the major parties did drugs.

She pointed out that VAADA had already circulated an election position paper setting out details such as:

> at least 60 per cent of prisoners in our jails have a drug and alcohol problem
>
> more police and more prison beds do not reduce drug addiction or crime
>
> drug treatment is a proven way to produce real savings to the community in reduced crime, health costs, stronger families and increased productivity.

It is an interesting press release. I urge all members in this chamber to strike up a relationship with VAADA, because many of our constituents may suffer from drug problems. When it hits your area, which it has done in mine, you need to have people at VAADA to get advice from, people who have an understanding of the issues that are facing our young people.

Also, our middle-aged constituents are wrecking their lives through overuse of alcohol. VAADA strongly points out that the biggest problem in Victoria is alcohol. More lives and more families' lives are being ruined on a daily basis through the use of alcohol than through all the illicit drugs put together. Is it the right thing to take money out of the rehabilitation sector and put it into consolidated revenue? There is no way known that The Nationals can support the legislation.

Another area I have had contact with is the Cancer Council of Victoria, situated in Carlton, which is the organisation responsible for the anti-smoking campaigns that flash across our television screens. Its ability to impact on the smoking population of Victoria is linked directly to funding. That organisation is supported by VicHealth, but it needs more money. The council will tell you that every time it receives a trickle of funds it is able to have an impact with the horrendous smoking ads that we see on television. When that happens its switchboard lights up with people who are trying to give up smoking. The council gets an instant response from those ads. Statistics show that when somebody is trying to give up smoking their chances of giving up increase by 50 per cent the

moment they pick up the telephone and ask for assistance via the Quitline.

If we can get people to make that one telephone call, then they instantly increase their chances by 50 per cent. If we can make a bigger impression through funding and advertising campaigns, then maybe we will get more people making that one important telephone call and getting off the scourge that is tobacco, which will hopefully lead to a plethora of community benefits. The drug, alcohol and tobacco area is underresourced, but yet again we have been asked by the government to accept even less money going into the sector.

One of the organisations I have had a lot to do with is Odyssey House in Collingwood, where it has 40 to 60 beds and a constant waiting list. Odyssey House has about half as many people waiting as there are people in treatment. It also has a farm at Mollyullah in the Benalla region which has 12 beds but up to 16 people on the waiting list. The farm at Molyullah started two years ago and has a six-week program to try to straighten out drug and alcohol-affected people. Last year it was forced to shut down simply through lack of funds. The government needs to be critical of itself in the way it is failing to help places like Odyssey House, which has an extremely well-credentialled reputation for helping many people in the middle of their lives. Effectively Odyssey House is putting people's lives back on track. It could do its job dramatically better if only it had the funding from the state government.

Members of the Labor Party should stand up to the Treasurer and say, 'You have to invest in places like Odyssey House, you have to invest in VAADA and you have to invest in the Quit campaigns to get outstanding results'. Until somebody stands up to Treasurer Brumby and demands that he put some of the budget surplus into the drugs rehabilitation area, then the government cannot claim to be fair dinkum about fighting the drug and alcohol issues.

That is a snapshot of some of the areas that we in The Nationals have constant contact with. We want this program started up again near Benalla. It has received enough federal funding to run for eight months of the year. Only having two-thirds of the money simply will not cut it to enable it to run the program for 12 months. It needs the state government to step up to the plate and recognise the amount of good work that is being done by the Odyssey House crew.

John Dowling in Shepparton, who manages the Benalla farm, is doing a great job, but we cannot keep expecting such people to be working 60 and 70-hour weeks for a fraction of the pay they could get if they worked in other areas. The only reason they work in this area is because they believe in the cause. They love the feeling they get in helping people get their lives back on track. At the moment it is head-in-the-sand stuff. The government thinks that if nothing is done about the problem it will go away.

Here is a situation where the government has an opportunity to create funding arms for groups like Odyssey House. But what does it do? It puts an extra $400 000 a year back into consolidated revenue. What the government is doing is clearly wrong. The Nationals have looked at this very carefully. We are strongly opposed to it, and until this government gets serious, comes clean and funds some of the organisations in this state which are trying to help people and which are operating on philanthropic and federal government money, this government's credentials on drug and alcohol rehabilitation are looking very shaky.

The Drug Rehabilitation and Research Fund was originally funded by fines imposed by the Drug Court as well as by the sale of assets purchased by criminals with the proceeds of crime that had been confiscated and sold. Now that money will go to consolidated revenue. We will not know how much is involved, so the process will be less transparent. The government will set an amount of $830 000 a year to fund the organisations that have previously been funded, with no indexation. It will be $830 000 every year until someone gets on their high horse, screams and yells and gets an increase. The government cannot have it both ways, but it seems to want to have it both ways by indexing all the income it receives and not indexing the outgoings. The government should come clean with the Victorian people and stop pretending that it cares about drugs and alcohol when its track record is that it refuses to fund any of the peak organisations in a manner that befits the problem. The Nationals will oppose the legislation. We hope that the government will get serious about some of these problems and allocate money and resources that will actually make a difference.

Ms HARTLAND (Western Metropolitan) — While the Greens support the bill, I believe that the two previous speakers have summed up well the deficiencies in funding of drug rehabilitation in Victoria. Because they have both so eloquently covered all the deficiencies in funding, I will talk about my experience of living in Footscray. I lived in a house next to the Footscray railway station at a time when drug dealing was at its worst in Footscray. People would score at the station, come to my street and often shoot up in my front yard. There were no services for

people to go to. Once Health Works was developed and a needle exchange and collection service was established in Footscray that changed a great deal the way people saw themselves in Footscray and how they thought about their safety. Health Works, which provides a needle exchange service and needle syringe collection service, has been under threat every year and has never known whether it would be re-funded. If we are to have services that will make a dramatic difference to the community, they have to know they will be re-funded all the time. While the Greens support the bill, we think there are serious problems with the funding of drug services across the state. We ask that the government look at what it is doing and make sure that in the future it adequately funds drug services.

Mrs PETROVICH (Northern Victoria) — I rise to speak in opposition to the bill. The major areas of concern have been highlighted by our lead speaker, and I want to add to that. The Hamer government established the Drug Rehabilitation and Research Fund, and I am opposed to the funds remaining in it being forwarded to consolidated revenue. The proceeds of drug-related crime and fines should go back to assist with the drug issue, which is an ever-increasing problem for our community in a variety of ways. In my experience the drug problem is not assisted by this type of legislation. I have some personal experience in this area. In a previous life my husband was a district support group operative in Bendigo and for a period worked exclusively with heroin addicts in that area. For a short time he assisted in clearing up the heroin problem in Bendigo, but it had a bandaid effect because of a lack of resources and funding, which is a continuing problem.

I also have a strong interest in this issue through my role as the chair of the Macedon Ranges Safety Committee, which is a community committee and basically a police committee. One of the areas of great distress to me is seeing the police schools involvement program being removed from schools. That program is an important part of addressing the drug problem, educating our young people and making them aware of the effects of the abuse of a variety of illicit substances. Unfortunately that option is not open to very vulnerable students in year 9 and later years who often do not know the result of ingesting these substances.

A lot of the basic issues have been covered, but from a personal perspective I believe that education on drug and alcohol issues is important. One of the big problems in our area are raves that occur in hideaways. There is a real problem with young people passing out and suffering from extreme hypothermia in the often freezing conditions in the Macedon Ranges. One of the big issues for youth is alcohol abuse. The committee I am a member of has secured a small amount of funding for a drug and alcohol counsellor who works through the Cobaw Community Health Service in Kyneton. Unfortunately it is not recurrent funding. One of the issues that has come out of the process is the adoption of a holistic approach, with the family and the young person involved being counselled and educated about the effects of taking drugs. We often find underlying issues that we can assist the young people with.

Another issue for country people is that often the funding that is available for drug programs is directed mainly to regional centres. Unfortunately the smaller agencies that have direct contact with many of these young people are starved of funds and have problems they cannot handle. They have neither the staffing nor the resources to get those young people to the regional centres. Another issue is the lack of education and awareness of the effects of drugs such as ice and hydromarijuana and of the psychoses that can affect young people. If we do not do something about this, the cost to society will be huge.

In closing I want to draw attention to the fact that not one member of the Labor Party has spoken on this most important issue. Members of The Nationals and the Liberal Party have spoken most effectively, and I ask members of the Greens to support us in our opposition to the bill.

The PRESIDENT — Order! I am advised that Mr Scheffer is entitled to speak. However, I have to say that I am particularly disappointed I do not have anything to indicate that he wished to do so.

Mr SCHEFFER (Eastern Victoria) — I thank you for your indulgence, President. The Drug Rehabilitation and Research Fund was set up under part X of the Drugs, Poisons and Controlled Substances Act, which also sets out the way the fund should operate. Sections 124 to 128 say that all moneys collected from fines or forfeitures resulting from drug offences are to be directed to the fund. Under part X the minister is given the authority to allocate moneys in the fund to organisations that he or she thinks appropriate, but the organisations have to be involved in supporting or running rehabilitation programs for people with drug dependencies. Organisations also qualify if they are doing research, providing educational programs or disseminating information to people with drug issues. By all accounts this has been a good way of disbursing the money, and the organisations that receive the support have made important contributions to this very difficult area and have done beneficial things for people who are harmed by the unsafe use of drugs.

Under the amendments in the bill, the Drug Rehabilitation and Research Fund will be wound up and the moneys derived from funds and forfeitures resulting from penalties imposed for offences relating to drugs will be directed to the Consolidated Fund. This has been done because, after the arrangements were reviewed, it was clear that the administration of the fund was more complicated than it needed to be. The amendments in the bill go to simplifying how the money will get to each of the five organisations that receive funds. I have been advised that the organisations will receive the same level of recurrent funding they receive now, that the allocations will be indexed and that the organisations have no complaints about the new arrangements. So my advice is absolutely contrary to Mr Drum's statement that this money would not be indexed.

It is important to recognise that the bill makes a straightforward administrative change to the way that the five organisations involved currently receive financial allocations from the Drug Rehabilitation and Research Fund. There are no policy implications here, and there is no suggestion that these organisations — the Victorian Law Enforcement Drug Fund, the School Rock Eisteddfod, the parents support program, Mirabel Child/Parent Services and the Association of Participating Service Users client advocacy program — will do their work any differently or any less effectively. As I said previously, my advice is that each of these organisations is happy with the new arrangements because it makes no difference to the way they deliver their services.

The PRESIDENT — Order! Before the sitting is suspended for the dinner break, I make the point that whilst there was some confusion for the Chair with regard to the list of those wishing to speak, I uphold the right of members of this chamber to speak if they so choose.

Sitting suspended 6.30 p.m. until 8.05 p.m.

Mr SCHEFFER — Before the dinner break I think I was making the point that contrary to the remarks made by Mr Drum, the funding that will continue to be allocated to the five organisations under the new arrangements to be provided for in this bill will in fact be indexed. So they will have secure levels of funding into the foreseeable future. My advice is that each of these organisations is happy with the new arrangements because they make no difference to the way they will deliver their services. Beyond this, it is important also to recognise that the government, over the time it has been in office, has continued the good work that has been done in Victoria by successive governments and has supported a wide range of non-government organisations involved in the drugs area.

One of the great benefits of having served as the chair of the Drugs and Crime Prevention Committee during the last parliamentary term was to have heard firsthand from many organisations working in this area in the field. While there is clear recognition that the issues are complex and that it is difficult to find quick solutions, there is a strong recognition that the Victorian government is doing a good job. The Drugs and Crime Prevention Committee completed a major inquiry into strategies to reduce harmful alcohol consumption and made 165 recommendations to government, most of which are being taken up. Since coming to office in 1999 the government has increased funding for drug and alcohol services by 50 per cent. That is an increase from $62 million in 1998–99 to about $120 million in 2006–07, and that is a 9 per cent increase from the previous year.

As well, drug treatment bed numbers have almost doubled so that by January 2006 there was a total of 796 residential rehabilitation, withdrawal, alcohol and drug supported accommodation beds available compared to the 431 beds that were available in the 1998–99 period. This is not to say that the previous Liberal government did nothing, but it does show that the present government works hard on this important area. In fact in his contribution Mr Davis mentioned the Kennett government's very important and good program, the Turning the Tide initiative, which produced some excellent outcomes and was an important step. I think the present government has continued along those lines and has made some strong contributions.

In particular in relation to waiting times the government has done extremely well. Counselling waiting times have decreased from seven days in June 2000 to less than one day at the present time. We have reduced waiting times for community withdrawal services by over 72 per cent, and continued to keep waiting times under 10 days. I should add that young people can get into a withdrawal service in under three days for either home-based or residential withdrawal.

The story is also improving in access to treatment and rehabilitation services. Since 1999 there has been a 17 per cent increase in the provision of treatment for young people aged between 12 and 21 years, and a 27 per cent increase in the number of clients accessing drug treatment services since the 1998–99 year.

The parliamentary Drugs and Crime Prevention Committee also completed a very extensive inquiry into

amphetamines and party drug use, and I was very interested therefore to see that there has been an increase of over 100 per cent in the number of clients treated where the primary concern is ecstasy or amphetamines. In the drug area prevention is of course better than cure, so it is especially encouraging to see that assistance being provided to callers through the Family Drug Helpline and Directline is very strong. Family Drug Helpline receives about 45 000 calls annually and Directline responded to about 54 000 calls in 2005.

One of the initiatives that came out of the drug summit that was held during the government's first term was the establishment of the Premier's Drug Prevention Council. The council should be commended for the good work it has done in providing expert advice to the government, especially in the area of high-risk youth where it has achieved a 75 per cent success rate in reconnecting at-risk young people to employment, education and training pathways.

The changes provided for in the present bill simply streamline the way funds flow from fines and forfeitures for drug offences to the five organisations who previously received those funds through the Drug Rehabilitation and Research Fund. I commend the bill to the house.

House divided on motion:

Ayes, 23

Barber, Mr	Pakula, Mr
Broad, Ms	Pennicuik, Ms
Darveniza, Ms (*Teller*)	Pulford, Ms
Eideh, Mr	Scheffer, Mr
Elasmar, Mr	Smith, Mr
Hartland, Ms	Somyurek, Mr
Jennings, Mr	Tee, Mr
Kavanagh, Mr	Theophanous, Mr
Leane, Mr	Thornley, Mr (*Teller*)
Lenders, Mr	Tierney, Ms
Madden, Mr	Viney, Mr
Mikakos, Ms	

Noes, 16

Atkinson, Mr	Hall, Mr
Coote, Mrs	Kronberg, Mrs
Dalla-Riva, Mr	Lovell, Ms
Davis, Mr D.	O'Donohue, Mr
Davis, Mr P.	Petrovich, Mrs
Drum, Mr	Peulich, Mrs (*Teller*)
Finn, Mr	Rich-Phillips, Mr
Guy, Mr (*Teller*)	Vogels, Mr

Motion agreed to.

Read second time.

Third reading

Mr JENNINGS (Minister for Community Services) — By leave, I move:

That the bill be now read a third time.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

STATUTE LAW REPEALS BILL

Introduction and first reading

Received from Assembly.

Read first time for Mr LENDERS (Minister for Education) on motion of Mr Jennings.

ROAD LEGISLATION AMENDMENT BILL

Second reading

Debate resumed from 19 April; motion of Hon. T. C. THEOPHANOUS (Minister for Industry and State Development).

Mr DALLA-RIVA (Eastern Metropolitan) — I rise on behalf of the opposition to make a contribution in respect of the Road Legislation Amendment Bill. From the outset I indicate that we will propose amendments during the committee stage. We look forward to support from the non-government parties for those amendments. Should those amendments not be agreed to, we will be opposing the bill. If those amendments are agreed to and passed, we will be supporting the bill.

The principal outline of this bill is pretty straightforward. The opposition has no concerns about a range of the issues before the house. In fact we see the basis of reasonable legislation in terms of a range of issues. However, before I get on to that perhaps I should reflect on what this bill is about. It relates to a project along the eastern corridor of metropolitan Melbourne. In the beginning it was called the Scoresby freeway, a freeway we were told before the 2002 state election was never going to have tolls. Following that election — I think it was in April of the following year — the government did a triple somersault backflip and proposed tolls.

I have always advocated that the government knew full well that it was going to propose tolls on what is now called the EastLink project. Many members have heard me say this. I say it on the basis of the fact that we have been fighting and pursuing this government, the supposedly open, honest and transparent government, to try to ascertain what documents were considered by cabinet leading into the 2002 state election, the very state election campaign during which the Premier made a commitment to the people of Victoria that there would be no tolls on the proposed project. We have fought tooth and nail through the court system, all the way to the highest court in Victoria, the full bench of the Supreme Court. After judgement we now have to have the matter heard again at the Victorian Civil and Administrative Tribunal. I am sure the government will bring out the Queen's Counsels, as it did last time, at huge cost to the taxpayers.

We now have a piece of legislation which endorses the lie of the government in the sense that it puts in place processes in respect of tolling and makes provision for the processing of traffic, tolling and parking offences which will be detected by cameras along that particular stretch of road. I think it will be a great road, but I say that with a heavy heart because it shows what the government will do to get a vote. It will blatantly lie to the electorate and then look people in the eye and say it could not do it, knowing full well that it could.

This legislation talks about the EastLink project, very relevant to what I am discussing tonight. It talks about the Melbourne City Link Act. I am sure those on the other side who were here in 1995 — Minister Theophanous and others — would have been quite vehemently opposed to the Melbourne City Link Act and the tolling, given the fuss they made, yet I am sure they will be silent on this issue tonight. The fact is this government speaks with a forked tongue. As I said, on the surface parts of this legislation appear to make quite satisfactory legislative changes, and we do not have concerns with those. The bill talks about areas where there can be interoperability between CityLink and interstate toll road operators. The amendments facilitate EastLink and CityLink interoperability, with roaming fees agreed to by both road operators.

At the commencement of my contribution I spoke about the amendments we will be proposing during the committee stage. They go to the issue of clause 16 of the bill. I will talk more about this in the committee stage, but we find it quite amazing that this government, which talks about being open, honest and transparent — a government which says it looks, it talks and it consults — has inserted a slippery provision. On page 15 of the bill proposed new section 125(2) states:

> The Minister may, by Order published in the Government Gazette, declare any area within 200 metres of the boundary of the Extended Project area to be an additional referral area for the purposes of this section.

It gives you this tacit overlay that there will be some qualifying areas that will ensure there cannot be any move by the minister that would be seen as inappropriate. It is interesting that proposed new section 125(3) states:

> The Minister must not make an Order under subsection (2) unless the Minister has received the appropriate plans which have been—
>
> (a) signed by the Surveyor-General; and
>
> (b) lodged in the Central Plan Office.".

Those who have a memory of this government may recall the previous Surveyor-General being hounded out of office by this government during the last term of government. It went to great lengths to ensure that the independence of the Surveyor-General was eroded. While I do not cast aspersions on the current Surveyor-General, this does raise questions: the government has knifed the old Surveyor-General in the neck, gotten rid of him and put somebody else in and now it will be using him as its saviour should this clause go through. We are saying that clause 16 of this bill is not appropriate. The non-government parties should remember that if the government was, as it was in the second-reading speech, talking about the tunnel, then it should have specified those particular areas.

This is an open slather on the whole length of the project. Those who have seen the project, as many of us who are members from the Eastern Metropolitan Region have, would know the huge size of the project. To gazette 200 metres on either side — that is 400 metres of additional space — as the boundary of the extended project area will cover a huge area. The freeway is already large, and this will continue all the way along the freeway. It is going to cross a lot of reserves and a lot of public space areas. If the government were serious it would have been specific, as the minister was in the second-reading speech, and would have identified the areas proposed to be declared as extended project areas.

I do not have a problem with that, but it is not up to the opposition to put forward amendments to the shoddy legislation that is before the chamber. If the government cannot get it right, it should not bring the legislation before the house. That is the reason we are proposing the amendments. There are plenty of opportunities

down the track. The government brings in lots of omnibus bills, so there are plenty of opportunities to get this right by taking the clause out of the bill and having it redrafted. If the minister wants to go down the path of the VicRoads legislation — and I am sure some of the other members will talk about it — where there is reference to areas being described as 'nearby' or 'adjacent to' those areas, I understand that to be a fair argument.

Again it is not up to us. The government has the support of both a huge department and the drafters of legislation. If the minister had intended that there be an extended project area within a particular defined area — which he identified as being near the tunnel — then I would not have a problem with that and the opposition would not have a problem, but the government is proposing this huge slab right along the whole EastLink project. The government originally said there would not be a toll on this road — that is an aside — and now it is proposing this whole area along the length of the project to be at the whim of the minister. If the minister requires the area, then it goes through the Surveyor-General — the very Surveyor-General the government knifed in the back in its previous term.

It is understandable that the opposition should be proposing to move this amendment in the committee stage, and I hope the other non-government parties and members, as well as government members, will see fit to accept the arguments we are putting forward. It is not to say that we do not agree with the bill, but we feel very strongly as a party that it is not fair for the supposedly open, honest and transparent government to propose legislation of this type, which allows for open slather on the extended project area.

There are no safeguards to ensure that reserves, public space areas or even private residences are going to be protected. I, on behalf of the Liberal Party, cannot stand by and see the government put through this piece of legislation which could possibly, on the basis it is now before the house, result in the acquisition of individuals' private homes. Members who are new in the house, as I was then, should have a look at the debates in 1995 about the CityLink project and see the fervour with which the then opposition opposed the legislation. It was based on the same arguments about the rights of individuals and the rights of property owners whose premises could be taken away.

What the government is proposing here is an open-slather approach. There is no suggestion in this legislation that it has been thought out. The second-reading speech indicates what the government is proposing, but it needs to think about — this was explored in the movie *The Castle* — the rights of the homeowner to have access to their home without fear of the property being acquired under draconian or poorly thought out legislation put forward by a pretty lazy government whose members do not even come into the house when the bells are ringing. The government cannot even form a quorum when the bells are ringing. It does not even have ministers here when the bells are ringing. As we saw during a vote on a previous piece of legislation, its members did not even front up when their names were called.

It is the view of the opposition — I hope with the support of the other non-government members — that this legislation should be considered very deeply. My view is that members of parties such as the Greens should be considering this amendment because it would provide protection in a lot of the areas they stand for, and I would urge them to consider this bill a particularly draconian piece of legislation. There is nothing in this piece of legislation to restrict a minister in declaring a private property or a public area or reserve as needing to be acquired by the referring authority. If this piece of legislation is allowed to go through, it will mean that every park, reservoir, reserve or private home within that 200 metres along both sides of the project — and 200 metres is a large area — would be open, at the whim of the minister, to the referring authority, with the referring authority being SEITA (the Southern and Eastern Integrated Transport Authority), which is working very closely with EastLink in terms of getting up the project.

This is a dangerous piece of legislation to bring forward to the house. I urge the non-government parties to support our amendment when it is proposed. As I said, on balance the legislation is supported by the opposition. If clause 16 is removed as the amendment proposes, then it will get full support from us, but if clause 16 remains as it is, we will be opposing the legislation, not because we do not agree with the other provisions but because we feel strongly that the government is about to bring in legislation that is so draconian and so dangerous to homeowners, property owners and users of public amenities that we cannot support it.

We can go on to the issues about tolling and all of that; that is fine. But that argument has already been had. I am sure other members will wish to speak on that, but I have been very specific and have argued the case for supporting the amendment. I urge members on the other side who have any idea of what we are talking about to support the amendment. It would be a great move for those members to actually stand up to the

Labor Party and respect the rights of individuals in our community. Those rights, as everyone remembers from the movie *The Castle*, include the right of a person to ensure that their property is not acquired under some blanket proposal such as the one we have before the house.

Specific provisions relating to the tunnel should have been incorporated in the legislation. That is not the case, and it is the reason why members of the opposition are calling for the deletion of clause 16. I urge members to support in committee what we are proposing. If that is not supported, we will be opposing the bill.

Ms PENNICUIK (Southern Metropolitan) — I am pleased to speak on behalf of the Greens on the Road Legislation Amendment Bill. This bill essentially has two parts. Firstly, it changes the legal procedures for owner onus to operator onus for parking, traffic and tolling offences and replaces the requirement for sworn statements with written statements. The charge of making a false written statement will be dealt with by the Magistrates Court rather than by a jury. This will make it more likely that a prosecution for making a false statement will occur, thereby providing a deterrent to making such a false statement. The Greens support these provisions.

A second series of amendments relate to interoperability — I do not know if that is a word in the dictionary — between CityLink and EastLink, which will mean that users of those roads will need only one electronic tolling device. The bill also amends the definition of a trip in the EastLink Project Act and contains provisions relating to drivers and trailers. Notwithstanding our preference for public transport in the eastern suburbs, as opposed to another tollway, the Greens will be supporting the bill.

I listened to Mr Dalla-Riva's comments on clause 16, which proposes extending the area over which the Southern and Eastern Integrated Transport Authority is the referral authority under the Planning and Environment Act 1987. I understand that that will ensure that any proposed works that may impact on the integrity and safety of the EastLink road, especially around the tunnel, are referred to the authority. Other speakers have stated that that is more than is required. However, it is necessary for the authority to be the referral authority for works that could affect the toll road. I am not convinced that the proposed referral will mean that any public or private land will be able to acquired under this clause or that people's backyards et cetera will be affected. With that, I indicate that the Greens will be supporting the bill.

Mr PAKULA (Western Metropolitan) — I rise to support the bill. As was set out in the second-reading speech, this is fundamentally a technical bill designed to do a couple of things: to change owner-onus laws to operator-onus laws and, as Mr Dalla-Riva and Ms Pennicuik have pointed out, to establish interoperability of tolling arrangements. It is probably worth taking the house briefly to some of the detail of the bill. It is certainly not possible to talk about the bill with a great deal of political rhetoric, because frankly it is not exciting enough to do that.

Firstly, the owner-onus laws go to the issue of the need to find who is responsible for vehicle accidents and offences. The common element between owner onus and operator onus is that an offence involving a vehicle has been detected but the identification of the operator of the vehicle is not established at the time of the detection of the offence. The enforcement of the laws in regard to the offence depends on tracing through the vehicle registration process to determine who is responsible. In those circumstances the starting point is always the registered operator or owner of the vehicle. Currently there are three separate owner-onus systems. One is under section 86 of the Road Safety Act; another, for traffic cameras, is under section 66 of the Road Safety Act; and another, for tolls and tolling operators, is under section 87 of the Melbourne City Link Act and section 219 of the EastLink Project Act.

As they currently operate the owner-onus systems have inherent within them some significant limitations. The first is the onus which applies to the owner or operator of a vehicle. Whilst the owner or operator can nominate another person, the onus is not transferable to that other person. If the person who is nominated denies responsibility, effectively at that point no further onus exists — there is no onus on that person to on-nominate or back-nominate to the owner of the car. Another limitation is the need for people served with offence notices to swear statutory declarations, which require both special forms and witnesses.

The changes set out in the bill include the replacement of the existing requirement for a sworn statement with a requirement for a simple written statement. The bill creates a new summary offence of making a statement that the person knows is false or misleading. It is easier to prosecute a person for making a false statement, as that is a statutory offence, rather than perjury. At the moment the person must be prosecuted for swearing a false statutory declaration. The amendments will mean that the penalties will be statutory penalties and in effect will not be as severe as the potential penalties for perjury.

Another change is to operator onus. Rather than the onus effectively expiring if the nominee rejects the nomination, the nominee will have an obligation to nominate on or nominate back. That will effectively extend the time for prosecution if the nomination process has to be recommenced.

I refer briefly to toll interoperability, which is the other major element of the bill. It deals with tolling on EastLink and its interoperability with CityLink and potentially with interstate roads as well. As it stands the EastLink Project Act is inconsistent with the reality of the way tolling will operate on EastLink. Under the EastLink Project Act a trip is defined as a journey that is uninterrupted by entry or exit. That definition will be ineffective, given how EastLink will actually be set up, because the tolling gantries on EastLink are not designed to be at the entry or exit points. The bill amends the definition of trip to mean an amount of travel in one direction within 1 hour. The average time for a trip along the entire length of the EastLink project is about 25 minutes. Drivers will be able to take several short journeys in the one direction, provided they are completed within an hour, or can take a break during a long journey. As long as they are travelling in one direction they will be tolled for one trip. Many customers will benefit from toll charges being limited.

As is indicated in the second-reading speech and as was stated by previous speakers, the bill allows for the interoperability of the tolling mechanisms of EastLink and CityLink. In other words, and to put it in terms that users of the roads will understand, drivers will need only one e-tag rather than two.

This is a sensible bill. It fundamentally contains technical amendments. They are common-sense changes to ensure that the system of levying penalties on drivers is modern and workable. It will make the system work better; it will improve enforcement mechanisms for the authorities and it will reduce red tape for drivers as well as giving them the potential tolling benefits that exist within the bill. I commend the bill to the house.

Mr HALL (Eastern Victoria) — I am pleased to have the opportunity to speak on the Road Legislation Amendment Bill. This bill amends three pieces of legislation: the Road Safety Act 1986, the Melbourne City Link Act 1995 and the EastLink Project Act 2004. There are 20 or so amendments in this bill. Some relate particularly to one of those acts but most relate to one or more of them. It would be difficult to go through act by act and outline the amendments. It will probably be more efficient for me to make my comments in the context of the areas of amendment rather than the amendments to each particular act. Having looked through the bill and taken note of the comments made in the minister's second-reading speech, I think the amendments can be grouped into five main areas. I can indicate at the start on behalf of The Nationals that we are more than happy to lend our total support to four of those five areas but that we have some concerns with one area, which is the subject of an amendment foreshadowed by the Liberal Party.

I will go first of all through those four areas of the bill to which we will give our total support. The first relates to amendments to the Melbourne City Link Act to give CityLink customers the ability to use EastLink without the need to purchase another e-tag. 'Thank goodness' was my comment when I read this, because it seems most practical. If somebody owns an e-tag, that e-tag should be able to be used on any toll road in Victoria — and it is all the better if it can be used on interstate toll roads. Although I have not used my e-tag on interstate toll roads, I understand that my current CityLink e-tag will enable me to travel on a number of such roads in other states, including those in New South Wales. It make sense to me that when EastLink is open I should be able to use my current e-tag on it rather than having to purchase a new one. That will be possible under the provisions of this bill.

The minister has described this as interoperability between the two toll road systems we will have in Victoria and has used the terms 'roaming agreement' and 'roaming fee'. Essentially a roaming fee is a fee paid by one toll road operator to another when the owner of an e-tag uses that e-tag to access the toll road owned and operated by the other company. That is where the term 'interoperability' arises. A roaming agreement is an agreement between the two companies to enable that transfer to happen. I note in particular that the roaming fee to be set by this legislation must not exceed the net incremental cost of providing that service. That is welcomed. I understand there is a provision in the bill that will enable the government, by regulation if necessary, to set that roaming fee; otherwise the fee will be agreed to by the companies that operate toll roads and approved by the minister. This is a common-sense provision, and I am sure that all motorists in Victoria who use toll roads would welcome the fact that they will need to have only one e-tag or buy one day pass, which will operate on both CityLink and EastLink when it is open.

The second group of amendments relates to the redefinition of the term 'trip' in the EastLink Project Act 2004. That is dealt with at clause 15 of the bill. Essentially it provides that rather than a driver being tolled for each small section of EastLink, travel in a

single direction within a period of 1 hour, however far, will attract a single toll. That makes sense. If a person exits EastLink and then accesses it again in the same direction within the space of an hour, they will be charged only a single toll. Of course the unknown factor in all of this is what that toll figure is going to be. Some might argue that a very short trip on EastLink should attract a very small toll, whereas a longer trip should attract a larger toll. But my understanding of this provision is that no matter how far you travel on EastLink, whether it be the full length in one direction or only a small section in one direction, that will attract the same toll. It would be of interest to motorists to find out exactly what that toll is going to be. If in responding the minister is able to provide the house with any information in regard to the anticipated toll, I am sure I, along with all other potential users of EastLink, would be very interested in it.

The third area of amendment in this bill with which we have no difficulty relates to operator onus, which is concerned with the enforcement of vehicle-use offences, particularly those detected by a camera. We are all aware of what happens when a camera flashes when we are doing the wrong thing on the road. Ultimately the owner of the vehicle will receive an infringement notice for the offence that has occurred. However, the owner of a vehicle is not always the driver. The process is that if somebody other than the owner happens to be the driver when an infringement occurs, the owner either signs a statutory declaration or makes a sworn statement to the effect that it was somebody other than the registered owner of the vehicle in control at that point in time. There are very strong penalties for making a false statutory declaration or sworn statement. One can be charged with the crime of perjury.

Under this legislation, instead of the owner having to provide a statutory declaration or sworn statement, all that will be needed is a simple written statement to the effect that they were not the driver of the vehicle at the time in question and that somebody else was. Giving false information when supplying a simple written statement will not constitute the serious offence of perjury and there will be a new and less serious summary offence. That makes sense to us. To have somebody witness a statutory declaration or sworn statement seems a lot of bother when a minor traffic infringement might be detected by a camera, so we are happy to support a simpler process for determining who is responsible for such traffic infringements. We support the provisions regarding operator onus.

We support similar provisions covering the towing of a trailer or motor vehicle in the fourth area of amendments dealt with by the bill. The owner of the vehicle or trailer being towed may not be the owner of the towing vehicle, but when a camera flashes responsibility for an offence is assigned to the owner of the trailer, if the trailer is the part of the vehicle that is detected in a camera infringement. In the second-reading speech the minister gave the example of the owner of a semitrailer being different from the owner of the prime mover used to pull it and said that in such a case it should be the owner of the prime mover who is responsible for any infringement incurred by the trailer. That makes a great deal of sense. Under this provision, if there is a dispute or a need to identify who is responsible for a traffic infringement, a written statement rather than a statutory declaration or statement is all that is required.

After it was announced that this provision would be introduced, I listened to a bit of talkback radio on the subject. An experienced truck driver rang in and commented that the accuracy of the indicative speed signs around the state is very questionable. He swore black and blue that when his prime mover is detected as travelling at, say, a speed of 98 kilometres an hour sometimes the trailer behind is detected as doing 104 kilometres an hour. He claims this happens rather frequently on the indicative speed gantries spread across some major highways in the state. That is an issue that needs to be addressed. In respect of the principle behind this issue about the identification of those responsible for towing a vehicle or a trailer, it should be the person in charge of the towing vehicle who is responsible for the offence.

I turn to the provisions we have concerns with, which are the subject of an amendment which has been foreshadowed by the Liberal Party and which are contained in clause 16. The clause potentially assigns the Southern and Eastern Integrated Transport Authority as the referral authority for any land within 200 metres of the EastLink area. The authority is already the referral authority for EastLink, but this clause potentially gives it greater referral powers over all land within 200 metres of the project area. This is of some concern to us, because we do not believe the government has made a strong case for the need for this referral authority. Indeed if you look at the seven-page second-reading speech, you see that the other four groups of amendments to which I have referred have been spelt out in some detail but that this section about giving referral authority to the Southern and Eastern Integrated Transport Authority has been given little attention — —

An honourable member — Eight lines.

Mr HALL — A member interjects that it is eight lines. I do not believe the government has gone to the lengths it should have to establish a case for giving a greater referral authority to the Southern and Eastern Integrated Transport Authority.

We have raised this matter with the Minister for Roads and Ports. I can say that our spokesperson on roads and ports, the member for Rodney in the other place, Mr Paul Weller, has received a response from the minister dated today. As part of that response the minister pointed out that section 22 of the Melbourne City Link Act 1995 actually appoints the Melbourne City Link Authority as the referral authority under the Planning and Environment Act 1987 in respect of any matter affecting land within the CityLink project area. There is no definition of 200 metres in that act, but the minister pointed out in his response that it may be greater than 200 metres or it may be less than 200 metres. Some discretion is given to the city council involved as to whether any particular project would have an impact on CityLink. To my way of thinking, in trying to assess the minister's explanation for this, there is no reason there could not be a requirement for local councils to notify the Southern and Eastern Integrated Transport Authority of any projects that they believe might impact on the operations of the EastLink project, and I think that is still possible.

We still have some concerns about this clause. We are certainly interested to see how the minister at the table, the Minister for Industry and State Development, responds during the committee stage. We will be listening to the debate with great interest. We will reserve our judgement on that amendment, but overall one needs to look at the bill on balance. As I said earlier in my contribution, four-fifths of the bill is very sensible legislation and well worthy of support, but there is some doubt about the value of the fifth part. In the end we will reserve judgement on that particular issue of concern. However, on balance, we need to support this piece of legislation.

Mr ATKINSON (Eastern Metropolitan) — This legislation is rather interesting. I want to touch on a couple of things other members have not touched on. Whilst it seems to be a fairly straightforward piece of legislation, and whilst some of the provisions are in theory good provisions, I think that the people of the eastern suburbs and other users of the EastLink project will be particularly interested in just how some of the provisions of this legislation will translate in practice. I refer in part to the system of enforcement for offences associated with this freeway, particularly speeding offences, because the integrity of the enforcement system — the traffic cameras — has been in considerable question over some years now.

We have had a situation where cameras on other freeways have had to be turned off because the government and the operators of those cameras could not assure motorists or the public in general that those cameras were operating with integrity. We have had a significant problem in that regard on the Western Ring Road. I understand there were also concerns about the integrity of the camera system on Geelong road as well. Whilst we have had a number of assurances — and I note that the government indicated in an announcement just before Easter that the camera system on Geelong road was to be turned back on — the reality is that the public needs to have its confidence restored in the camera system and the government's use and reliance on cameras for the enforcement of traffic infringements.

I think the community would also need to be assured that in its planning of this freeway in conjunction with the Southern and Eastern Integrated Transport Authority (SEITA) and the private contractors — the toll operators — the government has ensured that safety measures on the freeway are now adequate, particularly in the light of the recent experience at the Burnley Tunnel. I note again that the government has made a number of changes in regard to the operating arrangements that apply to motorists using the Burnley Tunnel for the sake of increased safety, and I wonder about the government's preparedness to develop suitable operating systems or management systems within the EastLink project to ensure the safety of motorists, particularly given the fact that, as with the CityLink project, a significant portion of this road runs through a tunnel. Residents also need to be assured that the impacts of this road are not going to be adverse on their enjoyment of their properties. Clause 16 goes to that.

It has been suggested by speakers that there is a deal of concern about exactly what the referral authority provision in this legislation might translate to as far as property owners along the EastLink corridor are concerned. It would be my observation that EastLink is likely to have a greater impact on other properties than those properties will have on EastLink. What is particularly interesting to me is that the government, which seems to be concerned about matters associated with the road itself, has not shown the same degree of concern for residents of Vermont and people who use a wetlands reserve along Dandenong Creek in Vermont.

The government has ignored the submissions of people in that area on the need to continue noise walls. In fact

the government has provided a gap, if you like, in the noise barriers in the Vermont area. In the view of residents and myself that could well have adverse consequences for people's enjoyment of their own properties and some fairly significant parklands reserves. I am surprised the government has shown such scant attention to that issue, because it is a very important one locally.

As has been mentioned, in particular in Mr Dalla-Riva's contribution to the debate, we always approach the debate on EastLink — what we know more famously as the Scoresby freeway — with a real degree of cynicism in terms of the government's position. This government was not going to build it at all. It then decided it would build it, but would not have tolls. The road now has tolls, and there are issues relating to the level of those tolls that remain unanswered today in the public's view.

Shortly after the last election as part of the adjournment debate I asked the Minister for Roads and Ports in another place whether or not there was any truth in a rumour that had circulated quite widely in the Whitehorse area that in fact one of the tolling gantries might well be between Blackburn and Springvale roads rather than on the new section of road. I got back a letter from the minister which was pretty curt and political; he rapped me over the knuckles for raising such an issue and suggested it was outrageous that I should raise it. I raised that issue because it was important to people locally to have the matter clarified. The Liberal Party was told about that rumour before the last election.

It might be of interest to the Minister for Roads and Ports to observe that the Liberal Party did not use that rumour as part of its election campaign — in other words, the Liberal Party was not scaremongering on this issue. Despite having it as a possible issue — and I dare say it would have been a very significant issue to run, especially at 5 minutes to midnight before the election in the seat of Mitcham, which was lost by a fairly narrow margin by our party — we did not run it as a scare tactic. I tried to raise it as a matter of legitimate and genuine concern by residents of the Mitcham area, and I did not entirely appreciate the tone of the minister's response. I did appreciate the fact that there is no substance to that rumour, and indeed consistent with the government's previous comment the tolling system will apply beyond Springvale Road.

I have listened with some interest to the discussion in this debate on the transfer of responsibility, if you like, where the owner of a vehicle claims not to have been the driver. I have to say that as an individual I am a bit concerned about this. I understand the value of having an easier process that does not involve statutory declarations and so forth for someone who legitimately has not been driving a vehicle to nominate the person they believe was driving, but I have to say I am becoming a little bit concerned about suggestions and evidence in the community that there are a number of people who are a menace on the road and accumulate points at a great rate of knots with their road behaviour.

Those people, about whom I and other members in this place would know, nominate alternative drivers to take some points off them so that they retain their licences. In some cases they pass the points on to a girlfriend, wife or male partner as the case may be in order to avoid the penalty of loss of licence. We have all heard those stories. There is every reason to believe they are well beyond urban folklore. I am concerned that through the provisions in this legislation there may be an easier way for people to achieve that transfer of their responsibility.

Of course I understand that there are penalties that apply to the supply of false documentation. I also understand that it is suggested that the smaller amount of red tape associated with nominating another driver provides a more effective and perhaps quicker opportunity to prosecute in the event that it is established that the alternative nominated driver was not in fact in the car and that someone is simply trying to avoid their responsibilities. Because this Parliament has been most concerned about road safety over many years and has been particularly innovative in terms of road safety, members are well aware of this trend and need to be concerned about it, and the issue is certainly touched upon in the provisions of this legislation.

I also note the interoperability of the tolling systems between Melbourne CityLink and EastLink, which is obviously to be welcomed. It would be absolutely ridiculous, as Mr Hall said, if motorists were expected to maintain two different tolling systems. The concern I have, and what residents of the eastern suburbs and motorists will be watching very closely in terms of the translation of the provision of this legislation to reality, is the integrity of the billing, because with CityLink we have had a number of instances of significant billing errors.

It occurs to me that when you introduce another party to try to cover a situation where people using another system are to be charged through your system, the opportunities for further mistakes in billing are increased. While this legislation provides a framework for those two authorities, I would certainly hope that they get their act together and that the billing system

works and does not create further concerns for motorists, as the CityLink system has in the past.

I also take this opportunity to observe that there was an article in today's newspapers about the federal masters of the government suggesting that it should abandon any concept of linking the Eastern Freeway with CityLink by way of tunnels or suchlike through the inner suburbs — effectively underneath the Melbourne cemetery as a general alignment. I am concerned that the government is prepared to buckle for political expediency at the federal level on an infrastructure project that is warranted — and that will become all the more obvious once EastLink is a fully operational.

There is no doubt that this road is already heavily congested at certain times, but more importantly the dispatch of those vehicles at the city end is inadequate because it sends through Melbourne's inner suburbs a lot of drivers who simply do not want to be in Melbourne's inner suburbs. They want to be out on other highways and have absolutely no intention of travelling anywhere near the city, but they are part of that knot of traffic that moves through the Eastern Freeway near Hoddle Street. We need to address that.

There is an important need for a linkage of the Western Ring Road and the EastLink project. The Western Ring Road should be upgraded as well because it is an inadequate piece of road for the amount of traffic it has. There is a need for a linkage between EastLink and CityLink. I also believe there should be consideration of public transport options, but we certainly need to be tackling the links of those major roads.

I add a further comment to my contribution on drivers being responsible for their own driving offences and the penalty situation. I am also concerned about what I would see, and what has been described to me by some of my colleagues, as almost a start-the-time-clock-again process where somebody might nominate another driver as the culprit in the event of an offence and that other person says, 'No, it was not me', and satisfies the regulatory authorities that it was not them, so it comes back to the first person and the clock starts again at 12 months. That might seem to be a proper thing and give the regulatory authority ample opportunity to pursue the real culprit, but it also occurs to me in the context of some people who are a bit clever when it comes to these systems that it gives an opportunity perhaps to put the offence beyond their existing points accumulation and to escape a situation where they might lose their licence because they are able to manage the time associated with any offence incurred on the freeway.

In closing, I turn to the provision relating to the minister being able to declare any area up to 200 metres from EastLink to be an additional referral area. I would be much more comfortable if there were a defined 200 metres full stop, or if there was not that definition that there was a process, for instance, where local councils could refer matters to SEITA on the basis that they believed there was potential impact of some proportion to the road system.

The concept of leaving it to the minister to nominate areas and to do it on what could well be an ad hoc basis does not leave me particularly comfortable, and I am certainly concerned about the provision that has been highlighted by some of my colleagues, and was referred to by both Ms Pennicuik and Mr Hall in the context of this debate. There is more likelihood that this road will have an impact on properties in the 200-metre band than the properties themselves having an impact on the road. It has been my experience in local government that where there is clearly an impact on a road that is owned and operated by VicRoads or some other party that councils as a rule refer matters to those authorities or organisations for comment, as they do with water authorities and so forth.

What concerns me is that, because of what I perceive as a somewhat ad hoc arrangement provided for in this legislation in the way it is drafted, there is an opportunity for a number of planning applications and so forth to be delayed while the minister decides in the first instance whether an area ought to be covered, SEITA decides whether it is really interested, or the council decides how it should treat any submissions that come back from SEITA and so on. That is an area of concern. The process is untidy, and we need to have another look at that.

I suggest in closing that, as I said earlier, the people of the eastern suburbs and motorists generally will be looking at the translation to reality of the provisions of this legislation and other legislation in this area. There is no doubt that the road is badly needed in this area, and there is no doubt that congestion in the eastern suburbs is intolerable. In fact the last time I was sitting in my car in Mitcham Road at the Mitcham railway crossing the boom gates stayed down while four trains went through, two in each direction.

The reality is that this government ought to get its act together and look at our public transport infrastructure and assist the eastern suburbs in achieving grade separation, which I know was a Greens policy as well as the Liberal Party's view at the last election, so that, firstly, we can relieve some of the traffic congestion, and secondly, and perhaps even more importantly, we

can improve the efficiency of public transport, because at the moment our ability to improve fixed rail transport in the eastern suburbs is very much affected by the length of time that you can keep boom gates down and the amount of traffic congestion that you can afford to cause in those areas.

It is intolerable at the moment. The Eastern Freeway will provide a short respite to some extent, but it is not the total solution to the problem. The government needs to look at a package that includes both roadworks and public transport works in the area and certainly needs to look at better linkages for our current road networks.

Mr LEANE (Eastern Metropolitan) — I rise to speak in support of the bill. Many people in my electorate are very excited about the EastLink project and the progress it has made. From week to week you can drive along roads that intersect the project and see the progress in front of your eyes. You can definitely tell the project is ahead of schedule, which is a good thing. It will be fantastic when the road is operating, not just for motorists but for businesses in the area, in the east, that have had to endure being stuck in traffic jams from time to time when heading north to south and vice versa. I used to work for a maintenance company based in Croydon that serviced all the eastern suburbs. It had a number of vans on the road and lost productivity when its vans were held up while travelling from the depot to the peninsula.

One e-tag for EastLink and CityLink is a common-sense approach, especially for businesses. There has been a lot of discussion about that and no-one has spoken against it. I am sure my constituents will appreciate that a trip will be deemed to be any number of trips one way taken within an hour. In relation to the Southern and Eastern Integrated Transport Authority being a referral authority for any proposed works within the vicinity of the tollway, I might say that when VicRoads takes over EastLink from SEITA it will be the referral authority and will have the same authority as SEITA has in the interim period. It is very important that SEITA be the referral authority in case someone who lives above the tunnel decides that it is a good idea to dig a cellar underneath their house or one of the many businesses that run adjacent to the road decides it wants to build something that puts pressure on the embankments or the sound barriers. I commend this very important bill to the house.

Mrs KRONBERG (Eastern Metropolitan) — I rise to speak on the Road Legislation Amendment Bill and also rising in my throat is a very bitter taste. This bitter taste is due in large part to clause 16 of the bill. The Liberal Party will propose amendments that will be dealt with in committee and it will not oppose the bill if those amendments are passed by the chamber.

As a relatively new member of this Parliament I have experienced a lot of surprises, but none takes my breath away more than the proclamations and support that come from a member of the Eastern Metropolitan Region, Mr Leane, who I note is removing himself from the chamber and is not interested in the debate. I wonder how another member from the Eastern Metropolitan Region, who is not one of the three Liberal members, will be able to look his constituents in the eye after providing a mealy-mouthed assessment while trying to defend the indefensible.

Getting back to the technical side of the legislation, with the proposed insertion of new section 125 into the EastLink Project Act 2004 an extension of the referral authority of the Southern and Eastern Integrated Transport Authority will occur. SEITA's referral authority comes from the Planning and Environment Act 1987, whereby an area defined as an extended project area or additional referral area can be declared by the minister by order in council on the proviso that the additional referral area is defined on plans signed by the surveyor-general and lodged in the central plan office. SEITA will become the referral authority for an additional 200 metres on either side of the extended project area — in fact way beyond the actual project area. This extension will impact on public areas, green oases, buffer zones and the sorts of things that individuals, businesses, communities and councils have been relying upon to soften the impact of this road system on their environment.

The concern felt by my parliamentary colleagues on this side of the chamber who hold seats along this tollway corridor is palpable. Their concerns centre on the impact this additional power will have on the community that is already reeling from the excesses of the managers of this project. They are concerned that there will be many intrusions into their backyards and business operations and about the effect of yet another stultifying form of red tape. Talking about red tape, I recall the Minister for Planning in question time today saying that the government is committed to cutting red tape, but here we have just another layer of red tape imposed on people.

This amendment centred around clause 16 has the potential to trammel residents and consign their concerns to the swirling red dust clouds that orbit in their neighbourhoods. All manner of concerns have been raised by residents during the construction process. Councils are concerned that they are excluded

from the planning processes and about what will happen next. It is time to bring their concerns to the attention of this house. Central to my concern is the close relationship SEITA exemplified with EastLink when it approached VicRoads on its behalf to the chagrin of a group of Vermont residents. The right thing was not done on behalf of these residents.

The sound attenuation provisions provided previously were ignored. The residents were sold short. The standards set out clear guidelines that if the level of noise increases by 12 decibels and the previous level was below 50 decibels a noise wall must be completed. The residents adjoining the Dandenong Creek area in Vermont are having to endure a gap in their wall of about 60 metres basically because the project ran out of huff and puff and material to complete this mound. There was a gap. Let me tell you what the gap feels like. I quote from a letter from one of the disgruntled residents reported in the *Sunday Herald Sun* of 5 November. It states:

> A change of plan has deleted about 60 metres of acoustic screening on the EastLink carriageway south of Dandenong Creek. Residents and other users of the reserve here are not convinced noise level projections are accurate and fear the decision will lead to residential disturbance and reduced public amenity. Residents are being denied access to the constructor's report on noise level projections.

We have to ask why once again. What is there to hide? Ignoring the concerns of the Vermont residents, SEITA has taken up EastLink's cudgel against the deeply held concerns of residents as their amenity is further eroded. Having proven how well SEITA and EastLink can work together one must pose the question of what next? What lies in wait and what will these emboldened allies do with this increased power? The government once again seeks to mask its real intent, especially on this aspect of the bill by espousing concern for areas within the areas of the tunnel. The bill allows the referral authority to influence anything along the entire length of this roadway.

To put the potential of this enhanced authority in a nutshell, the extended jurisdiction that will be afforded SEITA and the EastLink project means that after ministerial direction is gazetted there will be the potential for further compulsory acquisitions unrelated to the Mullum Mullum tunnel. When this happens we can imagine what it will read like in the newspapers of the day — just a smooth, silky, cover-up, cover-all phrase. I draw upon an example in the form of a media release from the previous Minister for Transport in the other place on 12 October 2006, which goes like this:

> Mr Batchelor said that the Southern and Eastern Integrated Transport Authority (SEITA) had recently advised him that it had found a way to provide the direct connection from Heatherton Road to the Princes Highway and EastLink.

Full stop; next sentence:

> This will involve the acquisition of three properties.

So those residents and all the residents along the entire freeway are probably going to be quaking and thinking, 'Are we next in line for acquisition?'. It is starting to feel like Stalin's collectivisation programs of the 1930s.

I will not dwell on the other elements of the bill because I think they have been covered by my learned colleagues Richard Dalla-Riva and Bruce Atkinson, supporting the people of the Eastern Metropolitan Region, as I do in this debate. This government has sought to mask its strategic intent for what it is really trying to tidy up or undertake as part of some hidden arrangement with the EastLink authority. Who knows what motivates the government to think it has carte blanche to trammel the rights of people living along the entire length of the EastLink. They are my constituents and the constituents of two members of this Parliament who have absented themselves. One did not even contribute to the debate and the other's level of debate was a disgrace.

House divided on motion:

Ayes, 24

Barber, Mr	Mikakos, Ms
Broad, Ms	Pakula, Mr
Darveniza, Ms	Pennicuik, Ms
Drum, Mr	Pulford, Ms (*Teller*)
Eideh, Mr	Scheffer, Mr (*Teller*)
Elasmar, Mr	Smith, Mr
Hall, Mr	Somyurek, Mr
Hartland, Ms	Tee, Mr
Jennings, Mr	Theophanous, Mr
Kavanagh, Mr	Thornley, Mr
Leane, Mr	Tierney, Ms
Madden, Mr	Viney, Mr

Noes, 14

Atkinson, Mr	Kronberg, Mrs
Coote, Mrs	Lovell, Ms
Dalla-Riva, Mr	O'Donohue, Mr
Davis, Mr D.	Petrovich, Mrs (*Teller*)
Davis, Mr P.	Peulich, Mrs (*Teller*)
Finn, Mr	Rich-Phillips, Mr
Guy, Mr	Vogels, Mr

Pair

Lenders, Mr	Koch, Mr

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Mr DALLA-RIVA (Eastern Metropolitan) — I will propose various amendments. In respect of clause 1 I move:

1. Clause 1, page 2, lines 11 to 15, omit all words and expressions on these lines and insert —

"(d) to amend the **EastLink Project Act 2004** to redefine the meaning of trip;".

This amendment will be a test for my amendments 2, 3, 4 and 5, although I would like the opportunity to speak on clause 16.

This amendment proposes to remove clause 1(d)(ii), which states 'to allow the area for which the Freeway Corporation is a referral authority to be extended'. The opposition argued in the second-reading debate that what ought to be removed is the giving to the referral authority of carte blanche power such that, with the support of the minister, it would have the capacity to set the areas defined in clause 16 to be extended project areas. I raise with the minister our concerns that given that the second-reading speech makes reference to a particular area such as the tunnel, the legislation really allows for a total use of the 200-metre zone on either side of the freeway.

We are equally concerned that there have already been indications by the non-government parties that they will support the government and not support the opposition's amendment. It seems odd that the relevant minister in the other place was very specific about where he would like to see those particular zones being defined, yet that is not reflected in the legislation.

I ask the minister on the basis of the preamble and in particular with reference to the amendments before the house, what guarantees there are that this legislation will not allow the referring authority to take possession of public amenities or public land.

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — As I understand it, the honourable member's amendment simply has the effect of removing clause 1(d)(ii). That is the effect of the amendment the member is seeking. I am trying to understand how that relates to the question that he is putting to me.

Mr DALLA-RIVA (Eastern Metropolitan) — I am covering my amendments 1 to 5. My understanding is that we are using my amendment 1 as a test for the remainder, but if the minister wishes, we can wait until the committee reaches clause 16, which covers these specific issues. We are trying to alleviate the need for the committee to go through each item, but if the minister wishes us to do that, we can. I am trying to get overall clarification from the minister on this clause before going on to clause 16, but the problem is that amendments 1 to 5 are all related. I guess what I am getting to is that in relation to removing the authority as the referral authority — clause 16, which substitutes new section 125, provides for it to be the referral authority — which is related to my first amendment, the question goes back to: with the minister having declared in his second-reading speech specific areas like the tunnel, which we understand to be a fair assessment, what guarantees do we have that there are not going to be moves to declare the 200-metre zone that is proposed in clause 16 to take in areas such as public areas or other reserves or amenities?

The DEPUTY PRESIDENT — Order! Can I just intervene and briefly respond to the minister's question. I agree with Mr Dalla-Riva's proposition that his amendment 1 virtually tests all of his amendments. To that extent it is seen that if we pursue some of the related issues in the course of discussing amendment 1 that will expedite proceedings.

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — Thank you for your direction, Deputy President. Perhaps I should indicate that the government is certainly happy to follow that process, which means that really what we are doing here is discussing clause 16 and its implications. We will test clause 16 with reference to clause 1, which will expedite the proceedings.

I understand what the honourable member's concern is. What I can say to him is that the conferral of referral authority powers on SEITA (Southern and Eastern Integrated Transport Authority) follows the approach that was taken with CityLink and was included to deal with the particular requirements of those toll road arrangements. It does not provide a precedent for other kinds of projects. On behalf of the government, I make that clear. In this debate what I can clarify is that the arrangements detailed in clause 16 would only be legislated on a case-by-case basis in the future.

Mrs PEULICH (South Eastern Metropolitan) — I would like to get further clarification on the matters just covered by the minister in his response to Mr Dalla-Riva, especially given that substantial parts of my electorate would be impacted upon by the strengthening of the referral powers of SEITA affecting areas, for example, between Cheltenham Road, Keysborough, and Thompson Road, Bangholme, which

includes VicUrban's plans to build a new industrial estate on the old sewerage land off Greens Road. This is proposed within the 200-metre area and within that area there are existing school and church grounds as well.

All along the project there are impacts that the minister in his second-reading speech has failed to clarify. In my brief research of what referral authorities meant I referred to the Auditor-General's report regarding land use and development in regard to the Planning and Environment Act. In considering the interests of referral authorities it states that the act provides for applicants to be submitted to the referral authorities specified in the planning scheme. I quote:

> These are authorities whose interests may be particularly affected by the granting of a permit for land use and development. A responsible authority must comply with any directions from a referral authority if that authority requires a condition to be included in a permit or an application to be refused.

This certainly gives very strong powers over the 200-metre zone that is to be included along the project, far greater than perhaps the minister has indicated. Can he can provide some assurances as to how many properties may be affected, what the extent of the referral powers is and what restraints that would place on current property owners and current plans?

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — Obviously it is not possible for me to provide to the member the level of detail that she has requested in relation to each and every section of the freeway and the possible implications for each and every part of that freeway. What I can say to the member is that it is not the minister's intention to declare the 200-metre zone for the entire length of the project — that is not the minister's intention — and indeed this is very much limited at the moment in relation to intent to the tunnel itself. I accept from the member that there is a capacity within the legislation for other eventualities to come up that may require the minister's action.

Mr DALLA-RIVA (Eastern Metropolitan) — It is interesting that the minister in his response said, and I do not want to put words in the minister's mouth, that it relates to the area around the tunnel, which I think was the indication from the minister and is exactly the issue that we are getting at — that is, if the legislation were designed to provide additional assurances for the extended project area around the tunnel, then that ought to have been considered in the legislation.

I hear what the minister says, that not every area is going to be declared, but I would like to ask the minister in response: has there been any analysis undertaken by the department or by the minister's office in relation to the total potential area in square kilometres or in metres of the area that could be potentially made an extended project area along the length of the EastLink project?

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — Is Mr Dalla-Riva interested in what is the total area that could potentially be affected by the legislation?

Mr DALLA-RIVA (Eastern Metropolitan) — That is correct.

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — I first of all indicate that not only the intention of the minister but the intention of clause 16 itself is not for the minister to declare the length of the corridor for 200 metres on either side. The member has asked a specific question about how much area that is. I am not in a position to be able to say in square metres or whatever what that area is, but it is fairly obvious from a definitional point of view that if you are talking about 200 metres on either side of the freeway, then that is what you are talking about in relation to what the potential cover is.

However, I make it clear again that the first order is likely to be for the area around the tunnel itself. Any other area would be considered only in circumstances where it was a judgement that that is required. The purpose of the clause is simply to ensure that the authority is informed of all developments that occur in close proximity to the freeway, and it provides a process to prescribe and publish the additional area to which the clause applies. This is a process clause; it allows for that to occur. As I have indicated before, the intention of the minister at this point, in relation to the first order, is only in the area around the tunnel.

Mrs PEULICH (South Eastern Metropolitan) — Given the minister's response and the reference in the second-reading speech to the authority merely being informed of any significant developments, can the minister clarify whether a responsible authority must comply with any direction from a referral authority if that authority requires a condition to be included in a permit or whether it is merely a requirement to provide information?

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — I am informed that they are required to comply.

Mrs KRONBERG (Eastern Metropolitan) — I would like clarification and the minister's interpretation

of how this particular clause would be affected by the issuing or non-issuing of a works approval from the Environment Protection Authority. The Knox City Council has expressed a lot of concern about the temporary location of concrete and asphalt batching plants in extended project areas. I am just wondering about the minister's interpretation as to what would be the overriding authority with this new referral.

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — I am informed that the concession is required to comply with all requirements of the Environment Protection Authority, so the EPA in fact takes priority.

Mr HALL (Eastern Victoria) — I have one question for the minister. It is also in regard to this provision in clause 16 — that is, the referral to the Southern and Eastern Integrated Transport Authority. I mentioned in my contribution to the second-reading debate that we had received advice from the Minister for Roads and Ports in another place in respect to some of the queries we had raised with the government. In part the response says:

> VicRoads is the referral authority in respect of all land adjacent to declared freeways and arterial roads. Once complete, EastLink will be a declared freeway and VicRoads would exercise its powers as a referral authority in respect of EastLink as it does in respect of other freeways in the state.

I wonder if the minister could explain to the house the exact difference between the referral powers this legislation gives to the Southern and Eastern Integrated Transport Authority and the powers that VicRoads will enjoy once EastLink becomes a declared freeway.

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — I am informed that there is not much difference at all. There is a very slight difference. Basically VicRoads' powers are broader. It has power over anything that affects the area under its power structure, whereas the powers of the Southern and Eastern Integrated Transport Authority are a little more circumscribed. The difference is quite marginal.

Progress reported.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The PRESIDENT — Order! The question is:

> That the house do now adjourn.

Public transport: patronage

Mr BARBER (Northern Metropolitan) — My adjournment matter is for the attention of the Minister for Public Transport in another place. I request a briefing from the Department of Infrastructure or Metlink to provide me with some more data about the operations of the public transport system. Metlink holds a lot of data about patronage of the system, but it does not release a lot of data. Its responsibility is to share revenue among the three public transport providers.

The only data that is available in general terms is performance against the key indicators, but I am more concerned about some of the global numbers released in today's budget papers. I am interested in the growth in patronage of the system, the challenges that is throwing up and the need for proper planning for growth in the system, as well as some information that I do not believe is currently collected, such as when trains and trams bypass passengers and leave them sitting on the platform because the trains and trams are full.

We have received information today that it is projected that 182 million train trips will be taken next financial year, up from 160 million just two years ago. There was 7.5 per cent growth last year, and growth of 5.2 per cent is anticipated in the budget papers for this year. That is up from what has typically been 2.5 per cent to 3 per cent growth in recent decades. Constituents I have spoken to have been stonewalled and told that the information I am requesting is commercial in confidence. I do not think it is; certainly any future bidder will have it. The current providers have it. They are receiving a large amount of public money, so my request is for a briefing from Metlink or the Department of Infrastructure to tell me what data they hold and what they might be willing to make available to me and members of the public.

Dingley bypass: completion

Mrs PEULICH (South Eastern Metropolitan) — I wish to raise a matter for the Minister for Roads and Ports in another place. It is in relation to the completion of the Dingley arterial. This is a long-overdue project. In its transport policy in 1999 the Labor Party committed itself to completing the Dingley bypass. Eight years later we barely have one-third of the project completed. I have not had the opportunity to have a close look at the budget papers, but I suspect there probably is not any new funding for the completion of this project — that is, stages 2 and 3.

Hon. T. C. Theophanous — You had better hope so.

Mrs PEULICH — It really is not stage 3.

Hon. T. C. Theophanous — You had better hope so, because you will look very silly if it is.

Mrs PEULICH — I understand that in actual fact the money has not been set aside for the completion of all parts of that and that it is having a very significant impact on traffic congestion across the south-east. This arterial provides the opportunity for an east–west road link to address the congestion across the south-eastern region of metropolitan Melbourne. It is required to be completed to overcome existing problems in providing for east–west movements and to assist the strengthening role in particular of Dandenong, Moorabbin and Braeside, which should be of some interest to Minister Theophanous, especially in serving the industrial areas important to the state and the national economy.

I understand the Dandenong bypass has been completed. We have seen some work on stage 3. However, instead of cutting across from South Road and connecting with Westall as per the original plans, this compromise plan sees a lot of traffic being directed into Old Dandenong Road — an undulating road that is not intended to serve large volumes of traffic. It certainly will place local residents and farmers under considerable hardship. Some of the farmers who move tractors and farm machinery across Old Dandenong Road will need to desist from doing that once the traffic increases s.

I call on the minister responsible to ensure the expeditious completion of the Dingley arterial to resolve the heavy congestion affecting Nepean Highway and White Street, as well as people living in Heatherton and Dandenong, and for the completion as per its initial plans and not those that it has compromised because of the lack of money being set aside for its completion. This is absolutely imperative for the south-east, it is imperative for business as well as families and commuters and I call on the minister to make sure that whatever funding is available in the budget is directed to this very high priority project.

Princes Highway, Stratford: speed limit

Mr HALL (Eastern Victoria) — I raise a matter for the attention of the Minister for Roads and Ports in the other place. It concerns speed limits in the town of Stratford. Stratford is a small township located on the Princes Highway about 230 kilometres east of Melbourne. It is certainly a lovely place to visit in its own right, with the Avon River being on the west side of the township, but most people probably come across Stratford on their journey to the East Gippsland lakes and the high country areas on the eastern side of Victoria.

The highway goes through the town, and while many travellers stop to enjoy a coffee, a treat at the bakery, a meal at one of the several local establishments or a taste of local wine, most actually go straight through Stratford, and not all do so at a desirable speed. In fact in October last year VicRoads was monitoring the speeds of vehicles going through the town, and it was indicated that up to 65 per cent exceed the 60-kilometre-per-hour speed limit through the retail area of Stratford. Many locals are concerned about the safety aspects of vehicles that are travelling at 60 kilometres per hour, or more, through the town, and I certainly believe that the vast majority of people in Stratford believe that lowering the speed limit to 50 kilometres per hour would vastly improve safety for both road users and pedestrians alike. It is not uncommon for 50-kilometre-per-hour-speed zones to be applied to the retail areas of towns around the state. Indeed many in Gippsland have a 50-kilometre-per-hour-speed zone around the retail area.

My request to the Minister for Roads and Ports is to review the decision by VicRoads not to decrease the speed limit to 50 kilometres per hour. It is only a section of about 500 metres through the town where the reduction from 60 down to 50 is being sought, and it certainly would not add great travelling time to anybody travelling through the town. In respect of improving safety in the area of Stratford I seek a review of the VicRoads decision not to lower the speed limit from 60 to 50. It certainly is the wish of local residents that that be done.

Bungower Road, Moorooduc: upgrade

Mr O'DONOHUE (Eastern Victoria) — My issue is for the Minister for Planning. Infrastructure on the Mornington Peninsula has been starved of funding by this government and has failed to keep pace with the growing population. The road network barely copes at off-peak times but during summer and morning and evening commute it is a disaster. The Bracks government specifically has failed to recognise the need for an improved east–west cross-peninsula road network. As towns such Mornington, Mount Martha, Somerville and Hastings have grown, so too has the amount of cross-peninsula traffic and the consequential need for road upgrades.

Bungower Road, if sealed between Moorooduc Road and Coolart Road and if given proper intersection treatments, could become the only all-weather, cross-peninsula road that does not go through the heart of a town. This was recognised by the Mornington Peninsula Shire Council in 2000 when it applied to the state government for funding to seal and upgrade the road. Unfortunately the government refused the request notwithstanding its urgent need. Since that date there have continued to be accidents and deaths because of Bungower Road's poor condition. Sadly Mr Derrick Patterson died on Bungower Road while driving with his son on 12 August 2005 when their car struck a pothole, spun out of control and ran into a tree.

The federal government through its local member, Greg Hunt, has stepped into the breach and provided funding for the road's upgrade in the form of a $3.1 million grant through the Roads to Recovery program. Unfortunately because of the government's new net gain requirements and the complicated planning system, the money cannot be spent. The money has been lost through the net gain processes and subsequently with the issuing of a permit by the council the matter has gone to the Victorian Civil and Administrative Tribunal. Of course before the net gain requirements were introduced the matter could not have gone to VCAT at all.

In light of this farcical situation, where the government's own planning system is putting the lives of commuters and drivers at risk, I ask the minister to do the following: to urgently review the net gain policy and the way it impacts on critical infrastructure projects, to give consideration to removing road reserves from being subject to net gain assessments, to intervene in the matter of the sealing of Bungower Road and to expedite, if possible, the appeal and decision-making process so that works can commence as soon as possible. I would also like the minister to lobby the Minister for Roads and Ports in the other place to match federal government funding to allow for proper intersection treatments along Bungower Road. To allow further delays means risking further loss of life.

Rail: Yarraville underpass

Ms HARTLAND (Western Metropolitan) — My adjournment matter is for the Minister for Public Transport in the other place and relates to Yarraville railway station, where there is an ongoing problem regarding safety. Several years ago there was an underpass at Yarraville station, but for reasons beyond anybody's understanding it was filled in. Over the years I have been involved with a number of community campaigns and letters sent to the minister. We have tried to have meetings but have never received a good response from the minister. We did a survey of local people using the station and found that many people run across the line when the boom gates are down. I ask the minister to investigate the reopening of the underpass and to consult with the community on those findings.

Volunteers: working-with-children checks

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I wish to raise a matter for the attention of the Attorney-General in the other place. It relates to the impact on volunteer organisations of the working-with-children checks which were introduced by legislation passed through this place the year before last. The issue relates not to the cost of undertaking the checks — I understand the government is providing some form of payment to volunteer organisations that require these checks for their members — but to the administrative burden these checks place on volunteer organisations.

I have been contacted by Portsea Surf Life Saving Club regarding the burden it is facing in implementing the working-with-children checks. The club has roughly 400 volunteers on its books, and all those people are required to have a working-with-children check once they turn 18. In this instance the club president, Mr Simon Wilson, is required to administer this matter for the club. He keeps registers of who has had the checks and when they expire and carries out other paperwork in relation to the checks. This comes on top of the need to administer the boat operators licence, which came in three or four years ago.

There is an increasing burden of administrative work on volunteer organisations arising from measures that have been implemented by the government, and it has reached the point with the working-with-children checks where this surf lifesaving club is looking at employing somebody to carry out its administration and keep the registers et cetera. A substantial burden is being imposed on this volunteer organisation as well as, no doubt, on other volunteer organisations.

As I said, while it is recognised that the cost of the checks is not being borne by the clubs, it is clear that there is still a substantial administrative burden on individual clubs. I therefore seek from the Attorney-General an undertaking that he will look into the level of administrative burden being carried by these volunteer organisations in maintaining these registers for the checks and ensure that they receive appropriate compensation for the administrative costs they carry as well as for the individual checks.

Murray River: body retrievals

Mr DRUM (Northern Victoria) — My adjournment matter is for the Minister for Police and Emergency Services in the other place. It goes to an issue I raised in the adjournment debate a couple of months ago surrounding body retrievals in the Murray River. I previously put a question to the minister specifically about body retrievals when it has been adjudged that there is no longer any chance of survival after an accident, suspected drowning or the like on the Murray River. The adjournment matter was clearly about body retrievals, but the response from the minister said that there is very strong cooperation between New South Wales and Victorian police when it comes to searching for survivors. Effectively that response had nothing to do with the situation I was raising, but the minister rightly said there is very strong cooperation between the Victorian and New South Wales police.

I need to go through the facts very clearly. If there happens to be an incident on the Murray River, the local divers are all called in. They could be divers from the State Emergency Service or whoever is available. They all come in and rally to help the injured or find the survivors. They are very well qualified and used to diving in the strong currents of the Murray River in what they call blackwater and to diving around snags, which are very dangerous for the untrained diver. Once it is decided that they are no longer looking for survivors but are looking for a body, all those local divers are ordered out of the river. A call is made to Sydney, and the Sydney dive squad, when it is available, then mobilises itself, complete with a decompression caravan, to make the long and arduous road trip to the scene of the accident on the Murray River.

That happened this year, and it took three days to find the body. It happened to a family friend of mine nine years ago, and it took three days to find the body. We have to try to do something about it. There are grieving families waiting on the banks of the Murray River for three days to have their loved ones retrieved. Eventually the Sydney divers turn up, and it takes them a couple of hours to find a body that could have been found much more easily.

I call on the minister to start some serious conversations and enter into an agreement with the New South Wales Police Force to make sure that this never happens again. We could certainly come up with an agreement that the nearest available dive squad is given the opportunity to retrieve the bodies and get the mess fixed up. At the moment the police minister in Victoria seems to think we do not have a problem and is quite happy for the present situation to exist in perpetuity, so we will go through the same thing again when we have our next accident on the Murray River.

Rail: St Albans crossing

Mr FINN (Western Metropolitan) — I wish to raise a matter for the attention of the Minister for Public Transport in the other place on the off-chance that she might be slightly interested in her portfolio this week. Last Thursday there was yet another accident at the St Albans level crossing just down from the station. This level crossing is surely one of the most dangerous in the state. I have been caught there a couple of times myself in a very dangerous situation, and it is terrifying.

We have seen death after death on this level crossing, with no response from this government. All we have received from the local member, the member for Derrimut in the other place, are condolences. We are sick of condolences, we are sick of deaths, we are sick of funerals. We want action now before it happens again, because the way things stand at the moment it most certainly will happen again. More than one person will die on this level crossing unless the government takes action now to fix it. The only conclusion we can draw is that the Bracks government just does not care about the lives of people in the western suburbs. It will look after — —

The PRESIDENT — Order! Mr Finn knows full well that he is not able to debate an issue on the adjournment. I ask him to reflect on that and to come back to his question.

Mr FINN — President, I would hope that the minister would prove to us that the Bracks government does indeed care about people in the western suburbs — and you know why.

The local community — local businesspeople and residents — has been crying out for action for years. This government just will not listen. Tonight I ask the minister to do something about it. I ask the minister to listen to the local community and to put something into action that will save people's lives. As I said, as things stand at the moment more local people will die — nothing is surer. Some years ago, I think it was around 1998 or 1999, we came close to getting this issue resolved — —

The PRESIDENT — Order! I do not know what difficulty Mr Finn has in understanding my ruling about not debating his question to the minister, but he is currently debating it. He is now encouraging other people in the chamber to engage in debate with him. I

ask him to cease debating and restrict himself to the question at hand.

Mr FINN — It could be a very long question, President.

The PRESIDENT — Order! The member has 49 seconds.

Mr FINN — I do have 49 seconds indeed. I ask the minister to do something to help the people of St Albans. It is not good enough for her to sit on her tail and ignore the people who are dying there. I ask her to get up and do something to fix this problem before we have more bodies on the St Albans level crossing. If that is too much, she should get out and give her job to someone who can do it.

Olympic Park: rectangular stadium

Mr ATKINSON (Eastern Metropolitan) — I address a matter to the minister at the table in his capacity as Minister for Major Projects. I note the various announcements he has made, both in this place and publicly, about the proposed new soccer and Rugby stadium, and I welcome that development. During the period I was shadow Minister for Sport and Recreation I had a lot to do with both the Rugby and soccer fraternities. I know this is a project they welcome. It will add significantly to what is one of the world's best sporting precincts. It will provide the capacity for the growth of two sports that are obviously doing very well in Victoria and Australia generally and have gradually built a significant franchise in this city. I also hope we can anticipate a Rugby 14s team as part of this new development.

The issue I raise with the minister tonight is to request some information on what initiatives are planned by the government in respect of the environmental credentials of this new stadium. I note that the government has provided for an expanded stadium compared to that which was originally proposed after discussions with the sports associations and an evaluation of what might be needed. I welcome that. However, given that this is one of the first major developments to be planned by the government following our greater attention to issues such as energy and water consumption, I am interested to know what initiatives the government has built into the project, or plans to explore as part of its development, to make it something of a showcase not just for soccer, Rugby and other sports but also for water and energy usage in projects of this nature.

Sewerage: Lake Bolac

Mr VOGELS (Western Victoria) — I raise a matter for the Minister for Water, Environment and Climate Change in the other place, the Honourable John Thwaites. It concerns the provision of a town sewerage scheme for Lake Bolac. In the Lake Bolac Development Association's community action plan, sewerage connection for Lake Bolac was highlighted as the most important infrastructure item required for ongoing prosperity.

I quote from a letter from Karen McIntyre, president of the Lake Bolac Development Association, to Mr Peter McManamon of the Grampians Wimmera Mallee Water Authority. It says:

> Recent census statistics show small rural communities are reducing population size, in Lake Bolac we want to reverse the trend and having sewerage on in our town is essential for this to occur.
>
> At a recent development association meeting it was highlighted again that the lack of housing in our town was inhibiting the growth and development of business and industry…
>
> Economic development is obstructed in our town and development of residential housing blocks is non-existent (despite a high demand for housing), as a result of not being able to legally sewer a quarter-acre block (EPA regulations).

In August 2004 the Bracks government launched a $42 million country town tourism program to address environmental and public health risks associated with water supply and sewerage in country towns. 'Protecting the environment is a key plank of the Our Water Our Future policy', the minister stated when launching the $42 million program. I applaud the program; I think it is an excellent one.

At page 197 this year's budget paper 3, which deals with service delivery, says under the subheading 'Healthy and productive water systems':

> The department will work with the Victorian community and organisations to achieve the following sustainable outcomes:
>
> > reliable and safe urban water and sewerage services as demanded by customers …

The action I seek is for the minister to ensure that the Grampians Wimmera Mallee Water Authority works closely with the Lake Bolac Development Association to ensure that this vital sewerage scheme is delivered for Lake Bolac.

Responses

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — I received a

question from Mr Barber for the Minister for Public Transport in the other place concerning additional data in relation to the public transport system. In his absence from the house to hear the response, I will pass on his request.

Mrs Peulich asked a question of the Minister for Roads and Ports in the other house in relation to the Dingley arterial bypass. I will certainly pass that on for the honourable member to receive a response.

Mr Hall, who apologised to me for not being able to stay to hear the answer to his question, asked about speed limits in Stratford. I am very pleased to pass that on to the Minister for Roads and Ports in the other place for response to the honourable member.

Mr O'Donohue asked a question for the Minister for Planning, although it also related to a road issue, in relation to the net gain policy. I will pass that on to the Minister for Planning for response to him.

Ms Hartland asked a question of the Minister for Public Transport in the other place in relation to Yarraville station and the underpass. I will pass that question on for response.

Mr Rich-Phillips asked a question for the Attorney-General in relation to working-with-children checks. He wants the administrative costs of that to be paid for by the government although I do not think he wants the checks themselves to be abandoned — or at least I hope he does not. I will pass that on to the relevant minister for response.

Mr Drum had a question for the Minister for Police and Emergency Services in the other house relating to body retrievals from the Murray River. He made an interesting case, and I am very happy to pass that on to the minister for response.

Mr Finn asked a question for the Minister for Public Transport in the other place in which I think he was very much debating the issue.

Mr Finn interjected.

Hon. T. C. THEOPHANOUS — Mr Finn asked a question, and indeed I almost thought that it was with glee that he said people might die.

Mr Finn — You are a disgrace!

The PRESIDENT — Order! Whilst I have already stated to the house that it is inappropriate for Mr Finn to engage in debate on the adjournment, it is also inappropriate for the minister to do the same. He should keep his answers as brief as possible in accordance with standing orders.

Mr Finn — On a point of order, President, I take offence at what the minister has said, and I ask him to withdraw.

The PRESIDENT — Order! I am assuming that Mr Finn is referring to the comment made by the minister that he thought Mr Finn was asking the question with some sort of glee or something along those lines. I think the minister might like to think about that.

Hon. T. C. THEOPHANOUS — I think I used the term 'almost glee', but if the member takes exception to that, then I withdraw.

I will pass the member's question on to the Minister for Public Transport, despite the comments he made about the minister during the course of his question, which I thought were inappropriate. I will nevertheless pass it on and she can respond to him as she sees fit.

Mr Finn interjected.

Hon. T. C. THEOPHANOUS — If Mr Finn asked the question with a bit more modesty, he might actually get appropriate answers.

Honourable members interjecting.

The PRESIDENT — Order! Mr Finn and the Minister for Industry and State Development!

Hon. T. C. THEOPHANOUS — Mr Atkinson asked a very sensible question in relation to my role as Minister for Major Projects about the rectangular stadium. It concerned what environmental aspects were going to be employed in the construction of that project. I am happy to inform the honourable member that care for the environment was a large consideration during the planning and design of the stadium. There will be a considerable use of recycled water technologies for the stadium.

Mr Atkinson — Water harvesting?

Hon. T. C. THEOPHANOUS — I do not want to mislead the member in the exact details. I am certain there will be recycling, and there are a range of other environmental aspects including the bioframe itself which has some of those features. I am happy to provide to the honourable member a more comprehensive response in any case in relation to the environmental aspects of the proposed development.

The honourable member said the design had been done to allow for expansion. The Premier, when he announced the project, said it required that there be an agreement whereby soccer and Rugby were being played at the stadium — in particular, soccer — to allow that expansion to occur. That is still in the process of negotiation, and I am sure the honourable member will be looking very carefully to an announcement in that regard.

Mr Vogels asked a question for the Minister for Water, Environment and Climate Change in the other place about sewerage at Lake Bolac, and I will pass that on for appropriate response from the minister.

The PRESIDENT — Order! Before I adjourn the house, I bring to the attention of members — and I will do it tomorrow in writing to the relevant whips — the technique for raising matters in the adjournment debate in accordance with the custom and practice of the chamber and with the standing orders. The following four-stage process should be adopted: indicate to whom the matter is being directed; give a brief resumé of the facts; set out the request, query or complaint; and suggest the action sought. That is it. There is no room for comment or debate.

Hon. T. C. Theophanous — Comments, surely.

The PRESIDENT — Order! I thank the minister for that help. I have outlined the four stages of the technique for raising a matter in the adjournment debate. That is the custom and practice of this chamber and in accordance with the standing orders. Those steps will be adhered to.

The house now stands adjourned.

House adjourned 10.35 p.m.