

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

**LEGISLATIVE COUNCIL
FIFTY-SIXTH PARLIAMENT
FIRST SESSION**

Thursday, 15 March 2007

(Extract from book 4)

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Thursday, 15 March 2007

The PRESIDENT (Hon. R. F. Smith) took the chair at 9.33 a.m. and read the prayer.

The PRESIDENT — Order! For the information of the house, and in particular for Mr Theophanous, who suggests that I have shortened the Lord's Prayer, we use the Catholic version of the prayer.

LIVESTOCK DISEASE CONTROL AMENDMENT BILL

Introduction and first reading

Received from Assembly.

**Read first time on motion of
Hon. T. C. THEOPHANOUS (Minister for Industry
and State Development).**

PAPERS

Laid on table by Clerk:

Budget Sector — Mid-year Financial Report, 2006–07, incorporating the Quarterly Financial Report No. 2 for the period ended 31 December 2006.

Commissioner for Environmental Sustainability — Strategic Audit of Victorian Government Agencies' Environmental Management Systems, January 2007.

Drinking Water Quality in Victoria — Report, 2005–06.

Parliamentary Committees Act 2003 — Minister's response to recommendations in Road Safety Committee's report on the Review of the Inquiry into the Incidence and Prevention of Pedestrian Accidents.

Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 4.

BUSINESS OF THE HOUSE

Adjournment

Mr LENDERS (Minister for Education) — I move:

That the Council, at its rising, adjourn until Tuesday, 17 April.

Motion agreed to.

MEMBERS STATEMENTS

Water: Eastern Metropolitan Region

Mr DALLA-RIVA (Eastern Metropolitan) — I thank the people of the Eastern Metropolitan Region for their efforts in saving Victoria's water supplies. We know the people of Victoria have been left to their own devices to cope with the lack of management by the Bracks Labor government in providing secure water supplies for the future. People in the Eastern Metropolitan Region have realised that unless they do something themselves, nothing else will be done. I commend them for their efforts.

As I traverse the Eastern Metropolitan Region, and those districts in Eltham, Bulleen, Doncaster, Ferntree Gully, Bayswater, Scoresby, Kilsyth, Warrandyte, Box Hill, Mitcham and Forest Hill, it is clear that the gardens are suffering an enormous amount of strain and stress from the lack of water.

I am also impressed with the effort of people carting buckets of water to place on the huge trees. The eastern suburbs are renowned for having lush gardens, and people take great pride in them. The people who do not take great pride are government members, who have left those people to their own devices. I commend those people in the Eastern Metropolitan Region for all their efforts.

Housing: Bendigo

Mr DRUM (Northern Victoria) — Often in this job we go quite a way, especially with the upper house regions, to try to help people, but I have one issue that is happening, effectively, in my own backyard at Junortoun. An enormous subdivision has been established within a kilometre of my place, and traffic has subsequently increased on the way to Catholic College, which has about 800 to 900 students. We now have a very small road, Junortoun Road, which has enormous traffic flow and there is no room for kids to ride their bikes or walk to school.

I have been contacted by Bernie and Glenn Stevenson, who are locals, and also Paul and Lisa Dullard, who are concerned about the increased traffic flows in that area, yet our children are still being forced to walk on the side of the road very close to the cars. When kids have to walk on both sides of the road and cars are crossing at the same time, it becomes dangerous.

I call on the City of Greater Bendigo to be aware of this problem and to act. There are about 300 new houses in the McIvor Forest Estate, so I hope the City of Greater

Bendigo can work with the developer to create bike lanes and walking paths to ensure that the kids going to and from Catholic College can do so safely with the increased traffic flows in that area.

Sunshine Swim and Leisure Centre: FINA pool relocation

Ms HARTLAND (Western Metropolitan) — I wish to use my statement today to raise several issues concerning the Sunshine pool. In the last two days I have had several calls from Cr Miles Dymott of the City of Brimbank. My concern is about the deal promised on 26 October by Henry Barlow, who attended a community meeting organised by the Sunshine mothers group and explicitly promised that the 25-metre pool that is currently being used for the swimming championships at Rod Laver Arena would be given to Brimbank council. He promised that installation would be paid for by the government.

Mr Barlow, who was then an ALP candidate for Western Metropolitan Region, said that he was representing the Minister for Planning, the Honourable Justin Madden, in making this promise. He reminded the audience that Minister Madden was the leading upper house candidate for Western Metropolitan Region. The Sunshine pool was built by the community. It is in a state of disrepair and is only partially open. In the western suburbs, access to swimming pools is desperate in comparison with the eastern suburbs. Footscray has also lost its historic pool despite widespread community opposition to the closure.

The Brimbank area, which includes Sunshine, is among the areas in Victoria with the fewest aquatic facilities per head of population, and it has one of the highest youth populations. I will be inviting members of the press gallery to my office at 12.30 p.m. today to view video footage of Henry Barlow at the public meeting, making these promises on behalf of the government.

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

Sudanese community: humanitarian visas

Mr TEE (Eastern Metropolitan) — I was angered and saddened to hear about a United Nations mission report on Sudan released this week. The report accuses the Sudanese government of orchestrating and participating in crimes of murder, mass rape and kidnapping in the western region of Sudan known as Darfur. My eastern suburbs electorate has hundreds of Sudanese migrants, most of whom have come to

Australia on humanitarian visas. Many have left families and loved ones behind, and some are trying to sponsor family members to come to Australia.

In the face of the crisis in Sudan I am appalled by reports that the federal Minister for Immigration and Citizenship, Kevin Andrews, will be taking a submission to cabinet seeking to reduce the numbers of Sudanese migrants. In the face of the crisis in Sudan any plan to reduce the number of Sudanese migrants is an act of immeasurable cruelty. It is nothing more than a blatant political stunt by a Howard government desperate to win the next election at any cost.

Mr Andrews has to visit the Sudanese families in our shared electorate to get an understanding of their suffering. Mr Andrews has to stand up for the Sudanese migrants living in his electorate. He cannot, in good conscience, turn his back on them. Instead of reducing the number of migrants, Mr Andrews should help these members of his electorate by supporting them as they settle into his electorate and as they try to ensure the safe passage of their relatives to Australia.

West Footscray Football Club: facilities

Mr FINN (Western Metropolitan) — Recently it was my great pleasure to meet with members of the committee of the West Footscray Football Club, an outstanding group of individuals who voluntarily give of their time to work for the football club in their community.

They gave me a tour of their clubrooms just off Barkly Street, and I have to say that the description 'well used' might be appropriate. These clubrooms are probably as old as I am — and I am in better nick. That is probably a worry in itself. I have raised this issue with the mayor of the City of Maribyrnong, and he assures me he will address the problems associated with the West Footscray Football Club's clubrooms as soon as it is humanly possible. I sincerely hope that the mayor will carry that through, because it is a great group of people. The club is coached by the legendary Robert 'Bones' McGhie, who I am sure many members of the house will remember well.

This is the last sitting day before the beginning of the Australian Football League season — before the beginning of the football season proper — and it is appropriate for me to wish well the Werribee Football Club in the Victorian Football League for the season ahead. I am sure, President, you will join me in wishing well an icon of Australian football, the Richmond Football Club, as it goes towards the 2007 season. The

joy that it would bring millions to bring a flag to Punt Road is untold.

Monsignor Joseph Takchi

Mr ELASMAR (Northern Metropolitan) — It is with great pleasure that I rise to speak today about the exemplary leader of the Maronite community in Victoria, Monsignor Joseph Takchi, the first Maronite priest to be ordained in Australia, who on Sunday celebrated with the community 25 years of priesthood in Victoria.

Monsignor Joe has promoted and catered for the Maronite community's many essential and various requirements to such an extent that the Maronites have an outstanding record in organising and attracting enthusiastic participation and, importantly, bringing together people of all ages to their church.

Monsignor Joe has worked tirelessly providing a wide range of services that are all physically located in my electorate. These include: the parish centre; St Paul's hostel for the elderly; a child-care centre; a community centre; and, most importantly, he instigated, planned, designed and pushed for the building of the new Our Lady of Lebanon church in Normanby Avenue, Thornbury. These are all important focal points for the Victorian Maronite community. As the building project continues Monsignor Joe and the parishioners are becoming more excited with anticipation for the completion of the new church planned for November 2007.

The dedication and commitment of Monsignor Joe has made the Maronite community vibrant and successful. The community has made significant and important contributions throughout Victoria. Many parishioners have grown up with Monsignor Joe, not just as the priest but as a friend and confidant. He is respected and loved by his community and is affectionately known as MJ — short for Monsignor Joe. I congratulate Monsignor Joe on these wonderful achievements —

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

Laverton Secondary College: Schools Innovation Design Challenge

Mr PAKULA (Western Metropolitan) — I want to bring to the attention of the house the efforts of a group of kids from Laverton Secondary College. They have been involved in the Schools Innovation Design Challenge, which has involved the design of a miniature version of a Formula One car. The kids were

required not only to design the car, but to promote themselves to gain sponsors and to then race the car.

On 4 September the regional championships were held at Victoria University, and Laverton Secondary College teams were placed first, second and sixth. Laverton's senior team, Dasha the Eagle, went on to win the state championships in October. In November it went to Brisbane, where it won the national championships. The team will now move on to the world championships, which are being held at the Melbourne grand prix this week. I salute the efforts of these four remarkable and very enterprising kids from Laverton Secondary College.

Housing: affordability

Mr THORNLEY (Southern Metropolitan) — Barrie Unsworth, the killer in the cardigan, once went to a meeting of his colleagues, some of whom were old-fashioned socialists, just after he had visited Eastern Europe. He walked into the room and said, 'Comrades, I have just come back from East Germany — you have wasted your lives'. And so it is potentially for those opposite.

In the *Age* this morning Paul Austin talked about the potential for a lost generation on the other side. They will continue to be a lost generation until they develop some policies that make any sense. Let us take the simple example of housing affordability. The simple example given by members on the other side is that all you have to do is release as much land as possible, cut all the taxes, drop the prices and everything will be hunky-dory. What they do not understand is that markets work. In a market, if you increase supply and you do not increase demand, prices go down. That would mean that 500 000 households with existing mortgages, with existing debt levels, would then be in a negative equity situation. If members opposite want to get elected, if they want to get a real answer, they will have to do the work. If they are going to put simplistic nonsense out there, they will have to cope with us explaining to half a million people why they would have negative equity in their homes.

Iraq: war

Mr SOMYUREK (South Eastern Metropolitan) — Next week will be the fourth anniversary of the commencement of the war in Iraq. On 20 March 2003, the day the hostilities began in Iraq, I made a statement in this place which subsequently received widespread media coverage. This is an extract of what I said:

I put on the record my opinion that this war will be over within a month, with the United States of America achieving

its objective of regime change. However, what worries me is that Howard will not discuss our commitments with respect to providing troops for peacekeeping activities after the war.

Having invaded Iraq without a United Nations mandate, Australia, along with the USA and Britain, has a moral obligation to retain military personnel for the purpose of peacekeeping operations because Iraq will spiral into civil war as the disparate tribes, ethnic groups and religious groupings compete for power.

Four years down the track my predictions on Iraq have proven to be prescient. The war was over very quickly and the regime — that is, Saddam Hussein's Baathist regime — was decimated within a month or so. However, as I predicted, peace has not been so easy to achieve due to the heterogeneous nature of the Iraqi population. Four years ago I foreshadowed the discussion which is happening now on whether we should bring our troops home. At that stage I felt that the USA, Britain and Australia would cut and run from Iraq if it all got too hard. There is now enormous pressure on the governments of these countries to cut and run from Iraq. Having invaded Iraq without a United Nations mandate we have a moral obligation to remain and help restore the peace for however long it takes. To leave Iraq without the restoration of peace would be a colossal crime — —

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

Drought: Spirit of the Bush concert

Ms PULFORD (Western Victoria) — I would like to commend the Bracks government, the Department of Primary Industries and performer Lee Kernaghan for their work in organising what will no doubt be a morale-boosting and enjoyable event this Saturday. The Spirit of the Bush concert to be held near Horsham in the beautiful Wimmera region was declared 'sold out' last week after 20 000 wristbands allowing free entry to the concert were snapped up. While it is unfortunate that, for safety reasons, no more than 20 000 people from regional Victoria can attend the event, it is great to see that a free concert to celebrate what is good about the bush and recognise the tough times that regional Victorians are going through has been embraced by people in my electorate of Western Victoria Region.

Artists like the aforementioned country music legend Lee Kernaghan, Gina Jeffreys, Leo Sayer and Diesel have kindly donated their time and talents to the Spirit of the Bush concert, with special recognition going to Lee Kernaghan, who was the brains behind the show. He took the idea to the Bracks government, which has helped deliver this landmark event. It should also be noted that the event will be covered live by WIN

Television and ABC radio in western Victoria, which again highlights how important the event is to the community.

While I hope and trust that everything will go right on the day, I do not think that anyone would complain if it rained during the show. In fact, with such a stellar line-up and such strong community spirit flowing, rain would nicely top off what will no doubt be a sensational day.

John Howard's Little Book of Truth

Ms MIKAKOS (Northern Metropolitan) — Whilst I was cleaning my office here in Parliament the other day I came across a little black book which I found very interesting. Just in case members are worried where I am going with this, I assure them by telling them that it is called *John Howard's Little Book of Truth*. As I said, it makes for very interesting reading. I point out that it is a little bit dated now and a new edition would no doubt be much larger.

The chapters in the book have headings such as 'Truth Overboard', which of course is about demonising asylum seekers during an election campaign. The book talks about the GST that we were never, ever going to have. It talks about ethanol deals with mates such as Dick Honan and the Manildra Group, which, of course, happen coincidentally to be generous donors to the Liberal Party. It talks about the Iraq war and the weapons of mass destruction that the United Nations weapons inspectors were never able to find but John Howard was convinced were there.

As I said, this is an old edition, and a new edition will no doubt have a whole series of new chapters. One would need to be about the Australian Wheat Board, which was involved in the same Iraq. It was doing secret deals and paying secret commissions to Saddam Hussein's regime. It would need to talk about the denial of the stolen generation and the interest rates that were never going to go up. It would also of course need to have a whole new chapter about Senator Santo Santoro and the shares he got for government funding.

If John Howard wants to talk about integrity and character, let us do so. I am sure that will be a federal election issue and John Howard will be found wanting.

Australian Labor Party: Deakin federal candidate

Mr LEANE (Eastern Metropolitan) — I would like to congratulate a young man called Mike Symon, who lives in my electorate. I will tell members who Mike

Symon is: yesterday he was elected to a position by the ALP and by the end of the year he will be the new member for Deakin in a Rudd Labor federal government.

Last night in his adjournment matter Mr Tee lamented the part played by the current member for Deakin in his attacks on workers in the electorate. I can tell Mr Tee that that will be short lived — because Mr Symon is actually a worker. He is a tradesman and understands that investing in workers and encouraging training is the best way for businesses to get some productivity, rather than attacking workers. Mr Tee can cheer up because help is at hand. By the end of the year our problems will be over and it will all be rosy.

STATEMENTS ON REPORTS AND PAPERS

Mount Hotham Alpine Resort Management Board: report 2005–06

Mrs KRONBERG (Eastern Metropolitan) — I have great pleasure in rising to speak about the Mount Hotham Alpine Resort Management Board annual report for 2005–06. I am pleased to report that the first club was built on Mount Hotham in 1944. After World War II there was an expansion of beds available at the resorts to 115. In 1983 the Alpine Resorts Act was passed, creating the Alpine Resorts Commission to manage all alpine resorts in Victoria. Mount Hotham experienced a boost in development because of its provision of sewage reticulation and treatment plants and later it was connected to the state grid. In 1997 the Alpine Resorts Commission adopted Mount Hotham's first environmental management plan. In 1998 the Mount Hotham Alpine Resort Management Board assumed responsibility for the management of Mount Hotham.

The board's report reveals a number of key performance indicators covering customer service, operations, resort investments, environmental management and financial matters. Under the key performance indicators for customer service, the report shows a drop in the total visitor days from 352 320 in 2003–04 to 297 949 in 2005–06. This reflects a 14 per cent downturn from the previous year. However, the Mount Hotham's market share of the 'Victorian major visitor days has been steadily increasing over the share gained by other resorts and went from 24 per cent in 2002–03 up to 32 per cent in 2005–06. The accident rate per 1000 visitor days has been steadily improving and it is now down from 2.17 in 2002–03 to 1.33 in 2005–06.

The overall financial performance needs to be seen against a background of a poorer-than-average winter season. Unfortunately this resulted in a reduction in revenue from visitors. The report by the seven-person board points out that the \$87 000 reduction in revenue was, however, offset by savings in operating expenses. The Mount Hotham alpine resort has experienced the lowest natural seasonal rainfall in its recorded history. The pressures emanating from these severe climatic conditions have been borne by the stakeholders in Mount Hotham, by its skiing public and by its staff.

Infrastructure projects have come on stream and are reported on in the document. Stage 1 of the resort's wastewater reuse project, which included the building of the Loch Reservoir and attached pipelines, was finished during the summer period. As a result, the resort was able to draw upon the reservoir's 27 megalitre capacity to make the largest amount of snow ever. The resort's investment in state-of-the-art snow-making equipment provided enough snow to ensure the resort functioned effectively. New construction also included the completion of Moritz in the Davenport Village and Outside Edge in the Basin development. A remodelling of the Big D area provides a safe muster area for children and their parents when attending ski school and also provides dedicated access for oversnow vehicles.

The board participated in a panel hearing resulting in amendment C17 to the alpine resorts planning scheme. This amendment allows a new development plan for Hotham Village, which will see the realignment of the Great Alpine Road.

Sustainability and Environment: code of practice for timber production

Mr VOGELS (Western Victoria) — I would like to comment on the Department of Sustainability and Environment's *Code of Practice for Timber Production* for 2007, which was tabled in the house two days ago. The foreword, under the signature of John Thwaites, the Minister for Water, Environment and Climate Change in the other place, says:

Our timber industry is one of the state's great assets, providing sustainable employment for thousands of regional Victorians while creating products used every day in all of our lives.

Besides providing high quality and durable timbers for a variety of uses, our native forests welcome millions of recreational visitors each year and have a major role in conserving biodiversity. Forestry activities are closely scrutinised by a public that expects our unique forest ecosystems to be protected for current and future generations

to enjoy, while continuing to satisfy our need for sustainable timber products.

I agree with those sentiments.

The industry agrees that Victoria needs a sustainable forestry industry based on the triple bottom line — that is, the economic, environmental and social bottom line. In other words, the industry must meet the needs of the present without compromising the ability of future generations to meet their own needs. Victoria has a total area of approximately 8 million hectares of native forests, which are mostly in public ownership, and some 400 000 hectares of plantations, both softwood and hardwood, which are mostly in private ownership. Less than 10 per cent of our forests is available for harvesting — and I would suggest that in respect of the last three or four years quoting a figure of 10 per cent is probably being very generous. The industry tells me that in the 2003 fires in Gippsland we lost about 50 years worth of logging. Since then, in 2004–05 and in this year, 2006–07, we have lost approximately another 50 years of logging. Over the last four or five years approximately 100 years of logging has been lost through fires.

It also concerns me and the industry that a lot of the timber that could have been salvaged from fire areas has been left to lie and rot. A containment line has been pushed through to protect the Melbourne water catchments. The line is about 50 kilometres in length and 100 metres in width. I believe a lot of the beautiful ash timber there could have been salvaged, but it is sitting there in heaps. It is urgent that we start to get into these logs if we are going to use them at all, because they need to be kept wet. They should be kept in water or they will start cracking, and it probably will not be very long before they are not worth anything and will just be left to lie there and rot. That would be very disappointing.

The forestry industry is decentralised. It generates wealth, playing a key role in Victoria's regional economy. It has a turnover in excess of \$500 million with flow-on worth about another \$1.8 billion. It employs over 3000 people directly and many more indirectly.

Opposition to the industry is based on concern over past protection, and particularly relates to issues such as old-growth forests, catchment water yield, plantation development and value for money. That is why we need a code of practice. I congratulate the department for working with stakeholders to come up with this code of practice. I hope it goes some way towards reaching outcomes we can all accept so that we can have a sustainable forestry industry in Victoria.

Sustainability and Environment: code of practice for timber production

Mr BARBER (Northern Metropolitan) — The code of forest practice is a joke. I speak from personal experience, having on many occasions independently audited logging coupes and the actions that have been taken. The first problem with the code is its ambiguous wording. On virtually every page we see words like 'should' or 'may' rather than 'must', and 'generally' rather than a statement of fixed value to be achieved. The second problem with it is that in cases where there are mandatory acts it is not clear which department or individual is responsible for taking them. Those are the problems with the code itself.

The Environment Protection Authority (EPA) is now responsible for conducting selective audits of some logging coupes against the code, and it has devised a method of scoring compliance that says a score of 85 per cent is acceptable. In spite of all the issues I have just raised, the Supreme Court's Justice Harper recently expressed an opinion that the code is legally enforceable, despite its problems. A more correct interpretation of the EPA's 2004 audit of logging compliance with the code of practice is that 0 per cent of coupes it audited were fully compliant and 17 per cent did not reach the authority's standard of acceptable compliance. In 8 per cent of coupes the auditors discovered code breaches that they considered to have caused a severe environmental impact. In some of those coupes rainforest had been destroyed or damaged by logging — in other words, there had been illegal rainforest logging.

In the Central Highlands, Department of Sustainability and Environment (DSE) staff claimed a rainforest special protection zone (SPZ) was not present. They changed the zoning from SPZ to GMZ — general management zone — and as a result only required a 20-metre buffer rather than the usual 40-metre buffer. However, when an audit team turned up at the coupe it found that the rezoned land clearly contained a stand of cool temperate rainforest. It also found that logging operations had severely damaged part of the rainforest. The audit reveals failure by DSE at multiple levels to properly manage protected areas. It also found a lack of skill in rainforest identification. The DSE was supposed to implement training to fix this problem. The lack of knowledge is bad enough in forest officers, but it is positively alarming that nobody in the flora and fauna branch spotted the problem.

So I do not put great faith in the ability of the code of forest practice, either in the word or the implementation of the code, to protect even those values that are still to

be retained in logged areas. But I do agree with the previous speaker on one matter. With several years now of fires burning out areas that are designated for timber production, it is time that the department ran a further assessment of sustainable yield here in Victoria because I believe further cuts to sustainable yield will be needed to stay within even the loggers' definition of sustainable yield.

Mount Hotham Alpine Resort Management Board: report 2005–06

Ms DARVENIZA (Northern Victoria) — I want to make a few comments on the Mount Hotham Alpine Resort Management Board annual report 2005–06. Particularly given that this matter was on the notice paper and that it has been such a very difficult year for all snowfields and resorts in the high country, including Mount Hotham, it was pleasing to look at the report and see that the Mount Hotham Alpine Resort was in fact able to open for the season and make snow with its equipment. Visitors were able to attend Mount Hotham, and they did so in substantial numbers. While the numbers were down on previous years, according to the annual report more people attended Mount Hotham during the last snow season than in 1999 or 2001. That is very much due to the capacity for the Mount Hotham resort to make snow and provide ski facilities for people who want to get up there and have a ski, and I am one of them. I like to go to the snowfields during the winter and have a bit of a ski.

At Mount Hotham they have been preparing for climate change and the predictions that there will be less natural snow. In fact the last ski season saw the lowest natural snowfall in recorded history. During the reporting year of this annual report, the Loch Reservoir was completed. It is the first stage of the waste water reuse project. The sewage treatment plant was upgraded and the pipeline connections to the reservoir and snowmaking system were completed.

There is a lot of interesting material in this report. It is well worth looking at. An interesting achievement during this reporting period was the Mountain Fresh Festival. It was truly a community event and brought together mountain operators, off-mountain producers and the local management bodies. It took place in June, a time of year that typically has lower snowfall. Visitors to the mountain were able to sample the fare from the region, food as well as cooler climate wines, in what was described as a beautiful setting. The festival was a great success and I congratulate the management board on that. It intends to continue that festival as an annual event.

Also in the report there are some great pictures of both the construction of the loch and the finished loch with water in it. It is well worth looking at some of those fantastic photographs. I congratulate Jim Atteridge, chief executive officer of the board, along with board members, including its chairperson, Mr Geoff Provis. The last season was a difficult one, and I hope we see a lot more rain and much greater snowfalls during next winter. I look forward to going back up to the snowfields this coming winter.

Sustainability and Environment: code of practice for timber production

Mr O'DONOHUE (Eastern Victoria) — I, too, wish to rise and speak on the code of practice for timber production for 2007, produced by the Department of Sustainability and Environment and published this month.

I will refer quickly to the code principles listed in chapter 1 that guide this document. The seven code principles are that:

1. Biological diversity and the ecological characteristics of native flora and fauna within forests are maintained.
2. The ecologically sustainable long-term timber production capacity of forests managed for timber production is maintained or enhanced.
3. Forest ecosystem health and vitality is monitored and managed to reduced pest and weed impacts.
4. Soil and water assets within forests are conserved ...
5. Aboriginal and non-Aboriginal cultural heritage values within forests are protected and respected.
6. A safe working environment is provided for forest workers.
7. Forest management planning is conducted in a way that meets all legal obligations and operational requirements.

I tend to agree with Mr Barber that in respect of these principles the government has failed, and failed miserably.

To take up the sixth code principle which stipulates that a safe working environment should be provided for forest workers, I feel very sorry for those forest workers who work in coupes in East Gippsland or driving trucks through the city, Richmond and other places where they have been attacked. Unfortunately they were not given the legal protection they should have been given. They sometimes have to go to work in fear of their lives because of demonstrators who object on an ideological basis to their occupation.

To take up another of the code principles, which provides that the ecologically sustainable long-term timber production of forests managed for timber production is maintained or enhanced, they are really just nice words in a nice document. Surely the issue for all of us is that we consume an enormous amount of timber in Victoria, but the code of practice and all the documents produced by the government make no reference whatsoever to the production of timber to meet those requirements. If we cared for our environment, we would be aiming for a timber industry that produced as much timber as we consume. If we do not produce as much timber as we consume, sadly we then have to import clear-felled rainforest timber from South-East Asia or from the Pacific region, which causes enormous environmental damage.

It is very easy for us to sit here and look at the nice document and say that we must manage things better and we must be more concerned about preserving waterways, timber and animal and plant life — and I endorse all those principles. But if this government really believed that, it would be increasing production of timber and aiming to be self-sufficient so that the pressure can be taken off those forests in South-East Asia and the Pacific. If we really want to protect the global environment we should be, at a minimum, self-sufficient in timber products.

The other point I want to make is that the code of practice states it is up to local government to enforce the code on many occasions. Again, this is another nice way to cost shift the problem of enforcing the practice onto someone else. It is cost shifting it down to local governments that are already stretched for resources and do not have the capacity to enforce such a complex code.

Touching on the issue of complexity, appendix A of the code sets out the relevant state legislation that should be taken into consideration. They are the Aboriginal Heritage Act 2006, the Accident Compensation Act 1985, the Agricultural and Veterinary Chemicals (Control of Use) Act 1992, the Agricultural and Veterinary Chemicals (Victoria) Act 1994 and the Building Act 1993. I could continue because there is over one page of state legislation, half a page of state regulations and half a page of policy for a poor old local government to consider when trying to decide whether it is enforcing the code of practice in an appropriate way.

In summary, whilst many of the aims are desirable, they are written with absolutely no correlation to the situation on the ground, no correlation to the timber

industry and no correlation to providing a sustainable timber industry for Victoria.

Grampians Wimmera Mallee Water Authority: report 2005–06

Mr KOCH (Western Victoria) — I congratulate, Acting President, on taking the chair. I believe this is your first occasion. I am sure the house is in good hands, and we look forward to further opportunities for you.

I want to speak today about the 2005–06 annual report of the Grampians Wimmera Mallee Water Authority. As we are all aware, GWMW has its headquarters in the city of Horsham in the Wimmera and services a huge area of the Wimmera Mallee. The area serviced by GWMW from both an urban and a rural water supply point of view — urban being taps and toilets; rural being the licensed regulation of bulk water, including stock and domestic supplies — stretches over an area greater than Tasmania. The authority services some 74 large and small hamlets and large towns, ranging from Horsham, which is the largest with some 7900 tappings, down to Waitchie with 7 tappings.

As we all know, the lack of rainfall across this part of Victoria has been severe in the last seven or eight years. We have had decreased rainfall right across the Wimmera Mallee areas, and today we find one of the major reservoirs — Rocklands Reservoir — at 1 per cent of its capacity. Bellfield Reservoir over in the Grampians is at its lowest point since being constructed in the early 1960s. This whole area has now been declared as being under exceptional circumstances. We certainly hope that the management team at GWMW has the opportunity of receiving some rainfall, which will give the area some relief in the very near future.

One of the highlights for GWMW is in relation to the piping project which we all look forward to being completed sooner rather than later. This is a huge undertaking being driven by the authority. The work started late in 2006 and is rapidly spreading across the first stage of some 1800 kilometres of pipeline to be buried in the Dimboola–Yaapeet trunk line, and will go further with the completion of the Taylors Lakes trunk line and then on up through Warracknabeal to Woomelang. The expansion of the pipeline going underground is absolutely fantastic. After inspecting this development with my colleagues, Donna Petrovich and John Vogels, as representatives of both the Northern Victoria and Western Victoria regions, we were excited to see that between 6 and 7½ kilometres of pipeline is going underground daily. To date some 350 kilometres of the first section of 1800 kilometres

has been completed, and I have no doubt that with the program and the planning that has been done to date this pipeline will be completed on schedule. Importantly it was a great eye-opener for the Leader of the Opposition in the other place, Ted Baillieu, to join us on this site visit to Pimpinio and to have a briefing from GWMW.

From a financial point of view, with the current conditions, and without having readily available sales of water, obviously the authority has struggled in the last five years and currently it is running quite a deficit. Most of it has been picked up from depreciation of the authority's assets and, in fact, last year further losses of something in the order of \$750 000 were accumulated.

As I said, this authority is working under extreme difficulties. It covers what is probably some of the driest country in Victoria. I do not think there are any bigger challenges for any water authority to undertake. I congratulate the authority on its efforts and the undertakings of the recent pipeline development project.

Public Accounts and Estimates Committee: budget estimates 2006–07

Mr D. DAVIS (Southern Metropolitan) — Acting President, I too congratulate you on your inaugural stint in the chair, and look forward to many other occasions when you will be in the chair.

I make my contribution today on the government's response to the recommendations of the Public Accounts and Estimates Committee's report on the 2006–07 budget estimates. I draw the attention of the house to page 243, recommendation 36, that:

The Department of Infrastructure evaluate whether its programs and advertising campaigns have been effective in changing consumer behaviour in terms of using energy more efficiently.

It puts the energy efficiency campaign in that major document in the context of the greenhouse challenges that face not just Victoria but also the whole world. There is no doubt that a key aspect of the response to the greenhouse challenge must be the approach to energy efficiency and the demand-management side of the response by the community. We need to work as a community as much towards reducing energy demand as in finding new ways of supplying the energy that is required.

It is in this context that I take the opportunity to congratulate the federal government and indeed the federal Minister for the Environment and Water

Resources, Malcolm Turnbull, on his step announced early this month that incandescent light bulbs would be turned off by 2009–10. The step to lower the amount of energy used in lighting is an important one, because according to the *Herald Sun* of 14 March, 19 per cent of the power that the world uses is used for lighting. A realistic energy saving of 20 per cent on all the lighting installed globally equates to \$90 billion in energy costs. Malcolm Turnbull has been very clever in choosing this example because it is symbolic on the one hand but practical on the other.

The state government needs to focus more on those practical steps rather than on advertising. It is all very well to have black balloons floating around — although we know that the balloons would actually sink because carbon dioxide is heavier than air — but that is a side point. The issue here is that the state government must focus on practical outcomes and not simply on advertising. The truth is that under this Bracks government the level of greenhouse gas emissions in Victoria has increased significantly. More carbon dioxide is put out into the atmosphere in Victoria today than was put out in 1999, and that will be the record that this government is judged on in terms of its greenhouse performance.

Malcolm Turnbull has taken the significant step of announcing that the federal government will take all the steps that are required to turn off incandescent light bulbs and to put in their place a range of alternatives, many of which will be cheaper to run in the long haul. They will also reduce the amount of carbon dioxide that is put into the atmosphere through required energy production. I sound note of caution. I was particularly interested in Geoff Strong's article in the *Age* of 14 March, which looked at some of the key concerns around the announcement. There are obviously steps that have to be worked through carefully to ensure that the best outcome in terms of energy reduction and price is achieved. However, on the whole I think this step that the federal government has taken is a very good one. It is a step that demonstrates that practical regulation — practical steps to control demand for electricity — will deliver significant greenhouse benefits.

I have no doubt that this program will be accepted across the community and by all political parties. I have heard virtually no opposition to the announcement by Malcolm Turnbull, and I congratulate him on this initiative and on his boldness in taking this step. We need to look at that initiative as an example for the Victorian government, which should be prepared to take some serious and practical steps which will reduce greenhouse gas emissions in this state.

NUCLEAR ACTIVITIES (PROHIBITIONS) AMENDMENT (PLEBISCITE) BILL

Statement of compatibility

For Hon. T. C. THEOPHANOUS (Minister for Industry and State Development), Mr Jennings tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Nuclear Activities (Prohibitions) Amendment (Plebiscite) Bill 2007.

In my opinion, the Nuclear Activities (Prohibitions) Amendment (Plebiscite) Bill 2007, as introduced to the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill amends the Nuclear Activities (Prohibitions) Act 1983 to facilitate the holding of a plebiscite in Victoria in the event that the commonwealth government takes action to support or allow the constructions of a prohibited nuclear facility in Victoria. A plebiscite may be conducted as an attendance ballot or by postal voting only. In the case of an attendance ballot, the bill applies the provisions of the Electoral Act 2002 relating to referendums. In the case of a ballot by postal voting only, the bill applies the postal voting provisions of the Local Government Act 1989 and the Local Government (Electoral) Regulations 2005.

Human rights issues

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

Section 18 (1) of the Charter of Human Rights and Responsibilities provides that every person in Victoria has the right, and is to have the opportunity, without discrimination, to participate in the conduct of public affairs, directly or through freely chosen representatives. The United Nations Human Rights Committee considers voting in an election or referendum to be an example of this right.

The bill is compatible with this right because it will enable Victorians to vote, without discrimination, on an issue of public importance.

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

The bill does not restrict or limit the above right but rather enhances it.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because it raises a human rights issue but does not limit that human right.

Theo Theophanous
Minister for Industry and State Development

Second reading

Ordered that second reading speech be incorporated on motion of Mr JENNINGS (Minister for Community Services).

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

That the bill be now read a second time.

Incorporated speech as follows:

This bill provides for the holding of a plebiscite of Victorian voters if the commonwealth government takes action to support or allow construction of a nuclear facility in this state.

Such facilities are banned in Victoria under the Nuclear Activities (Prohibitions) Act 1983 which became law under a Labor state government. The bill will amend that act to ensure the voice of all Victorians will be heard if the commonwealth tries to ignore this state's nuclear-free laws.

The government is opposed to the introduction of nuclear power in Victoria. Electricity produced from nuclear generation may be effectively carbon free, but high capital costs, long-term waste storage problems, security concerns and high water usage remain significant hurdles.

The government believes that if the Victorian people vote against nuclear power in this state, it will be morally reprehensible for the commonwealth to proceed along that path.

There are alternative sources of energy that offer better opportunities for the future and that will not leave a legacy of health and safety problems for our children and grandchildren. Rather than relying on a single technology to meet the needs of a carbon constrained future, the government is adopting a portfolio of technologies.

The government is supporting, for example, the demonstration of clean coal technology at Hazelwood power station, the demonstration of a large solar plant in north-west Victoria, a trial of carbon storage in the Otways Basin, and the deployment of renewable energy through the Victorian renewable energy target scheme.

I now turn to the features of the bill.

The bill will insert a new part III into the Nuclear Activities (Prohibitions) Act 1983. That part will apply if the minister administering the act is satisfied that the commonwealth government has taken, or is likely to take, any step to support or allow construction of a prohibited nuclear facility in Victoria.

Under the new section 12, amending a commonwealth law, exercising a statutory power or adopting a policy position in favour of construction of a prohibited nuclear facility in Victoria will be a step that will attract the operation of the new part III

The new section 14 requires the minister to arrange for the conduct of a plebiscite to obtain the views of Victorians about the construction or operation of a prohibited nuclear facility in

this state. The minister will determine the timing of the plebiscite and the question to be asked.

The minister will also decide whether a plebiscite is to be held as an attendance ballot or by postal voting only. A plebiscite may be held in conjunction with a future state election.

Under the new section 14A, the provisions of the Electoral Act 2002 relating to referendums are adapted and applied for the purposes of a plebiscite, including preparation of arguments to assist voters.

The new section 14B adapts and applies the postal voting provisions of the Local Government Act 1989 and the Local Government (Electoral) Regulations 2005.

The government believes plebiscites should be used sparingly. They may be appropriate for issues that raise concerns about sovereignty or are of constitutional significance. We consider that the introduction of nuclear power in Victoria is such a matter. It comes at a time when the commonwealth is failing to respect the boundaries of our federal system of government. It is an exceptional situation that warrants the amendments contained in this bill.

I commend the bill to the house.

**Debate adjourned on motion of
Mr RICH-PHILLIPS (South Eastern
Metropolitan).**

Debate adjourned until Thursday, 22 March.

PRAHRAN MECHANICS' INSTITUTE AMENDMENT BILL

Statement of compatibility

**Mr JENNINGS (Minister for Community Services)
tabled following statement in accordance with
Charter of Human Rights and Responsibilities Act:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Prahran Mechanics' Institute Amendment Bill 2007.

In my opinion, the Prahran Mechanics' Institute Amendment Bill 2007, as introduced in the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of the bill

The bill will amend the Prahran Mechanics' Institute Act 1899 to expressly recognise the institute's purchase of property on High Street, Prahran in 1913 and clarify the power of the institute to grant leases, licences and permits in relation to land held by or vested in it.

Human rights issues

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

The bill does not raise any human rights issues.

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

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

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because it does not raise any human rights issues.

GAVIN JENNINGS MLC
Minister for Aboriginal Affairs

Second reading

**Ordered that second reading speech be
incorporated on motion of Mr JENNINGS
(Minister for Community Services).**

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

That the bill be now read a second time.

Incorporated speech as follows:

The Prahran Mechanics Institute is the only mechanics institute in Victoria governed by its own act of Parliament. The Prahran Mechanics Institute is one of the oldest in the state.

The Prahran Mechanics' Institute Act was passed in 1899 to incorporate the Prahran Mechanics Institute and Circulating Library and transfer ownership of the assets and liabilities of the original trustees of the institution to the corporate body. The 1899 act lists in its schedule two parcels of land which were vested in the PMI by operation of that act. That land is located in Chapel Street, Prahran.

The powers of the corporate body created by the 1899 act are set out in section 2 of that act. Those powers do not include a general power to buy or sell real property.

In 1912 the Victorian Parliament passed the Prahran Mechanics' Institute Act 1912. This act 'shall be read and construed as one' with the 1899 act. The preamble of the 1912 act states its purpose as follows:

Whereas the Prahran Mechanics' Institution and Circulating Library Incorporated (hereinafter called the Incorporated Body) is desirous of extending its usefulness and with this object of purchasing land and erecting thereon a building so as to extend the Mechanics' Institution and Circulating Library now carried on and for such time as may be deemed necessary to hold technical classes and for such purpose and for the purpose of paying off existing liabilities desires to borrow money upon the security of the land hereditaments and premises vested in it by the Prahran

Mechanics' Institute Act 1899 or that may hereafter become vested in it ...

By virtue of the 1912 act, money was borrowed, land was purchased in High Street, Prahran, and a mechanics institute was built. A building behind the mechanics institute was also built; such building is currently leased to Swinburne University.

A further act, the Prahran Mechanics' Institute Act 1914, further amended the borrowing powers of the PMI in relation to land purchased for the purposes outlined in the 1912 act.

At the request of the PMI, the Prahran Mechanics' Institute Amendment Bill 2007 has been introduced to recognise the validity of the purchase of the land in High Street, Prahran in 1913 and to clarify its power to lease land vested in or held by it. These amendments will ensure that the 1899 act correctly reflects the status of the assets held by the PMI.

The bill also clarifies the power of the PMI to enter into leases, licences and permits in relation to such land. The PMI has expressed concern that while the 1899 act allowed for the demanding of 'rents, fees, tolls and charges', this may not extend to the entering into leases. The 1912 and 1914 acts expressly refer to the payment of loans out of the income from rents (suggesting a steady income stream arising out of long-term leasing arrangements). However, to ensure clarity for the PMI, the bill expressly refers to the PMI's power to grant leases, licences and permits in relation to the land vested in and held by it and buildings on such land.

I will now turn to the bill and its contents.

The bill includes a preamble which sets out the factual background to the bill.

Clause 1 of the bill sets out its purpose, that is to clarify the legality of the purchase of land in High Street, Prahran in 1913 and to clarify the power of the PMI to grant leases, licences and permits in relation to land held by or vested in it and buildings on such land.

Clause 2 provides that the bill is to come into operation on the day after the day on which it receives royal assent.

Clause 3 amends section 2 of the 1899 act to clarify the power of the PMI to grant leases, licences and permits in relation to land held by or vested in it and buildings on such land.

Clause 4 clarifies the power of the PMI to 'demand recover and receive all such rents fees tolls and charges' to expressly provide the PMI with the power to grant leases licences and permits in relation to any lands held by or vested in them or any part of the lands or buildings standing upon those lands.

Clause 5 inserts a new section 17 in the 1899 act. This section declares the validity of the purchase in 1913 by the PMI of the land in High Street, Prahran.

Clause 6 provides that the bill will be repealed on the first anniversary of its commencement.

The Prahran Mechanics Institute is an important part of the Prahran community and the surrounding areas. This bill consolidates the past actions of the Victorian Parliament and provides a clear road for contributions by the PMI to the wellbeing of Victorians in the future.

I commend the bill to the house.

Debate adjourned on motion of Mr RICH-PHILLIPS (South Eastern Metropolitan).

Debate adjourned until Thursday, 22 March.

LIVESTOCK DISEASE CONTROL AMENDMENT BILL

Statement of compatibility

For Hon. T. C. THEOPHANOUS (Minister for Industry and State Development), Mr Jennings tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Livestock Disease Control Amendment Bill 2007.

In my opinion, the Livestock Disease Control Amendment Bill 2007, as introduced to the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The purpose of the bill is to ensure that the state of Victoria has adequate powers to respond in the event of a disease outbreak affecting livestock.

The bill amends the Livestock Disease Control Act 1994 ('the act') to:

ensure that Victoria has the powers required to adequately respond to a disease outbreak. The changes will address a small number of shortcomings of the act, identified during the simulated outbreak of avian influenza conducted in 2005 (Exercise Eleusis);

allow Victoria to implement a nationally agreed approach for compensation for tuberculosis in cattle. Currently, the act provides for part of the funding to be paid by the minister. The new approach will allow the removal of the requirement for the minister to pay compensation for tuberculosis in cattle, and provide for all compensation to be paid by industry via the Cattle Compensation Fund; and

clarify which milk and milk products can be fed to pigs by amending the exemption to the prohibition on swill feeding of pigs under the act.

Human rights issues

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

The Livestock Disease Control Amendment Bill 2007 ('the bill') has been assessed against the Charter of Human Rights and Responsibilities ('the charter'). The two rights that have been identified as being impacted on by the bill are:

Section 11: freedom from forced work

The bill will expand the situations in which an inspector may issue a disinfection notice. A disinfection notice can require a person to disinfect a vehicle, premises, place, fodder or fittings within a specified time period. This requirement to take action falls within the exemptions contained in sections 11(b) and (c) of the charter as the work would be required because of an emergency threatening the Victorian community and forms part of normal civil obligations. The bill therefore does not limit the right of freedom from forced work. Accordingly, this right is not discussed further in this statement.

Section 20: property rights

Section 20 establishes a right for an individual not to be deprived of his or her property other than in accordance with law. This right ensures that the institution of property is recognised and acknowledges that the state of Victoria is a market economy that depends on the institution of private property.

The bill will allow an inspector to dispose of fittings and fodder which have been in contact with diseased livestock. This is an expansion of the current power of an inspector under section 15 of the act to dispose of livestock or livestock products which have been in contact with diseased livestock.

The bill also provides a broader definition of 'fittings' which can broaden the application of the disposal powers under the act. However, 'fittings' are limited to certain equipment or products.

The disposal of diseased fittings and fodder is critical to prevent the further spread of the disease to livestock and property. If disease to livestock is not prevented there would be wide social and economic implications to farmers and society as a whole.

The potential cost of a livestock disease outbreak is significant. For example, the Productivity Commission¹ has estimated that a 12-month outbreak of foot and mouth disease in Victoria, New South Wales and South Australia would reduce GDP by \$2 billion in the first year, and have a total impact on GDP of between \$8 billion and \$13 billion.

The deprivation of property proposed by the bill is in accordance with law.

There are many safeguards built into the bill. Under section 15(3) of the act, as amended by the bill, the power to dispose of fittings or fodder can only be exercised in the event of a disease outbreak if certain articulated criteria under the act are met. These are:

the inspector knows or reasonably suspects that the fittings or fodder have been in contact with the diseased livestock;

the owner cannot be located after reasonable inquiry, or there is no person apparently in charge of the livestock; and

the inspector has the approval of the secretary.

Only if these criteria are satisfied can the inspector dispose of the fittings and fodder. Additionally, if it is possible to effectively disinfect the fittings and fodder instead of

disposing of the fittings or fodder, a disinfection notice under section 113 of the act will be issued instead of disposing of fittings and fodder under section 15 of the act.

The right not to be deprived of property other than in accordance with the law is therefore not interfered with or limited. Accordingly, this right is not discussed further in this Statement.

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

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

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities.

Theo Theophanous
Minister for Industry and State Development

¹ Productivity Commission — *Impact of a Foot and Mouth Disease Outbreak on Australia*, 2002

Second reading

Ordered that second reading speech be incorporated on motion of Mr JENNINGS (Minister for Community Services).

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

That the bill be now read a second time.

Incorporated speech as follows:

The Livestock Disease Control Act 1994, as its name suggests, is the principal legislation for ensuring that livestock disease is minimised and controlled, and for the monitoring and eradication of exotic livestock disease. It also secures public health against diseases which can be transmitted from livestock to humans.

The proposed Livestock Disease Control Amendment Bill will make some minor amendments to improve the administration of the act. The bill will ensure that Victoria has the legislative powers necessary to respond to an animal disease outbreak and provide for nationally agreed industry funding of compensation for tuberculosis.

Exercise Eleusis was conducted in 2005 based on a hypothetical outbreak of avian influenza in Victoria. The exercise identified some shortcomings in the act where the powers in the act restrict the ability to adequately respond to a disease outbreak. In particular, the proposed bill will expand the definition of 'fittings' to include equipment and other items which have been in contact with livestock products, rather than only when the items have been in contact with livestock.

The bill will enable an inspector who knows or reasonably suspects that fittings and fodder have been in contact with diseased livestock to dispose or destroy or order the disposal or destruction of the fittings and fodder.

The power of an inspector to issue a disinfection notice is currently limited to vehicles, premises or places where livestock or livestock products are commonly exposed for sale, exhibited or processed, but does not allow such action in respect of a vehicle, premises or place where such livestock or livestock products are kept. The proposed amendment will close that possible loophole by providing the power for an inspector to issue a disinfection notice if he or she believes on reasonable grounds that a vehicle, premises or place where livestock is or livestock products are kept is infected with a disease.

In addition to the shortcomings in the act identified during Exercise Eleusis, it has become apparent that the wording of the exemption from swill feeding of pigs has caused confusion about which milk and milk products can be fed to pigs. The proposed change will make it clear that milk from any source, not just a licensed milk manufacturer, can be fed to pigs and will allow milk products and by-products from a licensed milk manufacturer to be fed to pigs.

A new national approach has been reached with industry which provides that compensation for tuberculosis in cattle will in future be paid by the cattle industry. In Victoria the compensation will be provided through the Cattle Compensation Fund established by the Livestock Disease Control Act 1994. The act currently requires that up to 40 per cent of compensation for tuberculosis in cattle is to be paid by the minister, with the balance to be paid from the Cattle Compensation Fund. The act does not currently allow for contributions from national livestock industry bodies to be paid into the fund or any reimbursement of industry bodies to be paid out of the fund.

The act is, therefore, being amended to facilitate implementation of the new national approach by allowing contributions to the Cattle Compensation Fund by industry bodies, the ability to reimburse industry bodies out of the fund and to remove the requirement for the minister to contribute to these compensation payments. No compensation for tuberculosis in cattle has been paid in recent years, but the change to funding will quarantine the state from a requirement to fund up to 40 per cent of any future compensation for tuberculosis in cattle.

The livestock industry has been consulted and supports the proposed amendments to the act.

I commend the bill to the house.

Debate adjourned on motion of Mr KOCH (Western Victoria).

Debate adjourned until Thursday, 22 March.

PAY-ROLL TAX AMENDMENT (BUSHFIRE AND EMERGENCY SERVICE) BILL

Second reading

Debate resumed from 1 March; motion of Mr LENDERS (Minister for Education).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I congratulate you, Acting President, on taking the chair for the first time.

The Liberal Party supports the Pay-roll Tax Amendment (Bushfire and Emergency Service) Bill. It is a very brief bill with only one operative clause, clause 3, which seeks to amend section 10(1) of the Pay-roll Tax Act 1971. Proposed paragraph (ja) of section 10(1) will insert an exemption for employers from payroll tax with respect to employees involved in bushfire-fighting activities as volunteers if they have been released from their employment duties as distinct from being on recreation leave, long service leave or sick leave. Proposed paragraph (jb) of section 10(1) is a mirror provision with respect to other employees engaged in emergency activities as volunteers as defined under the Emergency Management Act 1986.

This bill implements an announcement of the government made in early January to provide this relief to employers of people participating in bushfires as volunteer firefighters and also State Emergency Service volunteers. In fact, the bill is broader than that in terms of the emergency service volunteers for which payroll tax exemption will be provided.

I take this opportunity to place on record the acknowledgement and thanks of the opposition to the many thousands of volunteers, including Country Fire Authority (CFA) volunteers, State Emergency Service volunteers and other volunteers in the community who have participated over the summer months in fighting not only the bushfires that have ravaged Victoria but also in any number of other emergency service situations that arise from time to time. It is appropriate that this house acknowledges the contribution those volunteers make to the state. It is something that is often overlooked, particularly with respect to CFA volunteers, or not acknowledged as well as it should be by the government. There is certainly a feeling among many CFA volunteers that their role in supporting the community is not acknowledged or recognised by the government as it should be, particularly when it comes to discussions within that organisation of the respective role of volunteers and full-time firefighters.

It is important to note that this bill is not about rewarding volunteers; it is about acknowledging the contribution employers make by releasing their employees from duties so they can participate in volunteer emergency management activities. As such the beneficiaries of this legislation will be the employers who are currently subject to payroll tax.

The second-reading speech acknowledges not only the volunteers, but the role of the employers in making their employee volunteers available for emergency management tasks. The minister claims in his second-reading speech that this will be of particular benefit to rural and regional employers. It is in this area that it is worth pointing out the employer beneficiaries of this legislation are only those employers who currently pay payroll tax. Those are employers who have an annual payroll exceeding \$550 000 or approximately \$45 000 a month. In fact, it is more likely to be the metropolitan employers rather than rural and regional employers who will be the beneficiaries of this legislation. It is also the case that many small employers will not receive a benefit under this legislation.

I know from my experiences in my former electorate, which covered many country areas, that a lot of the people who volunteer in the CFA and the SES are small business people, often running their own businesses. Of course when they are working as volunteers they are not working in their businesses. That is the type of thing the government is seeking to recognise with this legislation, but by virtue of the fact that they are small employers they will not receive a benefit because they do not pay payroll tax. That is one criticism that the Liberal Party would make of this legislation — its scope is very narrow because it only covers the larger employers who are currently paying payroll tax.

It is my understanding that the Department of Treasury and Finance has not provided an estimate of the impact of this legislation on the budget. This side of the house takes that to mean that the estimate of the impact on the budget is miniscule. The reality is that this is largely a token measure. It is a measure that acknowledges the role of employers but it is not a measure that will have a significant impact on the state, and it is not a measure that will have a significant impact on employers.

It is envisaged that in many cases the act of preparing and claiming an exemption under this legislation with respect to employees who have participated in emergency volunteer activities will be more hassle than it is worth for employers. In many cases we expect the exemption will not be claimed. Employees who are volunteers — with the SES, for example — could be called out to attend a car accident one afternoon and be away from work for 2 or 3 hours. The likelihood of the employer subsequently claiming the payroll tax exemption for the 2 or 3 hours that one employee is away is unlikely, simply because of the relatively small amount of money that is involved and the hassle of doing so. We see this as a token measure recognising the contribution of employers in supporting their

volunteer employees, rather than a meaningful measure in terms of revenue impact for those businesses making that contribution.

In the other place an issue was raised as to the scope of this exemption and whether employers whose volunteer employees were engaged in training activities would be covered by the exemption from payroll tax. Following the debate in the other place the shadow Treasurer received a letter from the Treasurer which I will read into *Hansard* so the matter is clarified for the edification of this house. The letter reads:

I refer to the second-reading debate in the Legislative Assembly on 1 March 2007 regarding the above bill.

Let me first put on record my thanks to the Liberal Party for its support of this initiative.

In the contribution by a number of members the issue of whether or not the exemption being introduced would apply to training activities was raised. In consideration in detail the minister at the table, the Honourable Bob Cameron, noted that advice would be sought from my office whilst the bill was between houses. On this basis the bill was passed by the Assembly.

New clause (jb) inserted into the Pay-roll Tax Act 1971 (PTA) refers to 'emergency activities' within the meaning of the Emergency Management Act 1986 (EM Act). The EM act does define 'emergency activity' to include:

training or practising for an activity referred to in paragraph (a)....

Paragraph (a) defines emergency activity as the actual performing or discharging of a responsibility in accordance with DISPLAN or the state emergency recovery plan. Such a responsibility does include localised scenarios for instance where only one agency responds.

I trust this answers the query raised during debate and consideration in detail.

Again the government thanks you for your support for this bill.

That letter, in departmental bureauspeak, explains the situation. My interpretation would extend it to covering training activities where a volunteer is released from their employment duties, and therefore it covers the matters raised in the other place.

This is a simple bill and does not require a great deal of debate. It is a token measure and recognises the role employers play in supporting volunteers who are released to participate in emergency management activities. It deserves the support of the house. It has the support of the Liberal Party. I commend the bill to the house.

Mr SCHEFFER (Eastern Victoria) — This bill provides an exemption from payroll tax for wages paid

or payable to employees who are absent from work because they are fighting fires as volunteers or on emergency service duty.

In January this year, at the height of the bushfire season, the government announced payroll tax exemptions for employers whose employees were not working because they were away fighting the bushfires or responding to other kinds of emergencies, such as damage caused by storm or flood, or involved in search and rescue operations.

The government announced that the payroll tax exemption would take in Country Fire Authority (CFA) and Victorian State Emergency Service (SES) volunteers, and that the exemption would be effective from 1 November last year. The tax exemption was intended to compensate businesses when employees are called out to help the community when facing an emergency.

The bill amends the Pay-roll Tax Act to allow a tax exemption for wages paid or payable to an employee who volunteers to fight a bushfire, provided the employee is not on approved leave. As well, the bill amends the Emergency Management Act to allow for a similar exemption for employees who volunteer as emergency workers in organisations such as the Red Cross, St John's Ambulance or Life Saving Victoria.

In his second-reading speech the Treasurer drew attention to the great dedication and selflessness of our volunteer firefighters and the extraordinary support of their families, friends and employers. The Treasurer expressed the government's deep appreciation of the many employers who do their bit for their communities at times of great stress and threat to their businesses. The Treasurer indicated that the commitment that is now honoured in this bill is a demonstration of the government's and the community's gratitude to all those employers and volunteers who do so much to protect the community in times of crisis and danger.

I endorse the sentiments of the Treasurer, the government and the many members of Parliament who, especially over the period of the fires, paid tribute to the members of rural communities who put their lives on the line to contain the fires over the December to February period. Victoria faced an unprecedented threat from last summer's fires. Bushfire authorities, such as emergency services commissioner Bruce Esplin, said that the extreme intensity of the fires related to climate change and that we would be facing more and longer-lasting fires into the future.

All this made the efforts of firefighters even more deserving of the community's gratitude and the government's support. The establishment of the bushfire recovery ministerial task force in February has been an effective way to focus and expedite in the recovery period the delivery of assistance to local communities in the aftermath of the fires. The fires devastated forests and farms across the state and massively impacted on local industries, such as tourism.

The task force has assessed the impact of the fires on local environments, their economies and also their infrastructure. I have previously mentioned that I attended the community cabinet at Lakes Entrance and the inaugural meeting of the bushfire recovery ministerial task force, as well as the meetings the cabinet had with local business people during the height of the fires. I was also present to hear the presentations of the East Gippsland and Wellington shires to the cabinet, and have since kept in reasonably close contact with councillors and chief executive officers to help where I could to make sure that concerns have been promptly followed up and that no time is lost.

I have also travelled a good deal around eastern Victoria inspecting the impact of the fires on the country and on individuals and communities. The impact, on top of a very severe and long-lasting drought, is incalculable.

State and local governments, as well as many local organisations and services, have pulled together to make the best of this extremely difficult situation. I found the report of the inquiry into the 2000–03 Victorian bushfires to be an extremely valuable document in telling the story of those fires and making the recommendations that I believe led to the improvement in the way the recent fires were managed by the communities, organisations and governments in the areas where the fire impacted. The government's 2003 bushfire recovery task force delivered important initiatives that protected water and park assets, forests and alpine resorts, and rebuilt roads and bridges and put in place tourism programs. On the basis of the things that we learned from the approach to fire recovery last time, the government has provided communities with targeted resources to assist in the recovery process.

Despite the successes that need to be recognised, communities have been left with serious problems. In February Gippsland Water reported that five towns were facing contamination of their waterways caused by ash from the fires. Ash from the mountain fires washed into the Macalister River and into Lake Glenmaggie which supplies water to Maffra, Stratford, Boisdale, Coongulla, and Glenmaggie. Gippsland

Water was unsure how much further contamination would occur because they were not sure how much more rain would fall in the catchment that would precipitate further sediment coming down from the slopes. The ash contamination was making water undrinkable.

The flash flood at Licola was a disaster for the residents, and last week Gippsland Water announced that the water quality of Maffra's water supply will deteriorate significantly in the next few weeks. The ABC reported the water authority's Jim Somerville saying that there is a plume of poor quality water moving down river and it is only about 3 or 4 kilometres from Maffra now. They expect that to start to have some impacts over the next week or so. In the meantime Gippsland Water will continue carting water to Glenmaggie and Coongulla at \$50 000 a month. The impact of the fires continues to adversely affect the environment and the community.

The payroll tax exemption provided for under this bill is one of the many ways the government is pursuing in its support of communities, and it is on top of the tourism recovery package, the funding of municipal emergency coordination centres, the provision of small business grants, a contribution to the Red Cross bushfires appeal and funding to help neighbourhood houses to provide more recovery support to their communities. This is good legislation, and I commend the bill to the house.

Mr BARBER (Northern Metropolitan) — The Greens will support the bill as a reasonable proposition. The Greens will support measures to shift the burden away from payroll tax, providing the state still has enough revenue to do things it wants to do. That is the point I should have made on the bill that was debated before Christmas dealing with payroll tax cuts. That is the Greens' overall philosophy with respect to payroll tax as opposed to taxes on other things. We will support the measure.

Mr HALL (Eastern Victoria) — The Nationals will also be supporting this legislation. It is a small step but it is a step that recognises the contribution made by employers when releasing volunteers to attend emergency situations.

I want to start by applauding all Victorians who volunteer their services for worthy causes. I do not think we can thank them enough, whether they be carers who look after family members, emergency service volunteers, service club members, church organisations, disease support groups, scout leaders, Meals on Wheels volunteers or committee of

management volunteers. They all do a marvellous job. That is only a small sample of the volunteers in our communities. I sincerely thank them. Their service to our community is absolutely invaluable, and I agree with the sentiment expressed by the minister in the second-reading speech when he said:

One of the most extraordinary and selfless examples of how our community responds to these emergencies is the number and commitment of our volunteer firefighters. Beyond the bravery and work of these volunteers there are further acts of support and selflessness from the families, friends and employers of these volunteers.

I agree wholeheartedly with that sentiment. I also add that the selflessness extends beyond just the Country Fire Authority volunteers, but nevertheless let us not detract from the magnificent work they did during the recent Victorian fires. This piece of legislation in a very minor way recognises the selflessness of employers in releasing their employees to undertake emergency service work in Victoria. I note from the bill that it does not just apply to firefighters; it also applies to the Victoria State Emergency Service, St John Ambulance, Australian Red Cross, Australian Volunteer Coast Guard, and Life Saving Victoria as well as Country Fire Authority volunteers.

One interesting aspect of the bill is that the payroll tax exemption for employers while they release these emergency service workers to attend an emergency is not paid when there are periods taken, for example, for recreational leave, annual leave, long service leave or sick leave. Yet the practice is, out there in country Victoria at least, that an employee often negotiates with an employer to take a week or two of annual leave or recreational leave to go and fight a fire. They recognise that the cost to the employer is more than the payroll tax — perhaps some \$800 to \$1000 per week by the time you put add-on costs — and is borne by the employer while the employee is away.

Mr D. Davis interjected.

Mr HALL — And replacement staff, as David Davis reminds me. The cost to employers is significant. The selflessness of many of these employees who are volunteers and negotiate to take a week of recreational leave or a couple of weeks leave to go and fight the fires should also be recognised and those people who do that commended, because they are sacrificing what otherwise would have been recreational leave for themselves.

Gordon Rich-Phillips in leading for the opposition made a good point that there are many who are self-employed who do not benefit from this provision, and there is no recognition for those who take time off

from their work to attend bushfires and other emergency situations. I particularly make note of those employed in the timber industry, who often run their own small business. People in the timber industry are, literally, in the direct line of fire more often than not, and they readily discard their normal work activities to help fight the fires. They are in the group of self-employed people who sacrifice their own personal income to assist with the combat of fires. In some cases that means they put their own properties at risk, because in many cases these people live locally. If they are off fighting fires they are not there to defend their own properties.

Already this year I have cited a particular case of one of my constituents, Mr Peter McConachy, who left his equipment in a safe spot in the bush while he went away to fight fires for the department — for the community. The seemingly safe spot had not been so safe, because when he came back he found a couple of major items of machinery had been destroyed by fire. I have mentioned in this house before that Peter McConachy was something like \$800 000 out of pocket simply because he volunteered his services to go away and help fight the fires. I have detailed that particular case to the ministerial task force on bushfire recovery, and I sincerely hope that through that process there can be some recognition by way of compensation paid to a person like Peter who selflessly volunteered his services only to find that financially he was severely disadvantaged by doing so.

Nevertheless, as has already been said, the bill is a small measure that recognises how employers graciously allow employees time off to go and serve when there is an emergency. Although it is a small measure, it is a welcome measure and The Nationals support it.

Mr D. DAVIS (Southern Metropolitan) — I am pleased to make a contribution to the debate on the Pay-roll Tax Amendment (Bushfire and Emergency Service) Bill. In doing so I am pleased to indicate that the opposition will support the bill. I compliment my colleague, the Honourable Gordon Rich-Phillips, on his contribution today and the fact that he has placed very clearly on the record the Liberal Party's position on the bill. I do not wish to reiterate that in great detail.

The bill responds in some measure to the hardship that has been faced through the fires over the recent period, and I am pleased that the government has taken the step of removing payroll tax on those components of payroll tax that involve volunteers fighting fires. I am also pleased to see that at the instigation of the shadow Treasurer in the lower house, Kim Wells, and the

member for South-West Coast, Denis Naphine, also in the other place, the Treasurer generously agreed to make clear the situation with respect to training. I was pleased to receive a copy of the letter from the Treasurer to the shadow Treasurer clarifying the matter. This is a small step, as Peter Hall has said correctly, but symbolic and important in that sense and will give that little bit of additional assistance.

The truth is, the government has been widening the tax base with respect to payroll. On a number of occasions in recent years, both with respect to apprentices and fringe benefits, it has widened the payroll tax base, taking more payroll tax from Victorian businesses and the community. Around 12 new taxes have been introduced. It is pleasing that on one important occasion the government has seen that it should step back from its process of widening the tax base and scooping more money out of Victorian small businesses.

At the recent retreat that the opposition attended up near Mansfield I saw the devastation of the bushfires. In my former role as shadow Minister for Environment prior to the election I saw many examples of the impact of the bushfires not only on the forest, for example the Grampians at that stage, but also on businesses and homes and therefore on families.

We can never forget that lives are at stake, that property is at risk and that it is the community working through the Country Fire Authority (CFA) which is contributing in a generous manner to the self-protection that is so critical in country Victoria. I for one am very proud to have seen many of those people contributing in that way. I compliment them both individually and as a group on the enormous sacrifices they have made. They are sacrifices in the sense that those CFA volunteers put themselves in harm's way and do so in a manner that is selfless and shows interest in the community. In that sense I am very pleased to indicate that the opposition is supporting this bill. I think it will pass with the support of almost everyone in this Parliament.

Mr TEE (Eastern Metropolitan) — I too am pleased to support the bill. We are all grateful for the heroic efforts of the volunteer firefighters who have done a sensational job this season. Members will recall that we have had a very long fire season. It started in early December and was made worse by extremely dry conditions caused by drought and very high summer temperatures.

We all appreciate the risks the Country Fire Authority volunteers take on our behalf and are grateful for their efforts. When we think of our CFA volunteers the focus is rightly on those brave men and women who battle

bushfires in regional and rural Victoria. However, this work is complemented by an army of volunteers in our suburbs. While I am pleased this bill supports our volunteers who fight bushfires in the country, it is important that it also recognise the work done by volunteers in cities and their suburbs.

The operation of this bill extends well beyond CFA volunteers in regional and rural Victoria and will help volunteers in services such as the State Emergency Service (SES), St John Ambulance, the Red Cross and so on. The bill will also assist the CFA volunteers who work in my electorate in the eastern suburbs. While they may not spend a lot of time fighting bushfires, their work is dangerous, and it is important to the community they serve.

Just last week I had the privilege of attending the Bayswater fire station, which is in my electorate. The station has approximately 50 CFA volunteers who attend around 500 incidents a year. Their pagers can go off, and do go off, at any time of the year, day or night. I was struck by their sense of camaraderie. I met volunteers who had been helping their communities as volunteers for 20 or more years. These volunteers have to balance commitments to work and family with their unselfish service to the community.

The CFA is only one part of the network of volunteers who serve the community in my electorate. I also recently had the privilege of visiting the Knox SES unit in Wantirna, which is one of 34 volunteer SES units in the metropolitan area. They too are available day and night to respond to a variety of needs ranging from storm and flood damage to assisting in road rescues. I attended the Knox SES unit with the Minister for Police and Emergency Services in another place, Bob Cameron. We were there to inspect a fully furnished command bus that was donated to the Knox SES by the Knox police.

I took the opportunity to speak to volunteers about how they manage both work and the demands of being a volunteer. I was told that most employers are very generous in making volunteers available to attend to the needs of their communities. Some volunteers have to take annual leave to serve their communities, and that is unfortunate. It puts an additional burden on volunteers because they then cannot spend their annual leave with their families and friends. Being a volunteer is hard enough without having to compromise on family time. Being required to take annual leave so that you can perform community service is a disincentive to being a volunteer. As the house knows, this difficulty is compounded by the fact that workers and their families are already suffering at the hands of WorkChoices.

WorkChoices significantly moves the balance of power in the workplace from the worker to the employer. This means that time with the family and time to serve the community is up for grabs.

I support this legislation for a number of reasons. Firstly, in reducing payroll tax the bill appropriately compensates the majority of employers who do the right thing and support the volunteers who serve in our community. Secondly, the payroll tax exemption does not apply when an employee is attending volunteer work while on annual leave. This is important because it provides an incentive for employers to allow volunteers to serve the community without taking annual leave. Allowing volunteers to save their annual leave will undoubtedly help them balance the demands of work, family and service to the community.

Finally, I support the bill because it stands in stark contrast with the philosophy underlining the commonwealth's approach in WorkChoices. WorkChoices is a mean-spirited attack on time with the community. It allows employers to strip away time that could be spent with family and the community. By contrast this bill promotes, encourages and rewards community life. This bill is part of the Bracks government's ongoing efforts to blunt the WorkChoices attack on workers, their families and their community life. I commend the legislation to the house.

Mrs KRONBERG (Eastern Metropolitan) — In rising to support the Pay-roll Tax Amendment (Bushfire and Emergency Service) Bill I feel compelled to point out that once again the Bracks government's actions are too little, too late. Victoria's alpine regions were ravaged by bushfires in 2002–03. We have also had the Grampians fires, the fires at Wilsons Promontory and this summer's conflagration. One must ask why it has taken so long to provide these welcome but very limited incentives for our courageous and revered emergency services volunteers and their employers.

The Council of Australian Governments-commissioned report entitled *National Inquiry on Bushfire Mitigation and Management* states that the value of the annual contribution of voluntary fire services in Victoria amounts to an estimated \$460 million. The effort in time put in by volunteers in Australia amounts to a staggering 21.5 million hours annually.

While it is noteworthy that this legislation will provide payroll tax exemptions backdated to 1 November 2006, the consequence of that may well be that the extra administrative burden limits business access to the concession. The notion I feel I must put is that perhaps

the government has given some thought to the likelihood that the cost of taking this up may yet be an administrative burden on business which outweighs for Victoria's employers the benefits of any payroll tax relief. Furthermore, the payroll tax exemptions will only apply when employees are not already on official leave such as annual, recreation, long service or sick leave.

On 5 January the Acting Premier told us that the exemptions were to apply to 'Country Fire Authority and VicSES volunteers, responding to fires and other emergencies, such as storm damage, flooding, and search and rescue'. Are we to conclude that the many other categories of emergency services in this state were not a top-of-mind issue for our Acting Premier at the height of Victoria's bushfire emergency? Members of St John Ambulance, the Red Cross and volunteer coastguard and lifesaving organisations, who can be relied upon to assist in a coordinated response under the state emergency response plan, must have felt hurt and frankly left out until the amendments to be made in the bill became public.

The two new paragraphs inserted after section 10(1)(j) of the Pay-roll Tax Act 1971 can be summarised as follows: paragraph (ja) exempts wages paid or payable to employees for any period during which they take part in bushfire-fighting activities, as defined within the meaning of the Country Fire Authority Act 1958; paragraph (jb) exempts wages paid or payable to employees for any period during which they take part as a volunteer emergency worker, as defined within the meaning of the Emergency Management Act 1986.

In the replacement second-reading speech the government describes this legislation as:

... a small part of the support and commitment of the government to our emergency services and those behind them.

I agree — this is certainly a very small measure indeed.

We need to bring into sharp focus that our volunteers not only put themselves in harm's way and actually risk their lives but also suspend their lives, their jobs, their careers, their time with their families and friends and the opportunity for rest and relaxation during what is a summer break for most of us. If self-employed, our revered volunteers put their very means of support on hold. They do this to help their communities in a constellation of multiple single acts of selflessness that this government counts on in a very material way to keep Victoria safe.

What is the government going to do for the self-employed? What about small business owners who pitch in for the same reasons as the self-employed? Payroll tax exemptions come into effect only when an organisation's payroll crosses the threshold of \$550 000 per annum, with tax calculated at the rate of 5.05 per cent from January 2007. Rocket science is not needed to conclude that many small business owners and operators will not receive any financial amelioration for their businesses while they release staff or work themselves to save the state from conflagration.

On 20 January the *Age* newspaper provided us with a moving account of the views of a 39-year-old firefighter, John Freemantle. It was reported that it had been more than a month since Mr Freemantle had:

... put his family and his farm on stand-by to battle the fires.

It was reported also that Mr Freemantle:

... has been a CFA volunteer for 24 years now, two-thirds of his life and enough time in the service to make an on-the-ground assessment of how the authority is really faring.

... it's the factors outside the control of individual crews that get volunteers down. Freemantle identifies one of the 'most disappointing things' as arriving at a fire and waiting hours or days to get near the fire front.

The article quotes him as saying:

A lot of guys come up and sit on their backside for three days. And it's that much harder to get those guys to come back again, because they say, 'Oh well, I took a week off work and didn't do anything'.

Current levels of crew rotation are still putting pressure on employees and employers alike and causing frustration and fatigue, often without any firefighting being accomplished at all. One must ask, then: what is this government planning to do through the Department of Sustainability and Environment, in conjunction with the Country Fire Authority, to ensure resources are deployed effectively?

Volunteers are precious. There is an old saying that a volunteer is worth 10 conscripts. The government is facing many major problems in dealing with its volunteer forces, and I place two of those problems on record. According to the *Age* of 20 January there is a CFA crew in Victoria with an average age of 53 years, and the CFA is facing an unforeseen challenge in that it was never really meant to fight fires on a protracted campaign basis. The effects of what many now attribute to climate change include that we are having difficult and drawn-out seasons. Often the upcoming generations of young volunteers are not in a position to participate because of the demands of study, career

advancement and finding how to pay their way in a consumer-driven society. As a result of my personal experience in teaching and interacting with vast numbers of both generation Y and generation Next members, I can say with some conviction that the spirit of volunteerism really needs to be rekindled. To meet these challenges there will need to be a lot of lateral thinking on the part of the Bracks government.

The Council of Australian Governments report of 31 March 2004, entitled *National Inquiry on Bushfire Mitigation and Management*, points out elements relevant to this debate. They include the fact that:

Recent increases in levels of training required to meet national competencies are making membership of rural fire brigades too onerous for some volunteers.

Therefore it recommended that a more flexible brigade classification structure and training regime be developed for these volunteers.

Furthermore, we need to recognise that our volunteers in emergency services have their identities tied up with their status as volunteers. They are looking to provide a service to the community and are not seeking to be paid for their service. The government certainly has a difficult situation on its hands. We await its fulsome response to a problem that will not be solved by offering paltry, cynical bandaid measures.

Ms LOVELL (Northern Victoria) — I rise to speak on the Pay-roll Tax Amendment (Bushfire and Emergency Service) Bill. I will be making only a very brief contribution to the debate this morning because I really just want to seek some assurance from the government that a couple of the search and rescue squads in my electorate will be covered by the bill.

In rising to speak on the bill I pay tribute to all those volunteers who fought the bushfires in the north-east and Gippsland over this past summer. I believe there were some 14 500 volunteers involved in that effort. The people in the towns in north-eastern Victoria and Gippsland are indebted to them forever. We cannot speak highly enough of the role the volunteers played in protecting property and lives during the bushfire season.

I pay tribute also to the lifesavers in Victoria. A couple of years ago in Queen's Hall we celebrated 100 years of lifesaving. This year is the 60th anniversary of the establishment of surf lifesaving in Victoria and the 100th anniversary of its establishment in Australia. In honour of that, this year has been named the Year of the Surf Lifesaver. It is the first time that an individual volunteer group has been recognised in this manner. I

pay tribute also to all others who volunteer for anything at all, such as Meals on Wheels. Especially in country Victoria, our communities just would not survive without our volunteers. I do not believe governments of either persuasion have ever fully appreciated what country communities provide for themselves through volunteers and fundraising.

The bill mainly gives effect to the Bracks government's media announcement on 5 January that through payroll tax exemptions it will provide some compensation for and recognition of employers who release employees to assist as volunteer firefighters or to respond to other emergencies. It recognises the commitment of employers and their selflessness in releasing those members of staff to fight fires or attend at other emergencies. The bill amends the Pay-roll Tax Act 1971 to provide for that exemption. While it explicitly details bushfire-fighting activities, the bill is not necessarily restricted to payroll tax exemption only for incidents of bushfire-fighting activity.

The original media release put out by the Acting Premier, the Minister for Water, Environment and Climate Change, mentioned that payroll tax exemptions would apply to Country Fire Authority and VicSES volunteers responding to fires and other emergencies such as storm damage, flooding, and search and rescue. The bill provides that payroll tax exemptions will apply to other volunteer emergency services, including St John Ambulance, the Red Cross, the volunteer coastguard and lifesavers who assist in a coordinated response under the state emergency response plan.

The assurance I seek from the minister in his summing up is about two search and rescue squads that exist in my electorate. They are the Echuca-Moama Rescue Squad, which was formed about 40 years ago, and the Shepparton Search and Rescue Squad, which has been in operation for 36 years. For the past 40 and 36 years these two squads have provided the road rescue response in the Echuca-Moama and Shepparton areas. In Shepparton we do not have a State Emergency Service at all so the search and rescue squad is the first point of call for both the police and fire brigade for any sort of rescue.

These squads have been recognised. Initially they raised funds to provide all their own equipment, and of course all their members are volunteers. In the past couple of years they have been recognised with some funding from the Transport Accident Commission to assist them in their activities. We were also able to gain emergency vehicle status for them so that they were able to use lights and sirens when called out to

emergencies. That has greatly assisted in getting them to emergencies within a good response time.

Prior to that we often had fire brigades or ambulances waiting at an accident site for the search and rescue squad to arrive. Because search and rescue squads had the jaws-of-life, if someone was trapped in a car no-one could assist that person until they got there. If search and rescue were held up at a set of traffic lights and were unable to go through without emergency vehicle status, it caused some problems. We are very grateful that the government has extended emergency vehicle status to those two squads.

My brother is president of the Shepparton Search and Rescue Squad and he has been in that squad for over 30 years. I know the commitment the squad puts into not only attending emergencies, but also into training for the activities its members have to undertake. I recognise the generosity of their employers in releasing them so they can do that work. Mr Drum's nephew is also a member of the Shepparton squad. He is a much younger member than my brother but is also a very worthwhile member of that squad who volunteers his time. His employers are generous in donating that time when they release him as well. I seek an assurance from the minister in his summing up that those two squads will also be covered under this legislation.

We have some concerns with this legislation. The first is that because it concerns only payroll tax, naturally it is only larger employers who will benefit from the legislation — that is, employers whose payroll exceeds \$550 000 for a full financial year. This will mean a number of smaller employers who are releasing staff to attend emergencies will not get any benefit under this legislation. Often in country Victoria there are smaller employers. There are probably a greater number of smaller employers who will not be recognised in any way under this legislation, but who are releasing staff as volunteers. A number of volunteers in country Victoria are self-employed. If their business is small, they will not receive any recognition under this legislation.

We believe the provisions do not go far enough in providing financial compensation or incentives for smaller businesses. A better way to provide compensation could perhaps be through reduction in WorkCover premiums, or something that would cover all employers, rather than through payroll tax. In saying that, I recognise that at least the government is trying to do something to compensate employers who release their staff for emergency activities, which is commendable.

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — In reply to the debate on this bill I thank all members for their contributions and I thank the members who have supported the legislation. It is an important piece of legislation as many members have identified.

A matter specifically raised by Wendy Lovell was in relation to volunteers from the Shepparton and the Echuca–Moama search and rescue squads. She was seeking to clarify whether they are recognised under the legislation. Ms Lovell is seeking an assurance that the legislation will apply to those squads and their employers. On behalf of the Minister for Education, Mr Lenders, I give that assurance to the member.

I believe that covers all the issues raised during the second-reading debate. I wish the bill a speedy passage.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

PUBLIC PROSECUTIONS AMENDMENT BILL

Second reading

Debate resumed from 1 March; motion of Hon. J. M. MADDEN (Minister for Planning).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I speak this morning on the Public Prosecutions Amendment Bill. This is a bill the Liberal Party will support. It is a relatively minor machinery bill that the government has brought forward to confirm and validate some of the current operations of the Victorian Office of Public Prosecutions.

This is a short bill. It extends to only seven clauses and includes a repeal clause. It validates the operation of the Office of Public Prosecutions where it has been prosecuting cases regarding laws from other jurisdictions. It allows for the Director of Public Prosecutions to prosecute offences against commonwealth law or the laws of another state or territory if the DPP holds an appointment from the Victorian Attorney-General to do so. It allows the staff of public prosecution offices in other states and territories to be appointed as prosecutors for Victorian law, and it allows the Victorian Crown prosecutor to similarly prosecute cases against commonwealth law or

the law of other states and territories if the prosecutor, with the consent of the Director of Public Prosecutions, holds an appointment to do so.

Importantly clause 6 of the bill inserts proposed section 55 in the Public Prosecutions Act to retrospectively validate past arrangements. I understand from the briefing that there was a view from the Victorian Director of Public Prosecutions and the DPPs of other jurisdictions that clarification was required regarding previous occasions where the DPP of one jurisdiction had prosecuted cases using the law of a different jurisdiction. There was a view that it was necessary that the power to do so be codified and clarified via this bill. The simple reason for that is that if there is a case before a court regarding criminal offences in a range of jurisdictions it is a sensible move to have it dealt with by one prosecutor from one jurisdiction rather than requiring multiple prosecutors from multiple jurisdictions. It has been the practice that a Victorian prosecutor is able to prosecute crimes against commonwealth or another state's law. This bill merely clarifies and codifies this practice in legislation.

The one area the opposition had concerns about was proposed section 55, which will retrospectively validate that practice. The reason was simply that we required clarification from the Attorney-General about whether there were particular cases in which the validity of that practice had been called into question. For reasons unknown, at the briefing the Attorney-General's staff were not willing to provide advice as to whether there were cases in which this retrospective clause would be required. However, it is my understanding from the shadow Attorney-General in the other place that the matter has been resolved and that there are no specific cases where this retrospective provision is believed to be required.

Hon. T. C. Theophanous — So you have your answer.

Mr RICH-PHILLIPS — We now have an answer, Mr Theophanous. At the time the legislation was being debated in the other place that answer had not been forthcoming, but we now have the assurance that this retrospective validation is not specifically targeted at any particular case. The opposition believes this legislation is a sensible measure. It is sensible for prosecutors in this jurisdiction to be able to prosecute charges from other jurisdictions where they apply to defendants facing charges under Victorian law in Victorian courts. It is a sensible practice that should be recognised and should not be subject to doubt, hence the validation clause proposing section 55. On that

basis the Liberal Party supports the bill and commends it to the house.

Mr HALL (Eastern Victoria) — I indicate that The Nationals also support this piece of legislation. It is a simple bill. The concept of the bill is to give the Director of Public Prosecutions certainty about their ability to prosecute offences of another jurisdiction. It also enables reciprocal powers to be given to directors of public prosecutions of other states to prosecute offences against Victorian laws in their jurisdictions.

Criminal activity is not restricted to state boundaries, so it makes eminent sense that if a criminal activity extends across a state boundary or into a commonwealth-controlled territory we should have a system whereby one prosecution takes place and there is no need to prosecute offences across a number of state jurisdictions. As the second-reading speech says, this provision commonly applies to drug-related offences where part of the offence might relate to the importation of prohibited substances, which is a commonwealth matter, and part might relate to the trafficking of prohibited substances, which is a state matter. It would be ludicrous if in cases like that it was required that a prosecution be undertaken by the commonwealth Director of Public Prosecutions under commonwealth law and that simultaneously a similar prosecution should take place under state law.

My understanding from the briefing given to The Nationals on this legislation is that the current practice enables a single prosecution but that there are no explicit powers in the Victorian act to allow that to occur. This piece of legislation provides those explicit powers so there is no doubt that offences against Victorian law can be prosecuted by public prosecutors in other jurisdictions. That is all this legislation is about. It gives certainty to the law. For those reasons The Nationals see it as common sense and worthy of our support.

Mr O'DONOHUE (Eastern Victoria) — As the previous speakers have said, the purpose of this bill is to allow or make clear the ability of the Victorian Director of Public Prosecutions and Crown prosecutors to prosecute offences in other jurisdictions and the other way around. This is a common-sense piece of legislation, as Mr Hall said. In effect it codifies longstanding practice. It is an example of good cooperation between the different jurisdictions in Australia.

I hope that the attorneys-general at commonwealth and state levels can work together to achieve further efficiencies and savings in the criminal justice and legal

systems. As Mr Hall correctly stated, commerce and criminals do not necessarily recognise state boundaries. As we move more into a globalised environment, Australia is more one market both in a legal sense and also unfortunately for criminals. To have effective cooperation between the different jurisdictions is paramount not only for the efficient prosecution of justice but also to achieve time and cost savings in the legal system. That is something which is always difficult to achieve. It is a balancing act between competing different interests of efficiency and the proper administration of justice.

In summary, this is a common-sense piece of legislation. I echo the concerns raised by Mr Rich-Phillips earlier about the retrospectivity of the legislation, but I also note the assurances from the Attorney-General. With those comments I commend the bill to the house.

Mr VINEY (Eastern Victoria) — I rise to express my support for the bill before the house, the Public Prosecutions Amendment Bill 2006.

Honourable members interjecting.

Mr VINEY — There seems to be some cynicism on the other side as to my preparation on this legislation. I assure members I am well across this legislation. I have copious notes here that I am going to have to refer to.

The bill will enable the directors of public prosecution from other states and territories, and staff from their offices, to be appointed as Victorian Crown prosecutors. This is to enable them to prosecute Victorian offences when necessary. On some occasions there are conflicts in terms of the jurisdictions, so this measure will enable the commonwealth Director of Public Prosecutions and his or her staff to be appointed. The commonwealth can prosecute both Victorian and commonwealth offences at the same time — it is a streamlining process. My understanding is that these arrangements are in fact already in place.

I note that some people have raised issues of retrospectivity, but my understanding is that these arrangements are already in place in relation to the capacity for the streamlining of the prosecution of offences that go across jurisdictions. As a result of some discussions between the commonwealth and the various states, it was decided that in order to ensure there was adequate authority for this streamlining to occur, these amendments were necessary.

The bill also makes clear that the Victorian Director of Public Prosecutions and Crown prosecutors can receive the authority and exercise the powers to prosecute

offences in other Australian jurisdictions. Just as the bill provides the capacity for the commonwealth Director of Public Prosecutions to prosecute Victorian offences in their own jurisdiction and other states, the legislation makes it clear that the Victorian Director of Public Prosecutions and Crown prosecutors can do likewise in Victoria. Although this currently occurs, there is not an explicit statutory foundation to receive the conferral and exercise of it. The bill addresses this gap and brings the act into line with the equivalent statutes in other jurisdictions.

This is sensible and appropriate legislation at the moment. Despite the cynicism of members opposite they can see from my remarks that I am well versed in matters of the jurisdictions of the directors of public prosecutions and the important processes to ensure that justice is delivered efficiently across all jurisdictions no matter where the offences originate.

Mr DALLA-RIVA (Eastern Metropolitan) — I would like to continue with the readjustment of the second-reading speech by Mr Viney in also supporting the legislation before the chamber. I note that perhaps Mr Viney has a deep interest in it and I commend him for that. I know he has a deep appreciation of the legislation and his understanding of matters around the Public Prosecutions Act is certainly dear to his heart. I know he takes it very seriously, as do all members in this chamber.

It always used to fascinate me that when we would engage the Director of Public Prosecutions (DPP), one week you would be at the County Court to prosecute an offender and there would be on the defence side a barrister representing the accused. That barrister would be vigorously attacking you in cross-examination and undertaking an extensive removal of your capacity to get a conviction. A week later, after they had tried to belittle you in the court, they would be there again, having been allocated by the DPP as your friend in prosecuting another case in which you are meant to be getting a conviction on another issue.

It used always to fascinate me how lawyers could on the one hand be supportive of the prosecution's side in getting a conviction and a week later be on the other side of the table, as it were, fighting the public prosecutor and trying to get their accused client off. I saw the close connection between the lawyers and judges, and I saw the relationships they shared in both the lower and higher courts. I am pleased that this bill goes some way towards removing some of those anomalies. It removes some of the capacity for those working in the legal jurisdiction, whether for the

prosecution or the defence, to have such close proximity to each other.

It is interesting that we have a system in this country where judges are drawn from lawyers. It has always fascinated me that we do not seem to draw judges from other areas, and I understand the reasons why. It also fascinated me when I first started in the police force to see three learned magistrates on the bench who were citizens of the community. In conjunction with each other they would determine guilt or otherwise of the person charged in the Magistrates Court and determine their sentence.

This bill clears the way for prosecutions to proceed against the department's own staff. When I was a member of the Law Reform Committee in the last Parliament we looked at the administration of justice offences. We found and made reference in our report to examples in Queensland, New South Wales and Western Australia where there was clear evidence of the potential for the sort of internal mateship I referred to earlier that would allow for those in a state jurisdiction to protect their own. This legislation allows for prosecutions in Victoria to proceed without any perceived conflict of interest. For that reason the bill should be supported.

I would again like to make the point that members of Parliament should always be concerned about what the intentions are in introducing retrospective legislation. From the advice the Liberal Party has been given, it appears there is no outstanding issue that would lead to any concerns about the retrospectivity in this bill.

I have commented before on the size of bills being debated by the house. Yesterday we debated a bill that had a total of eight pages. Today we have a bill of five pages before the house — and I draw to members' attention that the last page is blank. It seems to be the practice to fill bills up with blank pages to make them look as though we are doing something. I can remember that in earlier times we debated omnibus bills when several pieces of legislation were rolled into one bill. Because this government has no real agenda we are now debating small bits and pieces of legislation. Whilst we generally support those bills, they could be better handled through the use of omnibus bills. Apart from the comments I have made, I support the bill.

Motion agreed to.

Read second time.

Remaining stages

Passed remaining stages.

PARLIAMENTARY LEGISLATION AMENDMENT BILL

Second reading

**Debate resumed from 14 March; motion of
Mr LENDERS (Minister for Education).**

Mr SOMYUREK (South Eastern Metropolitan) — I rise to support the Parliamentary Legislation Amendment Bill. This bill amends the Parliamentary Committees Act and the Parliamentary Salaries and Superannuation Act. The purpose of the amendment to the Parliamentary Committees Act is to alter the functions of the Economic Development Committee, to rename it the Economic Development and Infrastructure Committee and to increase the maximum number of members of a joint investigatory committee.

The purpose of the amendment to the Parliamentary Salaries and Superannuation Act is to remove the requirement that the third parliamentary party must have at least four sitting members in this house before its leader is entitled to receive additional salary. It also provides for an increase in salary for the chair of the Public Accounts and Estimates Committee (PAEC) and the chair of the Scrutiny of Acts and Regulations Committee (SARC).

In my contribution today I will focus on the importance of the committee system to open and accountable governance. I will also touch on the issue of the leader of the third party in the upper house receiving additional salary. There is a widely held view in our community amongst those who take a keen interest in the political process that lower houses of Parliament in the Westminster tradition lack the capacity to hold the government of the day accountable due to the evolution of the party system and the consequent development of party discipline accompanying that system. Maintaining party discipline is imperative in contemporary Australian politics. I am sure everyone in this place would acknowledge that that comment is pretty accurate.

Mr D. Davis — I am not sure that is true. There is a higher calling than that.

Mr SOMYUREK — Look at people like the federal member for Kooyong, Mr Georgiou, and others who have not necessarily supported the Prime Minister, Mr Howard. They have not been promoted and have

been on the back foot in terms of their preselection. If Mr Davis were to have a look at those people, he might agree with me. This cuts across both parties; it is not just the federal Liberal Party, so there should be bipartisan support for this bill.

Given that to be the case, it is therefore very important that other accountability mechanisms are established, renewed and strengthened on an ongoing basis. Every member in this place understands the importance of the upper house in holding the government of the day accountable. Members on this side certainly understand that. That is why we reformed the upper house during the last Parliament and introduced proportional representation, and members of the Greens are the direct beneficiary of that and so is the Democratic Labor Party. The corollary is that we lost our majority in the upper house. When we reformed the upper house we knew we were going to lose control of it, but as far as we were concerned the principles of accountability were more important. We have made it very difficult for a single party to control both houses of Parliament simultaneously. I am sure people will agree that that is good for democracy.

The amendments to the Parliamentary Committees Act, which are before us today, are another step towards the renewing and strengthening of the accountability mechanism. Joint investigatory parliamentary committees play a crucial role in enhancing the accountability function of government and in some cases in developing policy. Two of those committees, the Public Accounts and Estimates Committee and the Scrutiny of Acts and Regulations Committee, play a vital role in scrutinising government. The joint investigatory parliamentary committees are able to enhance the accountability and scrutiny of government for a number of reasons, and I will list three reasons why they are able to do it.

Firstly, as I see it, the joint committees are drawn from both houses of Parliament, and given that it is very unlikely that any one party will have control of both houses going forward, the chances are that they will have non-government members as their chairs. For example, I presume Mr Drum will chair the Rural and Regional Committee, because he seems to have strong support. In this instance, therefore, parliamentary committees are useful for circumventing the diminution of accountability brought about as a result of party discipline.

Secondly, a committee is more able to scrutinise and analyse government in greater depth and intensity because it has more time and comprises a smaller group of individuals who see it as their primary job to

scrutinise government more than the whole of Parliament is able to do.

Thirdly, committees are able to enhance the ideal of participatory democracy by taking submissions from members of the public.

I will now move on to the issue of the chairs of the Public Accounts and Estimates Committee and the Scrutiny of Acts and Regulations Committee receiving additional pay. It is widely acknowledged by all sides of the political divide in this place, except for the Greens — I think the Greens will probably need to be in this place for a few more years, but I am sure they will eventually come to the conclusion — that PAEC and SARC do a lot more work than the other committees.

The Public Accounts and Estimates Committee and the Scrutiny of Acts and Regulations Committee are the two most powerful committees in the Parliament, and as a consequence they require their members not only work much harder than those who serve on other committees, but also to be more forensic in their approach because the stakes are very high with respect to the scrutiny of government imperative.

I have not served on SARC, but for the last two years of the last Parliament I served on PAEC. I can therefore verify that serving on that committee involves a lot of hard work, lots of reading and the ability to concentrate for long periods. Having said that, I found the experience to be highly rewarding. If I had had the choice I would have continued to be a member of PAEC, but as it turns out I might be chairing another committee.

As I said, being a member of PAEC was hard work, but the work we did as ordinary members was insignificant when compared to the hours of extra work done by the chair of the committee, the member for Pascoe Vale in the other place, Christine Campbell. Every time I spoke to Christine outside the committee she was immersed in PAEC-related issues. There is a lot of reading and research and a lot of concentration required on the part of the chair of the Public Accounts and Estimates Committee. I am reliably informed that that is also the case for the chair of the Scrutiny of Acts and Regulations Committee. I think it is only right that the chairs of these committees be appropriately remunerated.

Before I end my contribution to the debate on this bill I would like to say a few words on the controversy surrounding the amendment to allow an additional salary to be paid to the leader of the third party in the

Legislative Council. Some have been somewhat disingenuous in portraying this as being a party of two members attempting to get access to a salary which it is not entitled to at the expense of another party with three members with no additional salary for its leader. I can assure members of the Greens that this is not about them. There is no conspiracy directed at the Greens. This is about the third party having 13 members in this Parliament. Having 13 members means that the party's leader in the upper house cannot be isolated. The leader needs to liaise with party members in the other place and has to keep all his other party members of Parliament informed about what is happening in the upper house. This requires a lot of resources, time and attention. I would say it carries as much responsibility as the position of a Leader of the Opposition.

In conclusion, the evolution of our committee system has been very positive for our democracy and has enhanced the imperative of accountability and scrutiny of government. I commend the bill to the house.

Mr D. DAVIS (Southern Metropolitan) — I am pleased to rise and make a contribution to the debate on the Parliamentary Legislation Amendment Bill. This is not a bill I seek to speak on for very long, but I want to make a few points about it. I begin by saying that the opposition will oppose the bill in its current form but will seek to amend it. My colleague Philip Davis has circulated a series of amendments which seek to achieve the opposition's objectives with respect to this bill. I think it is important that the bill is seen in a broader context — a context of parliamentary committee reform. It is a long process that in my view has a great distance to go.

The joint parliamentary committee system is a worthy system that does good work for the Parliament and for the Victorian community. It enables members of Parliament and others to make a valuable contribution to the examination of various issues and put on the record the results of their careful deliberations. In many cases the work of joint parliamentary committees can be a search for common ground across the Parliament and the community and a way to handle contentious issues in a generous, open and transparent manner. On other occasions joint parliamentary committees can be used in an overtly political fashion. I could put many examples before the Parliament, but the one that comes to mind from the last Parliament is the reference that was given to the Family and Community Development Committee on bulk-billing, which was clearly a reference aimed at damaging the federal government — and using state parliamentary resources to do so. I am not sure that it turned out that way, and that sometimes

is the case when governments seek to misuse the parliamentary committee process.

There is a great deal more to be done in terms of parliamentary reform. Late in the Parliament before last the Scrutiny of Acts and Regulations Committee brought down what I think was a very worthy and useful report, which in a bipartisan fashion proposed a way forward. The essence of that bipartisan SARC recommendation was that parliamentary committees should directly shadow or reflect the individual departments of government, that they should have self-referencing powers and that they should have a range of other powers to initiate inquiries. These were sensible recommendations arrived at by the Labor, Liberal and Nationals members of that committee. Indeed the 2002 state election policy of the Liberal Party was to adopt that SARC report in its entirety, and it is still a very good model with much to commend it.

One of the advantages of having parliamentary committees that shadow government departments would be that they could get a more integrated understanding and deeper knowledge of the work of those departments and thus better scrutinise them. The ability of committees to refer matters to themselves is also something that gives committees a great capacity, and I believe steps should be taken to give committees that ability in the future. The Public Accounts and Estimates Committee (PAEC) of course has that power currently and therefore has the capacity to move forward. Having been a member of that committee, I remember that we initiated references into, for example, a number of the Auditor-General's reports and matters surrounding those reports. I think that was a particularly valuable process.

I am trying to think of one example that would best highlight this point. It would be the reference concerning the Department of Human Services contracts — that is, the process by which the Department of Human Services signed contracts with agencies. At that time it was the department's practice to do annual contracts, and agencies were left hanging on a thread year by year. Often the money did not come through until part way through the financial year, and the agencies had no capacity to plan or to move forward.

Following some recommendations from the Auditor-General, the Public Accounts and Estimates Committee self-referenced an inquiry into the issue and followed up the Auditor-General's work. It came back with a recommendation that the standard model for Department of Human Services contracts should be a three-year contract. This was a policy the Liberal Party

later adopted, and I was pleased to see that in the last Parliament the Labor Party eventually adopted it. These sorts of steps and reforms can occur incrementally and can make a big difference to the functioning of government — or in this case to the functioning of the human services agencies that were working on contract from the government. There was some significant opportunity for that sort of reform.

If you think back over other contentious inquiries that have had a significant impact, you might remember that the wheel-clamping inquiry became the basis for legislation. A high-profile issue had developed quickly in the community, and a parliamentary committee was able to search for a nonpartisan solution. That committee came back with a unanimous report, and its recommendations became the way the issue was dealt with. These steps are important.

It is also important that there be recognition of the work of committee members, and currently — and appropriately — that is the case. I am concerned by the provisions of this bill that will lead to additional payments for the deputy chairs of PAEC and SARC and increased payments to the chairs of those committees. I am not sure that those steps are necessary. Whilst I understand that those committees and the role of deputy chair are important, and I do not in any way wish to diminish the importance of those functions — I mean that very sincerely — I am not sure those payments are the best use of the community's resources. In my view the additional funds that are to be provided for committee chairs and deputy chairs would be better used to resource other committees in the upper house. They could be better used to give committees other options and other capacities for research and investigation and the management of some of their references. It is the view of the opposition that this is not the best way forward. This is a sub-optimal use of the community's resources — and I say that without in any way wishing to diminish the approaches members take to their roles.

I highlight to the house the need to examine longer haul reform of the parliamentary committee structure. If you look at parliamentary committees in Australia, you see that the federal Senate has a more robust system than we have here. That upper house — that second chamber — has a more comprehensive and better resourced system. In New South Wales the parliamentary committee system mirrors in some senses some of the SARC recommendations I referred to and represents in my view a more robust approach than ours has traditionally been in Victoria. I think we need to look at some of those models.

In the longer haul, the community, the Victorian people, will be advantaged by having strong parliamentary committees — committees that can act independently of the executive; committees that are not beholden to the executive; committees that can self-reference; committees that are in a position to exercise the full powers of parliamentary committees in terms of documents and of the capacity to have appropriate speakers and material.

I think the task for the Parliament over the next period is to work forward on the reform process. It is a pity that the government has not taken this opportunity to step forward with a more comprehensive reform of the parliamentary committee system. In one sense it is an opportunity lost. Historically it may well be seen that way. I encourage the house to support the amendments circulated by Philip Davis and to focus on whether the additional payments to be made to committee chairs and deputy chairs are the best use of the community's resources.

Mr BARBER (Northern Metropolitan) — I want to speak on that part of the bill that relates to the specific amendments that I will propose during the committee stage. I have circulated the proposed amendments informally, but I am happy for them to be formally circulated at this point. We will be dealing with them during the committee stage of the bill.

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

Mr BARBER — My amendments relate specifically to the Public Accounts and Estimates Committee. They propose in general terms that the Public Accounts and Estimates Committee has by statute a majority of non-government members and a non-government chair. The Public Accounts and Estimates Committee is the audit committee for the state of Victoria. When I was a councillor on the Yarra council the audit committee had two independent members and me as mayor. One of them had to be the chair, and they had the ability to outvote me. Theoretically if they had wanted to do so, they could have released a report to the citizens of Yarra saying, 'We do not like the way Yarra council is running the show and as your audit committee we do not have a lot of confidence in it'. That is the value of an independent audit committee.

Mr Somyurek interjected.

Mr BARBER — No, it would have been a majority report by them. There were two of them and me, so

there were two independent members. Not only could they outvote me, but one had to be the chair. I was told that was best practice for audit committees at local government level, although I subsequently found out that not all other councils had adopted that procedure.

It is interesting that the ASX Corporate Governance Council in its *Principles of Good Corporate Governance and Best Practice Recommendations* of March 2003 recommended to its members — that is, all ASX-listed companies — that best practice for them, as set out in recommendation 4.3, is:

Structure the audit committee so that it consists of:

- only non-executive directors
- a majority of independent directors
- an independent chairperson, who is not chairperson of the board

That is best practice for the corporate sector. A lot of members in here talk about how wonderful the private sector is and how we should support it, but here is a case where the government is lagging behind the Australian Stock Exchange in the level of transparency that it offers to its stakeholders. The rationale for this is:

The ability of the audit committee to exercise independent judgement is vital.

Get this:

International best practice is moving towards an audit committee comprised of only independent directors. The ASX Corporate Governance Council encourages companies to move towards such a composition within the next three years and will be monitoring audit committee composition and international developments in this area.

At the current time the Victorian Parliament does not adopt the levels of transparency and integrity that the stock exchange does. That is enough of a reason that my amendments should be accepted.

This is just another part of the overall reform agenda of the Greens. It should not be any surprise to anyone that we are coming forward with these ideas. During the election we produced a document called *Making Parliament Work — Ideas from the Greens*, which states:

The Victorian Parliament is on the brink of a new era. The multi-party Legislative Council, created by the introduction of proportional representation, will allow, for the first time, the diversity of views in the community to be represented inside the Parliament. It will bring new ideas and energy to the democratic process.

...

A 21st-century Parliament should be the hub of democracy, not the rubber stamp of the executive. It should be a place where people feel welcome, where real debates happen, where people can influence the decisions, and which earns the confidence and respect of Victorians.

We then proposed a range of different measures that could be introduced. I am quoting from *Making Parliament Work — Ideas from the Greens*, which is still on our website. I have been handing out copies to people who have been asking questions about our agenda. I say our agenda is totally transparent. We ran for Parliament on the basis of this agenda. Under the heading 'Private members bills' we say that we should:

Provide time and resources to enable a reasonable number of private members bills to be introduced each year, and debated until they are finalised.

We have already achieved that because we adjusted the general business structure at that time to allow that to happen. Under the heading 'Active review' we say that should:

Amend the standing orders to strengthen the capacity of the Legislative Council to act as a house of review.

That is what we did yesterday with the call for documents order. Under the heading 'Properly resourced' we say:

Review the parliamentary budget to ensure that adequate resources are provided for the effective functioning of the Legislative Council as an independent house of review.

We have been talking about that and we will get into more of it. Under the heading 'E-Parliament' we say:

Webcast the proceedings of both parliamentary chambers and parliamentary committees.

We have turfed the press gallery out of Parliament, so the least we could do would be to put this soundtrack on to a website so many public servants and policy advisers — not to mention members of the public — could listen on their computers and follow the debate.

Mr Hall — What sort of ratings would we get?

Mr BARBER — We would get a niche audience. The point is we would have created openness that the federal Parliament currently has. I think some technogeek could come in and do that for us in 10 minutes but it will take a bit longer for that particular Greens initiative to be achieved.

We say we should amend the Freedom of Information Act. That will be interesting. We propose a code of conduct for parliamentarians. That was originally a Labor Party idea so it is another example of our policy

being trying to get you to implement Labor Party policy.

We refer in our documents to public appointments on merit. This is a good recommendation from the United Kingdom, where they have a commissioner for public appointments to ensure that public appointments are made at arm's length from government and on merit. We refer to continuous donation disclosure. I will come back to that, you bet. We propose to adopt the UK model of continuous disclosure of political donations with three-monthly report by parties rising to weekly disclosure during election periods, which is now the norm in the United Kingdom. The document refers to staff and resources and the definition of a Parliamentary political party. That is exactly what we are talking about now. We refer lastly to green and family friendly and adopting sustainability targets for Parliament. No. 1 on our wish list is an independent committee system. The document states:

Committees are important mechanisms for investigation and holding the government and its agencies to account. Currently most Parliamentary committees are 'joint' committees, including members drawn from both the Legislative Assembly and the Council, and inevitably dominated by the government.

This government did in 2003 what the Prime Minister, Mr John Howard, did recently. When the government got control of the upper house it took over all the committees and put its own people in charge. Our proposal that we took to the election was to establish an independent system of Legislative Council committees, some of which would have a majority of non-government members and a non-government chair. We can safely say we will meet that promise with the amendments we will introduce today.

The attitude I have been hearing from the government for some time — and again this morning — is, 'We introduced proportional representation. That is the reason you are here. You should be kind of grateful to us'. The only reason for that view is that the government must have thought that if some Greens were elected in this place we would be so pathetically grateful to be represented in this chamber that we would sit here for a year enjoying ourselves with our big salaries and our high status, getting our heads on television and getting comfortable. Of course that is not what we have done. We started implementing our pledge immediately, and within only a few sitting weeks we have ticked off quite a few of the things in our charter.

The only reason I can think of for the government imagining that was how we three Greens would behave

is because that is how the left of the government party behaves. You can simply squash them, give them a few trinkets and keep them quiet, give them a few committee chairs and a bit of a kick to their allowances and they will just go along with whatever. The three Greens only care about two things: one is putting forward our alternative solutions and the other is holding this government to account. When I wake up in the morning that is what I am doing before my feet hit the floor. Ms Pennicuik, Ms Hartland and I think about nothing else. Members should go back to my first speech and read it again. We are not novices, because we have been continuously represented in the parliaments of Australia for the past 25 years. We will keep going in the mode of the last few weeks until we put in place the basic measures that other state parliaments have. A succession of governments — Cain, Kirner, Kennett and Bracks — have had no interest at all in implementing those basic measures.

We will keep going until we get in Victoria's Parliament the basic democratic measures and basic transparency that exists in every other state Parliament and this Parliament becomes a Westminster leader and starts picking the ideas from the United Kingdom Parliament, the Canadian Parliament and the Scottish Parliament, if you like.

Mr ELASMAR (Northern Metropolitan) — I rise to make a brief contribution to the debate in support of the Parliamentary Legislation Amendment Bill, which has as its objective to refine the structure and operation of joint investigatory parliamentary committees and to increase the maximum number of members on such committees established under the Parliamentary Committees Act 2003. Another objective of this bill is to amend the Parliamentary Salaries and Superannuation Act 1968 regarding the additional salary payable to the upper house leader of the third party in Parliament.

Before I outline more specifically the details of this bill I would like to say a few words about the committee process. Parliamentary committees have evolved to become very important mechanisms of accountability and scrutiny in our system of government. Open and transparent governance has been a feature of the Bracks Labor government since it came to office in 1999 — the changes to freedom of information, the upper house reform, the Premier appearing before the Public Accounts and Estimates Committee and now the restructure of the committees are illustrations of this fact.

The Public Accounts and Estimates Committee (PAEC) and the Scrutiny of Acts and Regulations

Committee (SARC) are the two most important committees in terms of scrutinising government and holding it accountable. Although I have worked for a short time on SARC, I am informed by my colleagues who have been on these committees that they have significantly greater workloads than other committees. Given this, it is appropriate for the chairpersons of PAEC and SARC to be remunerated accordingly.

The bill will specifically amend the Parliamentary Committees Act 2003 in the following ways. It will change the title of the Economic Development Committee to the Economic Development and Infrastructure Committee, which will enable the committee to inquire into infrastructure matters. It will alter the title of the Rural and Regional Services and Development Committee to the Rural and Regional Committee. It will increase the maximum number of members on each parliamentary joint investigatory committee from 9 to 10.

The bill will also specifically amend the Parliamentary Salaries and Superannuation Act 1968 in the following ways. It will remove the requirement that the leader of the third party in the Legislative Council must have at least four members of that party in the Legislative Council to qualify for additional salary as set out in the bill. I understand this amendment has been controversial, but I fail to see why. The Nationals might have only 2 members in this place, but let us not forget that there are 11 members in the other place. With 13 members The Nationals are clearly the third party in this Parliament, and that means much more responsibility and work for the leader of that party. Consequently the additional salary proposed in this bill is reasonable.

The bill will increase the additional salary payable to the chairperson of the Public Accounts and Estimates Committee from 10 per cent to 20 per cent and the additional salary payable to the chairperson of the Scrutiny of Acts and Regulations Committee from 10 per cent to 15 per cent. I made my views clear on this amendment earlier in my speech, so I will not go over my reasons again. It will also entitle members serving as the deputy chairpersons of those committees to an additional salary of 4 per cent of his or her basic salary. Again the workload and responsibilities of these two committees mean that the deputies should also receive the appropriate increase in salary.

As I said earlier, the bill will refine the structure and operation of parliamentary committees to ensure the continuing effective functioning of the committee process. I commend the bill to the house.

Mr ATKINSON (Eastern Metropolitan) — At the outset I want to pick up a remark made by Mr Somyurek in his contribution to the debate. It was a good contribution, but like the Greens representative in this place, Mr Barber, I was a little astonished at the tenor of what Mr Somyurek said, which reflects much of what the government says on many occasions — that is, that the minor parties in this place ought to be grateful for the changes the government made in reforming this house and that those changes somehow ought to be paid for by support for the government's agenda rather — —

Mr P. Davis interjected.

Mr ATKINSON — Yes, subservience, I would have said, rather than obedience. The government says they ought to support its agenda rather than acting in any independent fashion that is consistent with the values which they have established as parties, which they have taken to the people and on the basis of which they have won seats in this Parliament as a result of the electoral process. I suggest to Mr Somyurek that the reason we had reform of this place in many ways was a far less noble proposition than he and some other government members have put to this place on a number of occasions.

Indeed the original concept of proportional representation was an invention of the Labor Party to lock in preferences from minor parties in the Legislative Assembly seats at the 1999 election. It did not have control of the upper house between 1999 and 2002. Historically the Labor Party has only ever had control of the upper house between 2002 and 2006 and for a few months back in the 1980s. The Labor Party was not confident that the election result in the upper house contest would be repeated in 2002, so again it went to that 2002 election keen to lock in preferences from minor parties with the promise of proportional representation. Then, because of its resounding success in upper house seats at that 2002 election, the Labor Party found itself with a majority but with a commitment that it could not jettison and had to meet. As a result it went forward with the reform of this house.

I would say that not all aspects of that reform are of concern to members of this side of the house, and they are certainly not of concern to me. I remarked to a number of members in the last couple of days that the standard of debate in this house has improved markedly in this Parliament as compared with the last Parliament. Whilst I do not want to appear to be patronising, one of the key reasons for this improvement is that government members have started to do more work on

their speeches. Some government members have realised that they now have to win the intellectual debates on the propositions they put, that they are not going to automatically win the votes in this house. They need to convince other members to support their propositions if they are to carry their legislative agenda with the greatest efficiency. From that point of view I have noticed a marked improvement in the quality of the debates. The level of scrutiny of the government must inevitably improve as a result of the fact that it no longer holds a majority in this house.

As I said, whilst the motives of Labor in introducing proportional representation were not entirely as noble as it has often been put to this house and to the public they were, there is no doubt there has been some benefit to the Parliament from those reforms.

Mr Lenders interjected.

Mr ATKINSON — As a matter of fact I did. If the minister looks at my contributions on any discussions about upper house reform he will find that my contributions vary a little bit from the hymn sheet and that I did support a range of reforms. I was on the record very early to the effect that we should not even have an upper house in Victoria. One of the things I lamented was that as part of the Labor government's reform process we did not go through an exercise of deciding whether or not we needed an upper house before we decided what structure it ought to have, who should represent it and what its accountability should be. In going forward we need to look carefully at our structures of government.

Returning to some of the more pertinent aspects of the bill, I would agree with a number of speakers who have indicated that some of the most important and satisfying work of the Parliament is often achieved in committees. In some ways it is unfortunate that some ministers, not just in this Parliament but in previous Parliaments, have not had exposure to the committee system. In 1999 the government's surprising result meant that quite a number of new members came into this place and automatically became ministers rather than going through, if you like, a parliamentary apprenticeship. Whilst I would not reflect on the contributions they have made as ministers and as various office-holders within the Parliament since, there is no doubt that their limited exposure to the committee system and the opportunity to work with members from all sides of the house — all parties and Independents represented in both houses — has meant they have a diminished experience of Parliament.

Debate interrupted.

DISTINGUISHED VISITORS

The PRESIDENT — Order! I am sorry to interrupt the member, but as a matter of protocol I draw the house's attention to fact that we have in the gallery the Ambassador for Ireland, Mr Mairtin O'Fainín, and the former Leader of the National Party in Victoria, Mr Pat McNamara.

Debate resumed.

Mr ATKINSON (Eastern Metropolitan) — Without being a speaker on the floor of the house referring to the gallery, President, it occurs to me that there would be absolutely no relevance between this visit and the fact that St Patrick's Day is in a few days from now! Mr McNamara is quite famous for his celebration of St Patrick's Day. I endorse your welcome to the visitor on behalf of the Parliament.

I was indicating that some of the most satisfying work of the Parliament has been achieved in the committees. We have a number of committees in the Parliament that have done some landmark work. The work of the Road Safety Committee for one is world-renowned. It has achieved a number of world firsts in terms of some of the recommendations it has brought forward which have been adopted by successive governments. Compulsory seatbelt legislation is an example of work developed within a committee. The contribution members make in committees is significant because inevitably they start to work around ideas and to take evidence without some of the party partisan cloak they bring to so many setpiece speeches in this Parliament.

Notwithstanding the importance and value of these committees, I would agree with the contention put by a number of members that the committee process has been dumbed down in recent years. There is a concern about the quality of some of the references to some of those committees. I do not know if it was an accurate quote, but Mr Barber was quoted in one of the media outlets as saying in relation to his concerns about some committee processes that some of these committees are make-busy committees. Whether or not the quote is accurate, the sentiment is certainly accurate.

There has been a tendency by the government to look for opportunities to keep backbenchers busy and out of mischief, and to tie up the time of members of opposition parties so they do not have time to get out in their electorates and do the work they need to do to advance the causes of their parties, particularly if they have portfolio responsibilities and have significant time constraints as a result of that. There are some fair arguments to say that some of the work that has been

passed on to committees has been make-busy work rather than work that is relevant to the needs of Victoria going forward, and perhaps this is not the best use of the time of members of Parliament.

In the last Parliament I was concerned about the work of the Economic Development Committee. I served on that committee and a reference that consumed a great deal of our time concerned the horseracing industry and particularly horse breeding. There is no doubt that it is a significant industry. The report that came down was a valuable one which will no doubt help that industry advance its cause. However, as I said at the time, I was concerned that so many of the recommendations in that committee report were for more study, further research, to chase up the federal government about this and chase up somebody else about that. Rather than conclusive recommendations that would lead to actions and accountabilities by the state government there was a tendency to defer work to some future process.

It occurred to me and to some other members of the Parliament at that time, and I have referred to this previously in discussing the report, that the enthusiasm of the Labor Party chair of the committee, the member for Mitcham in another place, Tony Robinson, for the horseracing industry had a lot to do with the reference the committee undertook and the way the inquiry proceeded. Several of us, not just from the Liberal Party but also two Labor Party members, shared my view that pursuing one member's hobby was perhaps not the best use of their time. As a result, the participation levels in that committee were, if you like, measured.

Ms Pennicuik — There was an overseas trip.

Mr ATKINSON — There was.

The other issue in terms of the quality of the work of these committees relates to the quality of the nominees for membership, especially where there is party support for those positions. It is important to the integrity of this process and the productivity of those committees that we have the best people in place as chairs and deputy chairs of those committees and that they have stewardship of the references provided. The key to the ongoing success of this committee system in terms of garnering full and enthusiastic support from all members of the Parliament very much relates to the references and the quality of the nominees.

On reflection, this government did a great disservice to the Parliament and the committee system in the last Parliament when it moved to increase the membership of the Law Reform Committee. That caused a significant debate in this house. One of the

government's nominees, Dianne Hadden, decided to quit the Labor Party and become an Independent. The Labor Party was concerned about its control of the Law Reform Committee and as a result it appointed extra members to the committee to ensure it had control. It was a blatant attempt by the government to control and manipulate the committee system rather than recognise the spirit under which the committee system had operated for so many years. I resigned as deputy chair of the Economic Development Committee after that debate because a number of speakers, including the current President, indicated to the house on that occasion that it was the government's prerogative to retain control of those committees, that it had been elected with a majority and therefore it could assume the majority in terms of those committees. I lamented the debate at that time.

These committees are important. The parliamentary process is enriched by them. When it comes to committees like the Scrutiny of Acts and Regulations Committee (SARC) and the Public Accounts and Estimates Committee (PAEC), they have an opportunity to provide much greater scrutiny of the executive government. I have expressed in this place in the past my concern that far too often we have government by press release. If ministers have an announcement to make, they are keen to make that announcement outside the Parliament rather than bring it to the Parliament where it can be debated and discussed, and perhaps even challenged if it is important enough. Instead we have this system where the Parliament's role is diminished and the press conference becomes the all-important gallery of ideas and government accountability. I think that is inappropriate and unfortunate.

I referred in my contribution to the debate on the address-in-reply to the Governor's speech to this Parliament to the fact that in the view of many people, including the media, but certainly in the view of the public, parliaments generally seem to be losing their relevance because so much of the work of government is done and so many executive government decisions are taken outside the Parliament and are not brought back for any accountability to or scrutiny by the Parliament. Every attempt by way of process is made to try to reduce or limit that amount of scrutiny. In some cases these committees give us an opportunity to explore broad topics of interest to the community, which might well inform future legislation; hopefully legislation that will gain support from all sides of the house. However, in other cases, particularly with SARC and PAEC, committees perform an essential role in terms of scrutiny of government.

I am perhaps a little less concerned than some of my colleagues about some of the salary increases provided for in this bill. Nevertheless, I will support the amendments proposed by the Leader of the Opposition. I certainly see an inconsistency between the propositions as they affect The Nationals, with their two members in this house, both of whom I have a great deal of respect for, and the Greens, who have three members in this house but are not being given the same consideration. I recognise that the members of both PAEC and SARC have significant workloads and perhaps some consideration of their roles is warranted.

However, as part of that debate, I am also very mindful of the lopsided quantity of resources available in this Parliament to members of the non-government parties. Our Parliament is diminished by the fact that there are so few resources available to opposition members compared with those available for government members. Members of the government have an army of spin doctors, advisers and so forth to support their propositions and the development of policies and alternative ideas for the public forum, some of which, increasingly it seems, stray well beyond state jurisdiction as a matter of politics rather than proper administration. The contest of ideas that was referred to in part by Mr Barber certainly is constrained by the resources available to opposition members. I am mindful of that in the context of the proposed increases in salaries for some people participating in the committees as outlined in the bill.

I have no concerns about the renaming of the committees or the increased membership of those committees. I will be concerned if the chairmanships or deputy chairmanships of the committees are handed out as consolation prizes for people who have been dropped from the ministry or will never make it into the ministry. The work of the committees is far too important for them to be a retirement home for party hacks. I hope that in the final result this legislation contributes in spirit as much as by substance to an improved committee system and greater scrutiny of government.

Mr LENDERS (Minister for Education) — In reply, there has been a quite wide-ranging debate and I will be very brief. A couple of themes have come through. One coming through from the Liberals and the Greens in particular is that somehow or other the membership of the series of committees should be anything other than representative of the membership of the Parliament. It is interesting to note that the Labor Party has 58 per cent of the seats in the two houses of this Parliament. Other than the Democratic Labor Party, which has chosen not to take its seat, the Labor Party is

the most underrepresented party among the members of the joint investigatory committees. As they are joint investigatory committees their membership should reflect the membership of the Parliament.

I take up Philip Davis's point with some interest. It is worth noting that in the current Parliament 4 of the 12 committees do not have government majority membership. If Mr Kavanagh and Ms Pennicuik took up their rights, 6 of the 12 committees would not have a government majority. I put that on the record. In the previous Parliament during the life of the last Bracks government, when we had the majority in both houses, 2 of the 11 committees did not have government majority membership. In his hyperbole Mr Barber went on about the government being ruthless. When Philip Davis and his colleagues were in government they had majority membership on all committees. I put on the record that the Bracks government, whether it has been in a majority or minority, has not had a majority membership of all committees — not in the 54th, 55th or 56th Parliament.

Again I took great interest in Mr Barber's hyperbole about the evil duopoly and all the rest of it. He has been part and parcel of setting up committees in this place that have majorities of five members to two, with 47 per cent membership becoming 28 per cent membership. He has done that without any shame. When he gets up in the morning and becomes enthusiastic perhaps he ought to reflect on whether he truly believes in proportional representation. I also remind Mr Barber of the many things that have actually happened under the Bracks government. He talks of a duopoly while he is in bed with one of the parties as a third faction of the Liberal Party.

Leaving that aside, it was the Labor Party that brought in proportional representation, which the Greens have voted against. It was the Labor Party that brought in the freedom of information (FOI) process. It was the Labor Party that brought in 50 sitting days, which the Liberals did not have. It was the Labor Party that brought in questions on notice. It was the Labor Party that had its ministers appear before the Public Accounts and Estimates Committee. It was the Labor Party that boosted the number of staff for all members, including those of the minor parties. What Mr Barber says is just hyperbole. His coalition partners gut the FOI act every time they are in power and he takes the benefit of it. Mr Barber should look at himself in shame.

Finally, Mr Atkinson made a very good speech. I agree that there has been much better debate in Parliament since the numbers became tight.

Sitting suspended 1.00 p.m. until 2.13 p.m.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Schools: class sizes

Mr P. DAVIS (Eastern Victoria) — I direct my question without notice to the Minister for Education. I refer the minister to the summary of class sizes in government schools taken in February 2006 that reveals that 42.6 per cent of classes had 21 to 30 students, 65.5 per cent of grade 1 classes had 21 to 30 students and 70.3 per cent of classes had 21 to 30 students, and I ask: given the Australian Labor Party's election pledge in 1999 to 'cut class sizes for prep, year 1 and year 2 to 21 or less', why were the majority of prep, grade 1 and grade 2 class sizes above this number more than seven years after Labor came to office?

Mr LENDERS (Minister for Education) — I thank Mr Davis for his question. I remind him that when the Kennett government left power in 1999 — —

Mr P. Davis — No — you are the minister.

Mr LENDERS — No — I am reminding — —

The PRESIDENT — Order! Mr Davis has asked his question, and whether he likes it or not he should listen to the answer — or do whatever else he likes.

Mr LENDERS — When Labor came to government in 1999 the average class size — —

An honourable member — What has Labor done since then?

Mr LENDERS — I will take up the interjection. In 1999, when Labor came into government, the average prep to grade 2 class size was 24.3. The interjector asked what we have done since then. In 2006 the average prep class size was 20.8. We have brought it down from 24.3 to 20.8. If I recall correctly, the Premier's pledge was to bring class sizes down to 21.

In response to Mr Davis, he will undoubtedly have statistics from school to school and area to area, but we have a system where we give the 1597 state schools in this state a student resource package. We fund the schools so that they have money for administration, money for specialists up to a certain level, money for class sizes, including factoring in prep to grade 2, money for maintenance and money for disadvantage equity funding. Within that framework schools will

make decisions. Some schools will have classes that are slightly larger because they want to bring in more specialist teachers. Schools will make those decisions, but we have provided the funding for that to happen.

I will repeat the statistics: in 1999 we inherited average prep-to-grade 2 class sizes of 24.3 and in 2006 the average was 20.8. The Bracks government puts its money where its mouth is. We have listened and acted, and we are doing our bit to make Victoria a much better place to live, work and raise a family.

Supplementary question

Mr P. DAVIS (Eastern Victoria) — It has not improved in this Parliament, John.

The PRESIDENT — Order! The Leader of the Opposition knows full well my view on members using the Christian names only of ministers or members of this house in a formal sense. I ask members to recognise my view on this matter.

Mr P. DAVIS — President, I apologise for being overly familiar with my colleague the Minister for Education. I have a supplementary question for the minister. I refer him to the situation at Serpell Primary School in Templestowe, where all year 2 classes have 27 students in them, and I ask: what does the minister propose to do about bringing down to 21 the year 2 class sizes at the Serpell Primary School and the 70.3 per cent of grade 2 class sizes that are above the student class size cap, in keeping with the 1999 Labor election pledge?

Mr LENDERS (Minister for Education) — Serpell Primary School is a great state school. I had the great privilege in 2000, when I was parliamentary secretary to the Treasurer, of opening the new wing at the Serpell Primary School when my colleague Mr Theophanous, who was parliamentary secretary to the education minister, was doing other things. I had the opportunity to go to the school with Mr Victor Pertou, a former member for Doncaster in the other place, and spend some time at the school. I have seen Serpell Primary School in action. It is a very good government school. I think Ms Bishop, the federal minister for education, should visit to see what state education can provide. She might learn something from going to Serpell Primary School.

As I said in my answer to the substantive question, through the student resource package we have provided greater resources to schools to enable them to bring down class sizes. We have also enabled schools to make a number of local decisions. I put it to Mr Davis that if he is asking the government to remove school

autonomy, to do a Julie Bishop and prescribe everything from what you do in the morning when you look in the mirror and are inspired like Mr Barber about your plans for the day to what you do at night when you go to bed, he should say so to those 1597 school communities that believe there is a bipartisan view about autonomy for schools. The choice is Mr Davis's.

Ms Lovell — John, she is a friend of mine!

The PRESIDENT — Order! I am disturbed and disappointed to hear Ms Lovell, having heard my comments 5 minutes ago, refer to the minister by his Christian name. I do not know how many times I have to tell members of the house this, but the next time Ms Lovell does that she will be outside thinking about what I am telling her now.

Kaawirn Kunawaran Hissing Swan Arts: opening

Ms PULFORD (Western Victoria) — My question is to the Minister for Aboriginal Affairs. Could the minister inform the house what the Bracks government is doing to support economic development within the indigenous community?

Mr JENNINGS (Minister for Aboriginal Affairs) — Thank you, President, for the opportunity to answer Ms Pulford's question. I had the good fortune last Friday to travel down to south-western Victoria. On the day I shared the company of Ms Pulford at an important community event.

Mr Vogels — You should have gone to the folk festival.

Mr JENNINGS — Indeed, Mr Vogels, I lacked some initiative, because I made some announcements in the community, including in Port Fairy, on that day and then left that evening before the festival began. It was very ordinary planning on my part, because it is a great community event and there was a great community spirit evident in the Port Fairy district at the time. I was there in a sense to give an additional benefit to the Port Fairy festival. I suggested that the Port Fairy festival may have been organised a decade in advance so as to create the circumstances in which to celebrate the establishment of a fantastic new cultural endeavour by the Aboriginal community in Port Fairy.

As part of the Aboriginal land and economic development program the state of Victoria has provided support to a great arts organisation called Kaawirn Kunawaran Hissing Swan Arts. I am very pleased to let Hansard know that I do have a note to assist in the spelling of the name. Hopefully all members of the

community will start to remember the name. Any time after they visit the gallery facility in Sackville Street, Port Fairy, they will know of the great artistic capacity that exists within the Aboriginal communities of south-eastern Australia, of which the south-western region of Victoria is an important area for artistic endeavour. It is consistent with our approach to support cultural endeavours and land management activities to develop tourism products that will support better economic activity in the region.

The building is a very prominent one. It was built in 1857 and was the ANZ building. Eighteen fifty-seven was not a very good year for Aboriginal people, but it has now provided a building of quality to act as a safe haven for the artistic endeavours of Aboriginal people from hereon in.

This is part of a program that is supported by our government and was announced in *A Fairer Victoria* — a major commitment to ensure that we create the circumstances where Aboriginal people can make a go of things for themselves, determine their own economic destiny and improve the quality of life for Aboriginal people right across the state of Victoria but in particular in the south-west, where you find great talent.

Vicki Couzens and her artistic family have already put on a great exhibition that will bring together artistic endeavours from within Victoria and create the opportunity for indigenous arts to be experienced — —

Mr Drum — Do they sell ties?

Mr JENNINGS — I think, Mr Drum, we have almost got to the pinnacle of your political contribution in community life — asking me a question about whether the facility sells ties! I think there is a good chance that a tie similar to yours may be on display there, because we are supporting the creative arts and the manufacture of goods and services that will be on sale in the facility. Congratulations for drawing attention to yourself, because you have not featured too prominently in question time lately — good on you for roping yourself into the story.

The important thing is that this will provide long-term jobs for artists and people who work within this enterprise. Within the building there will be a tourism operator, Welcome to Country tours, which will work out of the upper level of the building. It will create opportunities in the first instance for members of the corporate sector to go on tours and immerse themselves in the Aboriginal cultural heritage of the region. An opportunity will also be provided for the Tarerer indigenous music organisation, which is housed within

the building. We have brought together three facilities that will add to the economic wellbeing and wherewithal of Aboriginal people in Victoria. I am very pleased I had the opportunity to be there with good community members in the south-west in Port Fairy on Friday night. It is only due my lack of planning that I then had to turn around and come home.

Disability services: commonwealth-state agreement

Mr HALL (Eastern Victoria) — My question is also directed to Mr Jennings, but this time in his capacity as the Minister for Community Services. I refer the minister to the commonwealth state/territory disability agreement, which has failed to deliver sufficient funds to meet the needs of people with disabilities. Given that failure, does the minister support the concept of population-based benchmarked funding and, if so, what can he do to promote this new funding model?

Mr JENNINGS (Minister for Community Services) — I thank Mr Hall for his question. I give him and his colleagues in The Nationals due credit for this issue they have raised on any number of occasions both within the chamber and in the community and for their concern about the wellbeing of members of the Victorian community who live with disabilities and who want and have every right to expect a better quality of life than circumstances may have created for them.

I share Mr Hall's analysis that the funding that is available to Victorian citizens with disabilities that comes to the state through the commonwealth state/territory disability agreement falls short of what those needs are. In fact there is a major challenge confronting the state of Victoria and the nation in relation to the successful negotiation of that new agreement. Members of the house who have a good ear for statistics will remember that I have already said on a number of occasions during the life of this Parliament that the Victorian contribution to disability services is in the order of just over \$1 billion. That is augmented by \$139 million that comes through the auspices of the commonwealth.

At the moment about 12 per cent of the contribution to disability services comes from the commonwealth government. It is only about 12 per cent. It is a very ordinary contribution in relation to the benchmark that Mr Hall in his question created. Mr Hall asked whether it is the best model for Victoria to receive its share of the need across Australia on a population basis. A simple answer is yes, because on the basis of equity we would say each state should receive equal

commonwealth contributed funding based on its proportion of the population across the nation. Whether that can be achieved in the circumstances where some states receive in excess of their equitable share, which probably about half the states do at this present time, creates a difficulty in terms of the net outcome that occurs for the other states.

When I embark on national negotiations I will say I want a fair share for Victoria, but we do not want to be penny-pinching from other jurisdictions that may not make a similar contribution to the wellbeing of people with disabilities to that made by Victoria. As an example of that, I am acutely aware that in Victoria our contribution is 88 per cent. Many states fall well and truly short of that; in fact some states contribute only about half of the value of their disability services.

I am concerned to raise the net contribution from the commonwealth coming to Victoria for us to go forward together to meet the needs of members of our community into the future. Victoria receiving its fair share is part of the answer, but not necessarily the only dimension to the answer. In fact the state of Victoria, I believe, will be arguing for a fair share of the overall effort that occurs within Victoria as our negotiating position in relation to that agreement.

Supplementary question

Mr HALL (Eastern Victoria) — I thank the minister for that answer and for his efforts in trying to get a better deal for Victorian people with disabilities. By way of supplementary question I ask the minister if it is not a fact that the disability agreement is due for renewal by 1 July this year and, if so, what the Victorian government's contribution to that new agreement will be.

Mr JENNINGS (Minister for Community Services) — In one way I could actually say I have answered that question but I am happy to expand on it. Mr Hall is quite right to say the existing agreement terminates in the middle of this year. We are hoping to renew it immediately. Quite often some of these agreements take some time to bed down. I am pleased to say that after a number of false starts ministers from across the country will be meeting in the first week in April in Brisbane to commence negotiations which, hopefully, will be concluded reasonably quickly.

In terms of the position of the state of Victoria, as I indicated, the state of Victoria is very willing to enter any arrangements that will add to — and it may need to be a matching effort — the level of service provided to Victorian citizens. At the moment our starting position,

our base, is that Victoria contributes 88 per cent of the funding and the commonwealth contributes 12 per cent. Our challenge is to find a way in which the commonwealth contribution can grow. The Victorian contribution will grow to meet those ever-increasing and very reasonable expectations of people to receive top quality service and to have opportunities created for them for a better quality of life.

Aboriginals: governance and capacity building

Mr SOMYUREK (South Eastern Metropolitan) — My question is to Mr Jennings, the Minister for Aboriginal Affairs. Can the minister inform the house of what the Bracks government is doing to empower Victorian indigenous communities in governance and capacity building?

Mr JENNINGS (Minister for Aboriginal Affairs) — I thank Mr Somyurek for the opportunity for me to have a trifecta of answers and to respond to his question about the wellbeing of Aboriginal people, this time in the context of the overall support the Bracks government provides to ensure that Aboriginal community organisations and members of the community develop skills, particularly in relation to governance and business acumen. They will enable community organisations to flourish to create a supportive environment where leadership will be enhanced within the Aboriginal community and will lead to better outcomes in terms of service delivery that occurs through community organisations and hopefully ultimately will lead to a better quality of community life.

In partnership with the Office of the Registrar of Aboriginal Corporations and Consumer Affairs Victoria, last year Aboriginal Affairs Victoria, a body that works with me, commissioned a new governance program that was very successful in attracting Aboriginal community organisations to send members of their boards to receive these governance skills. They undertook an extensive program to lift the profile of governance within the Aboriginal community and to enhance those organisations with the skills that particularly relate to governance, accountability and sustainability. I am very pleased to say that 69 participants from those 26 organisations took part in week-long workshops across Victoria. Last year the workshops were held in Melbourne, Lakes Entrance and Bendigo and were very successful.

As of today, the 2007 program will have 25 participants at a workshop being run in Shepparton. We would expect this workshop to add to the wherewithal of members of the Aboriginal community so that they

have the confidence to take up governance responsibilities within their organisations. I am very pleased to say that the program is actually gathering momentum because beyond participating in this course 14 people have gone on to undertake the certificate IV in business (governance) through the TAFE sector and are expected to complete their course in June.

We do not want to leave any parts of Victoria not involved in this important project, so we will be running further workshops during the course of the year that will encourage people to add to their skills and add to governance capacities within Aboriginal communities. We anticipate that further courses will be run through Melbourne, and most likely through Mildura later in the year with the most likely location being somewhere in the Loddon-Mallee region. We know there is value in ensuring that we have this capacity within Aboriginal communities. I am very pleased to say that Aboriginal organisations right throughout Victoria recognise the value of having this rigour and wherewithal of governance capacity and business acumen applying within their organisations.

Schools: first-aid levy

Mr P. DAVIS (Eastern Victoria) — I direct a question without notice to the Minister for Education. I refer the minister to the initiative undertaken by the Roberts McCubbin Primary School to ask parents to pay a voluntary \$50 annual first-aid officer levy, and I ask: why it is that Victoria's primary schools are not sufficiently funded to fulfil their primary duty of care to students enrolled in their schools?

Mr LENDERS (Minister for Education) — I love questions from Philip Davis, and I look forward to them. I must confess that I wish every question without notice in this place — all 10 — was on education, with 10 supplementaries. That is because I love education so much, and I will happily talk about it at any time in this place.

Mr Davis raises an interesting question, and it would be churlish of me to refer back to former education minister, Don Hayward, wanting to make fees compulsory in government schools. It would be very churlish to say that Don Heywood wanted to do that. Fortunately Phil Gude became the minister in 1996 and reversed that policy of the Kennett government.

Mr Jennings interjected.

Mr LENDERS — In an induced haze of an amber substance.

The question Mr Davis asks is a legitimate one. In our state schools we have a system which is free, secular and compulsory. That is what the 1872 act did, and that is what was reaffirmed in the Education and Training Reform Act that was passed last year — a system that is free, secular and compulsory. Ever since 1872, when the original act came into being, there has been tension about what is free, what is secular and what is compulsory — about all of them. We had it last year when we debated home-schooling and whether schooling is compulsory or not. We had it on the secular issue when we talked about chaplains, about what their role is and about the federal government paying for them. On the issue of what is free you have the genuine dilemma that a school council has a choice. It can accept the funding from government, and I would argue very strongly that our student resource package is, if not the most generous funding of schools in the history of this state, certainly near the top of it. There could be an argument over whether it is the best or not the best, but it is up to that level.

Mrs Peulich interjected.

Mr LENDERS — Mrs Peulich says ‘bureaucracy’, and I say to her that Victoria’s administration of education is 2.6 per cent of the available money. It is a fact that 97.4 per cent of our education money goes into schools. On the other hand Ms Bishop, the federal Minister for Education, Science and Training, spends 100 per cent to pay for 700 public servants in an ivory tower in Canberra.

Mrs Coote — Minister Bishop.

Mr LENDERS — Minister Bishop, I should say — and I will tug my forelock, if it makes Mrs Coote happy. The commonwealth minister has 700 public servants — a four-fold increase — but does not teach a single student. Ms Bishop is sitting there in her ivory tower in Canberra pontificating.

I come back to Mr Davis’s point about school fees and point out that 1597 government schools in Victoria have some choices. They can spend the student resources package, which is geared to a dollar amount per student — and there are extra amounts for equity and a whole range of things, depending on the school size et cetera — and they can seek to do more, if it is voluntary. If Mr Davis is saying that a school should not be allowed to fundraise, not be allowed to have a fete, it is fine for him —

Mr P. Davis interjected.

Mr LENDERS — If Mr Davis were to say that a school should not be allowed to fundraise, then I would

invite him to go to those 1597 schools and say, ‘You are not allowed to fundraise’. What is the difference between legitimate fundraising in a school and a compulsory levy? Mr Davis raises an absolutely legitimate point, and it is one that I might say all 55 education ministers from 1872 to the present Parliament have struggled with. They have all struggled with that balance. I believe we have a balance in place where the guidelines on the education website make it clear to school councils what it is appropriate to charge a fee for and what is voluntary. If it is in a voluntary category, this government will categorically reject a school enforcing it. The issue Mr Davis raises of a school putting on a levy for first-aid kits is absolutely inappropriate. The school knows it. It heard that from the regional director, and it is hearing it from me now.

Supplementary question

Mr P. DAVIS (Eastern Victoria) — I thank the minister for his answer. I refer him to statements made by the Victorian Principals Association president, Mr Fred Ackerman, which were reported in the *Age*. Mr Ackerman is reported as saying:

No primary schools currently receive funding for nurses ... but there is a demonstrated need for schools to have a nurse’.

I ask: will the minister acknowledge Mr Ackerman’s observation and increase funding for primary schools to meet the demonstrated need for nurses.

Mr LENDERS (Minister for Education) — The Bracks government in seven years has put 7000 extra staff into schools, including school nurses. The Kennett government, in the seven years before that, slashed 8000 positions from the education system. Mr Davis seems to forget that schools make choices about what they will do with their budgets. A school will make a choice. Does it wish to have an excursion? Does it wish to have an extra teacher? Does it wish to have a specialist class in music or a language or whatever else? A school will choose from numerous areas in its own curriculum. If Mr Davis wants to go down the Julie Bishop path of prescribing everything from when they shave in the morning — and Mr Barber gets inspired — to when they go to bed at night, then he should suggest that to the 1597 school councils and see what response he gets.

Kuehne + Nagel: Derrimut facility

Mr PAKULA (Western Metropolitan) — My question is directed to the Minister for Industry and State Development, the Honourable Theo Theophanous, and it is a matter which is close to my heart. Can the minister

inform the house of any recent investments in transport and logistics which will create more jobs for Victorian families?

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — It is a very good question from the honourable member, because once again it allows me to come into the house with more good news. I seem to be able to come into the house to talk about the way we are creating jobs in this state. We are getting on with it, and we are creating jobs. The Bracks government is creating jobs — —

Mr P. Davis interjected.

Debate interrupted.

SUSPENSION OF MEMBER

The PRESIDENT — Order! This is really unfortunate, but the Leader of the Opposition has heard me say — and everyone here has heard me say — on numerous occasions that if you want to refer to a minister by his first name you will pay for it. In accordance with standing orders, I consider Mr Davis's conduct disruptive to the house, and I ask him to remove himself for 30 minutes.

Mr P. Davis withdrew from chamber.

Debate resumed.

An honourable member interjected.

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — I would like the opportunity to talk about transport and logistics and not about ships without rudders.

Victoria's transport and logistics hub is one of the most important in the country. We are at the centre of an economic triangle that captures 70 per cent of Australia's total population and the bulk of Australia's manufacturing capacity. We have two very important competitive advantages which facilitate that, one of which is the port of Melbourne. Currently 40 per cent of the nation's container trade comes in and goes out of the port of Melbourne.

Again, it is a little-known fact that Melbourne Airport is Australia's largest curfew-free international airport. It handles 30 per cent of Australia's airfreight market. I was very pleased — —

Mr D. Davis — You put a new tax on it!

Hon. T. C. THEOPHANOUS — I will take up the inane interjection by Mr Davis because he continues to go around not telling the truth. He hopes that if you tell a lie for long enough somebody will believe the lie. He knows very well that it is not true that there is a new tax; he knows it is an existing tax. He keeps saying it is a new tax. He keeps lying about the new tax, and he keeps lying about this issue.

Mr D. Davis — On a point of order, President, it is not appropriate for the minister to call me a liar, given that the government has introduced a tax on inbound flights — —

Hon. T. C. Theophanous interjected.

Mr D. Davis — That was my understanding of what the minister said. I stand to be corrected. The minister accused me of lying.

The PRESIDENT — Order! I understand the point of order. I have made it clear that derogatory remarks of a personal nature are unacceptable, but I have also made a distinction between saying that someone is telling a lie and calling them a liar. I know it is a fine line, but again it is all in the delivery and the context. I am afforded the flexibility of making decisions along that line.

Mr Dalla-Riva — You cannot — —

The PRESIDENT — Order! What I can do, Mr Dalla-Riva, is remove you if you continue.

Mr Dalla-Riva interjected.

Debate interrupted.

SUSPENSION OF MEMBER

The PRESIDENT — Order! In accordance with standing orders I ask Mr Dalla-Riva to remove himself from the chamber for 30 minutes.

Mr Dalla-Riva withdrew from chamber.

Debate resumed.

The PRESIDENT — Order! The fact is that calling someone a liar is different from saying they are lying. In my view calling someone an idiot is different from saying a statement is idiotic, and the reality is that my view counts in this regard. It is not out of order to say that the member is telling a lie. I do not consider it to be offensive, and I ask the minister to continue.

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — Thank you President, and I thank you for your ruling — —

Mrs Peulich — On a point of order, President — —

The PRESIDENT — Order! There is no point of order; I have made my ruling.

Mrs Peulich — Perhaps a point of clarification then, President. Standing order 12.20 relates to imputations and personal reflections. Could I ask you, President, to reflect on that, and perhaps also reflect on achieving some consistency in your rulings.

The PRESIDENT — Order! If the member is implying that I am inconsistent in my rulings, then she has an opportunity to deal with it by way of substantive motion. The rest of the question — and I will not say it is inappropriate — could be construed as a reflection on myself as President. It is inappropriate for me to ask the member to withdraw the comment, but I do not accept her point of order. The minister, to continue.

Hon. T. C. THEOPHANOUS — Thank you, President, and I thank you for your ruling, because it is important that we have vigorous debate in this house; it is an important criterion in enabling the house to operate. When something is repeatedly said in the house which is patently untrue, then it is appropriate, as you have indicated, for someone in the house to be able to refer to that statement as being a lie. The member opposite knows there is no new tax. He knows the tax has been on the books for a long time, so the more he continues to try to perpetuate this lie the more he undermines his own credibility — which is pretty low anyway.

Let me tell the house about this important initiative. I was honoured to open the \$40 million expansion of the Kuehne + Nagel transport and logistics facility in Derrimut last week. This is an important facility because Kuehne + Nagel is one of the three largest transport and logistics companies in the world. It had an opportunity to locate its head office anywhere in Australia, but it decided to locate it right here in Melbourne. Of course when a company decides to locate itself in Melbourne in the way Kuehne + Nagel has, it has job implications: it means more jobs in Victoria. How many jobs do members think were created by this single action of the Bracks government putting a strong argument as to why Melbourne was the appropriate place for it to come and facilitating the company's establishing itself here? It created 300 jobs — 300 jobs in the western suburbs, which

means 300 families have a livelihood. That is something we absolutely welcome.

The transport and logistics sector is a hugely important part of our economy. It is not spoken about a lot, but let me tell you, it employs 240 000 people — that is 240 000 people who rely on this sector for work. The sector only works because we have a thriving economy and because we have the right infrastructure in place at the port of Melbourne and at Melbourne Airport and the right transport modes coming into these areas of the city, which means that companies like Kuehne + Nagel locate themselves here.

In fact Kuehne + Nagel thought this was such an important event that the worldwide head of the organisation, Klaus-Michael Kuehne, and his wife, attended the opening. He was absolutely thrilled to be in Melbourne and to be able to see what we are doing to develop this state. Obviously I met with him at the opening, but the Premier also met with him separately. That is part of the Bracks government's ongoing process to ensure that Victorians continue to have jobs.

Hazardous waste: Tullamarine

Mr FINN (Western Metropolitan) — My question without notice is directed to the Minister for Planning. In asking it I ask him to reflect upon the comments of Mr Theophanous from a few moments ago to the effect that Melbourne Airport is the largest airport in Australia that is curfew free; it is also one with some 11 000 employees and many thousands of people who visit the airport every day. I ask the minister: is he aware of any danger posed to workers at and visitors to Melbourne Airport by the continued operation of the Tullamarine toxic waste dump, particularly in the case of a major industrial accident?

Hon. J. M. MADDEN (Minister for Planning) — I always welcome questions from Mr Finn because they are so predictable. What is particularly predictable about Mr Finn is that Mr Finn will find a new cause whenever it suits him. This is the same Mr Finn who sat in the other chamber for a number of years — —

Honourable members interjecting.

Hon. J. M. MADDEN — How many years? Seven long years! He sat in the other chamber for seven long years as the member for Tullamarine, and, if I recall Mr Finn rightly, in that entire time in that chamber not one word was mentioned by him in relation to the Tullamarine landfill site. Not one single contribution from him in that chamber related to the Tullamarine landfill site. Not only that, but when the Kennett

government proposed to extend that Tullamarine landfill site, where was Mr Finn? He was in that chamber representing Tullamarine in the former government, and he did not make one single contribution in relation to that matter.

Suddenly he has discovered the Tullamarine landfill site. Mr Finn can keep coming into this chamber and asking questions about Tullamarine, but he was the member for Tullamarine for seven years, and we did not hear one single word — not one single word — from him about the Tullamarine landfill site. Now it suddenly suits him to come in here —

Honourable members interjecting.

Hon. J. M. MADDEN — He has been exhumed from the grave. Here he is, and suddenly landfill is on his agenda.

Mr Jennings — Has he got a pulse?

Hon. J. M. MADDEN — Where was his pulse for the seven years he was in that chamber?

Supplementary question

Mr FINN (Western Metropolitan) — Given that the minister has previously indicated that he has absolutely no concern for the health of residents and now that he has confirmed that he has no concern for the health or welfare of workers or visitors at the airport, I ask: will the minister give the house his guarantee that the continued operation of the Tullamarine toxic waste dump and the possibility of a major industrial accident in no way endanger workers or visitors at Melbourne Airport?

Hon. J. M. MADDEN (Minister for Planning) — All I can say is that my pulse is racing now, but Mr Finn's pulse was nowhere to be found for seven years when he was in the Assembly.

The management of the Tullamarine landfill site is monitored by the Environment Protection Authority, which has that responsibility. I am the planning authority, but the oversight of the management of that facility is conducted by the EPA, and I will receive advice from the EPA in relation to that matter. The landfill site would not operate unless the EPA was satisfied that it had fulfilled all of its obligations and all of the requirements in relation to environmental protection.

Mr Finn can come in here and grandstand on what may or may not happen, but the only industrial accident to happen in Tullamarine in those seven years was

Mr Finn representing Tullamarine in the other chamber. Mr Finn might think that for seven years he did something for Tullamarine, but I am not convinced. I will say here and now that for Mr Finn to suddenly come in here and discover a conscience in relation to anything in Tullamarine surprises all of us — on both sides of the chamber. All I have to do is look across there — the members opposite are all going, 'Yes, yes, yes!'. I say to Mr Finn that he should come back here when he has a solution to a few things rather than when he has discovered problems he has only recently stumbled upon.

The PRESIDENT — Order! I have had a few moments to reflect on my earlier ruling and the point of clarification raised by Mrs Peulich regarding the comments made by Minister Theophanous in referring to David Davis as telling lies or lying. I am currently reading an example of an offensive remark and unparliamentary expression from the Legislative Assembly, and while the Assembly standards do not automatically flow to this house and we are not subjected to their standards and so on, I have to consider what is being said there.

More importantly I have reflected on previous rulings by Presidents in this chamber over a number of years and in particular references to terms such as 'Are you lying to the Parliament' or 'You are telling lies' and so on, and they have all been ruled out of order. I have already stated that I take the personal view that saying someone is not telling the truth is not necessarily the same as calling them a liar.

I have reflected on this issue and I am prepared to say that I accept the opinions and rulings of previous presidents and presiding officers in other places who may be more wise than me in these circumstances. On that basis I ask the minister to withdraw the comments he made regarding David Davis.

Hon. T. C. Theophanous — I withdraw.

Avalon International Airshow: economic benefits

Ms TIERNEY (Western Victoria) — My question is to the Minister for Industry and State Development. Will the minister inform the house about the upcoming Avalon International Airshow and its benefits to the Victorian economy?

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — I am very pleased to have this question from the member because it is opportune to reflect on the importance of the Avalon

International Airshow to the Victorian economy. I want to take the house through just how important this issue is, because it is not just a question of having an airshow that attracts many thousands of people — in 2005 it attracted 170 000 people — there is the benefit arising from having a major event of this sort in Melbourne, which is a very important benefit for the state of Victoria.

But there is also another element to this. Members may not be aware that Victoria's aerospace and aviation sector is important in its own right in creating jobs and investment in this state. Victoria accounts for a third of the national industry in this sector; it is worth \$600 million annually to Victoria. It directly employs 5000 people and annually exports around \$250 million worth of aircraft, systems and components. The airshow provides the opportunity for the sort of networking that is necessary in order for this industry to be maintained.

I inform the house that I will be meeting with a number of manufacturers during the course of the airshow to try to continue to attract these businesses and industries into Victoria. The key exhibitors will include Boeing, Lockheed Martin, Northrop Grumman, Rolls-Royce, BAE systems, European Aeronautics Defence and Space and Pratt & Whitney. That is a small part of some of the exhibitors people will find there. People may not be aware that there is also an indoor exhibition at the Avalon airshow that takes up 12 500 square metres — the largest of any show to date.

In all approximately 100 Victorian aerospace, aviation and defence companies will be exhibiting at this year's show. To underline the importance of the show, the National Institute of Economic and Industry Research studied the 2005 airshow, which revealed that it injected nearly \$100 million into the Victorian economy and created over 1800 full-time jobs. Just for the Geelong region alone — I know the honourable member is very interested in that region — it delivered \$15.6 million in economic benefits and 222 full-time equivalent jobs.

This is a major event that has been able to be held in this state for a number of years. It is important that it continue and is part of what we do to support a very important industry that employs 5000 Victorians.

HRL Ltd: clean coal project

Mr BARBER (Northern Metropolitan) — My question is to the Minister for Planning. The minister's government gave a commitment to introduce a greenhouse gas trigger for referrals under the

Environment Effects Act and it did that through the ministerial guidelines, which state that 'potential greenhouse gas emissions exceeding 200 000 tonnes of carbon dioxide equivalent per annum, directly attributable to the operation of the facility' will be cause for it to be referred. In the case of the HRL Ltd 400-megawatt coal-fired power station, which by my estimate will produce around 3 million tonnes of equivalent carbon dioxide per annum, will the government order an environment effects statement to be prepared?

Hon. T. C. Theophanous — On a point of order, President, I want to give the member the opportunity to consider to whom he wants to direct the question. I am responsible for representing the Minister for Energy and Resources in this place and the HRL project is under the auspices of the Minister for Energy and Resources. It is his responsibility to get that project off the ground and enable it to succeed. I wonder whether the member wants the question to be answered. It seems to me it would be more appropriate for it to be directed to that portfolio rather than dealing with it as a planning question.

The PRESIDENT — Order! Does Mr Barber want the opportunity to rephrase or redirect the question?

Mr BARBER — On the point of order, President, there is no question that the issue relates to the Planning and Environment Act and the Environment Effects Act, the former being the minister's act, and their being totally commingled with respect to this approval. It will be a joint decision of the two ministers.

Hon. J. M. MADDEN (Minister for Planning) — I will try to un-mingle the question. I am not entirely sure that Mr Barber understands the role of the planning minister. The role of the planning minister is to be the planning authority in relation to larger projects in this state, as well as being the authority over the planning system implemented by local government across the state. I do not believe I have a proposal before me and I have not seen any paperwork cross my desk in relation to this matter. I would assume it has not come to my office or the department at this stage, although I will seek advice on the matter. The proponent of any such proposal needs to make that submission to the planning minister or the relevant planning authority. I understand I have not received any submission in relation to a project of this nature, so I am not able to comment on the project until it is submitted to me.

If the member is interested in the project per se, I suggest he address the matter to the Minister for Energy and Resources in the other place or, if he is concerned

about the likelihood of carbon emissions, I suggest he address that question to the Minister for Water, Environment and Climate Change in the other place. I know the member can direct the question through me, but I seek clarification on whether he is seeking information on a particular portfolio or whether he wants me to untangle the question or whether he wants to redirect it to a relevant minister.

Supplementary question

Mr BARBER (Northern Metropolitan) — With respect to the guidelines, for which there is no question the minister is responsible in a number of circumstances, does he assume when those guidelines say:

Individual types of potential effects on the environment that might be of regional or state significance, and therefore warrant referral of a project, are —

the one I mentioned earlier about 200 000 tonnes — that that is an automatic greenhouse trigger, if you like, that demands a referral under the Environment Effects Act?

Hon. J. M. MADDEN (Minister for Planning) — I am not entirely sure whether the supplementary question is still relevant, given, I suspect, that the first question was not particularly relevant to my portfolio.

The PRESIDENT — Order! I will be the judge of that. The fact is, it is.

Hon. J. M. MADDEN — I am happy to make comment in relation to the process on any project when it comes to me. As yet I do not have a project in relation to this matter that has come to me, nor have any of these matters been brought to my attention. Should the project be submitted to me or any other planning authority then I am happy to make comment on it. If the member wants forensic or technical information in relation to a project, I am happy to take it on notice.

I make the comment to Mr Barber that if he wants to come into the chamber and continue to — —

Mr Finn — You jump up and down and scream and close your eyes.

Hon. J. M. MADDEN — I am not talking to Bernie Finn, I am talking to Mr Barber. I am trying to dignify Mr Barber's question, as opposed to Mr Finn. I am happy to make comment in relation of those more technical matters. I do not have that in front of me, so I am not going to make reference to it that at this point, but I am happy to provide further information if the member seeks it.

Mr Barber interjected.

The PRESIDENT — Order! Mr Barber, thank you!

Hon. J. M. MADDEN — This goes for Mr Barber as well as the Greens. They can come into the chamber and plead naiveté in relation to the processes of this chamber, but I would expect that that can only last for so long. They can presuppose problems and situations of their invention from time to time, but the difference is that the Greens and members of the Greens party also have to provide some solutions. It is one thing to come in here as opposition and to presuppose what the problem is, but they need to come up with a position.

The PRESIDENT — Order! The minister is not entitled to debate the answer. I am assuming he is finished, or does he want to continue?

Hon. J. M. MADDEN — No, I am not finished, President.

The PRESIDENT — Order! I know the minister has finished the debate!

Hon. J. M. MADDEN — To bring me back to my answer, I am happy to provide any comment in relation to any of these matters. I will not make further comment today, but if Mr Barber wants detailed technical information at any time, I would suggest that he put the question on notice. I also suggest that if Mr Barber at any time wants a briefing from my department, he should make that request.

One thing I do know is that in relation to highly technical matters members of this chamber and members of the opposition often make requests and they are given briefings from my department. I am yet to have a request from the Greens in relation to these matters. When they make that request I am happy for them to have a briefing in relation to a highly technical or forensic matters in relation to various issues.

Schools: school councils

Mr TEE (Eastern Metropolitan) — My question is to the Minister for Education. Can the minister advise the house what the government is doing to encourage and support school councils in their vital role?

Mr LENDERS (Minister for Education) — I thank Mr Tee for his question and his interest in schools, particularly in school councils. I was advising the house earlier in my response to a couple of questions from Philip Davis that school councils are the vehicle, the tool, the instrument of local communities for governing their schools. There is a combination obviously of — —

Mrs Peulich interjected.

Mr LENDERS — Mrs Peulich says, I think, ‘Why don’t you just sack them?’. She obviously thinks she is in the Kennett government and talking about local government one more time.

Mr Jennings — She has done better than she thought she was going to do today so she is trying again!

Mrs Peulich — On a point of order, President, the minister is attributing words that were not said by me, which is against standing orders. In fact I said that under our government we tried to strengthen school councils. He said that we called for their sacking. I ask that the minister correct that.

The PRESIDENT — Order! I am on my feet; the member is not. There is no point of order.

Mr Atkinson — On a point of order, President, unfortunately you were distracted at the time that the question was put to the minister. There was a fair bit of noise in the house, and I am not entirely sure I heard the question properly either. It seemed to me that the question invited the minister to express an opinion on a federal minister’s relationship with school councils. I would like to clarify that, because clearly that would not be an opportunity for the minister to participate in an answer.

The PRESIDENT — Order! On the point of order, my deputy is correct in that I was distracted insofar as I did not hear the entire question, and for that reason I will ask Mr Tee to ask the question again.

Mr TEE (Eastern Metropolitan) — My question to the minister is this: can the minister please advise the house what the government is doing to encourage and support school councils in their vital role?

Mr LENDERS (Minister for Education) — I thank Mr Tee for his question. I do take in good faith Mrs Peulich’s comment that she was talking about ‘good things’ the Kennett government did rather than accusing her of wishing to sack school councils. I will graciously withdraw, because I misheard her.

The Bracks government sees school councils as governing bodies of schools. They have on them the executive of the school, the principal, plus parents and other representatives of the workforce and the community, and they are given the task of assisting schools in governing. They govern the schools, and that is what self-governing schools is all about. This government has empowered schools as no government

has done before with the resources that we have put in place.

Mr D. Davis — You have removed self-governing schools.

Mr LENDERS — I take up the inane interjection from David Davis that we have removed self-governing schools. I invite David Davis to forget the education speak of Phillip Gude and to look at what is happening in Victoria. We have 1597 schools, each with a governing council, that received their student resource packages from the state government. They are funded by the state government and actually operate. David Davis clearly does not remember that the Bracks government has given schools resources to do the things they are required to do.

In response to Mr Tee, it is a big role for schools. The Bracks government is providing more resources for school councils to assist them in governing. It can be a range of things, such as kits and materials to assist councillors in discharging their important duties. They can go through a whole range of things that regions do, whether it be a website with advice to school councillors, whether it be induction sessions for new councillors or information sheets. We expect some school council members to be part of principal selection panels. You would clearly want the skills to be there, so they are part of selecting that chief executive officer. A whole range of things are being done, but the Bracks government is extraordinarily proud of the education system in Victoria.

We celebrate the fact that we are in the top league in the world in education, whether it be our state schools, our Catholic schools or the independent system. Across all 2300 schools in Victoria we have some great results. Our students are something that we as parents and citizens can be proud of. School councils are an important part of that.

Unlike the federal government, which likes to talk down the system, dictate from on high and put 700 bureaucrats in Julie Bishop’s department writing policy but never teaching anyone, the state government works with communities and gives resources to school councils. By doing so we make Victoria an even better place to live, work, raise a child, educate them and bring up a family.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Minister for Education) — I have answers to the following questions on notice: 9, 51, 53.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I seek a response from Minister Theophanous in relation to questions on notice 1, 2, 3, 6 and 7, which were submitted for his attention as Minister for Industry and State Development. They were placed on notice on 19 December 2006, so they have been on notice for a full three months. I wrote to Mr Theophanous on 14 February and raised the matter in the house on 28 February, at which time Mr Theophanous said he would expedite the answers. It is now three weeks since Mr Theophanous gave that response in the house, and I seek from him a further explanation as to when the answers will be provided.

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — I received that request from the honourable member. I think it is the same group of questions; I am not absolutely certain, but I take his word that that is the case. I will ask the department to seek to provide those responses as soon as possible.

**PARLIAMENTARY LEGISLATION
AMENDMENT BILL**

Second reading

Debate resumed.

Mr LENDERS (Minister for Education) — I was summing up before the lunchtime break. One of the main issues that came through the debate that I was replying to was the nature of committees and Philip Davis's comment that the government had a policy position of supporting a three-three position, or split numbers, on committees. I was reminding the house that 6 of the 12 committees under the proposal circulated by the government for committees would have either a non-government majority or even numbers. Positions on two of those committees were not taken up due to the fact that Mr Kavanagh and Ms Pennicuik did not nominate for them, which is their prerogative — it is their call.

Mr Koch interjected.

Mr LENDERS — I am just summing up, Mr Koch. Government members make up 58 per cent of the Parliament and you would therefore expect the

membership of committees to reflect that. The Legislative Council has already set up select committees of its own, and I imagine it will continue to do so when it suits it to do so.

Reflecting on the comments of other members, Ms Pennicuik seemed to have a problem with the government having a majority. My comment to Ms Pennicuik is that in the end the Parliament is elected by the community. If the community gives a party a majority at an election that is it; if the community does not give a party a majority, then the party does not have a majority. I cannot think of any place in the Western world where, if a party gets a majority it says, 'We are not going to accept it, we are going to give it to the minority' or neglects its majority. The only place I know of is in this house. In the last Parliament the government put into the standing orders a requirement that no party could ask more than half the questions, raise matters on more than half the adjournments, make more than half the 90-second statements — and other than that it was pro rata. I accept that Ms Pennicuik is arguing in good faith for a system of greater accountability, but I would argue — —

Mr P. Davis — What about Westminster?

Mr LENDERS — I take up the Leader of the Opposition's interjection, 'What about Westminster?'. I would suggest if he looks at Westminster, he will find that the joint select committees on foreign affairs and defence have government chairs — that is, from the Labour Party.

I move on to Mr Barber's comments when he referred to waking up in the morning and holding the government accountable. I am pleased he wants to hold the government accountable. It is the role of this house to hold the government accountable — and it is a worthy aspiration. But I would remind Mr Barber that we in the government will also hold the Greens party accountable to Greens voters. We will hold the Greens party accountable on issues such as its support of a minority Carnell-Humphries Liberal government in the Australian Capital Territory and its support of the minority Rundle Liberal government in Tasmania, when in both cases its voters turned on it. We welcome scrutiny in this place from all parties, but we will also scrutinise a party that says one thing in the electorate to its voters — that it is a progressive party — and acts another way in the Parliament by voting on 20 out of 21 occasions with the opposition and by abstaining on the 21st occasion. We welcome its scrutiny, and we welcome its commitment to the people who voted for it believing it to be a progressive party. We look forward to that debate going on, and this debate on the

parliamentary committees was a good time to have that. For those reasons I urge a speedy passage of the bill.

House divided on motion:

Ayes, 22

Broad, Ms (<i>Teller</i>)	Mikakos, Ms
Darveniza, Ms (<i>Teller</i>)	Pakula, Mr
Drum, Mr	Pulford, Ms
Eideh, Mr	Scheffer, Mr
Elasmar, Mr	Smith, Mr
Hall, Mr	Somyurek, Mr
Jennings, Mr	Tee, Mr
Kavanagh, Mr	Theophanous, Mr
Leane, Mr	Thornley, Mr
Lenders, Mr	Tierney, Ms
Madden, Mr	Viney, Mr

Noes, 18

Atkinson, Mr	Koch, Mr
Barber, Mr	Kronberg, Mrs
Coote, Mrs (<i>Teller</i>)	Lovell, Ms
Dalla-Riva, Mr (<i>Teller</i>)	O'Donohue, Mr
Davis, Mr D.	Pennicuik, Ms
Davis, Mr P.	Petrovich, Mrs
Finn, Mr	Peulich, Mrs
Guy, Mr	Rich-Phillips, Mr
Hartland, Ms	Vogels, Mr

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Mr P. DAVIS (Eastern Victoria) — Clause 1 affords me the opportunity to make some general remarks, and I will do so. I do not intend to reprise the debate we have just had, but I want to summarise what the opposition is proposing to do with its amendments. The opposition has proposed a number of amendments. Some members may find them difficult to follow because of their complexity. Let me summarise by saying there are two groups of amendments. Amendments 1, 2, 3, 4, 5, 6, 8, 9 and 13 relate to the issue of the proposal by the opposition that the Public Accounts and Estimates Committee and the Scrutiny of Acts and Regulations Committee ought to be chaired by non-government members and should have majorities of non-government members. It is my intention that amendment 1 in my name will test all my subsequent related amendments. Therefore the determination of the chamber will potentially resolve the related amendments as far as the opposition is concerned.

The second group of amendments — amendments 7, 11, 12 and 14 — relates to the issue of amending the remuneration of certain members in respect to their service on parliamentary committees and the remuneration of the leader of the third party in this place.

In summary, trying to avoid the invitation there always is with clause 1 of a bill to effectively have another second-reading debate — —

Mr Lenders — Being very disciplined, Mr Davis.

Mr P. DAVIS — I have learnt a great degree of discipline in the past couple of months, and I thank the minister for his assistance.

I reiterate that it is the view of the opposition that the Parliament would be better served by an independent committee system, meaning a committee system which is not based on the patronage of the executive — that is to say, a majority of government members or a government party chair — so the community and the Parliament as a whole can be confident that the deliberations of parliamentary committees are dispassionate and independent of the views of the executive. In the current environment it is a nonsense for the government to argue in an objective way the proposition that joint parliamentary investigatory committees can be seen to be holding the government to account when they appear to be an extension of the government party room.

It seems to me that there are a number of forums in which a government can be held to account. Obviously one is through the various processes of the Parliament which allow the non-government and Independent members to raise matters according to the procedures of each house. However, importantly, there is also the fact that in modern times a government depends on the support of its party room, and there is a great opportunity for members of the government party to examine in some detail in their party room, generally speaking — or at least that has been my experience — the proposals of the ministers who are the members of that party delegated to perform the functions of government.

If it is the case that the current Labor government has an ineffectual, toothless party room where there is no considered debate about the initiatives of the executive and no proper consideration of the legislation the government brings before the Parliament and where no questions are raised about the performance of government administration, I can well understand why the government would propose that the parliamentary

committees become simply an extension of the party room. It may help the members of the backbench of the Labor Party if they mingled a bit with some non-government members, who would teach them how to ask questions of the executive and therefore to some degree hold the executive to account.

I will be interested in the minister's response, but what I am really more interested in doing is setting out the proposition that on any objective analysis the claim made by various government speakers in the debate that somehow the joint investigatory committees are a mechanism for accountability of government is nonsense. It is certainly true, and I concur, that some useful work is done by joint parliamentary committees in looking at some issues of public policy. I think everyone in the Parliament would agree that the most reputable and successful joint committee over the long haul has been the Road Safety Committee. All the various members of this place over many decades who have served on that committee should be congratulated on the initiatives that have been not only adopted in Victoria but followed around the world.

Given the composition of the Parliament, we have now moved to the point where in both this place and the lower house there is a need for executive excess to be better scrutinised by the Parliament. The two committees critical to the scrutiny function, the Scrutiny of Acts and Regulations Committee and the Public Accounts and Estimates Committee, ought to be seen to be in every practical sense independent of the executive and the processes the government has on foot deny that capacity. Hence the opposition is moving amendments to bring that about. Therefore I formally move:

1. Clause 1, line 3, omit "is—" and insert "is".

The DEPUTY PRESIDENT — Order! As Mr Davis indicated in his comments, his amendment 1 is a test for amendments 2, 6, 8, 9 and 13. They are all linked to the proposals that the Public Accounts and Estimates Committee and the Scrutiny of Acts and Regulations Committee be chaired by non-government members and consist of a majority of non-government members. Mr Davis is speaking to clause 1, the purposes clause. I indicate to members that the debate or questions on that clause can be fairly wide, but if there are specific questions about clauses later in the bill, members should hold their fire on those.

Mr LENDERS (Minister for Education) — My response will be brief. I appreciate Mr Davis succinctly grouping his amendments into two sets, which obviously makes the debate a lot easier. Most of my

rebuttal of his comments was covered in the second-reading debate, so I will not go through that again. I will make a couple of observations. One goes to the very nature of joint investigatory committees. Mr Davis was balanced in his comment that a lot of good work comes out of them. I accept that as a gracious comment. But I make two remarks.

Firstly, I understand that people change their views but I cannot let the inconsistency in the Liberal Party pass. During the Kennett government the Parliamentary Secretary to the Premier, Bill Forwood, chaired the Public Accounts and Estimates Committee. I cannot fail to make that observation, although I accept in good faith that the Liberal Party has changed its view. I would be fascinated to know whether, if there were a change of government, that view would continue.

I go to the more substantive point of the committees being tools of the executive. Having sat around a cabinet table for five years, I can assure you, Deputy President, and members of the committee that many of the recommendations in reports of joint committees with Labor Party majorities either have not been accepted or have been qualified, and members can check that. I take Mr Davis's legitimate point that, particularly for a non-government member, the starting point would be to think, 'Well, it has a government majority; surely these people will caucus and think as one'. If that were the case, then we have a very dysfunctional Labor Party, because a lot of joint investigatory committees with Labor majorities have put up recommendations that the cabinet has not been prepared to accept.

Being frank for the sake of the argument, even conceding that in principle Mr Davis may have a point — a big caveat — I say to Mr Davis and other members of the house, very strangely, that members of those Labor-dominated committees often have disagreements with the executive. It may not have happened in the Kennett government, but it has certainly happened in the Bracks government.

The other point is about having a committee system that is not controlled by the government. Well, we have; we are in it. We have the Legislative Council. It is the ultimate committee not controlled by the government. Much as it would be a lot easier for me as a minister to have it controlled by the government, it is not. The ultimate scrutiny of government is exactly what happens here. No matter whether from time to time the government might not like it, we actually are accountable. We actually have a committee that scrutinises our legislation and sets up committees of its own.

Joint investigatory committees have given members of Parliament an extraordinary amount of good experience; they have brought good reports to Parliament and there is great participation by the community in their work. They should be strengthened and encouraged. We have more scrutiny under this government, I would argue, than we have probably had since the establishment of formalised party systems in this state. We have a good system. I urge members to reject the amendments because the system works well.

Mr BARBER (Northern Metropolitan) — In the spirit of conceding each other's points, I will also concede, for the benefit of the minister, that the joint Drugs and Crime Prevention Committee has done some good work under a kind of a consensus model. In particular I have read its report on public drunkenness. I think it is another example of what the minister talked about when he said that parliamentary committees have put up recommendations that were not accepted by the executive, because I do not think the recommendations of that report have been implemented. I have a couple of questions on clause 1 for the minister, if that is okay?

The DEPUTY PRESIDENT — Order! As long as they pertain to the overall purposes of the legislation and are not specific to other clauses in the bill, Mr Barber may put them.

Mr BARBER (Northern Metropolitan) — While the clause states the specific purpose of the bill, I would like to know whether the minister believes any of the other rights, privileges or resources that attach to our roles as parliamentarians could be impacted upon if this were to pass.

Mr LENDERS (Minister for Education) — I would simply say no.

Mr BARBER (Northern Metropolitan) — At the moment the standing orders, notwithstanding the changes we have made with sessional orders, impose time limits on speeches by members of the third party. I wonder whether the minister believes that if this bill were passed that would automatically guide the standing orders on which party is the third party in this place.

Mr LENDERS (Minister for Education) — I am happy to respond on this, although I think it is straying a bit from the objects of the bill. Just for the record, this is a piece legislation that ultimately binds what it binds. There are three parts of the Parliament — the two houses and the Governor. Ultimately the speaking rights are in the hands of the Legislative Council itself. I reiterate publicly to Mr Barber the government's

perspective — that is, the government's ideal proposal was that under the standing orders members of all registered political parties in this place have the same speaking rights as members of the third party. I do not see any conflict at all. Ultimately the issue of what is in the standing orders and the sessional orders is in the hands of the house. This legislation will not in any way preclude or enshrine them.

Mr BARBER (Northern Metropolitan) — If we are debating the purpose, the purpose of this bill is to make transparent certain aspects of the resourcing of members of Parliament, but it does not provide for other arrangements to be made transparent. I would like the minister to tell us how many staff The Nationals and the Liberal Party receive, not as the entitlement under any act but simply through the Premier's own budget.

Mr LENDERS (Minister for Education) — I do not have that answer. Both parties have a budget. I would suggest, respectfully, that that is a question Mr Barber could ask of the Premier in the Public Accounts and Estimates Committee. The Premier is probably the only Premier — certainly the first Premier in Victoria in a long time — to actually face the scrutiny of the Public Accounts and Estimates Committee. As Mr Barber is a member of that committee, he has an opportunity at the estimates hearings to ask the Premier all those questions.

The DEPUTY PRESIDENT — Order! I would also say to Mr Barber that I as Chair am uncomfortable with that line of questioning from the point of view that I believe it is outside this legislation that is before us. The legislation refers specifically to the third party in regard to remuneration of some office-holders, but it does not go to other resourcing, and I think that is outside this legislation. I am uncomfortable with that line of questioning.

Ms PENNICUIK (Southern Metropolitan) — I heard the minister say that speaking rights, et cetera, accorded to a third party would extend to every other party. Did the government give any thought to why there is such a thing as a third party? Hypothetically, for example, there could be seven parties in this Council — there could be eight or nine. Why is there a third party, but not fourth, fifth, sixth or seventh, for example; or a fourth and fifth as the case may be here? Why is there only a third party? To clarify that: third party means every other party that is not the government or the opposition.

Mr LENDERS (Minister for Education) — The concept of a third party comes from the 1920s up until

1974 when this figure of 11 was set in place, when there were three parties: the Labor Party, the Country Party and the Liberal Party, other than a very brief period in 1955 when there was the Democratic Labor Party in Parliament, but until Mr Kavanagh came into the Council that was what it was: three parties.

This legislation and the concept of it came fundamentally from a decision made by Premier Hamer: when Neil McInnes left the National Party to join the Liberal Party, he guaranteed that 11 members would be a party and that was essentially where the figure 11 came from. There has always been the concept of a third party and the legislation is such that a third party is any party that has 11 or more members. Whether there be 5, 6 or 7 is what the maths is — how many times can you divide 11 into 128 — and that will give you the answer under the legislation as to how it could theoretically happen.

That has historically been the situation: where a recognition has been made. The government is not seeking to change that: we are not seeking to change that Dick Hamer formula of 11, we are simply seeking — I am straying to another clause so I will not get into that. There is a history of what third parties have been defined as. It was last changed when Dick Hamer changed it over the Neil McInnes issue.

Ms PENNICUIK (Southern Metropolitan) — I think the minister might have answered my question, but was there any thought on the part of the government to look at redefining party status? I mentioned in my speech yesterday that most other houses of Parliament — state and the Senate — have less than half the Victorian number.

The DEPUTY PRESIDENT — Order! The minister has not indicated that he has a response to the proposal.

If there are no further speakers I propose to put the amendment to the test. The question is that the amendment be agreed to. The amendment we are talking about is amendment 1 proposed by Philip Davis. As I have indicated to the committee, this is a test for his amendments nos 2, 6, 8, 9 and 13.

Committee divided on amendment:

Ayes, 19

Atkinson, Mr	Koch, Mr
Barber, Mr	Kronberg, Mrs
Coote, Mrs	Lovell, Ms
Dalla-Riva, Mr	O'Donohue, Mr
Davis, Mr D. (<i>Teller</i>)	Pennicuik, Ms
Davis, Mr P.	Petrovich, Mrs
Finn, Mr	Peulich, Mrs

Guy, Mr
Hartland, Ms (*Teller*)
Kavanagh, Mr

Rich-Phillips, Mr
Vogels, Mr

Noes, 20

Darveniza, Ms	Pakula, Mr
Drum, Mr	Pulford, Ms
Eideh, Mr	Scheffer, Mr
Elasmar, Mr	Smith, Mr
Hall, Mr	Somyurek, Mr
Jennings, Mr	Tee, Mr
Leane, Mr	Theophanous, Mr
Lenders, Mr	Thornley, Mr
Madden, Mr (<i>Teller</i>)	Tierney, Ms
Mikakos, Ms (<i>Teller</i>)	Viney, Mr

Amendment negatived.

The DEPUTY PRESIDENT — Order! I invite Ms Pennicuik to put amendment 1 standing in her name, which is also a test for her other amendments 2 to 9.

Ms PENNICUIK (Southern Metropolitan) — As I mentioned in my speech yesterday, I will move an amendment that changes the name of the proposed Economic Development and Infrastructure Committee to the Economic Development, Infrastructure and Public Works Committee. Amendments 1 to 5 and amendment 8 basically do the same thing — that is, change the name of the committee. Amendment 6, which follows on from those amendments, adds the function of examining public works — which I believe to be an important one — to the committee. It would involve looking at all sorts of public works of a certain size — at the stated purpose of the work, its necessity or advisability, its value to the public at the present time or in the future, its environmental impact and the efficiency of the progress of its construction.

Such a committee is very necessary in this day and age, when we have a lot of public-private partnerships involving a lot of commercial-in-confidence issues where the cost and benefit to the community are not easily discernible. Many of those public works should be referred to a committee such as this, which could look in depth at the issues around those public works, particularly those involving public-private partnerships. That is why I urge the house to support the amendment. It is a good amendment, one that would improve the joint committee structure and function. At the moment no committee is looking at those sorts of public works or could take those references.

I did not hear exactly what the minister said in his summing up, because I was speaking to the Clerk at the time, but I think he made a comment along the lines that I am not on a committee. However, the minister is

aware that I have said to him in discussions that I reserve my right to be on a committee but have not decided which one to go on yet. This might be a very interesting one to go on, particularly if its function were expanded, but I would be interested in being on any of the committees. As the minister knows, I did say I reserve my right on that.

I therefore move:

1. Clause 1, line 8, omit “and Infrastructure” and insert “, Infrastructure and Public Works”.

Mr P. DAVIS (Eastern Victoria) — I indicate that the opposition will support Ms Pennicuik’s amendments because we agree that state public works and infrastructure developments need a heightened level of scrutiny. Even if this amendment were not carried — and I support its intent — I do not believe that this would preclude future references to the Economic Development and Infrastructure Committee relating to public works. It would certainly be helpful for the committee’s title to be extended in the way Ms Pennicuik proposes to make its role absolutely clear, but infrastructure is part of the renamed Economic Development Committee. Certainly I would imagine that this house may at a future time consider a reference to the Economic Development and Infrastructure Committee that may deal with looking at the issues Ms Pennicuik raises about public-private partnerships and related subjects. I think it would be enormously helpful to the Parliament for that role and purpose to be explicit in the title of the committee.

Mr LENDERS (Minister for Education) — Frighteningly, I think I concur with Philip Davis. Seriously, I take up his point; this amendment is not a necessary one. Again, it is one the government will not support, not because we are strongly opposed to it but we think it is unnecessary because the existing committee can receive references on public works and infrastructure as it is.

In response to Ms Pennicuik’s earlier point, my comment in the debate was not critical of her. It was simply a comment that both she and Mr Kavanagh had chosen at this stage not to go onto committees. It was not a criticism; it was just an observation that if they had, 6 of the 12 committees would have had even numbers between the government and non-government members. It was certainly not a criticism. Certainly the government would support Ms Pennicuik going onto any of the committees that do not already have those balanced numbers, any of the ones with government majorities.

Mr HALL (Eastern Victoria) — This amendment and those consequential to the one we are debating at the moment hold some attraction for The Nationals. However, one of the reasons why we will not be supporting it today is the fact that we have not had time to consider it through our party system. We were unaware it was going to be moved until Tuesday morning of this week, by which time we had already had our weekly party meeting. We have not been able to consider this as a whole. Further, the positive comments — not assurances — of the minister at the table, the Minister for Education, suggesting that public works of the nature described by Ms Pennicuik would not automatically be excluded and would still fit into the parameters of infrastructure give us some encouragement too.

Some of the important public works that need examination from time to time can be included as a reference to the committee. I would say this, as I have said about a couple of other changes to sessional orders, although this is a change to legislation, that if an important public works project could not be referred to the committee by resolution of either house, if for some reason that were to be excluded, we would be happy to come back and look at this again.

The DEPUTY PRESIDENT — Order! We are still dealing with clause 1, as the committee would be aware. Ms Pennicuik’s amendment 1 seeks to test remaining amendments 2 to 9. All of the amendments, as she explained to the house, are linked to the proposal that the words ‘Public Works’ be added to the title of the Economic Development and Infrastructure Committee.

Amendment negated.

The DEPUTY PRESIDENT — Order! I call Mr Barber to move amendment 1 standing in his name, which I advise the committee is also a test for his other amendments 2 to 4.

Mr BARBER (Northern Metropolitan) — I move:

1. Clause 1, page 2, after line 7 insert—
 - (iv) require that both the chairperson and a majority of the members of the Public Accounts and Estimates Committee must not be members of the party or parties forming the Government; and”.

This amendment to clause 1 explains in itself what it does, and that is to require that both the chairperson and the majority of the members of the Public Accounts and Estimates Committee must not be members of the party or parties forming the government. This view of mine came from my attendance at the Public Accounts and

Estimates Committee's hearings. I sat in on quite a number of them before I was elected to Parliament. I observed that the government had the chair of the Public Accounts and Estimates Committee. I was pretty stunned to see Dorothy Dixers being put up in the Public Accounts and Estimates Committee. I understand where they come from in the question time tradition. I do not agree with it, but I was pretty surprised that the serious work of a Public Accounts and Estimates Committee would be used in that way. It does not fit within the spirit, to my mind, of the discussion we were having earlier about joint committees doing work with a genuine attempt to move towards consensus recommendations. However, as I outlined in my contribution to the second-reading debate, there are other Westminster leaders where this is the norm, and it is becoming even more reinforced in the corporate sector.

I always listen to what the Leader of the Government says, and I particularly noted his comments in the *Sunday Age* a couple of weeks ago when he said words to the effect — and he is welcome to correct me — that there was a kind of deal going on between the Liberal Party and the Greens to weaken the government. It was those words 'weaken the government' that stuck in my mind and that I have been thinking about ever since. My question to the minister in this debate we are having — and we are honing the debate down now the more we throw it back and forth across the chamber — is specifically why a non-government chair and majority of such an important committee in and of itself would weaken the government. I did not feel in my experience at Yarra council that it weakened Yarra council. In fact our independent audit committee backed us very strongly.

I would put it to the minister that in fact the agenda that the Greens launched before the election was all about transparency. If the government is going to continue to push the argument that the Greens are trying to weaken the government, it may have to at a certain point explain whether it thinks our agenda would have been any different if a Liberal government had been returned. If he can convince others that the Greens agenda for better transparency and openness in this Parliament would somehow have been different if a Liberal government had been elected, I think he is going to succeed in making his case. But if he continues to try to overplay his hand in this respect, it is going to start leading to people asking questions such as what the Greens are doing here. He says they are involved in a conspiracy with the Liberals to weaken the government. What is the actual content of what is going on here?

At that point we will be back into the space where we are talking about transparency and how Victoria can have not just a run-of-the-mill Parliament but a Westminster leader.

The DEPUTY PRESIDENT — Order! I make it clear to the committee that this amendment differs from the previous one put by Mr Davis in the respect that it only applies to one committee. The committee is not being invited to revisit Mr Davis's proposal under another motion, it is being invited to consider a different proposition.

Mr LENDERS (Minister for Education) — The government will not support Mr Barber's amendment 1 for the same reason it is not supporting Mr Davis's amendment 1, which is essentially that it is the Public Accounts and Estimates Committee and the Scrutiny of Acts and Regulations Committee, rather than just PAEC.

Regarding Mr Barber's second question, I would be delighted to have a debate with him at any time about the Greens' relationship with the Liberal Party, but I do not think it appropriate during a debate on this bill.

Mr P. DAVIS (Eastern Victoria) — I indicate that the opposition supports Mr Barber's amendment on the basis that the principle remains the same as that proposed in the opposition's amendment — that is, there should be transparency of the independence of the lead scrutiny joint investigatory committee. In this case it is of course just the Public Accounts and Estimates Committee, but the key word, which was used appropriately in the contribution from Mr Barber, is transparency. It is quite clear that without this amendment succeeding there will not be transparency in the operations of the senior joint investigatory committee of the Parliament.

Mr BARBER (Northern Metropolitan) — I ask the minister to advise whether I am right in presuming that the Public Accounts and Estimates Committee has no more right to demand the presence of a minister than any other committee or any other process.

Mr LENDERS (Minister for Education) — I would have to take advice as to what its actual rights are, but I would say that from this government's perspective, because of the Premier's commitment in the lead-up to the 1999 election, every minister would front the Public Accounts and Estimates Committee during every estimates hearing. This is in stark contrast to what happened during the Kennett government, when the Premier and a number of the ministers did not. We

would see ourselves as absolutely morally and politically bound to do so.

I cannot give Mr Barber an answer on what the legal requirements are. I would not venture to answer — I could take advice on that — but certainly this government will have every minister attend every Public Accounts and Estimates Committee estimates hearing because that is the commitment the Premier gave.

Mr BARBER (Northern Metropolitan) — I ask the minister whether that would still be the case if my series of amendments were to pass.

The DEPUTY PRESIDENT — Order! I propose to put amendment 1 to clause 1 standing in Mr Barber's name. As I have indicated to the committee, it is a test for Mr Barber's amendments 2 to 4. As he has said in the debate, the amendment is in regard to the appointment of a non-government chair and a majority to apply to the Public Accounts and Estimates Committee.

Committee divided on amendment:

Ayes, 19

Atkinson, Mr	Koch, Mr
Barber, Mr	Kronberg, Mrs
Coote, Mrs	Lovell, Ms
Dalla-Riva, Mr	O'Donohue, Mr
Davis, Mr D.	Pennicuk, Ms (<i>Teller</i>)
Davis, Mr P.	Petrovich, Mrs
Finn, Mr (<i>Teller</i>)	Peulich, Mrs
Guy, Mr	Rich-Phillips, Mr
Hartland, Ms	Vogels, Mr
Kavanagh, Mr	

Noes, 21

Broad, Ms	Pakula, Mr (<i>Teller</i>)
Darveniza, Ms	Pulford, Ms (<i>Teller</i>)
Drum, Mr	Scheffer, Mr
Eideh, Mr	Smith, Mr
Elasmar, Mr	Somyurek, Mr
Hall, Mr	Tee, Mr
Jennings, Mr	Theophanous, Mr
Leane, Mr	Thornley, Mr
Lenders, Mr	Tierney, Ms
Madden, Mr	Viney, Mr
Mikakos, Ms	

Amendment negated.

The DEPUTY PRESIDENT — Order! We continue to deal with clause 1 of the bill. I call on Mr Davis to move his amendment 7, which is also a test for his further amendments 10, 11, 12 and 14.

Mr P. DAVIS (Eastern Victoria) — As I indicated earlier, I am satisfied that a test of amendment 7 will

indeed test the related amendments. The principle we are seeking to test here is specifically in respect to the provisions relating to amendments to remuneration arrangements — increasing the remuneration from 10 per cent to 20 per cent for the chair of the Public Accounts and Estimates Committee and increasing the remuneration for the chair of the Scrutiny of Acts and Regulations Committee from 10 per cent to 15 per cent. It also relates to the 4 per cent allowance for the deputy chairs of the PAEC and SARC and of course the remuneration for the leader of the third party in this place.

As I said at an earlier time, it is inconceivable that the government could move to reward its own members in such a way as to differentiate between the worth of some members as against the worth of others. It certainly begs the question as to whether or not there is a notion that the government may apply to itself — that is, to ministers — which is a value-of-work test. Are we to understand that ministers who have a less responsible portfolio or a lesser workload are paid less than the Leader of the Government in this place, for example, or indeed less than any other minister who has a significant load? For example, is it the case that the Minister for Health is only worth the same amount in terms of recompense as the Minister for Sport, Recreation and Youth Affairs? One may argue that there is a great challenge in going to sporting events on a regular basis compared to dealing with the complexities of the health system.

I wonder if that is where the government is moving, because there has been a principle which has been adopted, and which is applied most generally, that members of Parliament should be remunerated according to the band at which they are working. Ministers are paid a ministerial salary, the chairs of parliamentary committees are paid a chair's salary and parliamentary secretaries are paid an amount recognising their additional workload. All members of Parliament have to now been remunerated in exactly the same way, notwithstanding the burden of representing their constituents and regardless of the size of their electorate in terms of area. The principle here is not disclosed by any argument put by the government that there is a justification for changing that system.

Further, I remind the committee of what I said during my contribution to the second-reading debate. That is, it seems extraordinary, at least to me, that there would be some proposition that another party represented in this chamber should not be recognised in terms of remuneration and resources in the same way as any other party of a similar number. The case in point is that there are three representatives of the Greens and two

representatives of The Nationals. It seems peculiar that the Greens would not be afforded some recognition in terms of the provision of appropriate resources and remuneration to reflect the fact that they perform an important function in the Parliament.

Therefore I formally move amendment 7 in my name and seek the support of the committee. I move:

7. Clause 1, page 2, lines 8 to 23, omit all words and expressions on these lines.

Mr LENDERS (Minister for Education) — The government will oppose Mr Davis's amendment. He raised a few general issues. It is always in the hands of the Liberal Party if at any stage it wishes to suggest an amendment to a bill to remunerate the leader of the Greens — assuming the party has a leader — in whichever format it comes to us. It is in the hands of the Liberal Party to do that if it believes there is a case. And yes, it is a bill which requires a Governor's message, but it does not stop the Council suggesting an amendment to the Assembly. So I suggest to Mr Davis that, if he is serious about courting the Greens even more, he should put his money where his mouth is and suggest an amendment.

On the other issue he raised of whether the government has any intention of talking about differentials between ministers, unlike the commonwealth government — where there is a series of differentials between cabinet and non-cabinet members and where the Treasurer gets a loading, the leaders in the upper house get a loading, and the leader of the house and a whole lot of other people get loadings — the Bracks government does not go in for that.

It is interesting that the last time anyone tried to do that was during the time of the Kennett government that Mr Davis was a part of. It tried to pull a swiftie and give a pay rise to a former Minister for Industry and Employment, Phil Gude, as Deputy Leader of the Liberal Party, and a pay rise to a former member for Swan Hill, Barry Steggall, in his role as Parliamentary Secretary to the Premier. If Mr Davis were to check *Hansard* he would find that he voted for it. That was the last time it was tried in Victoria. It is not on the Bracks government's agenda. What is on our agenda is removing an anomaly in the Legislative Council regarding the leader of the third party where the whip of the third party was not affected by the clause, although the leader was.

The Public Accounts and Estimates Committee and the Scrutiny of Acts and Regulations Committee are the Parliament's two major committees. By anybody's estimate the workloads of those committees are

significant. The extra burden is not imposed just on the chairs of those committees. I notice that the member for Scoresby in the other place, Mr Wells, has not turned down the proposed loading for him as a deputy chair either. It is an acknowledgement of the chair and the deputy chair of those committees and of the nature of the extraordinary workloads of those committees vis-a-vis the other joint investigatory committees.

That is its purpose. It is simple and clear in policy terms. The government does not intend to start differentiating between ministers; the differentiation between ministers comes when our parliamentary party has a ballot to determine who stays in the ministry, if we are in government. That is where the differentiation comes — and when the Premier allocates portfolios. We are not going down the Gude-Steggall path. We are simply recognising two committees and removing an anomaly.

Committee divided on amendment:

Ayes, 19

Atkinson, Mr	Koch, Mr
Barber, Mr	Kronberg, Mrs
Coote, Mrs	Lovell, Ms
Dalla-Riva, Mr	O'Donohue, Mr
Davis, Mr D.	Pennicuik, Ms
Davis, Mr P.	Petrovich, Mrs
Finn, Mr	Peulich, Mrs
Guy, Mr (<i>Teller</i>)	Rich-Phillips, Mr
Hartland, Ms	Vogels, Mr
Kavanagh, Mr (<i>Teller</i>)	

Noes, 21

Broad, Ms	Pakula, Mr
Darveniza, Ms	Pulford, Ms
Drum, Mr	Scheffer, Mr (<i>Teller</i>)
Eideh, Mr	Smith, Mr
Elasmar, Mr	Somyurek, Mr (<i>Teller</i>)
Hall, Mr	Tee, Mr
Jennings, Mr	Theophanous, Mr
Leane, Mr	Thornley, Mr
Lenders, Mr	Tierney, Ms
Madden, Mr	Viney, Mr
Mikakos, Ms	

Amendment negatived.

Clause agreed to; clauses 2 to 8 agreed to.

Clause 9

Mr P. DAVIS (Eastern Victoria) — I will speak briefly on the clause. This is the operative clause which grants pay rises to the chairman and deputy chairman of the Public Accounts and Estimates Committee, the chairman and deputy chairman of the Scrutiny of Acts and Regulations Committee and the Leader of The Nationals in this place. I indicate that the opposition is

absolutely opposed to this provision, given that it is the operative clause in the bill. We therefore propose to vote against the clause.

Mr LENDERS (Minister for Education) — I will speak on this clause simply to remind the committee and Mr Davis that when a similar clause was debated on 30 October 1992, when Premier Kennett announced four ministers by name and said that there would be changes to deal with similar issues, the parliamentary Liberal and National parties supported the proposal, including Mr Pescott and Mr McGrath in the other place, who were appointed ministers as a result of the proposal. While I accept Mr Davis's blanket statement on this issue I remind the committee and the opposition that it is inconsistent with how he and his party voted on 30 October 1992.

Committee divided on clause:

Ayes, 21

Broad, Ms	Pakula, Mr
Darveniza, Ms	Pulford, Ms
Drum, Mr	Scheffer, Mr
Eideh, Mr	Smith, Mr
Elasmar, Mr	Somyurek, Mr
Hall, Mr	Tee, Mr (<i>Teller</i>)
Jennings, Mr	Theophanous, Mr (<i>Teller</i>)
Leane, Mr	Thornley, Mr
Lenders, Mr	Tierney, Ms
Madden, Mr	Viney, Mr
Mikakos, Ms	

Noes, 19

Atkinson, Mr	Koch, Mr (<i>Teller</i>)
Barber, Mr	Kronberg, Mrs (<i>Teller</i>)
Coote, Mrs	Lovell, Ms
Dalla-Riva, Mr	O'Donohue, Mr
Davis, Mr D.	Pennicuik, Ms
Davis, Mr P.	Petrovich, Mrs
Finn, Mr	Peulich, Mrs
Guy, Mr	Rich-Phillips, Mr
Hartland, Ms	Vogels, Mr
Kavanagh, Mr	

Clause agreed to.

The DEPUTY PRESIDENT — Order! I advise the committee that I have indicated to a member on the government side and I previously indicated to a member on the opposition side that to make sure their vote is counted they ought to be sitting in members' seats and not in the stray chairs at the back.

Clause 10 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Mr LENDERS (Minister for Education) — I move:

That the bill be now read a third time.

In doing so I thank all members who contributed to the debate. A vigorous debate occurred during the second-reading stage and there was a good committee debate. I wish the bill a speedy passage.

The PRESIDENT — Order! The question is:

That the bill be now read a third time and that the bill do pass

House divided on question:

Ayes, 21

Broad, Ms	Pakula, Mr
Darveniza, Ms	Pulford, Ms
Drum, Mr	Scheffer, Mr
Eideh, Mr (<i>Teller</i>)	Smith, Mr
Elasmar, Mr (<i>Teller</i>)	Somyurek, Mr
Hall, Mr	Tee, Mr
Jennings, Mr	Theophanous, Mr
Leane, Mr	Thornley, Mr
Lenders, Mr	Tierney, Ms
Madden, Mr	Viney, Mr
Mikakos, Ms	

Noes, 19

Atkinson, Mr	Koch, Mr
Barber, Mr	Kronberg, Mrs
Coote, Mrs	Lovell, Ms
Dalla-Riva, Mr	O'Donohue, Mr
Davis, Mr D. (<i>Teller</i>)	Pennicuik, Ms
Davis, Mr P.	Petrovich, Mrs
Finn, Mr (<i>Teller</i>)	Peulich, Mrs
Guy, Mr	Rich-Phillips, Mr
Hartland, Ms	Vogels, Mr
Kavanagh, Mr	

Question agreed to.

Read third time.

Remaining stages

Passed remaining stages.

VICTIMS OF CRIME ASSISTANCE AMENDMENT BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Hon. J. M. MADDEN
(Minister for Planning).

*Statement of compatibility***Hon. J. M. MADDEN (Minister for Planning) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Victims of Crime Assistance Amendment Bill 2007.

In my opinion, the Victims of Crime Assistance Amendment Bill 2007, as introduced to the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of the bill

The bill seeks to amend the Victims of Crime Assistance Act 1996 (the act) by increasing the amount of special financial assistance that may be awarded to victims of crime under the act. The underlying purpose of the bill is to improve responses to victims of crime.

The act authorises the Victims of Crime Assistance Tribunal (VOCAT) to pay certain victims of crime financial assistance, including special financial assistance if VOCAT is satisfied that an act of violence was committed against a person and the person has experienced or suffered a significant adverse effect as a direct result of that act of violence.

Section 8A(5) provides a table which sets out the minimum and maximum amounts of special financial assistance that VOCAT may award for each of four categories of act of violence (A to D). The bill increases the minimum and maximum amounts prescribed in the table for each category.

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

The provisions of the bill do not affect any human rights protected by the charter.

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

The provisions of the bill do not impose any limitations on human rights protected by the charter.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because it does not limit, restrict or interfere with any human rights protected by the charter.

JUSTIN MADDEN MP
Minister for Planning

*Second reading***Ordered that second-reading speech be incorporated on motion of Hon. J. M. MADDEN (Minister for Planning).**

Hon. J. M. MADDEN (Minister for Planning) — I move:

That the bill be now read a second time.

Incorporated speech as follows:

The Victims of Crime Assistance Amendment Bill 2007 reflects this government's commitment to supporting victims of crime by increasing the amount of pain and suffering compensation that may be awarded to them.

Supporting and acknowledging the needs of victims, and assisting them to recover from crime, are key priorities for this government. Since first being elected in 1999 the government has introduced a wide range of reforms for victims, culminating in the introduction of the Victims' Charter Act 2006. One of the first things we did was to reintroduce pain and suffering compensation in 2000, which had previously been abolished by the Kennett government. With this bill, the government aims to build on its record and increase such payments to victims by 30 per cent.

Victims of crime can obtain state-funded compensation under the scheme established by the Victims of Crime Assistance Act 1996. The legislation establishes the Victims of Crime Assistance Tribunal, which is the primary source of compensation for victims of crime in Victoria. The tribunal operates throughout Victoria, offering recognition and assistance to victims of crimes involving an act of violence.

The tribunal provides financial assistance for certain expenses that have resulted from the crime, special financial assistance in some circumstances and awards for distress in cases where the act of violence resulted in death. There is no requirement that a person be charged or convicted in relation to an act of violence.

Special financial assistance awards were introduced by this government in 2000 and are similar in nature to pain and suffering payments under past legislation. These awards are made in addition to financial assistance awards for items such as medical expenses and loss of earnings. They are made in circumstances where the tribunal is satisfied that an act of violence was committed against a person who has experienced or suffered a significant adverse effect as a direct result of that act of violence.

These awards apply to four categories of violent act, A to D, which are specified in the Victims of Crime Assistance (Special Financial Assistance) Regulations 2000. Category A includes serious sexual offences and attempted murder, category B includes indecent assault and armed robbery, category C includes offences involving threats of death and conduct endangering life, and category D includes offences involving a threat of injury, assault and attempted assault. The act prescribes minimum and maximum awards for each of these categories in a table in section 8A.

The bill implements the proposed 30 per cent increase in payments to victims by amending the current minimum and

maximum amounts for special financial assistance awards in the table. This figure is increased slightly to 33 per cent in relation to the most serious of the four categories of violent act for which such payments can be made. The maximum payment for pain and suffering compensation will increase from \$7500 to \$10 000.

Entitlements to other assistance under the current legislation will be maintained, including payment for medical, counselling and other expenses, as well as loss of earnings that the victim suffers or is likely to suffer in future.

The increased special financial assistance awards will apply to acts of violence occurring on or after 1 July 2007, and the amending act will commence operation on that day.

In making these amendments to the award amounts the government recognises that no amount of money can make up for the harm that victims suffer from an act of violence. Special financial assistance awards are intended to constitute a tangible expression of the community's sympathy and concern for victims who have suffered from violent crime. The increases to these awards made by this bill reflect the government's ongoing commitment to improving responses to victims of crime and providing them with the recognition they deserve.

I commend the bill to the house.

**Debate adjourned on motion of
Mr RICH-PHILLIPS (South Eastern
Metropolitan).**

Debate adjourned until Thursday, 22 March.

GAMBLING REGULATION AMENDMENT (REVIEW PANEL) BILL

Introduction and first reading

Received from Assembly.

**Read first time on motion of Hon. J. M. MADDEN
(Minister for Planning).**

Statement of compatibility

**Hon. J. M. MADDEN (Minister for Planning)
tabled following statement in accordance with
Charter of Human Rights and Responsibilities Act:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Gambling Regulation Amendment (Review Panel) Bill 2007.

In my opinion, the Gambling Regulation Amendment (Review Panel) Bill 2007, as introduced to the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The purpose and effect of the bill is to establish an independent review panel to report to the Minister for Gaming on the processes conducted by the Steering Committee for the Gambling Licences Review, the Steering Committee for the Lotteries Licence Review and the Victorian Commission for Gambling Regulation in their preparation of reports and recommendations to the Minister for Gaming on the lotteries licence review and the gambling licences review.

Human rights issues

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

The bill does not raise any human rights issues.

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

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

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because it does not raise a human rights issue.

HON JUSTIN MADDEN MLC
Minister for Planning

Second reading

**Ordered that second-reading speech be
incorporated on motion of Hon. J. M. MADDEN
(Minister for Planning).**

**Hon. J. M. MADDEN (Minister for Planning) — I
move:**

That the bill be now read a second time.

Incorporated speech as follows:

During this term, the Bracks government will be conducting the most significant review in Victoria's history of the regulatory structure and associated arrangements for the major forms of gaming and wagering.

The government has always been and continues to be committed to adhering to the highest probity standards for the review process.

This bill upholds the commitment of the Labor government to establish a panel to independently and publicly report on the public lotteries review and the gambling licences review.

The independent panel members will be drawn from outside government and the chair will be a retired judge. They will report to the Minister for Gaming on whether the review is meeting the high standards of governance and probity that the public is entitled to expect of a project of this significance.

The review panel will independently look at the processes for reviewing the regulatory structure and associated arrangements

for gaming machines, wagering, approved betting competitions and Club Keno and the racing industry funding arrangements that are to apply after the current licences expire.

It will also be reporting on the processes for awarding the next licences or authorisations for public lotteries, gaming machines, wagering, approved betting competitions and Club Keno.

For the review of the future regulatory structures and associated arrangements, the review panel will report to the minister for gaming on a range of issues that include —

- (i) Have all parties interested in one of the licensed or authorised activities been treated impartially and have they been given the same opportunity to access information and advice in relation to the review process?
- (ii) Has information received from interested parties been managed in a way that ensures the security and confidentiality of intellectual property and proprietary information?
- (iii) Has every relevant entity involved in the review process been required to declare any actual or perceived conflict of interest prior to participating in the review process? Have any actual or perceived conflicts of interest that have been declared been appropriately addressed?
- (iv) Has there been any improper interference in the process of the making of recommendations or reports?
- (v) Does the preparation of a recommendation or report disclose bias or anything that could lead to a reasonable apprehension of bias?

Similar questions will apply to each licence awarding process for the next licences, as well as —

- (i) Have all applicants been evaluated in a systematic manner against explicit predetermined evaluation criteria?

If the review panel reports to the minister that it finds there may be a matter of concern in relation to these questions, the minister will have the power to direct the relevant entity to take all reasonable steps to address the matter of concern. The review panel will then be asked to report to the minister on whether the matter of concern has been remedied. These reports and the processes they report on will be made public by the minister.

The Minister for Gaming will publish a report by the review panel when the minister publicly announces a decision on the regulatory structures and associated arrangements for gaming machines, wagering, approved betting competitions, Club Keno and racing industry funding.

The minister will also publish a report by the review panel when the minister publicly announces a decision on the awarding of any of the future licences after the current licences expire.

The review panel's findings will be made public, excluding any information that is protected from public disclosure under the Gambling Regulation Act 2003 or is the subject of legal professional privilege.

The establishment of the review panel will guarantee that the public lotteries licensing process and the gaming machine and wagering licences review and licensing processes will continue to be conducted with the highest level of probity, transparency and accountability.

The public lotteries and gambling licences review processes have been characterised to date by openness and transparency with:

the release of issues papers,

inviting public submissions,

the conduct by Mr Peter Kirby of public consultations on the review of gaming machine licence arrangements after 2012; and

the release of Mr Kirby's report on the public consultations in October 2006.

The review panel will provide the public with an additional layer of scrutiny and assurance as to the integrity of the public lotteries and gambling licences review processes.

I commend the bill to the house.

Debate adjourned for Mr GUY (Northern Metropolitan) on motion of Mr Koch.

Debate adjourned until Thursday, 22 March.

BUSINESS OF THE HOUSE

Rescission of order

Mr LENDERS (Minister for Education) — By leave, I move:

That the order of the Council postponing notice of motion, government business no. 1 relating to the Rural and Regional Committee until the next day of meeting be read and rescinded and that the notice of motion be moved forthwith.

Motion agreed to.

RURAL AND REGIONAL COMMITTEE

Regional tourism

Mr LENDERS (Minister for Education) — I move:

That, contingent on the coming into operation of the Parliamentary Legislation Amendment Act 2007, this house requires the Rural and Regional Committee to inquire into, consider and report to Parliament on —

1. the economic benefits of tourism in regional areas, including tracking the flow-on benefits through other regional businesses and industry;
2. potential impediments to the sustained growth of regional tourism, economic activity and jobs;

3. the effectiveness, at a national, state and local level, of current programs to promote and enhance tourism in regional Victoria;
4. initiatives to increase both international and domestic visitor nights in regional Victoria;
5. the efficacy of existing mechanisms at a national, state and local level to address the impact on regional tourism of natural events such as bushfires, floods and drought, and effective measures to drive long-term economic recovery; and
6. opportunities to leverage private investment and commercial activity in regional tourism infrastructure, including ecotourism.

Motion agreed to.

ADJOURNMENT

Mr LENDERS (Minister for Education) — I move:

That the house do now adjourn.

Police: Werribee

Mr FINN (Western Metropolitan) — I wish to raise a matter for the attention of the Minister for Police and Emergency Services in the other place. I request that he heals the festering sore that is the lack of police numbers serving the Werribee community. Last Friday night there was a riot in Watton Street, Werribee. Three police officers were called out to try to quell that riot and ended up seeking medical attention as a result. Indeed some 40 units of police from surrounding areas were called in to try to get the riot under control. Clearly it is an unsatisfactory situation for a city the size of Werribee to have three police officers available to deal with such an incident. This has been going on for many, many years.

I have met with local police command over this. They told me that the problem is perception and that it is all a beat-up by the Police Association. I can assure the house and I can assure police command that what happened in Werribee last Friday night was not perception and it was not the Police Association doing the beating up.

Mr Vogels interjected.

Mr FINN — Indeed, Mr Vogels, it was a beat-up, but it was not the Police Association doing the beating up.

It is about time that the minister took some responsibility for the police in this state. He can no longer hide behind the skirt of the Chief Commissioner

of Police. We know only too well that the chief commissioner is not up to the job. Reports are coming in from all over the state — any independent observer can tell you — that she is not up to the job. If the government wants to keep the chief commissioner in the role she is in it will have to step in and help her do her job, because she does not know what it is. The Christine Nixon problem is affecting a whole range of areas across the state, but in this particular instance I refer to Werribee. the Minister for Planning might also take some interest in what is happening in the western suburbs from time to time, although I would not put a lot of money on it.

I ask the Minister for Police and Emergency Services to give the people of Werribee the police numbers they need to provide proper protection so that they can go about their business and their lives knowing they will be protected from criminals, hooligans and riffraff that might otherwise affect them. I ask the minister to give the serving police at Werribee the support, the resources and the numbers they need to do their job. It is pretty basic. I ask him to do it now.

Water: Bendigo recycling project

Mr DRUM (Northern Victoria) — My adjournment issue is for the attention of the Minister for Water, Environment and Climate Change in the other place. It has to do with the recycled water project in the Bendigo region. The project will take about 15 megalitres a day from the Epsom area. It will go through Bendigo and up to the Spring Gully Reservoir. From there it will be sent to a few sports ovals and recreation reserves along the way. Some of it will be sent out to Eppalock to be used to replace environmental flows, but a large percentage of it is allocated to simply run back down very inefficient drains and back to fill dams on quite a few hobby farms. Under the current scheme quite a lot of this water will not be wasted, but it will also not be put to its best possible use.

The Harcourt Valley is about 18 kilometres to the south of Spring Gully Reservoir. I call on the minister for water to do a cost-benefit analysis on getting this recycled water to the Harcourt Valley so that a certain percentage of it could be used for the production of apples, pears and cider. The Harcourt Valley is an iconic area for apple production in Victoria. It would be a tremendous boost for the security of this whole region if we could send the recycled water Coliban Water will have available to the Harcourt Valley. I believe there will be sufficient water to cover existing projects and uses, as well as a large amount available to be sent further south to Harcourt. I understand it would be an expensive 18-kilometre trek, but certainly the apple

industry, which is worth \$30 million a year, could be given a substantial boost in these tough times if it had a more secure water supply than it currently has.

I call on the water minister to instigate a cost-benefit analysis to see what it would cost to send this water south to Harcourt and compare that with the benefits that would accrue to the apple industry and other industries associated with the Harcourt Valley.

Schools: rural principals

Ms PULFORD (Western Victoria) — I wish to raise a matter for the Minister for Education. I call on the minister to implement measures that will support the work done by principals in small schools in rural Victoria. I recently had a meeting with Anthony Shaw, the principal of Glen Park Primary School, and Peter Clifton, the principal of Magpie Primary School. We met at the Glen Park Primary School, and the visit was a real eye-opener for me. The school where I completed my secondary education had some 1500 students in years 11 and 12 alone, whereas the entire school community at Glen Park fitted into one classroom. In all the school has 11 students. Mr Clifton's school is a little bigger, with a total enrolment nearer to 50 students.

Mr Shaw and Mr Clifton were representing the Moorabool collegiate group, which is comprised of 12 schools — Bungaree, Myrniong, Coimadaí, Little Bendigo, Glen Park, Magpie, Balliang East, Lal Lal, Warrenheip, Mount Edgerton, Gordon and Red Hill National. The principals at these schools are committed educators who have adopted a whole-person approach to education and are very committed to the benefits provided to students by a small school community and a rural setting. The Moorabool collegiate group values the support its members are able to give each other and believe that the benefits they experience through their own small network could be enjoyed by all teachers in small rural schools.

This government is very committed to supporting principals in small rural schools. It has supported several initiatives. Two specific professional learning programs are available to principals in small schools. Building the Capacity of Principals in Small Schools is a program designed to provide professional coaching. Leading across Effective Small Schools is another professional learning program in the new suite of leadership programs announced earlier this year.

The *Blueprint for Government Schools* provided funding for professional learning programs for principals, two of which are particularly relevant to

small schools. The blueprint included a mentoring program called Coaching for Experienced Principals. The Department of Education has provided the Grampians region with a grant to pilot videoconferencing in an attempt to bring isolated educators together. This program will be evaluated to see whether it can be expanded to other schools in similar situations.

In raising this adjournment matter for the Minister for Education I hope the government can continue its work in supporting small schools in rural settings.

Drought: rate subsidy

Mr VOGELS (Western Victoria) — I raise an issue for the Minister for Agriculture in another place, Joe Helper. It concerns the eligibility criteria for farmers and others to receive the 50 per cent municipal rate rebate when they live in drought-declared areas. I received an email from Peter and Louise Kemp which states:

I am writing regarding the recent announcement of EC — exceptional circumstances —

status which Peter and myself will greatly benefit from. We have applied for the assistance through Centrelink and Rural Finance. We are dairy farmers in Glenormiston North and paid our rate to the Corangamite shire in a lump sum payment on our three farms: 67.43 hectares, 23.86 hectares, 59.06 hectares.

Paying in the lump sum we are not allowed to get our 50 per cent rebate which is available if you pay instalments. We feel this is unfair.

In writing to you we hope you can give this some time and when able to lobby against this decision ...

The minister put out a press release on 7 February which states:

The Bracks government has eased eligibility rules for a municipal rates subsidy to assist drought-affected farmers in the state's south-west ...

In a gesture of goodwill, the Premier's drought task force decided before Christmas last year to allow the municipal rate subsidy to apply to prima facie EC-declared regions.

I must add that this is not just for the south-west, it will be for drought-declared municipalities right across Victoria. The press release continues:

'We became aware that farmers rates were due on 15 February this year and that there hasn't been enough time for most farmers to get the EC tick off from Centrelink to become eligible for our subsidy', Mr Helper said.

'This announcement rectifies a timing issue and ensures south-west farmers don't miss out on our financial assistance ...

Many farmers who have paid their rates in full will miss out completely. Those farmers who have paid rates for the first six months by instalment will miss out on the subsidy for the six months for which they have paid their rates. I do not believe that is fair, and I do not think anybody looking in from the outside would think it is fair.

The action I seek from the minister is that he ensure that all the eligible farmers who live in drought-declared areas receive a 50 per cent rate subsidy regardless of whether they pay their rates in full or in instalments. If the Minister for Agriculture can put out a press release saying all people in drought-affected areas who have paid their municipal rates will receive a 50 per cent subsidy, then I call on him to make sure this happens.

Australian Formula One Grand Prix: economic benefits

Ms PENNICUIK (Southern Metropolitan) — My adjournment matter is for the attention of the Minister for Sport, Recreation and Youth Affairs in another place, James Merlino. I travelled in this morning on the no. 96 light-rail tram from St Kilda, as I do every day. I witnessed with dismay the annual devastation of Albert Park in preparation for the formula one grand prix this weekend. The park has never recovered from the introduction of this event; it bears the scars all year round.

When the race first started 12 years ago I donned my yellow ribbon and joined thousands of others marching around the outside of the track. I was angry about the introduction of the Australian Grands Prix Act, which overrode other acts of Parliament and trampled on people's lives. I was and I remain angry that two Victorian governments have spent millions of dollars promoting such an anachronistic event. It celebrates speed and bravado, when we know that speed is a great cause of tragic death and injury on our roads.

The scandalous sponsorship of the event by tobacco companies has now ended. However, the economics of the grand prix have always been controversial and clouded in secrecy. A report in last Saturday's *Age* said the event has made an accumulated loss of around \$65 million — that is, the Australian Grand Prix Corporation. The report said the government spends up to \$50 million promoting major events every year, but we do not know how much is spent promoting this event. The figure paid to move the event from Adelaide to Melbourne has never been disclosed. Figures from

the National Institute of Economic and Industry Research, quoted in the *Age*, and the grand prix corporation annual report claim that in 2005 the event generated a gross benefit of \$174.8 million for the Victorian economy. This figure is misleading, as it is more akin to a turnover figure.

My complaint to the minister is that we never receive accurate figures about the grand prix. I request the minister to commit to releasing, for the very first time, accurate figures regarding the costs and benefits of the 2007 grand prix.

School buses: Marcellin College

Mr ATKINSON (Eastern Metropolitan) — I address my adjournment item to the Minister for Public Transport in another place. It concerns school buses. The principal of Marcellin College in Bulleen has raised with me the problem the school has with bus services transporting students to school, particularly from Heidelberg railway station. The school is concerned that there is inadequate bus capacity to ferry students from the station to the school and believes it needs another three buses to carry students in the morning and after school hours. That is the nature of my request to the minister — that she investigate the provision of additional bus services for the school.

However, in my discussions about this matter another issue that has caused some alarm came to light. While it is not specifically what I am asking the minister to address in this adjournment item, I think it would be prudent for her to consider it. It has come to my attention that when Marcellin College approached the department seeking additional bus services it was told the services were not really required and there is enough capacity at present because the buses now serving the school are licensed to carry 75 students. They only have 40 seats, but they are licensed to carry 75 students. That is a horrific accident waiting to happen. The reality is that it is unsafe to have so many more students on a bus than the 40 who can be seated. They might well be seriously injured in an accident, because standing on a moving bus is simply not safe.

This is outrageous. Most of the schools I talk to which arrange student excursions are insisting on seatbelts for students these days as part of their duty of care. It is extraordinary that a school should go to that length, not simply to ensure that every student has a seat on a bus and that there is some measure of control and safety but to attempt to hire buses that provide safety belts for those students, only to find that the students using public bus services could be at risk of serious injury

because they are on overcrowded buses which are carrying 75 people when they have only 40 seats.

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

Consumer affairs: event ticket sales

Ms LOVELL (Northern Victoria) — I wish to raise a matter for the Minister for Consumer Affairs in another place. It concerns what I believe to be unfair terms and trading practices within the ticketing industry. Tickets for major sporting events, concerts and theatre productions are often hotly sought after, with many patrons choosing to camp on the streets outside ticketing agents for hours if not days before tickets go on sale.

However, often people who are first in line are disappointed, finding that many tickets have been presold. This is especially disappointing when promoters have advertised tickets using the words 'two concerts only on sale' and then a couple of hours or days later tickets for a third, fourth or fifth concert have gone on sale with far better seats available than those sold to the patrons who were first in line. It is also quite normal practice for blocks of seats to be withheld from sale for some time, forcing patrons to choose to purchase the hard-to-sell seats with better seats being released when the poorer seats have been filled.

The first person in line should have the opportunity to purchase the very best seat available. Promoters are well aware of how many performances an artist will give as they have had to book venues and sign contracts with the artist. When events are advertised using the words 'two concerts only on sale' the impression given is that there will be only two concerts, not that those are the first two of five concerts with tickets for sale. Unfortunately information about the number of concerts to be performed by an artist is not made available even to the agents to enable them to inform people that better seats may become available for subsequent concerts.

Another example of what I consider to be an unfair practice in the industry happened in the last couple of weeks. Tickets for the Crusty Demons Unleash Hell tour went on sale on Monday, 26 February. Agents can sell the tickets only at the price printed on the face of the ticket, which is set at the head office of the ticketing company. A VIP seat for the Crusty Demons concert sold for \$114.90 on the day. This was the face value of the ticket, and customers paid that price.

However, a couple of days later the ticketing company started to telephone all patrons who had purchased tickets and informed them that it had incorrectly priced the tickets; that the patrons should pay an extra \$30 because the tickets should have been \$144.90 each. The inference drawn from the conversation was that if patrons did not pay the additional amount, the tickets would be cancelled. Patrons who had paid by credit card were told that a credit for the original transaction would be processed and that a new charge would appear on their statement. Under normal trading practices if someone offers something for sale at a price and a person agrees to and pays that price, then a contract of sale has been entered into and a sale has occurred. The vendor cannot change the price and come back later and say, 'I want more'.

The action I seek is that the minister conduct a thorough investigation into the ticketing industry in Victoria to ensure that trading terms are fair, the first people in the line have access to the best seats available — —

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

Minister for Industry and State Development: conduct

Mr D. DAVIS (Southern Metropolitan) — My adjournment matter tonight is for the attention of the Premier. It concerns matters that have been raised in the press in the past day or so about the access by the Minister for Industry and State Development to clothing as part of the Melbourne fashion festival. There can be no doubt that the fashion industry is very important in Victoria. All members support the Melbourne fashion festival and the work it does in bringing public attention to the industry, but in this case Minister Theophanous appears to have had access to a suit and his wife also has had access to a suit or two. It appears that it was only when there was public exposure of this that there was an attempt to either pay for the suit or return it. That is the way the issue was presented in the press and that is how it has been played out to this point.

What has come to light now is that the matter is not so simple. It appears that, instead of acting at the request of the organisers of the fashion festival and Myer, Mr Theophanous, as I am informed by a number of people, acted on his own volition and sought access to suits. There is an issue here of conduct for Mr Theophanous to answer on one hand, but given that the Premier — —

The PRESIDENT — Order! Mr Davis is making imputations or allegations against the minister. He is not allowed to do that. I rule the matter out of order.

Mr D. Davis — Can I speak on a point of order?

The PRESIDENT — Order! Mr Davis can raise a point of order. I am ruling the matter out of order.

Mr D. Davis — On a point of order, President, I was seeking an investigation by the Premier to satisfy himself that there had been no breach of any ministerial code or other matter. I think that that is quite within the purview of the Premier — —

The PRESIDENT — Order! Mr Davis is out of order. He cannot make those allegations. He can raise the matter by way of a substantive motion when the house sits again if he wishes to do so.

Western Port Highway–Thompsons Road, Lyndhurst: roundabout

Mr SOMYUREK (South Eastern Metropolitan) — I raise a matter for the attention of the Minister for Roads and Ports in the other place. The issue I raise concerns a road that the members who were in this place during other parliaments will be familiar with via Mr Bowden — that is, Western Port Highway.

Honourable members interjecting.

Mr SOMYUREK — In fact, the intersection of Western Port Highway and Thompsons Road.

Mr Atkinson — We would not have thought it possible for Mr Bowden to live on through you!

Mr SOMYUREK — Mr Bowden lives on through me. This is an issue that Mr Bowden raised assiduously in this place — I think a couple of times a day every day that this Parliament sat. I certainly got the message after my first week in this place. I have listened — and now I am acting! Casey is one of the fastest growing municipalities — —

Mr Atkinson — We have heard all this — a few times!

Mr SOMYUREK — Who said that one day I was going to channel Mr Bowden?

Casey is one of the fastest growing municipalities in Australia. It is in fact the third-fastest growing municipality in Australia, behind the Gold Coast and Brisbane. Some 5600 people move into the municipality every year. Although the Bracks government has pumped \$300 million in investment in

roads into the area over the past seven years, some of the roads were built to service rural traffic volumes.

Now we have metropolitan traffic volumes going along the roads. As a consequence there is a traffic problem. The roundabout at the intersection of the Western Port Highway and Thompsons Road is the worst in the city of Casey. VicRoads reports that is the ninth-worst roundabout in Victoria. According to the Royal Automobile Club of Victoria's chief engineer of roads and traffic, Mr Peter Daley, there is a traffic jam of 2.5 kilometres or 300 cars at a time. As I go up and down that road most days, as Mr Bowden did and perhaps still does, I can tell members that that is a huge problem. I ask the minister to investigate and take action — —

The PRESIDENT — Order! Unfortunately, the member's time has expired.

Responses

Hon. J. M. MADDEN (Minister for Planning) — Mr Finn raised the issue of police resourcing in Werribee, and I am sure he has learnt his repertoire from Alan Jones on Channel 9 in the morning.

Mr Drum raised the matter of the Bendigo water recycling project and diverting water near the Harcourt Valley. I will refer this to the Minister for Water, Environment and Climate Change in the other place.

Ms Pulford raised the matter of principals in small schools in Victoria, and I will refer this to the Minister for Education.

Mr Vogels raised the matter of the municipal rate rebate for drought-affected areas, and I will refer this to the Minister for Agriculture in the other place.

Ms Pennicuik raised the matter of the Australian Formula One Grand Prix at Albert Park for the Minister for Sport, Recreation and Youth Affairs in the other place, but I think the Minister for Tourism in the other place has responsibility for that matter. It will be referred to the appropriate minister.

Mr Atkinson raised the matter of bus services for Marcellin College, and I will refer this to the Minister for Public Transport in the other place.

Ms Lovell raised the matter of ticketing, and I was very impressed that the member mentioned the Crusty Demons tour. It sounds like a Liberal Party fundraiser to me. I will refer that to the Minister for Consumer Affairs in the other place.

David Davis raised the matter of Mr Theophanous's role in the Melbourne fashion festival. I will refer that to the Premier.

Mr Somyurek raised the issue of the Western Port Highway, and I will refer this to the Minister for Roads and Ports in the other place.

The PRESIDENT — Order! By way of clarification. It has been brought to my attention that the minister may have said he would refer a particular matter to the Premier. I ruled that matter out of order. The minister should address that issue.

Hon. J. M. MADDEN — Thank you, President. That was an oversight on my part, and as it was ruled out of order we will leave it as it sits.

The PRESIDENT — Order! Before the house adjourns I would like to say that, as we are all aware, we will not be coming back until after Easter. We know how dangerous that time is on the roads, so please take care out there. The house stands adjourned.

House adjourned 5.20 p.m. until Tuesday, 17 April.