PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Tuesday, 19 June 2007

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

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FIFTY-SIXTH PARLIAMENT — FIRST SESSION

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

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TUESDAY, 19 JUNE 2007

Tuesday, 19 June 2007

The PRESIDENT (Hon. R. F. Smith) took the chair at 2.03 p.m. and read the prayer.

ROYAL ASSENT

Message read advising royal assent on 12 June to:

Appropriation (Parliament 2007–08) Act
State Taxation and Gambling Legislation Amendment (Budget Measures) Act.
Statute Law Repeals Act

QUESTIONS WITHOUT NOTICE

Minister for Planning: conduct

Mr D. DAVIS (Southern Metropolitan) — My question is to the Minister for Planning. I refer to the Members of Parliament (Register of Interests) Act 1978, which states:

> A Member who is a Minister shall ensure that no conflict exists, or appears to exist, between his public duty and his private interests …

Given the minister's responsibility for planning and overlays in the Victorian high country, is it not a fact that the minister's acceptance of lavish, free accommodation at Victorian ski resorts clearly breaches this act?

Hon. J. M. MADDEN (Minister for Planning) — I welcome this question, and I welcome Mr Davis's interest in planning matters. I am very happy to clarify that matter for Mr Davis. In my former portfolio responsibilities as Minister for Sport and Recreation I did attend Falls Creek. There are a number of events involved, but the major one I was involved with which would interest many members on the other side of the chamber was the Kangaroo Hoppit. For any of those members who have not seen the Kangaroo Hoppit, it is a particularly impressive event. It is one of a range of international cross-country skiing events.

In carrying out my former portfolio responsibilities as Minister for Sport and Recreation I was involved in supporting the race, commencing the race, making presentations after the race at the event, meeting with the board of management and having discussions around a number of other issues in relation to the possibility of having a high-altitude performance training centre for elite sports personnel. Can I just make it quite clear that since I have been the Minister for Planning I have not attended or been involved in any matters in relation to the snowfields at all

Honourable members interjecting.

Hon. J. M. MADDEN — I think you would also appreciate, President, that if and when matters need to be declared, they will be declared.

Questions interrupted.

SUSPENSION OF MEMBER

The PRESIDENT — Order! Mr Atkinson's reference to the minister on his feet and addressing this chamber as a 'dill' is unacceptable. Under standing orders I ask him to remove himself from the chamber for 30 minutes.

Mr Atkinson withdrew from chamber.

Questions resumed.

Supplementary question

Mr D. DAVIS (Southern Metropolitan) — Will the minister inform the house of the full details of the value of meals, alcohol, each night's accommodation and other benefits accepted during his trip?

Hon. J. M. MADDEN (Minister for Planning) — I welcome the member's question and his interest. This is a relatively straightforward matter. As has been mentioned, accommodation was provided at the Falls Creek management flat. That flat is government owned, hence government ministers stayed in it. As the member would appreciate, there was no charge involved in that for members, and because it was owned by the government, there was not a value associated with that.

Australian Synchrotron: progress

Mr THORNLEY (Southern Metropolitan) — My question is to the Minister for Major Projects. Can the minister advise the house of recent international reports and collaborations about Victoria's own world-class Synchrotron?

Hon. T. C. THEOPHANOUS (Minister for Major Projects) — I thank the member for his question and his considerable interest in this important project for Victoria. The Victorian synchrotron really is a visionary achievement. It continues to gather international plaudits and international recognition. Three recent announcements underline just what a great achievement

it is and what long-term benefits will accrue to Victoria and Australia.

Firstly, the International Machine Advisory Committee for the Australian Synchrotron project met in May to review progress on the synchrotron, and it evaluated the project's performance acceptance criteria (PPAC). The august committee's evaluation was that the construction of the project had been a spectacular success, that the goals of the PPAC had been met and that the project had been delivered on budget and on time. On behalf of the government I want to add to those comments and extend my thanks and congratulations to Major Projects Victoria for the way in which it has gone about delivering during the commissioning stages of this very important project for Victoria. It is a great technical and scientific achievement for this state.

The second point I want to make that arises out of these achievements is that the Bracks government was able to announce recently the signing of a memorandum of understanding to promote scientific collaboration between the Australian Synchrotron and the European Organisation for Nuclear Research, known as CERN, which is located in Geneva, Switzerland. I hasten to add that amongst the things that it does CERN has the largest particle physics laboratory in the world. This agreement will enable the Australian Synchrotron to benefit from participation in research and development related to advanced particle accelerator technology and physics offered by CERN, so getting expertise in that particular area is a very important achievement.

Thirdly, as was revealed during the visit by New Zealand Prime Minister Helen Clark, over the next few months 13 groups from research institutions around Australia and New Zealand will come together at the Australian Synchrotron to analyse proteins and enzymes. They will investigate potential drugs for memory loss and dementia, blood clotting, HIV, viral inhibitors, cell death, growth factors and tuberculosis, among other things. This very important piece of research is to be conducted collaboratively by New Zealand and Victoria. Melbourne and Victoria are now at the forefront of high-tech research thanks to the vision of the Bracks government in commissioning and building the Victorian synchrotron.

Port Phillip Bay: channel deepening

Mr GUY (Northern Metropolitan) — My question is to the Minister for Planning. Given that the channel deepening project is one of the most significant economic and environmental projects to be considered in Melbourne for decades, I ask: why is the government refusing to make publicly available transcripts of the channel deepening supplementary environment effects statement hearings?

Hon. J. M. MADDEN (Minister for Planning) — I again welcome the member's interest in all matters planning, particularly this one — the channel deepening project. As I have mentioned in this chamber on a number of occasions, this has been probably one of the most extensive processes in relation to any project in Victoria. Not only has there been an EES (environment effects statement) but there has also been a supplementary EES process in order to provide all interested parties with the appropriate and relevant information.

There is a process under way. My role has been to determine the terms of reference for the inquiry into that EES and also the terms of reference in relation to the manner in which the hearings will be conducted. I understand that those proceedings have commenced. From there on, the matters will be left to that panel to run that process in an appropriate way that does justice to its terms of reference.

I have great confidence in the personnel who have been appointed, and I have great confidence in the process itself. I am confident that whatever result or report comes from the panel will inform everybody, and the government in particular, about any issues that need to be considered in light of any planning or approval processes required for the project to proceed, if it should proceed.

Supplementary question

Mr GUY (Northern Metropolitan) — Given the interest in the project by members of Parliament, the media and the general public, why is the government seeking to gag the committee and limit the ability of open and transparent participation of these supposed public hearings?

Hon. J. M. MADDEN (Minister for Planning) — The member on the other side of the chamber has it wrong for starters. It is obviously a conspiracy theory of his and will no doubt relate to many other questions I suspect I will receive in this chamber.

This process has been extensive; it has been and will continue to be thorough and extensive. It seeks to allow anybody and everybody who wishes to make comment or be considered in relation to consideration by that panel to be given that opportunity.

If opposition members have a view in relation to this project — do they or do they not support it — then they should make a submission to that panel. They can sit

here on neutral ground and lay claim to criticism on any front they want, but until they have a position or a policy on these matters they are just spitting into the wind. I suggest that when they have a policy, they should come back and present it to this chamber.

The PRESIDENT — Order! The minister was pretty close to debating that question.

Docklands: development

Ms MIKAKOS (Northern Metropolitan) — My question is to the Minister for Major Projects. Can the minister advise the house of any recent developments that VicUrban has facilitated in Docklands, and how does this add to the character of the Docklands precinct?

Hon. T. C. THEOPHANOUS (Minister for Major Projects) — I thank the member for her question. On Monday of this week I had the pleasure of opening a new commercial building in the Docklands precinct. It will cater specifically for small and home businesses with 73 small office home office, or SOHO, units being constructed as part of the building. The building is on what is called site 1, which is part of the Watergate development down at Docklands, a development which has created 400 jobs during its construction and is a $244 million project.

Mr Lenders — More good news.

Hon. T. C. THEOPHANOUS — More good news, yes. The Docklands precinct has been a spectacular success over the last few years. I must commend VicUrban for the work it has done in developing this precinct. If you think about where Melbourne was and how it faced the opposite direction, the redirection of Melbourne by 180 degrees towards the water has been a spectacular achievement. It has also meant that we expect about 20 000 people to be living in Docklands, making Docklands their home, by the time the precinct is completed. That means 20 000 more residents for the city of Melbourne.

In addition to that, we have seen some very large commercial businesses go down there. We have such the 6-star ANZ Bank building, which is under construction. The National Australia Bank has built down there, as have AXA and Medibank. A number of very large commercial companies have gone down to Docklands.

What we wanted to try to do, and what VicUrban wanted to try to do, was fill the gap in between, because we had large commercial buildings with residential aspects next to them and we also wanted some areas for small and medium-sized enterprises. This building and a number of others have been developed in the Docklands area specifically to allow for these kinds of small tenancies, small operations and small businesses.

I understand that a lot of tenants are already taking up residence in this particular building, which has a whole range of common facilities including boardrooms, function rooms and so forth. It is wired for high-speed broadband, so it is a good facility for these kinds of small businesses. I also report to the house that one of its early tenants is the Adelaide Crows— —

Honourable members interjecting.

Hon. T. C. THEOPHANOUS — I was doing all right until I mentioned that! We mused when we were down there that you would not want all of them to go up into the little space they have there for their office after a match. In any case, it is just part of building the character of the Docklands precinct. It will be a magnificent precinct. About $4.5 billion has already been invested in Docklands by the private sector. It has created thousands of jobs during the period to now, and we expect that over $10 billion will be invested ultimately.

Just as importantly, over the 25-year period during which the Docklands will eventually be all constructed out and an average of 3000 full-time construction workers will have worked on those projects. It is a fantastic achievement for the city of Melbourne.

Planning: Melbourne 2030

Mr GUY (Northern Metropolitan) — My question is to the Minister for Planning. Noting that the first of four general tasks of the Melbourne 2030 audit is to consider whether recent development trends are consistent with the outcomes sought through Melbourne 2030, and given that recent public data from the City of Wyndham shows that 2030 housing targets are out by thousands, I ask: why is the government spending taxpayers money to find outcomes that are publicly available from councils?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Guy's question in relation to Melbourne 2030, because every time we get a question in relation to Melbourne 2030 it emphasises that we have a policy. Every time we get a question in relation to Melbourne 2030 it reinforces that not only do we have a policy but that we have a plan. Every time we get a question from Mr Guy in relation to Melbourne 2030 it reinforces that the opposition has no policy and no plan. I am always

happy to answer questions in relation to Melbourne 2030.

We have committed to Melbourne 2030; we are also committed to ensuring that it is reviewed after five years. We are undertaking that. It is comprehensive. I am happy to speak about that more comprehensively or expand on it, but I will not debate the merits of it. Can I just say that we are pleased, we are proud and we are committed to Melbourne 2030. We will undertake the review process as we announced we would. We will continue to make sure that we consult with all the relevant groups so they have the opportunity to have their say in relation to Melbourne 2030.

Supplementary question

Mr GUY (Northern Metropolitan) — By way of a supplementary question, the fourth task of four in the audit reads:

> Identification of key aspects of Melbourne 2030 where there is a need for refinement of policy or implementation initiatives to achieve the strategic intent of the strategy and enhance Melbourne's livability.

I ask: what on earth does this mean?

Hon. J. M. MADDEN (Minister for Planning) — It is fairly obvious what that means. It is obvious that the opposition expects things to be delivered in monosyllables. Anything expressed in more than grunts and moans is meaningless to the opposition. I suggest that Mr Guy take the sentence and read it word by word — and if he has trouble, he should read it aloud. If he still has trouble, he should read it aloud to one of his colleagues, like Mr Finn, who pretends to know about everything. I suggest that Mr Guy should read it very slowly, because that can help. He should draw a breath between the words, digest the information and think about it — and it might make sense.

Planning: Melbourne 2030

Mr PAKULA (Western Metropolitan) — My question is also to the Minister for Planning and is also about Melbourne 2030. It has been nearly 5 years since the Bracks government's 30-year plan for Melbourne and surrounding regions, Melbourne 2030, was introduced. I ask the minister to advise the house what progress has been made on implementing the plan and what processes are in place to ensure that Melbourne 2030 remains a relevant policy tool for managing growth and change in a sustainable manner.

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Pakula's question about and interest in Melbourne 2030. I am a bit concerned that he may not have read it slowly enough for Mr Guy on the other side of the chamber, but I am happy to ask him to read it a bit slower, if Mr Guy needs him to.

We continue to be committed to maintaining Melbourne, Victoria, as one of the most livable places in the world — to make it attractive, livable and prosperous not only for residents but for businesses and visitors. Since the introduction of Melbourne 2030 we have legislated in a number of areas to protect Melbourne's precious green wedges and to direct housing to where new communities can access schools, shops and transport. We are committed to streamlining the planning processes, managing urban sprawl and stopping development from smothering the coastline. However, we do recognise that long-term plans such as Melbourne 2030 need to accommodate new and emerging trends and respond innovatively to issues that arise at any level. They need to be dynamic and responsive while anticipating future demands and growth. That is why we have instigated the five-yearly formal audit of Melbourne 2030. We have committed a million dollars to that audit in the 2007–08 state budget.

I am pleased to advise the house that, as Mr Guy would be aware, the audit is currently under way. The audit, which includes a review of local and national trends, began last year. As well as that the progress of Melbourne 2030 is being assessed, informed by meetings with key stakeholders. So far the responses — both the response I have seen personally and the response indicated to me by the department — have been that there is widespread support for Melbourne 2030 and its principles, emphasising the importance of focusing on its implementation. People are very committed to it. They certainly support it in principle, and they want to see us ensure we implement it even more forcibly. But as I have said on a number of occasions, good planning does not come about by chance. Good planning comes about by choice, and no doubt Victorians know that they have a choice about chance and sprawl and that they have a choice about a plan and policy.

Phase 2 of the audit has recently commenced, with the appointment of the four-member expert group to help review the submissions from the community, local councils, industry and key stakeholders. Interested parties will be given the opportunity of having their say on the ongoing implementation of Melbourne 2030. Community groups, local councils, industry, business and the general public will be invited to make a submission to the audit. The stakeholder group is comprised of some eminent persons.

The chair is Professor Rob Moodie, who is the current chair of global health at Melbourne University. He is the former chief executive officer of the Victorian Health Promotion Foundation and has almost 30 years experience in multidisciplinary public policy roles. Michael Wright, QC, has been a specialist in planning law for 20 years. David Whitney is an eminent Victorian planner with more than 35 years experience. Dr Ann McAfee is an international planning expert with many years of experience in the city of Vancouver. Members opposite may not be fully aware that the city of Vancouver has also been nominated as one of the world's most livable cities, so Dr McAfee is highly regarded and highly respected in many of these areas.

I expect the expert group to submit its report and recommendations by the end of the year. I look forward to the submissions from all interested parties in the community who want to make submissions, including councils, peak bodies, resident groups and individuals. We expect that that will be reflected in those submissions, those interests and that enthusiasm. We also recognise that this will give us an even greater opportunity to make sure that we maintain and enhance Melbourne's reputation as and continue our commitment to making it the world's most livable city.

Questions interrupted.

DISTINGUISHED VISITORS

The PRESIDENT — Order! I wish to draw the attention of the house to a delegation in the gallery from New Zealand, led by Mr Charles Chauvel, a member of the New Zealand government.

Questions resumed.

Melbourne International Flower and Garden Show: future

Ms LOVELL (Northern Victoria) — My question is to the Minister for Industry and State Development, who is also the Minister for Small Business. The Melbourne International Flower and Garden Show is a flagship demonstration for the Victorian nursery and garden industry. The show contributes almost $10 million annually to the Victorian economy and is in danger of being lost to the state. What steps has the minister taken to guarantee the future of this event and to ensure that its benefits to the nursery industry and the Victorian economy are secured?

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — I thank the member for her question and her obvious interest in the Melbourne International Flower and Garden Show, which is a very important show. It is, surprisingly, one of the major events that we have in the state. It actually delivers a considerable amount of revenue and generates a lot of interest among Melburnians and people from interstate as well.

The Melbourne International Flower and Garden Show has been a very successful event, but it is not the only major event of this sort that we attract here. A range of major events come to this state, which are part of a mix of major events that allow us to be named and known not only throughout Australia but also internationally as the major events capital of Australia.

In addition to the Melbourne international flower show we have the L'Oréal fashion festival and the international airshow, both of which attract hundreds of thousands of people, including interstate travellers. We have the grand prix. A range of international events are held here in Victoria, and we are very proud of them. The Melbourne International Flower and Garden Show is one of those events. It is one of the events in which we have a great deal of pride, and we take a great deal of interest in ensuring that it is maintained and kept in Victoria.

Supplementary question

Ms LOVELL (Northern Victoria) — Has the minister met with representatives of the nursery association to discuss the future of the Melbourne International Flower and Garden Show? If so, what was the outcome of the meeting, and if not, will the minister now agree to meet with the nursery association to discuss this important issue?

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — I meet with a variety of people. Anyone who looked in my diary would see that I have an enormous number of meetings, including meetings with the motor car industry, the manufacturing sector, the aeronautics centre and a range of other businesses as well. Some of these meetings are not held by me; some are done by the department itself, which is a very large department. I am certain that meetings between the department and Melbourne International Flower and Garden Show representatives have taken place.

I can assure the member that I take an interest in this event and that the department will be doing everything it can to ensure that this event has a future in this state.

Community services: Hurstbridge Farm youth facility

Mr TEE (Eastern Metropolitan) — My question is to the Minister for Community Services. Can the minister inform the house what the Bracks government is doing to support young people in state care who are experiencing the aftermath of abuse and neglect to make positive changes to their lives?

Mr JENNINGS (Minister for Community Services) — I thank Mr Tee for his question and his concern about the wellbeing of young people in the state of Victoria, particularly his concern about those who have been most at risk of abuse through family circumstances and through contact with people in the community who may have damaged them emotionally and physically. There may be a great deal of healing that these young people have to go through before hopefully they can have their confidence and capacity to live rich and fulfilling lives restored.

I am very pleased to report to the house that as recently as last night seven young Victorian people, probably with some degree of apprehension, moved into a brand-new facility in Hurstbridge, which the Bracks government has supported. At that facility, whilst they might have been a bit nervous and a bit toey in the beginning, hopefully by the end of the night they slept well in a secure environment, knowing that there are supportive staff who are absolutely devoted to ensuring that these young people are provided with some comfort and support and that they can achieve great things in their lives. Hopefully the quality of the relationships that are formed in this loving and caring environment will bring these young people back to seeing the great opportunities that exist in the state of Victoria.

Members of this chamber and the rest of the community would be only too aware that there are many thousands of children who, through no fault of their own, are forced to live out of home each and every night in the state of Victoria. I have been asked questions in this house about what we are trying to do to provide the wherewithal, safety, security and wellbeing for these young people. This is a challenge that all of us must confront. I am pleased to say that our government recognises the need to make a significant — —

Mrs Coote — How old are they?

Mr JENNINGS — The children who have moved into the new Hurstbridge Farm facility, which was opened on 8 June, are aged between 12 and 14. I was very pleased to open this facility in the company of great people who are providing quality care through the Take Two program. There will be a great reservoir of talented young workers.

Mr Drum interjected.

Mr JENNINGS — In response to Mr Drum's interjection, the facility is on a 33-acre property and has eight beds within two houses. It has been specially created for the wellbeing of these young people. In fact the therapeutic model of support provided by the staff will be augmented by the animals on the farm. The farm-like environment that will be created will hopefully provide a whole range of interests, such as nurturing activities, for the young people to be involved in. Hopefully, through their care of the animals on the property and their engagement in farming activities, they will find a new connection and confidence, which may have been so sorely lacking in the experiences they have had until now.

Our government recognises the degree to which we as a community have to make a commitment to these children who have been at risk. Since 2000 we have invested over $60 million to make sure that we redevelop these residential settings for young people. Indeed in the most recent budget an additional $14 million has been allocated to take that work further, so 12 new homes will be facilitated through the investment in this year's budget. Through the Take Two program we, with the cooperation of a very respectful and responsive community in Hurstbridge, we will provide a caring environment for those young people who have found themselves at Hurstbridge Farm.

This program will be evaluated on the basis of its therapeutic benefit to these young people. We are hoping to replicate this model of intensive support in years to come — and hopefully these seven young people, who have moved in and will soon to be joined by another young person, will have their lives turned around. We hope they will feel secure, they will feel confident and they will feel healed of the processes which have damaged them until now. I look forward to visiting them and seeing their progress as well as to supporting the Take Two team in delivering these results into the future.

Water: household savings

Mr BARBER (Northern Metropolitan) — My question is to the Minister for Planning. I refer the minister to the report entitled *Water Saving Requirements for New Residential Buildings in*

Victoria — Options for Flexible Compliance by George Wilkenfeld, which was commissioned by the minister's department and was delivered in June last year. I presume he is considering it at the moment. The report seems to indicate that 40 per cent of households in Melbourne have a water-efficient shower, and therefore that perhaps 1 million households do not have one, and that 30 per cent savings can be achieved on the 200-litre-a-day average household use of water in the shower — the largest single use of water in a household. Given that Melburnians have accepted ongoing and quite stringent water restrictions, does the minister think they would accept a compulsory retrofit program for shower heads if it were fully funded, and has he investigated whether this could be done under the Building Act, the planning act, the permanent water-saving rules or on the lease or sale of a property?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Barber's question in relation to these matters. He raised a number of issues in his question. Of course water saving is a priority of this government, and the ways in which that should be implemented, encouraged and regulated — what is a fair and reasonable thing in terms of how those matters are managed — will always be matters of general discussion in the community. Mr Barber would be aware of 5-star energy rating system in relation to new housing, which has been highly successful. He would also be aware that there has been mention publicly, including through the media, of matters relating to energy use and the size of households in relation to changes that are taking place out there in the community. I am also aware of some local governments that are very eager to move on other water-saving measures they would like to see implemented through the planning system.

We are committed to making sure that we do not make the planning system any more complex than it already is, and we are trying to make the adjustments through the building system. That is not to say we cannot develop other measures within the planning system for water saving, but we would like to see energy-saving and water-saving principles implemented through the building system. I have announced, as has the Minister for Water, Environment and Climate Change in the other place, the move and policy commitment to the next generation of 5-star energy and water-saving measures that we look forward to being implemented in future years. Certainly that would take up new developments, and we expect that will also take up — as Mr Barber has already mentioned in the chamber — renovations to houses. But there is no doubt that there is an ageing stock of housing that we need to consider, and that has many implications. The way in which the housing stock is developed or redeveloped — regulation, affordability and renovations — will no doubt be a consideration.

What I am very pleased about, though, is that the property development sector has already moved in this direction. It is very conscious that it needs to implement measures for water saving because the community now expects them. The community is very supportive of and enthusiastic about water saving. We want to try to capitalise on that. There have been a number of initiatives, but no doubt more will be announced, around water-saving measures and how we can give effect to them. There have been a number of announcements today by the Premier and the minister for water in relation to water management, but where we can get local community action in relation to water saving we encourage that, particularly in each household. We will be giving many of those measures greater consideration, but I want to reinforce that we do not want to overburden consumers. We do not want overregulate consumers, and we want to make sure that we deliver this as much as practically possible through the building stream rather than through the planning stream.

Supplementary question

Mr BARBER (Northern Metropolitan) — The government is considering a desalination plant. The proposal from the Liberal Party suggested that that would cost about $400 million up front, with $20 million in operating costs and that it would generate 50 000 megalitres of water and add $15 a year to the average person's water bill. I will not dispute those figures for now. The opposition did not say how much greenhouse gas would be generated.

Would this proposal for retrofitting households not cost about half as much, have no ongoing costs, save people $15 a year on their water bills, generate the same 50 000 megalitres and probably save half a tonne of greenhouse gases as well? If the minister is going forward with a desalination plant and the EES (environment effects statement) is going to require him to examine alternatives — —

The PRESIDENT — Order! Mr Barber will ask his supplementary question. This is not an opportunity for debate.

Mr BARBER — I do not get many opportunities, President. Is this an alternative that the minister would consider when he is required to develop alternatives as part of his EES?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Barber's interest in many of these matters. He raised a number of issues, and I do not propose to debate or extend the discussion on those matters any further than I need to. We have been encouraging householders to take up the option of more efficient shower heads, other arrangements in relation to water tanks and other measures that can potentially save water in each of the respective households and no doubt there will continue to be an emphasis on that. I suspect there will be opportunities to ensure that we bring that about in greater quantities and in ways that will have a greater impact and give further effect to water-saving measures in households. If that were to take place, it would also mean there would be a number of ministers involved, not just me.

In relation to the desalination plant, I know that the location has basically been announced today. In terms of any environmental process, there will be a thorough environmental investigation in relation to those matters. I will take advice as to the extent of the environment effects statement process, given that many of these sorts of plants have been developed in other parts of the world and around the country already. I will receive advice as to the extent of that.

I note that Mr Barber mentioned what the Liberal Party has said, and I also note that Mr Barber mentioned some of its figures in relation to the desalination plant and the location. They are very sizeable figures in relation to not only water savings but also the required investment in this plant. I also note that Mr Barber referred to the Liberal Party's words in relation to this, and, if I recall rightly, in the Liberal Party's commitment to a desalination plant it had already nominated — —

The PRESIDENT — Order! Minister!

Mr D. Davis — No, we had not.

Hon. J. M. MADDEN — I think where it would be located had been referred to. Mr Barber referred to some of those matters, and I understand the Liberal Party was prepared to put $10 million into a project of — —

The PRESIDENT — Order! The minister's answer should be relevant to the question asked; it should not be about Mr Barber's opinion or any other issue he may have raised. He was talking about shower heads the last time I heard. The answer should be relevant.

Hon. J. M. MADDEN — I am trying to do justice to a very expansive question by giving a very expansive answer, because this is a very big issue. No doubt there will be consideration given to these matters to complement the initiatives announced today, and I look forward to working in conjunction with the Minister for Water, Environment and Climate Change in the other house in relation to many of these matters and many of these announcements going forward into the future.

Schools: Heidelberg

Mr ELASMAR (Northern Metropolitan) — My question is to the Minister for Education. The Bracks government has made education its no. 1 priority. Can the minister outline to the house any recent plans that will improve the educational outcomes of schools in the Heidelberg area?

Mr LENDERS (Minister for Education) — I thank Mr Elasmar for his question and his interest in education. It is good that someone in the house is interested in education. No-one from the opposition has asked any questions, although its federal minister has an opinion on everything, and now its health minister has an opinion on everything.

Mr P. Davis — On a point of order, President, with great respect to the minister, I think he is reflecting on members of the house. In particular I would like the minister to note that I have a very keen interest in education. I would like him to withdraw his remark.

The PRESIDENT — Order! The first part of Mr Davis's point of order was in fact correct, and I do uphold it in that the minister should refrain from including the opposition in the answer to his own member's question. The second part was not in order.

Mr LENDERS — Thank you, President, for your guidance and direction. Mr Elasmar raised the issue of schools in the suburb of Heidelberg, which is in the northern part of Melbourne, and asked whether education was our no. 1 priority. It is our no. 1 priority everywhere in the state.

Mr P. Davis — It is our no. 1 priority.

Mr LENDERS — For the record, I take up the Leader of the Opposition's interjection that education is his no. 1 priority as well. I wish he would talk about it. I wish he would ask every question in question time; I would be delighted.

Mr Elasmar asked about education in Heidelberg. There are seven government schools in Heidelberg which are now part of a regeneration project, where this government has committed to spend some of the $1.9 billion we announced as an investment in education for this term. I announced last week, with

great delight, a $600 000 payment to that group of schools in Heidelberg so they can do the planning necessary for a regeneration. These seven schools — —

Mrs Peulich interjected.

Mr LENDERS — Mrs Peulich always interjects when I speak. She may be a former teacher, but I would welcome her accompanying me to Heidelberg to see some schools at work, where we do more than just dream of the days of John and Betty readers. Probably the next federal regulation will be that there will be Julie and Johnny readers! What we want to do here is rebuild schools in Heidelberg.

Honourable members interjecting.

Mr LENDERS — Scotty is the federal health minister!

We will work with the Heidelberg community and with these schools to start rebuilding so we have the best possible educational opportunities for our students in Heidelberg. These seven schools are working together, and it is an amazing collaborative approach. I would invite the opposition and the federal minister to come and observe a genuine collaborative approach, where the principals, school council presidents and other interested people in the seven schools are saying, 'What have we got in common?'. The interests of the students and the educational opportunities for young Victorians for the 21st century is what motivates these school communities to get together to work.

I was delighted to visit the schools. Some have very old facilities. For example, we went to the La Trobe Secondary College, which is an old, light timber constructed building designed in the early 1960s to last for 25 years. The school is tired and needs to be rebuilt. It is not just because we do not like old buildings, it is because those young students in Heidelberg need to have a great opportunity and need to be taught in state-of-the-art facilities by good teachers. We can do this by investing in our education system.

Honourable members interjecting.

Mr LENDERS — Mrs Peulich and David Davis interject and talk about why the school is dilapidated — that is like getting a Dorothy Dixer from the opposition. It is dilapidated because we did not invest in schools between 1992 and 1999 in this state. In the year when Labor came to government the investment in capital in schools was $100 million. This budget is for $555 million, which enables us to start rebuilding or modernising 131 of this state's 1594 government schools.

We are committed to education. We are committed to rebuilding Heidelberg schools. Mr Elasmar is based in Heidelberg, so he has a great interest in this and cares about these schools. Bellfield Primary School, Haig Street Primary School, Olympic Village Primary School, Banksia Secondary College, La Trobe Secondary College, Northland Secondary College and Macleod P–12 college are part of this project. I expect great things out of it. It is a great school community. The investments mean we are bringing our children into the 21st century with great opportunities. It is all part of making Victoria an even better place to live, work, learn and raise a family.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Minister for Education) — I have answers to the following questions on notice: 48, 49, 134, 140, 141, 143, 145–8, 209–31, 267, 284–6, 289, 290, 292–4, 296, 297, 304, 316, 336, 375–7, 384, 399.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 8

Mr EIDEH (Western Metropolitan) presented *Alert Digest* No. 8 of 2007, including appendices.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Auditor-General —

Public Hospital Financial Performance and Sustainability, June 2007.

Results of Audits: Purchase of contaminated land by the Melbourne Port Corporation and Raising and collection of fees and charges by departments, June 2007.

Interpretation of Legislation Act 1984 — Notice pursuant to section 32(4)(a)(iii) in relation to the Building Code of Australia 2007.

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

Boroondara Planning Scheme — Amendment C55.

Darebin Planning Scheme — Amendment C67.

Greater Geelong Planning Scheme — Amendment C149.

Hepburn Planning Scheme — Amendment C39.

Hume Planning Scheme — Amendment C81.

Moonee Valley Planning Scheme — Amendment C67.

Rural Finance Act 1988 — Treasurer's directive of 5 June 2007 to the Rural Finance Corporation of Victoria.

Statutory Rules under the following Acts of Parliament:

Magistrates' Court Act 1989 — No. 43.

Subdivision Act 1988 — Transfer of Land Act 1958 — No. 45.

Supreme Court Act 1986 — Corporations (Ancillary Provisions) Act 2001 — No. 44.

Subordinate Legislation Act 1994 —

Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 34, 43 and 44.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 177/2006 and 32.

NOTICES OF MOTION

Notices of motion given.

Mr GUY giving notice of motion:

Honourable members interjecting.

Notices of motion interrupted.

SUSPENSION OF MEMBER

The PRESIDENT — Order! Under standing order 13.02 I ask Mr Viney to vacate the chamber for 30 minutes.

Mr Viney withdrew from chamber.

Notices of motion resumed.

Mr GUY continued giving notice of motion.

Further notices of motion given.

MEMBERS STATEMENTS

Water: desalination plant

Mr P. DAVIS (Eastern Victoria) — I note the government's conversion, as it were, on the road to Wonthaggi by today's announcement that it will adopt the Liberal Party's policy of augmenting Melbourne's water supply by building a desalination plant — a policy which it condemned in the lead-up to the November 2006 election, and a policy which it voted against in relation to a motion before the house less than two months ago. This is an amazing turnaround, but I congratulate the government for finally accepting that the Liberal Party's position of augmenting Melbourne's water supply with a desalination plant is a sensible option.

I would also like to draw the attention of the house to the fact that it has only taken the Labor Party 32 years to catch up with the Liberal Party on the siting of such a desalination plant, because the Standing Committee on Water Supply, in its *Report on Desalination as an Alternative Means of Augmenting Melbourne's Water Supply*, which was made to then Premier Dick Hamer in 1975, recommended that, when desalination became financially viable for water supply purposes, a desalination plant should be located at Wonthaggi.

In conclusion, I say that the hypocrisy we have heard in this place by the government attacking the Liberal Party's position on desalination is condemned out of the mouths of the Premier and the ministers responsible for the turnaround.

Gaming: poker machines

Mr HALL (Eastern Victoria) — I wish to express my concern about the haste in which the government is proposing to change the rules governing the operation of community clubs with gaming machines. As I understand it, the way in which community benefits are accounted for is proposed to be changed on 1 July this year. I have two concerns with this. Firstly, I am concerned that legislation to support such changes has not yet even been debated in Parliament, and if changes are to be made by ministerial order, then I say that is a very underhanded way indeed of making that potential change.

Secondly, I am concerned that clubs have not been properly consulted over this matter. One month is not an appropriate period of time in which to discuss something that potentially undermines the financial viability of many of our community clubs, particularly those in country Victoria, which contribute greatly to their communities and do a wonderful job in terms of the services they provide.

Along with my colleagues in The Nationals, I call on the government to put a 12-month moratorium on any changes to the way in which community benefits are accounted for. The issue needs to be fairly and

even-handedly discussed with the clubs, within the community and by the Parliament.

Crime: Chapel Street, Prahran

Mrs COOTE (Southern Metropolitan) — The Victoria Police crime statistics for 2005–06 identified that there were 45 rapes in the city of Stonnington, an increase of 42 per cent, that the incidence of robbery was up 27 per cent and that assaults were up by 15.9 per cent. This is all highly unacceptable. We need to have a far greater police presence in and around Prahran and the city of Stonnington. I have had many letters about this from constituents, and I would like to quote from one I received recently, which says:

> The Chapel Street environment remains a virtual safe haven for antisocial behaviour with serious criminal activity undiminished, particularly drug distribution via the late nightclub system. There is, quite simply, an inadequate police presence in the area and no doubt active connivance between certain police and the drug cartels. Thus there is a need to deal with policing failure and to make sure that the criminal justice system is meting out much tougher sentences for crime.

This constituent has called for a closure of Chapel Street to vehicular traffic between Toorak Road and High Street on Friday and Saturday nights, and police booths on the corner of Chapel Street and Toorak Road. I call upon the government to make quite certain that these allegations are not true and that Chapel Street becomes a safe haven for all constituents of the Stonnington region.

Cranbourne-Frankston Road, Langwarrin: duplication

Mr SOMYUREK (South Eastern Metropolitan) — I rise to congratulate the residents of Langwarrin on the completion of the Cranbourne-Frankston Road duplication between Warrandyte Road and Centre Road in Langwarrin. This $15.9 million duplication is a big win for the local community. The project will improve road safety and ease traffic congestion for motorists travelling through the area.

Many residents rely on Cranbourne-Frankston Road as their primary route for local travel and for access to major arterial roads in the area, and the completion of the project provides improved access for the community. The duplication was a much-needed project to cater for residential growth in Langwarrin and the region in general, as motorists and cyclists are now able to travel with greater safety and less stress.

Three sets of traffic signals have been installed along the stretch of Cranbourne-Frankston Road, which makes intersections safer and access for surrounding areas easier. As an added bonus, cyclist facilities have been enhanced by the construction of separate bicycle lanes on both sides of the road. In coming months construction will start on the next stage of works duplicating Centre Road to the Western Port Highway. Therefore, by the end of the year, works will commence on duplicating the next section of the Cranbourne-Frankston Road, and motorists will be able to drive on a fully duplicated road from Frankston to the Western Port Highway. The project's completion is another milestone for the Bracks government's $163.6 million commitment to upgrade the key routes in Melbourne's outer metropolitan area.

Windermere Child and Family Services

Mr O'DONOHUE (Eastern Victoria) — Windermere Child and Family Services started operation in Windermere Crescent, Brighton, in 1851. Windermere is a not-for-profit secular organisation that receives virtually no assistance from government. Now based in the south-east of Melbourne — with major centres at Narre Warren, Cranbourne and Pakenham — it provides assistance for children and families who are affected by issues such as family breakdown, suicide, unemployment, emotional, physical and sexual abuse, lack of housing and drug addiction.

Sadly, in the outer-east growth corridor the enormous population growth of recent years, which has provided opportunities for many, has also seen a rise in social and economic problems. Windermere does an excellent job in helping people in crisis with innovative programs that have proven to be a real help and benefit, including Kids Becoming Champions, which is an early-intervention preventive program that targets disadvantaged at-risk children of primary school age. Programs such as these provide young people with positive role models, self-esteem and a happy environment in which to learn and make friends.

Last Saturday night I was fortunate to attend the Windermere Ball, which was held in the city. The night was a great success, and a large amount of money was raised. I would like to congratulate all those involved in the organisation of the ball and all the Windermere staff for their hard work and dedication to those young people and families who need a helping hand.

Water: north–south pipeline

Mr DRUM (Northern Victoria) — I wish to put on record my disgust at the Bracks Labor government's decision announced today to build a pipeline from the Goulburn River to the Sugarloaf Reservoir. The Minister for Regional and Rural Development in the

other place, Minister Brumby, has been quoted as saying he would not pursue this project unless it had the support of the community at large, irrigators and the Victorian Farmers Federation.

On a recent trip to northern Victoria, when the Treasurer tried to bully some of those northern river councils into giving him their support, he was clearly told by the irrigators and by the councils that that support would not be forthcoming. They did not want to have this Bracks Labor government taking the future of the Goulburn Valley and flushing it down the toilets of Melbourne. These councils understand the direct link between water, industry, employment, wealth and prosperity. They understand in having Melbourne take the water out of the Goulburn Valley, this Bracks Labor government will be condemning the irrigation areas of northern Victoria to a future of less employment, less wealth and less prosperity than would otherwise be the case.

In 2005 the Bracks Labor government, under its sustainable water policy, said it did not support taking water across the Great Dividing Range, it did not support taking water from irrigators to quench Melbourne's thirst and it did not support Melbourne's urban water authorities entering the water market of the Goulburn Valley irrigators. It now seems that these promises, just like the promises made before the previous election in relation to the Scoresby highway, freeway, or whatever we want to call it, are now sounding more and more hollow. It seems that they are simply being disregarded now that the election has been won. This government has proven that it will say anything prior to an election and something completely different once the election has been won.

Buddhist Vesak Day: Braybrook celebrations

Mr PAKULA (Western Metropolitan) — Last Sunday week I was fortunate enough to attend the Buddhist Vesak Day celebrations in Braybrook along with my parliamentary colleagues Mr Finn; Ms Hartland; the member for Footscray in the other place, Marsha Thomson; and the former member for Footscray, Mr Bruce Mildenhall. It was a great celebration of community, of the Buddhist faith, of Vietnamese culture and above all of peace and tolerance. It was in my opinion the very best example of Victoria's style of multiculturalism at work. It was a very Australian event but did not in any way derogate from or jettison any of the original culture of the participants.

The main address was given by the Most Venerable Thich Phuoc Hue, president of the United Vietnamese Buddhist Congregation in Australia and New Zealand. As part of that address, which was usefully translated into English, the Most Venerable Thich Phuoc Hue said:

> Vesak Day is no longer merely an event for commemoration and has become a significant day internationally. We should strive to live each day with a sense of love and understanding, not only of others, but also of ourselves.

It is a sentiment of peace and tolerance and a lesson which all of us, I think, can learn from.

Water: desalination plant

Mr VOGELS (Western Victoria) — This morning we once again witnessed the hypocrisy and dishonesty of this Bracks Labor government. Before the 2006 election the Bracks Labor government ridiculed the Liberal Party's plan to build a desalination plant for Victoria, yet six months later it is apparently going to build one. It would be interesting to read *Hansard*, because only a few months ago the Labor members in this house, with the support of the Greens, were recorded as combining to defeat a Liberal Party general business motion to augment Melbourne's water supply with a desalination plant.

Water: north–south pipeline

Mr VOGELS — The Bracks government's members also lied when they stated categorically that under Labor there would be no water moved from north of the divide to south of the divide. Until yesterday they claimed that unless the Goulburn Valley irrigators and local communities, including the Victorian Farmers Federation, agreed, there would be no north–south pipeline. When the opposition met with the Goulburn Valley Food Bowl Alliance a couple of weeks ago, the cost of upgrading the water infrastructure in the Goulburn Valley was costed at $2.2 billion and the estimate for an upgrade was eight years — and let me emphasise that no water was to flow to Melbourne until the water savings had been made. Now we hear that the state will provide only one-third of the $2.2 billion — that is, $750 million — and Melbourne's needs have jumped ahead of those of the locals and the environment.

In panic mode, after eight years of neglect, with the minister skiing while Melbourne thirsted, we are going to lay pipelines from one empty dam to another so that when and if it does rain, 'farmers be damned'. The city will come first, even though no recycling or water savings have been taking place in Melbourne over the last eight years.

Knox City Tennis Club

Mr LEANE (Eastern Metropolitan) — I would like to congratulate the executive of the Knox City Tennis Club on being successful in turning around the tennis club from being run down in 2000 to the successful club it is today. When I was there last week, Steve Dolling and Gary Leech showed me pictures of the bad state the courts were in in 2000 and spoke to me about the decision they needed to make at the time on whether to walk away from the club or roll up their sleeves and put a heap of work into getting the club back to being an asset for the whole community.

Hundreds of tennis players in the Knox area are grateful that the club committee chose the latter option. Hundreds of juniors, hundreds of veterans and everyone in between now use the club. The club was delighted last week with the $16 000-plus the Bracks government chipped in towards lighting up the two of the eight courts that had not been lit. This will increase the use of those courts greatly and also, importantly, increase revenue for the club with which it can keep up its great work.

State Emergency Service: volunteers

Mrs PETROVICH (Northern Victoria) — Today I would like to pay tribute to our State Emergency Service (SES) volunteers who have headed north to help our neighbours in New South Wales clean up after one of the worst storms there in 30 years. Still recovering from a particularly bad fire season earlier this year, these remarkable men and women have donned their volunteer caps and headed off to help in the clean-up after one of the worst storms on record.

I am particularly proud of the 16 volunteers from the north-western region who went to New South Wales last week. The volunteers were from Bendigo, Castlemaine, Dunolly, Maryborough, Woodend and Gisborne. They joined 40 others across the state who headed north. This is the first time since 1999 that our SES volunteers have been required to help another state — an indication of the devastation that has rocked those communities. It does not seem fair that the central coast and Hunter Valley regions of New South Wales, which so desperately needed rain, got over 400 millilitres — the average rainfall for two and a half months — in just two and a half days.

The tragic deaths and the devastation caused will linger for a long time, with horrific stories of family homes and small businesses being ruined by water contaminated with rubbish and sewage, but in this time of need the Australian spirit of pitching in to help those less fortunate provides a much-needed ray of sunshine. That ray was provided by our volunteers from the SES of central Victoria.

Family Violence Court: Heidelberg and Ballarat

Mr ELASMAR (Northern Metropolitan) — I rise to speak about the Family Violence Court division of the Magistrates Court at Heidelberg and Ballarat. An innovative pilot program aimed at significantly reducing instances of family violence is being undertaken under the auspices of Jeff Dolling, senior registrar; Mick Conway, acting coordinator and Jason Cabral, acting Family Violence Court division registrar. In the case of Ballarat, Mr Steve Merbach is the senior registrar heading up a dedicated team of professionals who are committed to making change happen. They are exceptional people providing an extraordinary service to our community.

The Family Violence Court was established as a division of the Magistrates Court of Victoria through an amendment to the Magistrates' Court Act 1989. The division operates at the Magistrates Court at Ballarat and Heidelberg. The aims of this new division are to make access to the Magistrates Court easier for persons who have experienced family violence, to promote the safety of persons who have experienced family violence, to increase the accountability of people who have used violence and abuse against their partner and families, and to increase the protection of children who are exposed to family violence.

Recently a special presentation for local MPs was organised by my parliamentary colleague Jenny Mikakos, and I thank her for that. The seriousness of this issue and the damage that is being done within our society has impressed upon me the need to extend and widen the pilot program to make it an integral weapon against — —

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

Rail: Kerang accident

Ms LOVELL (Northern Victoria) — On Sunday, 10 June, together with the Premier; the Leader of the Opposition in the other place, Ted Baillieu; the Leader of the National Party in the other place, Peter Ryan; the Minister for Public Transport, Lynne Kosky; two of my fellow Northern Victoria Region representatives, Donna Petrovich and Candy Broad; and the member for Mildura in the other place, Peter Crisp, I attended an ecumenical service held by the Kerang community. The

ecumenical service unified church congregations, emergency service and community organisations, the communities of Kerang and Swan Hill, and political parties to pray for those who were killed or injured in Victoria's horrendous rail accident.

In a touching ceremony, the mayor of Gannawarra shire, Cr Keith den Houting, appealed to those present not to remember Kerang as a place of great tragedy but rather as a place of hope where the community pulled together to assist those involved in the accident in their hour of need. The service gave many of us the opportunity to personally thank the emergency service and community organisations that assisted at the scene of the accident. Many of those involved in the rescue work are volunteers, and we owe them a great debt of gratitude for their contribution.

The service also gave us the opportunity to personally pay our respects to the families who lost loved ones in the accident and to offer comfort to many of the survivors. This was a particularly touching experience, and those families and survivors remain in my thoughts and prayers. I hope they are able to find comfort in knowing that others do understand and care. I hope that Kerang is remembered as a place of hope and that the Kerang community is remembered as a community that gave so much to assist the families who lost loved ones and the survivors in their hour of need.

Bayside Film Festival: youth awards

Mr THORNLEY (Southern Metropolitan) — Last Friday, 15 June, I had the pleasure of attending the Bayside Youth Documentary Awards as part of the Bayside Film Festival. I was there with Ms Pennicuik from this house, Cr del Porto and other councillors from the Bayside City Council, and the federal member of Parliament for the area. It was a real pleasure to see how young people had developed their creativity and technical skills through what was on display, which was mainly short documentary films of 3 to 7 minutes in length. The kids had learnt a lot about not only technology and how to use it and their creativity, but also about teamwork and how to put a whole project together through project planning and execution.

I congratulate all those who participated: the team that organised the awards, Julie Reid and Anna Monea from Bayside City Council; Alan Brough from *Spicks and Specks*, who kindly donated his time to be master of ceremonies for the awards; and in particular the students who presented their films at the awards. We saw some terrific material from Debney Park Secondary College, St Bedes College, Firbank Grammar School and Brighton Secondary College. In particular we saw some terrific stuff from my good friends at the several campuses of Sandringham College, including the winning effort. I congratulate Laura Armstrong, Maiken Attwood and Katie O'Rawe for their success with the winning film.

Fr Ragheed Ganni

Mr FINN (Western Metropolitan) — I rise this afternoon to mourn the death of Fr Ragheed Ganni, who died on 3 June in Mosul, Iraq. Fr Ganni was a Assyrian Chaldean Catholic priest who was murdered in cold blood outside his church, along with three deacons, after they refused to renounce their faith when confronted by Islamic terrorists. This act of pure evil is part of an ongoing campaign of ethnic cleansing directed towards Iraqi Christians by radical Muslim elements in that country. Islamofacists have commenced a war on Christians in Iraq and indeed throughout much of the Middle East. As I stand here today genocide is occurring in Iraq. It is important for the world to recognise that fact and do something about it. This war on Christians must be condemned by the civilised world. I call on all people in leadership positions, particularly Islamic leaders in Australia and throughout the Western world, to join in that condemnation, as I am sure all members will join me in condemning those radical Muslim extremists as they go about their grisly mission.

Floods: New South Wales

Mr EIDEH (Western Metropolitan) — While the nation has suffered unduly from the harshest drought in the living memory of most of us, we also see the horrors that can be caused through floods, such as those that have hit our sister state of New South Wales. As representatives of the people, all of our hearts go out to the victims, some of whom have lost only — if I can put it that way — their homes and livestock while others have lost members of their family. I am also immensely proud as an Australian of the way the great people from the State Emergency Service in New South Wales have gone to the aid of the victims. We should never forget those unsung heroes. As Australians we all care about the welfare of our fellow citizens. We can only pray that further deaths will not occur, that the floods will recede and that life will return to normal.

HEALTH PROFESSIONS REGISTRATION AMENDMENT BILL

Second reading

Debate resumed from 7 June; motion of Mr LENDERS (Minister for Education).

Mr D. DAVIS (Southern Metropolitan) — I am pleased to make a contribution to the debate on the Health Professions Registration Amendment Bill 2007. In doing so I advise the house that the opposition proposes to introduce an amendment to change the implementation date of the Health Registration Act 2005 from 1 July 2007 to 1 July 2008. This bill amends that earlier act.

Members in this chamber who were part of the last Parliament will remember that bill going through the Parliament, and they will remember the opposition's specific concerns about that bill. The debate today is not about those earlier issues and earlier debates; it is about the substance of this bill and some of the national issues which surround it. The opposition does not oppose the substance of this bill. I will shortly go through the details of the bill, which makes a number of changes which we generally support.

However, we would like to indicate our concerns about how the government goes about this process in the light of the national agenda of a national system of health practitioner accreditation and registration. In light of that we believe the government is wrong in implementing the Health Professions Registration Act 2005 on the date which was envisaged initially — that is, 1 July 2007. We think this will impact on health practitioners.

There are a large number of health groups registered in this state. There are 12 professional groups which are registered in one form or another. They will come together in the registration arrangements of the Health Professions Registration Act 2005, which is a single act that regulates those professions with common provisions and so forth.

There are currently 11 separate registration acts; those who undertake radiography are registered under a different but not individual act. This bill and the earlier Health Professions Registration Act apply to registered health professionals such as medical practitioners, nurses, pharmacists, dental-care providers, chiropractors, osteopaths, optometrists, podiatrists, Chinese medicine practitioners, psychologists, medical radiation practitioners and physiotherapists. They form an important group in our community. It is a group that is given great responsibilities and trust by the community through the Parliament. The group is required to discharge that trust with great care. I want to place on the record that I think the registration boards have by and large done a very good job. We will see how the new structure operates in 2007, if indeed the bill is passed as the government intends.

I do not want my speech to be too long, because I think the essence of the bill is quite simple. There have been national discussions under way which in broad principle are supported by most parties in the Parliament and most groups in the community. As I see it, the changes are not opposed by most of the professional groups. That is not to say there are not questions of detail and arrangements that require discussion, elucidation and further clarification by the government. During the committee stage of this bill I will ask a number of questions immediately before the opposition moves its proposed amendments.

There is a great lack of clarity as to how the national arrangements will operate. I have read carefully what the minister said in the lower house during the consideration-in-detail stage of the debate in response to a series of questions asked by my colleague Helen Shardey, the member for Caulfield and shadow Minister for Health. I am not assured by what I read; what I read made me more concerned. There is some doubt as to how the arrangements, which have been agreed to nationally, will apply. Whilst there is agreement in principle on certain matters, there is still a good deal of detail to be considered.

Notwithstanding that, the practical impact of the principal act and the national decisions will impose a significant financial and administrative burden on the health industry in this state. This will be done through the work which will be required of boards and board members and the burden which will be placed on individual practitioners who will be required to re-register before 1 July 2007 in a more complex manner than they have been accustomed to. Then some period not long after that, as short as a year or perhaps a little longer, they will be forced to re-register yet again under a new system which will be introduced nationally.

The minister and the Department of Human Services are of the view that Victoria will play a leading role in regard to this. That may well be, but the Queensland government believes it will be introducing the leading act, as it were, in the new national arrangements which were agreed to in principle by the Council of Australian Governments. It seems to me that there is some confusion about what will precisely eventuate at a

national level. It is sufficient to say that there is uncertainty about it; and it is sufficient to say that if it is agreed at a national level in further detail, and if the lead act is introduced in Queensland and is followed by the other states with perhaps appropriate modifications for each individual state, we will set up a new system of accreditation, a new system of registration and a new national register for only 9 of the 12 professional groups which I have referred to.

The net result is that those professional groups will have to go through this multi-stepped process. I know that there are some worthy things in the registration legislation that went through this place a year or so ago, and in essence the opposition supports the passage of this bill, but this duplication of registrations is foolish. We think it will force an onerous burden on the registration boards and the practitioners. Costs generated can only be passed back, through registration fees, ultimately to the public, so it will modestly increase health-care costs at a time when the community broadly thinks health-care costs should be moderated and kept down.

At the same time many of the health practitioners will not want to go through the extra hoops that will be required, and I have no doubt that there will be a loss of registrant numbers in many of the professional groups. I cannot quantify that, but given that we have a national health-care workforce shortage — and that applies not just to medical practitioners and nurses but to physiotherapists, dentists and a range of other health-care practitioners — the loss of registered health-care practitioners, many of whom will have served the community well over many years, is a very bad outcome for the community, particularly in country Victoria.

I would not be surprised — and it is very difficult to quantify — to see the fall-off in registration at each of those hurdles approach 10 per cent, which would be a significant loss from the health-care workforce. That could place a greater burden on many hospitals and health-care facilities around the state.

The government has not thought through the practical impact of this legislation. Those who are near the end of their registration life, as it were — that is, the end of their professional lives — will think, 'Do I need to tackle the hurdle of reapplying as if I am a brand new registrant?', which is what they are being asked to do. They are being asked to front up with a passport points system, go and scrounge around and find their old certificates and so forth. I understand why a new registration board would, for legal reasons, go through those serious and sensible hoops, but an older registration board that had consistently registered health practitioners would be more likely to maintain those registrants.

The provisions in the earlier Health Professions Registration Act will make some practitioners reconsider their attitude to registration — whether they need to be registered and whether they would be better pursuing whatever else they do in life as well; for those reasons there will be significant and concerning losses from the health workforce.

The Productivity Commission has talked at length about health workforce issues and has pointed to some of the problems nationally, but it is not my intention today to review much of that. Anyone interested in any of that can read what I said during debate on the passage through Parliament of the earlier Health Professions Registration Act. This bill is only mildly responsive to those concerns.

The broader national agenda of greater flexibility in the health-care workforce has some merit but also has some risks, and we have seen that when registration standards are weakened, community safety can be put at risk.

It is very important in this context that Parliament and the health community keep their focus on the quality of health-care activity in this state. I for one would be concerned as these national steps occur if there were any weakening or relaxation of the requirements for registration as they relate to the quality of our health practitioners.

There is every reason to believe that in some aspects the national agenda is pushing in that direction; by 'national' I mean all the states and territories but not necessarily the commonwealth government, which may have a slightly different position on a number of these issues.

The main provisions of the bill, if I can quickly summarise them, are: firstly, the application for registration that allows boards to grant general registrations to two categories of practitioners who may not otherwise meet the requirements of section 5 of the principal act — that is, the Health Professions Registration Act and non-practising registrants who were deemed under section 170 to be eligible for general registration under section 5 of the principal act.

There is also a section on qualification for general registration which enables a board to approve a course of study that provides qualifications for registration on one division of a registrar and to approve a specified part of the same course for study to provide qualifications for another division of the registrar.

There is a general registration which expands eligibility for registration beyond the qualification requirements in section 5 of the principal act. For example, this might ensure that there is a pathway which those practitioners who opt to move from general registration to non-practising registration who have not completed an approved course of study can reapply for and be granted general registration if it is appropriate.

There is specific registration enabling boards to extend a period of registration for up to three months. There is registration as a student, which allows boards to register persons undertaking or completing any period of clinical training as part of a course of study. There is non-practising registration, which enables non-practising registration to be granted to practitioners eligible for either general or specific registration.

In theory there is a greater flexibility at renewal of registration, although I think that that will be overwhelmed by the bureaucratic procedures that are likely to be in place as we go forward. There is endorsement of registration for approved areas of practice, endorsement of registration for health practitioners for acupuncture requiring, in effect, a greater control on other health practitioners who may use acupuncture. A register of health practitioners makes it discretionary rather than mandatory to enter certain information such as qualifications and correct addresses on the public registers of practitioners.

There are points about the suspension of registration at any time, which provides greater flexibility to the boards. These are some of the sections that are welcomed in this amending bill.

Boards will be better able to report on the progress of investigations. The legitimate point to be made is that boards over time have not always been good at keeping notifiers or complainants, for want of a better word, well appraised of the progress of investigations. Much of that could realistically have been handled by sensible departmental guidelines for the boards, but the intention of this bill is sensible.

There are different arrangements for the conduct of panel hearings. The offence of publishing or broadcasting the identity of a notifier does not now carry any penalty. The amendment attaches a penalty of 60 penalty points for a natural person and 300 penalty points for a body corporate if they offend by broadcasting the identity of a notifier. That may be justified. There is a question of the even-handedness of it. Arguments have been put to me which ask some questions about that, and it is certainly an arguable point.

The legislation contains clauses on clinical training which make it discretionary rather than mandatory for the registration boards to commence registering students who are in clinical training. There are a number of changes to restrictions on practising optometry. It provides a number of exemptions for practising optometry in addition to those already in the act. There is an amendment which enables the responsible board to delegate powers and functions to a person engaged by the board to provide services to the board. I am always thoughtful about such delegations, but there are cogent arguments in favour of it.

There is a section dealing with the proceedings for offences which enables the responsible board to authorise the registrar, or a person employed by the board under section 132 or engaged by the board to provide services to the board, to take proceedings under the principal act in the name of the responsible board. There is authorisation of persons to assist in enforcement. There are matters of carryover in existing proceedings.

The issue of list members is significant too. The new provisions ensure that when the principal act commences, all persons who were on a list of persons approved by the Governor in Council to be appointed to a hearing panel for a formal or informal hearing are taken to be on the list of names approved by the Governor in Council under schedule 2 to the principal act. That continuity is important; otherwise there may well have been a hiatus in dealing with issues.

As I said at the start, both the health professions and the community are generally happy with the matters in this amendment bill. The question really surrounds the implementation of the principal act in the light of the national agenda that is currently afoot. I know that a number of the health profession's doctors, dentists, pharmacists and physiotherapists — and initially optometrists, but latterly not — have sent letters to the Premier and others pointing to concerns about the juxtaposition of the implementation of the principal act with those national agendas that are afoot. Those points are cogently made.

I am far from convinced that the department has the right approach to all of this. I think there are agendas at work here that have not been thought through. The community will incur extra costs. Health practitioners will, as I have said, very likely incur great inconvenience and additional costs. There is likely to be a diminution in the number of registered practitioners in a number of categories. The department should think carefully about this. I know the idea of the national agenda is a good one, but we need to get the facts and

the details right. We certainly did not need this act now, only to replicate a registration process much later.

To give members some idea of the numbers, there are tens of thousands of registered health practitioners. From my recollection there are about 80 000 nurses, tens of thousands of doctors, and thousands of other registered health practitioners. Enormous numbers will be caught up in the steps that are required here. I do not want to say a lot more. I think the Liberal Party's position on this is clear. Whatever concerns we had about the initial act, we support the substance of this amendment bill. I take this opportunity to circulate the amendments I will move to the bill.

Opposition amendments circulated by Mr D. DAVIS (Southern Metropolitan) pursuant to standing orders.

Mr D. DAVIS — We propose in clause 2, line 9, to omit all words and expressions on this line and to insert the following:

(2) Section 34 comes into operation on 1 July 2008.

The second amendment we will move will be to clause 35, line 18, to omit '2008' and insert '2009'. My third amendment will be to insert a new clause to follow clause 3:

A Commencement of Principal Act

For sections 2(2) to (4) of the Principal Act substitute—

(2) The remaining provisions of this Act come into operation on 1 July 2008.

We think that these are very reasonable requests of the Parliament and the government. They are simply practical matters that should be dealt with in a sensible manner. The issue of delay here is very minor when compared to the size of the administrative burden that will be generated by a full re-registration program within a year or two. For that reason I think the Liberal Party's approach is the right one.

Mr DRUM (Northern Victoria) — The Nationals will not be opposing the Health Professions Registration Amendment Bill. We will also be supporting the amendments to clauses 2 and 35 that will be moved by the Liberal Party's David Davis in relation. That will in effect delay this legislation coming into operation until 2008, which will give the national scheme an opportunity to get itself up and running. Hopefully we can therefore avoid having different systems in place at the same time and the need to revisit the current legislation in relation to the health professions registration.

This bill amends legislation we debated in this chamber in 2005 — that is, only two years ago. That legislation replaced some 12 separate acts, all covering the registration of health professions staff. It also included in its coverage the legislation some other health professions that were not covered. The bill we debated in 2005 comes into effect on 1 July 2007. Primarily it aims at protecting the public by providing for the registration of all health professionals. It also puts in place a common system of investigation into professional conduct and performance and the ability to practise, which is something that has been well received by the community. The legislation also transfers the conduct of disciplinary hearings on serious professional matters from the registration board to the Victorian Civil and Administrative Tribunal.

We have had the situation where about two-thirds to three-quarters of all complaints put forward to the various health boards around the state have been handled internally. Obviously a percentage were dismissed as there was no need to take them any further, but some of them caused some people in the community a degree of anxiety because they felt as if they were being steamrolled by an internal inquiry.

Whilst it will add a dramatic amount of process, red tape and paperwork and substantial costs to the complaints process, the new system is something the government sees as necessary to ensure that complaints made against health professionals are able to be dealt with in a truly independent manner. The government believes that process would not have been achieved under the previous system where, as I said, two-thirds to three-quarters of the complaints were handled internally by health group boards.

Since the debate in 2005 there has been some very strong movement on the national scene. It was agreed at a Council of Australian Governments meeting in 2006 that the states would move to introduce arrangements for a new national scheme, which has been supported by all the states. The national scheme is due to be implemented in July 2008. The Victorian system is due to come on stream at the end of this month, and under the system we have in place at the minute our health professionals are looking to make sure they change what they are currently doing so they will be able to abide by the new Victorian system, the subject of this bill. No sooner will they have got used to this second method of health registration than the national system will come into effect in July 2008, which will mean we will have to change the system again.

The department has met with the health professions delegations, who have made it very clear they would

prefer that we hold off on this legislation until the national scheme is introduced. Even though, as I said, the national scheme will be introduced in July 2008, the department is of the opinion that the scheme will not come into effect on that date as it will not be ready. The legislation and the regulatory systems will not be drawn up in time to have the national scheme implemented by 2008; it could take another couple of years, and we will be left in the lurch until then.

The Nationals view is that as July 2008 is the date set down for the implementation of a national scheme, all the states need to work as hard and cooperatively as they possibly can towards ensuring the system will be up and running by then. In that regard we would support delaying this amending legislation so that all the states can get lined up under the one national scheme.

Another aspect of Victoria going off and doing its own thing is that, whilst this chamber is debating how the Victorian system should look, many of the departmental heads and those involved in writing the legislation of other states are working with the federal government to ensure they have a role to play in moulding the new national registration scheme. The Nationals are a bit concerned that Victoria is off doing its own thing.

We understand that the Queensland legislation will be used as the model legislation for the new national scheme. Rather than Victoria doing its own thing we would be much better served by having our experts discuss the new scheme in Canberra and thereby having Victoria play a strong role in the formation of the new national scheme.

The Nationals will not be opposing this legislation simply because we believe many of the amendments in it will help refine the legislation. They include provisions for mandatory student registration, the deferment of the mandatory provision requiring information on practitioners' qualifications and contact details, and the prescribed two years for providing information on practising. We believe it is important that those issues be deferred, which is why we need to support this legislation. Otherwise we are going to have to duplicate and reduplicate a whole range of other provisions that will be totally unnecessary.

One of the aspects that has been brought up is the ability of podiatrists to write prescriptions for drugs of addiction. That has caused the Australian Medical Association some concern. After viewing that aspect of the bill, The Nationals support in principle the fact that as a group of health professionals podiatrists play an enormous role that could be better served if they were able to prescribe drugs that are regulated by the Drugs, Poisons and Controlled Substances Act.

I spoke to one of Bendigo's leading podiatrists about this very fact yesterday and this morning, and she made it very clear that not having that ability does not make a lot of sense when they have patients who can be in excruciating pain with ingrown toenails. She can attend to such causes of the pain as inflammation and the like, but then she has to send patients down the road to visit a GP who can write out a prescription for pain relief, which does not make a lot of sense when the podiatrist could have written out a prescription in the first instance. The Nationals see that possibility as one way of providing better services for people in regional Victoria.

We would be very happy if podiatrists were able to prescribe drugs to treat infections and inflammation and to provide pain relief. Anti-fungal drugs also play an important part in podiatrists' treatment of their clients. Giving podiatrists permission to prescribe drugs would obviously take away a lot of duplication. Patients would not have to walk or drive up the road to see a GP to get a prescription — and sometimes they are not able to get hold of a GP. We consider this change to be important for Victorians. It would certainly add to the provision of health services in regional Victoria. We support the concept of podiatrists being able to write out scripts. I thank Tammy Davis from Bendigo for making those points very clear and for giving me a greater understanding of how those aspects of the podiatry system work.

We believe that the bill, which will amend the Health Professions Registration Act 2005, should defer the reforms it implements. We believe it is necessary not just to deal just with the issues we spoke about before in relation to mandatory student registration but also to go the whole way and wait until a truly national scheme comes into operation. In summary, we would prefer that resources were not spent on making our own system work, including the costs associated with introducing a separate scheme and the costs that would be incurred by health professionals in learning how to change from the existing system to a new system and then having to go back and educate themselves about the national scheme when it is introduced in a year's time.

We believe that Victoria would be much better served by concentrating on having a participatory role in the national scheme and giving our health professionals a full 12 months to work towards the implementation of that national scheme, effectively putting Victorian

health professionals through only the one changeover. We certainly believe that would be the best way to attack this issue. Whilst we are not going to be opposing this bill, because it serves a purpose in its own right, we also believe we would the best served by a delay in the implementation of the Victorian health registration scheme for a further 12 months to ensure it lines up with and comes on line at the same time as the lead legislation, which will be enacted in Queensland and put in place by the federal government.

Ms HARTLAND (Western Metropolitan) — The Greens intend to vote for the Health Professions Registration Amendment Bill. We believe it is necessary legislation. We will not be supporting the Liberal Party amendments.

The bill will repeal 11 separate acts and replace them with a single health professions registration act. It will introduce new rights for suitably trained podiatrists to prescribe restricted medicines and streamlined administrative processes for approving drugs prescribed by suitably qualified optometrists and nurse practitioners. I do not intend to go into the detail of the bill as the previous two speakers have already done so.

While I absolutely understand the Liberal amendments and share some of the concerns regarding the need to align the state registration with the national uniform registration, I think the problem now is that we need to be realistic about the time that will actually take. It could take up to two years, if not longer, for it to be signed off by state and federal health ministers. We also have to consider that this is an election year, and I can only presume that will delay the process as well.

I have been briefed by a number of organisations representing medical and allied health professions and registration boards. I really appreciate the amount of time that people have spent with us to explain this very complicated legislation. It has been quite clear in the last week that there is not a united position coming from these organisations on whether the amendment bill should be delayed. At least one major association has changed its mind during the process, as it felt its concerns had been addressed. There is also no united position on whether the changeover to the new system will be difficult.

While we will be voting in favour of the bill, I wish to put on the public record the two main concerns that have been raised with me. One is whether the cost to the boards is going to rise in relation to the Victorian Civil and Administrative Tribunal system and how that will be addressed. There are also concerns about the transition. Is VCAT ready? Are there enough people in place? Do we know how it is going to work? I hope these concerns will be addressed and the transition will be smooth.

Mr VINEY (Eastern Victoria) — I rise to support the Health Professions Registration Amendment Bill. In doing so I want to make a couple of observations. The first is that this legislation is part of an ongoing process that has seen Victoria leading Australia in many ways. I see that David Davis is smiling. I think it fair to say that even under the previous government there were initiatives made in this area as well.

Mr D. Davis — Chinese medicine.

Mr VINEY — The Chinese Medicine Registration Bill was one I knew well as parliamentary secretary at the time. I think it had been reasonably stalled when we came to government, but we brought it forward and got it through. There has been an ongoing process of ensuring that Victorians are protected through a proper regulatory framework. We have seen a decision made in 2005 to have a uniform system for the regulatory boards in Victoria.

In some ways the proposal for the national scheme which Victoria supports is very much part of the approach that Victoria has been taking over that time. Whilst we support very strongly the proposal for a national scheme in this regard, I think, as Ms Hartland has pointed out, we need to be realistic and to accept that a national scheme may take some time to implement. It may be quite optimistic to think it could be in place by 1 July 2008; it could take considerably longer than that.

Irrespective of whether it is to be achieved by 1 July 2008 or by some period after that, Victoria's obligations, this Parliament's obligations and the minister's obligations are to protect Victorian consumers now, and the legislation that is before the house is designed to continue that process.

The legislation repeals 11 acts associated with the regulation of health professions in Victoria, but there are a number of other initiatives that are covered by this process of bringing in further reform of the regulation of health professions in Victoria, including greater consumer representation on our boards; the introduction of improvements to complaints handling that will improve accountability and flexibility, including the power to settle complaints by consent; the transfer of responsibility for the conduct of formal hearings into matters of serious unprofessional conduct to Victorian Civil and Administrative Tribunal; the strengthening of powers for the Victorian minister to approve codes and

guidelines and changes to qualifications; and the provision of powers for registration boards to conduct performance assessments, impose conditions on registration and conduct investigations where there is no notification or anonymous notification. There are improvements in these areas.

There are also improvements in the provision of powers to prosecute persons who attempt to influence a registered practitioner to act unprofessionally, the introduction of new offences to better regulate medical specialists, and the provision of strengthened powers for boards to regulate advertising of health services. These are reforms that are included in the legislation before us today.

Whilst, as I said, the government fully supports the Council of Australian Governments initiative to have a national registration scheme, it believes that we in Victoria should push on with reforms that go to the heart of protecting Victorian consumers of medical services, and for that reason the government will not support the proposed amendments of the Liberal Party.

Whilst we understand some of the issues it is raising — and some of these issues have been raised by organisations like the Australian Medical Association — we think it is incredibly optimistic to suggest that a national program can be in place by July next year, and we do not believe there is a justifiable case to delay the implementation of what we think are important reforms to protect consumers of Victorian health services. Therefore I commend the bill to the house. The government will not support the amendments of the opposition.

Mrs KRONBERG (Eastern Metropolitan) — In rising to speak on the Health Professions Registration Amendment Bill 2007 I state that whilst I am not opposing this bill, I think it is really important to highlight the level of concern expressed by the boards of the health professions, and there are many of them.

Just to recap on the origins of this legislation, the Health Professions Registration Act of 2005 is due to be implemented on 1 July 2007. The various boards will be required to undertake the necessary changes at that stage and then again when the national scheme is introduced in July 2008. Back in July 2006, COAG (Council of Australian Governments) agreed to establish a national registration and accreditation scheme for nine health professions which are regulated in all states. The exceptions to these include the medical radiation practitioners, the podiatrists and the Chinese medicine practitioners. Those health professions that are not incorporated can be incorporated when the national scheme becomes operational.

The national scheme will involve an intergovernmental agreement and one lead jurisdiction. It is possible that Queensland — which has a most ignominious reputation for the oversight of medical registrations as a result of the conduct of Dr Death — will be required to pass the principal act, which will then be passed by other states and territories.

I want to congratulate my colleague David Davis on the points he made, and I also congratulate Mr Drum on the comments he made on behalf of The Nationals. We all want to highlight the most helpful and worthy amendments that are contained in this bill, but I am not going to indulge myself in listing all of them because they have been covered so well by previous speakers. I think the area of greatest concern is the unnecessary burden that this legislation will place on these health bodies. My recollection is that nobody has actually provided input from what the health practitioners have actually been prepared to go to print on, so I would like to draw upon the comments made by the chief executive officer of the Medical Practitioners Board, Mr Ian Stoney, in the board's annual report of 2006.

Mr Stoney stated with regard to the impending COAG instigation of a national registration scheme what he felt the impact of the legislation coming into effect by 1 July 2007 would be. He said:

> The complexities of managing two such dramatic changes in less than two years will consume considerable resources and an extensive amount of time for the board and management.

Given the government's total disregard of comments from a professional body such as that, one really has to question its attitude to professional bodies. It is easy and glib to take the position that, 'We are out there protecting consumers'. Of course we all want to protect consumers, and consumers are protected and will be protected, but I also think there is a little bit of venom contained in that stance in terms of possible previous tensions, disagreements, rivalries and perhaps even jealousies among some of the people operating these professional boards, as expressed by the essence of this particular legislation.

In extolling the virtues of the COAG scheme, Mr Stoney highlighted, inter alia, the following benefits to his profession: ensuring full portability of registration for the 90 per cent of practitioners with no restriction on their registration, and the development of nationally consistent processes, standards and application requirements.

I think it is also important and timely to talk about the array of health professions bodies that have actually further collaborated on this issue. I really wish to question the point that Ms Hartland made about the boards of health professions not providing a united front. I want to draw on some material that demonstrates to me quite a united front — although, yes, there are some exceptions.

I draw upon a letter that is signed by the president of the Australian Medical Association for Victoria, the president of the Australian Dental Association for Victoria, the president of the Pharmaceutical Society of Australia for Victoria, the president of the Australian Physiotherapy Association for Victoria, the president of the Chiropractors Association of Australia (Victoria) and the Optometrists Association Australia for Victoria.

I wonder what the people who are opposing the Liberal amendments to this bill would say to all those learned people who have united and collaborated to come up with the document that is represented in the letter of 30 May to the Minister for Health. I am dumbfounded that people can say it is not a united front on behalf of those health profession bodies. It is useful to refer to what they have said. In their letter to the Minister for Health in the other place they said that they believe that:

> The decision by all states earlier this year to move quickly towards a national registration scheme must surely mean that to proceed with the implementation of new Victorian legislation in the meantime is both illogical and risky.

I know that falls on deaf ears on the other side of the house, but I hope that the words 'illogical' and 'risky' as descriptors for this legislation without the Liberal amendment resonate, and continue to resonate, for those who are preparing to vote against it.

Furthermore, I refer to the Medical Practitioners Board of Victoria *Bulletin*, volume 2 of June 2007 — this is pretty fresh information. The president of the Medical Practitioners Board of Victoria, in a message dated June 2007 — that is about as fresh as you can get, other than a phone call — has gone into print and stated that this act is destined to have a short life and will be valid only until the COAG agreement takes effect. People are prepared to go on the public record and criticise this; it is a nonsense to say that they have not come out and said something. We support all the worthy amendments, but there is a lot of concern out there.

At its 13 April 2007 meeting COAG confirmed that the national scheme will go ahead. Then comes the caveat, or the big rider, on this whole process. The president's message reveals that further details are subject to an intergovernmental agreement between all states and territories and the commonwealth, which is expected to be signed in the next few weeks.

We must now ask: what is the reason this legislation is being rammed through now? I pose this question: is this government going to play yet another role as spoiler for the other states, as it is currently doing to stall the commonwealth's national water management initiative, where the other states urged the Victorian Premier to be the spoiler in state-commonwealth relations? Is that what is behind the ill-conceived timing of this amendment and its implementation?

Furthermore, the Medical Practitioners Board is concerned about serious disciplinary matters in which a doctor's registration is at stake and that that will be heard at the Victorian Civil and Administrative Tribunal and not at a board formal hearing.

I refer to the comments and views of another professional body. I quote from the newsletter of the Australian Physiotherapy Association, *Inmotion*, an article headed 'Victoria news', which is dated June 2007. It states:

> Branch council does not believe the Victorian government can justify implementing the Health Professions Registration Act 2005 on 1 July 2007 in the full knowledge that COAG is pushing for national registration arrangements to be in place by 1 July 2008.

In their letter to Premier Bracks, the Victorian presidents of the Australian Medical Association, the Australian Dental Association, the Pharmaceutical Society of Australia, the Pharmacy Guild and the Chiropractors Association of Australia argued that as no-one yet knows the detail of a national registration scheme there is a genuine danger that Victoria — once again — will go out on a limb with new processes which will then have to be abandoned in the interests of national consistency. The flip side of the Bracks government saying, 'We are going to lead the way' is Victoria going out on a limb against the national trend. I want that to be echoed around this chamber as well so that, hopefully, somebody will take notice of it.

In the May 2007 edition of its newsletter *Inmotion*, the Australian Physiotherapists Association highlights the value of COAG's national scheme. Its view goes back a way. It states that when the new arrangements will take effect on 1 July 2008 all existing physiotherapist registration boards will be dissolved.

As part of its July 2008 agreement COAG proposes to have separate national boards responsible for the registration and accreditation of chiropractors, dentists,

doctors, nurses, optometrists, osteopaths, pharmacists, physiotherapists and psychologists.

I refer back to the letter of 30 May to the Minister for Health in the other place. It talks about the meeting which took place with departmental staff to hear their arguments as to why this legislation should proceed as planned and states that, as a result of this meeting, and I quote:

> … our six professions are, if anything, more concerned.
>
> The main reason previously given as to why Victoria should proceed to implement the new act is that this new legislation is fully consistent in its detail with the planned national scheme and therefore will not need to be changed to any extent when the national template legislation is decided. However, at our meeting with the relevant departmental staff, we were not assured that the Victorian statute will be a template for the national scheme — on the contrary the departmental staff advise that the only aspect of the national scheme currently … at a national level … to the use of an administrative tribunal for hearing the most serious complaints.

This group has been told that no other details of the national scheme have been agreed, and all are awaiting a general statement of principles.

If those on the other side and members of the Greens have been awake and have listened to this debate, hopefully they will see this is a cogent argument to support the Liberal amendments, which will delay the enactment and the implementation of this duplication of provisions. These are serious matters. If somebody has been influenced by one of the health profession bodies that falls outside of what I would like to describe as the united front — and the great bulk of these professions are made up of people who have been in the business of acting as professional cohorts for decade after decade, who understand professional conduct and the potential for a national scheme with Victorian professionals fitting well into that national scheme and being fully compliant — they will support the proposed Liberal amendment to allow the boards to implement the required changes to satisfy the Health Professions Registration Act of 2005 and the national scheme in one smooth transition in July 2008. I think that makes a lot of sense. My recommendation is for the thinking people in this chamber.

Ms PULFORD (Western Victoria) — Last week there were media reports about Temora in the Riverina area of New South Wales. This town had attracted some media attention because the Rural and Remote Health and Medical Infrastructure Trust had placed an ad, which read:

> Thinking of rural practice?
>
> How about $500 000 up front plus generous fixed percentage of billings?

The director of that trust, Dr Paul Mara, was interviewed by ABC Radio, when he said they were desperate to attract a medical practitioner who had both obstetric and anaesthetic skills to their town; they felt they had no option but to offer that sort of incentive.

On a recent trip to the Nhill Hospital and in meeting with people from the West Wimmera Health Service I was told that expectations about the relationship between a family and their doctor are changing and have changed, so that now people expect their family doctor to be somebody they know for three or four years rather than what was the norm no doubt enjoyed by some of us in this chamber in our lifetimes — where we were perhaps delivered by the same doctor who delivered one of our parents, or were treated for every childhood ailment by the family doctor who we then took our own children to. This is not something that all communities, particularly those in remote areas, still enjoy.

I provide these two examples because they highlight but one of many good reasons to cut red tape and to make it easier for health professionals to move across state boundaries, which is one of the things which may ultimately be achieved not by, but through, our consideration of this bill.

The Health Professions Registration Amendment Bill comes about as a result of a Council of Australian Governments (COAG) meeting in July 2006. In the communiqué following that meeting it was announced that:

> In order to facilitate workforce mobility, improve safety and quality, and reduce red tape, COAG has agreed to establish by July 2008 a single national registration scheme for health professionals, beginning with the nine professions currently registered in all jurisdictions.

There has been some talk by members opposite about this creating more red tape, but I think we need to remind ourselves of the reason for doing this.

To achieve this by July 2008 is an ambitious plan as there are nine groups that are registered uniformly throughout the commonwealth. They are: doctors, nurses, optometrists, osteopaths, dental practitioners, pharmacists, physiotherapists, chiropractors and psychologists. I hope this bill helps to facilitate the transition to the nationally consistent scheme that everybody agrees is a desirable thing.

These nine groups are all registered in each state and territory, and at that COAG meeting it was agreed that that group would be expanded in appropriate circumstances where other health professions, other organisations, met all the appropriate criteria. In Victoria there are three other groups currently registered — the medical radiation professionals, podiatrists and Chinese medicine practitioners. I fear that if I speak about the registration of health professionals without mentioning in some way music therapists, my sister may never forgive me, but they are not on that list. Perhaps one day they might be.

This bill will, among many things, create a common system for registration in Victoria across 12 health professions. It will update the definition of 'unprofessional conduct', get rid of the curiously antiquated 'infamous conduct' charge, and allow a registrar or delegate of the board to extend a grant of specific registration for up to three months to address issues where a registrant perhaps might fail to meet administrative requirements to re-register before the expiry of their existing registration. Again, that can only assist medical practitioners in remote communities.

The bill will enable boards to provide information about special skills held by some health professions — for example, nurses with training in counselling or treating HIV patients. This bill will require a board to provide information on a quarterly basis on the progress into a complaint made against a medical practitioner about their conduct so that the medical practitioner can know what they are being charged with.

The bill also inserts a penalty for any person who broadcasts or publishes the name of a notifier, again providing better protection for both users of and professionals in the health system, and changes the classes of person who can undertake some of the tasks defined as 'optometry'. Current practice potentially places practitioners at risk of prosecution because of the definition of 'optometry practice'. The bill will enable podiatrists, where appropriate, to use the title 'acupuncturist' in their business, and will enable re-registration of people with old or dated qualifications — again in appropriate circumstances where they can demonstrate consistent use of their qualifications and appropriate skill levels.

Some conspiracy theories have been thrown about. Mrs Kronberg accused the government of trying to spoil the agenda to have a nationally consistent approach to health professionals registration and accused us of destroying the capacity to deliver this by 2008. Mr Drum suggested that Victoria was off doing its own thing. Rather than doing those things this government seeks to provide a framework for the proposed national registration scheme and some leadership in this important area. This is not Victoria doing its own thing willy-nilly. Rather, Victoria is seizing the opportunity, showing the initiative and, I hope, providing a framework that will better facilitate the implementation of a national scheme and at the same time provide security to the public and to people working as health professionals.

Mr KAVANAGH (Western Victoria) — I intend to vote for both the bill and the amendments. However, I wish to address one aspect of the bill about which concern has been raised with me by the Australian Medical Association. AMA representatives have expressed concern about the bill increasing the capacity of podiatrists to prescribe drugs, including drugs of addiction. There are good reasons for this measure, and I understand that Mr Drum has gone into some of those good reasons for this initiative; however, it may well be a matter of concern, not just to medical practitioners but to members of the public.

The precise conditions and restrictions on the ability of podiatrists to prescribe drugs of addiction have not yet been fully determined, and I express the expectation that the government will take action to ensure that this initiative is stringently and effectively regulated to prevent abuse.

Mr SOMYUREK (South Eastern Metropolitan) — I join the debate in support of the Health Professions Registration Amendment Bill. The bill amends the Health Professions Registration Act 2005, which is due to come into effect on 1 July 2007.

The main purpose of the principal act was to protect the public by instituting significant changes to the regulation of health professions in Victoria. These changes include repealing 11 separate health profession registration acts and part of the Health Act and regulations to provide a consolidated regulatory framework for the 12 regulated professions in Victoria; transfer of the hearing of serious disciplinary and health/incapacity matters from registration boards to the Victorian Civil and Administrative Tribunal; strengthened powers of the minister to influence the standards set by the boards in relation to qualifications; and supervise practice, examinations and scope of practice.

When this act was passed in 2005 and during the course of this debate I was surprised to hear opposition members waxing lyrical about their concerns that the minister's powers have been increased. From where I

stand I cannot see what the problem with this is. Certainly the Greens have been on about accountability and transparency, and I think the Greens will agree with me when I say that the minister taking on more responsibility is actually preventing buck-passing from happening. This is entirely consistent with the Westminster tradition of responsible government.

In my opinion there is too much devolution of responsibility down the accountability chain to the bureaucracy and away from the political process. When responsibility is devolved down the accountability chain away from ministers to the bureaucracy, so too is accountability, so I cannot see a problem with increasing the power of a minister to influence standards set by the boards.

Since the passing of the principal act in 2005 there has been a movement on a national level with respect to the regulation of the health professions. In 2006 the Council of Australian Governments agreed to establish a national registration and accreditation scheme for the nine health professions regulated in all states and territories to replace the disparate schemes that states and territories currently have. The nine occupational groupings have been delineated on more than one occasion, so I will not go through them.

The time line set for this to occur is July 2008, and the bill currently before us seeks to make the reforms to be implemented under the principal act consistent with the national scheme, minimise the burden on registration boards of implementing the act during the period of transition, ensure that Victoria continues to have an up-to-date responsive regulatory framework for as long as required, ensure that professions not captured in the national scheme are subject to regulation, defer a number of reforms until the shape of the national scheme is clear and, finally, improve the functionality of the act.

Given that the national scheme is due to come into effect on 1 July 2008, why are we going ahead with this bill? That is the question asked by members of the opposition parties. To this I say that there are two reasons. Firstly, we do not believe that the 1 July 2008 date is achievable, given that the details of the national scheme are yet to be determined. When you consider that an intergovernmental agreement must be developed and signed, legislation must proceed to Parliament this year in the lead jurisdiction and in autumn 2008 in all other jurisdictions, you can see how unrealistic the 1 July 2008 target is.

Secondly, there are health professions which are regulated in Victoria under the 2005 act but which are not listed on the national scheme, so waiting would mean that these professions would not be regulated until perhaps after the national scheme is introduced. I commend the bill to the house.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 agreed to.

Clause 2

The DEPUTY PRESIDENT — Order! Mr Davis is to move his amendment 1, which the committee should be advised is a test for his amendments 2 and 3, including the proposed new clause, which the member is able to foreshadow as part of his contribution on amendment 1.

Mr D. DAVIS (Southern Metropolitan) — I move:

1. Clause 2, line 9, omit all words and expressions on this line and insert the following—

"(2) Section 34 comes into operation on 1 July 2008.".

As you have indicated, Deputy President, this is a test for amendments 2 and 3. I think the purpose of my amendment is well understood by the chamber — it is to alter the date on which the act will come into operation. I have indicated to the chamber the reasons for that, and they are very simple. At the COAG (Council of Australian Governments) level there is discussion about introducing — in fact an in-principle agreement to introduce — a national registration system and approach. I think there is general support for that principle across the chamber. In fact I have not heard anyone in the Parliament speak against that principle. Given the reality of the national changes being mooted — indeed being clearly foreshadowed — it would seem difficult administratively and in respect of other aspects to which I have already referred in my contribution to the second-reading debate to bring into effect the new registration system that is envisaged under the Health Professions Registration Act 2005. I have indicated again in the chamber today that the Liberal Party has no objections to the substance of this amending bill; our concern is the operation of the primary act, the date on which it comes into effect and the impact that that will have on the health professions and thereby on the community.

I have expressed our concerns already, but I will restate them briefly. This will be cumbersome, because there is every likelihood that a national system could come into operation in the next 12 to 18 months or so. If that occurs — I think the intention nationally is that it will occur, and there has been in-principle agreement at COAG that it will occur — we will have gone through one step of re-registering every registered health professionals group in this state only then to have to go through a second process of re-registration. It certainly seems to many in the professional groups I have talked to and to individual practitioners that I and others in the opposition have talked to that this would be an onerous burden on individual practitioners. It would also be costly in terms of the administrative and time requirements of board members and board staff.

The reality is that if a single registration act is brought in, each of those individual registered professionals will have to go through a full re-registration process involving the presentation of documents. The complex process of examining those documents will have to be undertaken by the new registration board because of its legal requirements. The likelihood is that a replication of that process will occur at a national register level within a short period after that. The Liberal Party believes it would be smarter for the government and the community to pause to allow the national arrangements to be brought into effect, to allow agreement to be achieved on those and to allow a single re-registration step to occur.

Before this amendment goes to a vote, I have a couple of questions for the minister. They concern the status of the COAG arrangements. I ask the minister in the first instance to indicate to the chamber when the government believes these changes will come into operation.

Mr JENNINGS (Minister for Community Services) — I thank Mr Davis for his lengthy preamble to his question, because he facilitated my entry to the committee stage of the Council's consideration.

Mr D. Davis — I gave you a nice run down as background!

Mr JENNINGS — You did; it was a very lengthy preamble. In fact your question right at the end came as a bit of a surprise, because I thought it was a policy statement rather than a preamble to a question.

Mr D. Davis — It was an explanation.

Mr JENNINGS — Okay. When it boils down to it, Mr Davis has asked a pertinent question in relation to how the chamber should deal with the amendment he is foreshadowing. He is effectively seeking the support of the committee, and indeed the support of the Legislative Council, for the postponement of the implementation of this piece of amending legislation. The government will oppose his amendment on the basis that we think it is preferable to proceed with this amending bill to enable the provisions of the Health Professions Registration Act to come into play on 1 July and to pass the amendments this bill contains, which will add to the confidence of the various sectors involved regarding the regulatory regime that applies to professions that work within the health field going forward in Victoria.

We think the bill should be passed without amendment to enable the effective implementation of that act. We recognise the importance of trying to harmonise the arrangements across the nation, so we do not argue with the statutory position Mr Davis is advocating at one level. We recognise that there is value in harmonising the regime across the nation. Indeed the Victorian government has been a willing participant in the Council of Australian Governments (COAG) process, which is designed to lead to the harmonisation of these matters.

In answer to Mr Davis's question, which had a lengthy preamble, I have also given a lengthy preamble to indicate that the Victorian government's view is that, whilst we would hope this national scheme may come into effect within the next year — in fact we will be working assiduously to bring about the speediest national scheme possible — we do not believe that time line will be achieved. If the committee were to agree to Mr Davis's amendment, then it may well be that you would not have an effective act in play within Victoria; in fact we would compromise the ability of the act to be implemented.

Mr D. Davis — There are 12 acts implemented now.

Mr JENNINGS — Mr Davis is interjecting across the table that he does not think the implementation of the act as it has already been passed by the Victorian Parliament will come into play if we agree to defer this bill. That is a false assumption because the act will come into play. The act will come into effect shortly, and this legislation is designed to amend it to enable it to be administered more effectively. If Mr Davis believes the act that has already been passed will not come into effect, then he is sorely mistaken. It will come into effect and will address a number of aspects that the government has tried to remedy.

We believe it is preferable, regardless of the timing, to pass this legislation without amendment and to enable the act to come into its amended effect on 1 July. As I have indicated on the public record and as the Minister for Health has said, the Victorian government will work as assiduously as any jurisdiction to try to enable a national scheme to come into play. Our best estimation of its implementation would be not within a 12-month horizon. Indeed we anticipate it as being as long as two or three times that, so we do not support the amendment that Mr Davis has put to the committee.

Mr D. DAVIS (Southern Metropolitan) — In the context of the bill and the proposed amendment, will the minister explain to the house what the relationship between the act that will come into effect on 1 July and the amendments contained within the Health Professions Registration Amendment Bill 2007 is with the COAG arrangements? I refer specifically to the decision to make Queensland the lead state in terms of its act and its new act becoming the lead act nationally. Why does the minister see the need to bring new acts into place here when they will be supplanted by a lead act, even one that potentially may have modifications, from Queensland?

Mr JENNINGS (Minister for Community Services) — That is not a bad question from Mr Davis. The COAG process has seen a number of reforms agreed to by the jurisdictions. The states, territories and the commonwealth have agreed to have harmonisation of arrangements that apply throughout the nation in a variety of areas coming through the competition policy framework and other productivity reforms that have been agreed through COAG. This is just one in a series. Mr Davis would be aware that in those reform programs various jurisdictions have volunteered to create template legislation which has been subsequently picked up by other jurisdictions.

Mr D. Davis — In this area.

Mr JENNINGS — I am pretty apposite to the question, Mr Davis. In this area the Victorian government determined that in its own jurisdiction it was appropriate to have certain reforms to the regulatory regime to provide for certain standards, procedures and administrative savings and to have certainty provided across various sectors in Victoria. We embarked upon the process ourselves. I repeat from my first contribution to the committee that there has already been an act passed by the Victorian Parliament that will come into effect shortly which this bill is seeking to amend to tailor those administrative arrangements to make them more user friendly, respectful and responsive to the needs of the various professional sectors in the health sector in Victoria.

We believe there needs to be an appropriate regulatory regime that applies within this jurisdiction regardless of the national reform. We believe that it needs to take effect and will take effect from 1 July with or without the amendments that are within this legislation. But from the government's perspective it will be better for the amendments in this bill. Then, one by one, throughout the reform agenda, once the Queensland government has introduced and passed template legislation that allows for the mechanics of the national scheme to be implemented, it will be picked up by various jurisdictions throughout the country. Victoria would attest that many of the provisions that we will have within our regulatory regime we would anticipate being building blocks of the template legislation that Queensland will produce on behalf of those jurisdictions that will give full effect to the COAG agreement.

Mrs KRONBERG (Eastern Metropolitan) — The minister has given broadbrush statements about the concern for the COAG initiative to be implemented by July 2008, yet in his response to Mr Davis he said it could take one, two or three years for the implementation to take place. Can the minister elaborate and give some detail of what sorts of circumstances he bases this potential delay on?

Mr JENNINGS (Minister for Community Services) — It is based on the track record of the reform agenda that has been adopted by one sector after another across the nation through the COAG agreement. All members would be aware that many of these reforms that have come about through competition policy or the productivity reforms take time to implement. All of them have a gestation period of years rather than months. A very reasonable and realistic assessment is that anybody who operates on the assumption that one year is all the cover that is needed to adopt a national scheme is very optimistic. From the government's perspective, whilst we are committed to achieving a national scheme, we believe it is overly optimistic, and there is every reason to have a well functioning regulatory regime within Victoria in the interim.

Mr D. DAVIS (Southern Metropolitan) — I am interested to know what the minister considers to be the costs of implementing this particular scheme under the principal act with the modifications to the act — that is, the costs to the boards and the individuals who preside on the boards, to practitioners and to the community that will be generated by these changes?

Mr JENNINGS (Minister for Community Services) — I presume the member knows that the Minister for Health is on record on a number of occasions estimating the cost of the structure.

Ongoing pieces of work will be required in the projections of what will be the likely proceedings and processes which may stem from the implementation of the act — including, for example, the capacity of VCAT (the Victorian Civil and Administrative Tribunal) to consider certain matters. This is subject to ongoing cost expectations which are worked through by the Department of Human Services in collaboration with the registration bodies and are able to be determined over time.

It is not the intention of the government to change the cost structure in a significant fashion. It has been designed to try to maintain within reasonable parity the cost structures of the pre-existing operations of boards. That continues to be the intention, but the ongoing absolute costs will be determined by various matters such as the instance of matters that end up at VCAT and the consequent costs that boards may bear. The government believes it will be in the ball park of the existing cost structure.

Mr D. DAVIS (Southern Metropolitan) — That response was interesting, but my question was not about the ongoing costs of the new board arrangements but rather about the cost of implementation. I am interested in whether the government has estimates of the cost of implementing the new structure.

Mr JENNINGS (Minister for Community Services) — After taking some counsel, my substantive answer to David Davis's previous question is the one I should stick by — and I will stick by it.

Mr D. DAVIS (Southern Metropolitan) — I will take the minister's response to mean that he is unwilling to share with members of the chamber any of the government's estimates of the costs of actually implementing the new system as opposed to the cost of the ongoing operation of the new registration arrangements. What is the cost of its implementation?

Mr JENNINGS (Minister for Community Services) — Thank you, Deputy President, for providing me with time to reflect on the answer. The government's view is that the implementation costs will by and large be able to be absorbed within the operating cost structures of the board. It will not be an onerous cost imposition and there will be a relatively contained variation of the cost structures of the pre-existing board arrangements.

Mr D. DAVIS (Southern Metropolitan) — The minister's point by and large gives the game away. There will be some new and additional costs, and I am disappointed that the minister is not prepared to share the estimates the government has for those additional costs with members of the chamber. Further, does the minister believe there will be any losses or reduction in the number of health practitioners who are registered under the new arrangements?

Mr JENNINGS (Minister for Community Services) — Again, thank you, Deputy President, for the opportunity to seek some counsel because I was flabbergasted by the assumption in that question. I was operating on the assumption that there would be saving provisions of the register and that they would roll over from 30 June 2007 to 1 July 2008 so that the same number of practitioners would be registered from one day to the next. From the advice I have received from the advisers in the box, I have been told that that is the case.

Mr D. DAVIS (Southern Metropolitan) — Can the minister confirm for the chamber that there will be no reduction in the number of registered health practitioners whatsoever?

The DEPUTY PRESIDENT — Order! The committee is not helped by pedantry on the part of Mr Davis, when he pursues a question which he has already asked and to which the minister has given a explicit answer; the minister has already answered his question. I will allow the minister to make another comment, but the committee needs to move on in terms of the sorts of questions asked rather than again covering the same ground.

Mr JENNINGS (Minister for Community Services) — I am advised that we can all have confidence in that matter.

The DEPUTY PRESIDENT — Order! As I have indicated to the committee, this amendment is a test for Mr Davis's amendments 2 and 3 including the proposed new clause which Mr Davis foreshadowed in his preamble.

Committee divided on amendment:

Ayes, 18

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

Hall, Mr	Vogels, Mr (*Teller*)

Noes, 22

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

Amendment negatived.

Clause agreed to; clauses 3 to 35 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

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

That the bill be now read a third time.

In so doing I thank all members for their contributions to debate on the bill and thank contributors to the extraordinarily enlightening committee stage for quick deliberations of the matters before us.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

PROFESSIONAL STANDARDS AMENDMENT BILL

Second reading

Debate resumed from 7 June; motion of Mr LENDERS (Minister for Education).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to rise this afternoon on the Professional Standards Amendment Bill, and note that the Liberal Party will not oppose the bill.

The bill makes what are largely machinery changes to the Professional Standards Act 2003. This was a piece of legislation that was introduced at a time when Victoria and Australia — and, for that matter, other jurisdictions elsewhere — were experiencing great difficulty with public liability and professional liability insurance issues.

In late 2002 to early 2003 we had almost a situation of market failure, where following the terrorist events in 2001, and locally following the collapse of HIH Insurance Group, a number of insurers in Australia were withdrawing from the provision of public liability insurance and from the provision of professional indemnity insurance. They were either completely withdrawing from the market or they were offering policies on such terms and conditions as to be virtually unattainable for any person or entity seeking insurance. Through that period in 2002–03 there were a number of responses proposed by various governments to address this issue. In some areas, such as builders warranty insurance, we saw a watering down of the statutory requirements.

Much of the protection offered to people building homes was removed from the requirement in builders warranty insurance. The builders warranty insurance that is now in place in Victoria under a ministerial order by the Minister for Planning is a mere skeleton compared with the insurance coverage that was available prior to the changes. The consequence of those changes was that a number of operators in the insurance market re-entered the Victorian market by offering builders warranty insurance where prior to those changes there had been basically a reluctance from all players to offer insurance to Victorian builders.

One of the other areas in which we saw changes was the introduction of the Professional Standards Council, the purpose of which was to provide a uniform national framework under which professions could seek certification and oversight of a professional scheme, which would provide them with certain protections and make professional indemnity insurance more available to them. Basically the Professional Standards Council was meant to oversight those professions which had elected to enter into a scheme with the council. As a consequence of having this independent oversight, the view was that professional indemnity insurers would provide a better rate of coverage or indeed would provide coverage where they otherwise would not.

Some four years down the track, the reality is that we have not seen the Professional Standards Council used as it was intended at the time. This mechanism was put in place not only in Victoria but in other jurisdictions. In fact I am advised that the latest annual report of the Professional Standards Council indicates that over four years there has been only one application from one area — that is, the Institute of Chartered Accountants. It

is the only professional body that has applied for registration under the Professional Standards Council in the last four years. It is not a scheme that has been picked up by many of the professions. It largely has sat on the shelf for the last four years.

The bill before the house makes some technical amendments to the operation of the Professional Standards Council, one of which is to establish a Professional Standards Council Fund, independent from consolidated revenue. This is in recognition of the fact that the Professional Standards Council is supposed to be a body that is independent from government. It is therefore appropriate that it have an independent fund from which to operate and that it is not reliant upon appropriation from consolidated revenue.

The bill also provides a mechanism for the delegation of certain powers to the Secretary of the Department of Justice. This is in recognition of the fact that the members of the Professional Standards Council are part-time members and are not exercising their responsibilities on a full-time basis. Therefore it is appropriate that they have secretariat support, and the mechanism to do that is through the delegation to the Secretary of the Department of Justice.

In a similar vein, the bill allows the council to enter into arrangements with third parties for the provision of administrative support to the council. There are also certain changes to the regulation-making provisions insofar as they relate to the levying of fees for those entities that enter into a scheme with the Professional Standards Council.

The provisions of the bill are minor. They are not opposed by the Liberal Party. The only comment I make is that four years down the track from this mechanism being put in place, we really have not seen it deliver in terms of providing professions with independent oversight that has led to a better deal on professional indemnity insurance. That is obvious simply by the fact, as I said earlier, that in four years only one of the professions chose to apply to become registered under the Professional Standards Council. The organisation in effect has sat on the shelf for the last four years. With hindsight we can say that it has not achieved the purpose for which it was established. Nonetheless, the provisions in this bill are sensible, and they are not opposed by the Liberal Party.

Ms PENNICUIK (Southern Metropolitan) — The Greens will be supporting this bill. The amendments contained in it are designed to achieve national consistency, as agreed in the Professional Standards Agreement 2005, and to update the Victorian act as a consequence of amendments to the New South Wales regulations. It seems to be good policy to have a scheme that limits professional liability but provides aggrieved clients across many professions with a means of redress and financial compensation for professional misconduct. The other amendments are technical and designed to facilitate the operation of the Professional Standards Council. Therefore we will be supporting the bill.

Mr SOMYUREK (South Eastern Metropolitan) — I rise to speak in support of the Professional Standards Amendment Bill, which really is a machinery bill. It is designed to allow the Professional Standards Council and the Victorian government to properly implement a commitment to facilitate the nationally consistent framework in administering professional standards legislation. This is a national commitment undertaken by the Standing Committee of Attorneys-General and the commonwealth Assistant Treasurer, who is also the Minister for Revenue.

The amendments to the Professional Standards Act 2003 seek to achieve the following: establish a new Professional Standards Council funded separately from the public accounts; close the existing funds and transfer moneys standing to credit of the existing fund into a new fund; allow the council to delegate powers to the Secretary of the Department of Justice or to a person employed as executive, subject to any restrictions or conditions imposed on the council; allow the council to enter into an agreement with an entity for the provision of services of an administrative nature; allow the council to enter into an agreement with a person acting for another state or a territory for the provision of services of an administrative nature; and to establish in the act clearer heads of power for the making of regulations, which will enable more nationally consistent regulations to be promulgated in Victoria.

By way of background. the Professional Standards Act was passed as part of the national tort law reform in 2003. Its purpose was to facilitate a more affordable insurance cover for professional associations by capping their total liability for economic loss in return for those associations complying with higher minimum service standards to reduce the risk of negligence. The amendments in this bill are mainly of the housekeeping variety and will implement nationally agreed changes to improve the operation of the professional standards scheme. All in all this is a machinery bill, and I recommend the bill to the house.

Mr HALL (Eastern Victoria) — My research on this bill led me to the discovery of an instrument called

the intergovernmental professional standards agreement of 2005. As I understand it, that agreement provided that jurisdictions would seek to maintain some level of uniformity across state boundaries in respect of the signatories to that particular agreement. This particular piece of legislation has its origins back in the principal act, the Professional Standards Act 2003.
Mr Rich-Phillips explained some of the background to the establishment of that act. That act was formed upon a national agreement that sought to improve the professional service standards and limit the occupational liability of professionals in certain circumstances.

This particular bill contains a small number of clauses. It seeks to make the Professional Standards Act more consistent with professional standards legislation in other jurisdictions. It seeks that uniformity principally in three ways. They are contained in clauses 5, 6 and 7 of the bill.

Clause 5 establishes a new and separate Professional Standards Council Fund. The Victorian professional council fund accumulates fees paid to the council under the act, and that is now being separated from the public account so as to establish it in its own right and to close the fund which presently exists.

Clause 6 refers to the delegation of powers and the ability of the council to enter into agreements. This is an efficiency measure. Given that we are seeking to maintain some consistent standards across all jurisdictions that are signatories to this agreement, it seems appropriate that there is an ability to delegate some of the functions of each of the states in respect of this matter. I understand there is going to be a common national secretariat, and it makes sense that each jurisdiction make use of that national secretariat and the delegation of power. The ability for the council in Victoria to delegate some of its functions to the Department of Justice is a fairly sensible measure and is certainly one that we are prepared to support.

The other substantial clause is clause 7. That relates to regulation-making powers. As I understand it, what clause 7 does is insert new powers for the minister to make regulations of a practical nature under this act — for example, I understand the fee structures are currently set out in the act. As per the agreement I referred to earlier, the fee structures will be set by regulations based on the New South Wales fee structure. As a result what we need within this amending bill is the heads of power to enable that regulation-making responsibility to change. They are principally the three main amendments to this act. It is an act which we in The Nationals believe is common sense, and we are prepared to support it.

Mr PAKULA (Western Metropolitan) — Acting President — —

Mr Hall — Rebut all of those arguments!

Mr PAKULA — I will do my best to rebut Mr Hall's arguments! I rise to support the bill. I do not propose to restate the contents of the second-reading speech or refer at great length to other contributions. As other speakers have indicated, this is an amendment to the 2003 act, which was enacted as a response to the global downturn in the insurance market which was precipitated by things such as September 11, the Lloyds collapse and, more locally, the HIH collapse.

It was part of a package of national tort law reform which was designed to improve professional service standards and allow professionals to obtain realistic insurance cover by limiting occupational liability in certain circumstances. As Mr Somyurek indicated, these amendments are primarily of a housekeeping variety.

I want to touch very briefly on two elements of the amendments. Firstly, they help reinforce the national uniformity of the scheme. At a time when national uniformity is increasingly being imposed by Canberra in a ham-fisted and sometimes power-hungry way, it is good to see national uniformity occur by agreement, goodwill and cooperation. It is a nice change. That agreement and cooperation has been found via the good offices of the intergovernmental agreement of the Standing Committee of Attorneys-General. That is an important and very welcome element of the bill.

The other element of the bill I would like to touch on is the part which allows the Professional Standards Council to make delegations to the Secretary of the Department of Justice. That power of delegation provided by the bill will allow the department to enter into agreements with the Department of Justice's counterpart department in New South Wales, which is the Attorney-General's Department, and to enter into agreements for the provision of secretariat services. That again is possible because of the intergovernmental agreement which exists to establish a common national secretariat, as Mr Hall alluded to. The bill, working in conjunction with that intergovernmental agreement, provides not only the uniformity which I referred to earlier but also efficiency and resources savings, and on that basis I commend it to the house.

Motion agreed to.

Read second time.

Third reading

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

That the bill be now read a third time.

I thank members for their expedient, thoughtful and telling contributions to the debate.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

STATE TAXATION ACTS AMENDMENT BILL

Introduction and first reading

Received from Assembly.

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

COURTS LEGISLATION AMENDMENT (JUDICIAL EDUCATION AND OTHER MATTERS) BILL

Second reading

Debate resumed from 7 June; motion of Hon. J. M. MADDEN (Minister for Planning).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I was all set to commence on the payroll tax legislation, which has been postponed, but I will go on to judicial education instead.

Mr Atkinson — Use the same speech.

Mr RICH-PHILLIPS — I thank Mr Atkinson for his helpful suggestion. Although that is the practice from time to time, there are limitations, and stretching a payroll tax speech into judicial education is probably beyond my capability. But I am sure Mr Atkinson could, and maybe he will demonstrate that prowess over the course of this afternoon.

The courts Legislation Amendment (Judicial Education and Other Matters) Bill will not be opposed by the Liberal Party. The bill seeks to strengthen the requirement for judicial education of judges, magistrates and members of the Victorian Civil Administrative Tribunal. The bill provides or gives responsibility to the head of jurisdiction — the Chief Justice of Victoria, the Chief Judge of the County Court, the Chief Magistrate and the President of the Victorian Civil and Administrative Tribunal (VCAT) — to direct the members of their respective courts to undertake judicial education. This is an area that the Liberal Party has some concern about.

The principle of professional education is now well established. There are a number of professions that to a certain extent require their members to undertake professional education and periodic review of their professional qualifications. We see it in the accounting field with members of the CPA Australia, the chartered accountants. They are required to undertake professional education to keep their qualifications current. We see it in other areas and certainly in the aviation field. Many of the professionals working in that field — pilots, engineers et cetera — are required to undertake professional education and periodic testing to ensure that their qualifications are up to date and that they still meet the relevant standard. It is certainly not new to introduce the issue of professional development for the legal profession or for judges in particular.

However, the Liberal Party is concerned that when you stray from professional education to professional re-education, the education process becomes one of indoctrination. It is one of the principles in the theory of our system of government that the judiciary is independent from the executive, but if you have a situation where the executive, through the heads of each jurisdiction, is able to require that judges, magistrates and members of VCAT undertake certain professional education, there is a risk that their independence from the executive will be diminished and a risk that that education will take the form of the latest doctrine from government, rather than meaningful education in judicial matters. The Liberal Party is not opposing this legislation, rather than supporting it, on the grounds that we have those concerns about the direction in which judicial education may head.

Other matters picked up by the legislation include clarifying the seniority of judges by virtue of their commission date. I can understand why this is important to members of the judiciary. Obviously in terms of status within their respective ranks, it is important to establish some basis for the seniority of judges and magistrates within their particular pools, and the date of the commission is an appropriate basis for that. There are parallels with members of Parliament in relation to establishing seniority among members of

these houses, whether it be based on duration of service et cetera. It is appropriate that this bill clarify that situation with respect to the members of the judiciary.

With respect to provisions relating to the resignation of judges, the bill also recognises that one of the issues facing the judiciary — and it ultimately comes back to remuneration — is the practice now for judges to resign from judicial office and return to practise at the bar. I guess it is a reflection of the legal profession in the 21st century that over the course of a year senior barristers are earning fees many times the amount that is paid to a judge by way of a remuneration package. The reality is that there is only so much prestige attached to being a judge.

Typically judges and magistrates are remunerated at an amount in the order of $200 000 to $300 000 depending on exactly which court they are in and their rank within the court, but if you have senior barristers earning four or five times that amount you can quickly see why continuing to work at the bar is more attractive than being a judicial officer. We have seen and will no doubt increasingly continue to see people who have been appointed as judges resigning their commissions to return to work as barristers.

That raises the issue of the type of people who are currently being appointed to the judiciary. The Chief Justice of Victoria, Marilyn Warren, made some very interesting comments in her state of the judicature speech, where she indicated that it is fine to have people representative of minorities appointed to the benches of the various jurisdictions, but that one of the difficulties — I assume she was speaking from experience as chief justice of the Supreme Court — is that the appointment to the bench of people who do not have a lot of legal experience can result in the workload being carried by other judges. Until the new appointees who do not have broad legal experience are up to speed, the remaining members of the bench have to carry the load. The fact that the chief justice saw fit to mention this in her speech reflects that that is obviously an issue for the Supreme Court and potentially an issue for the other jurisdictions.

I think that is something the Attorney-General needs to keep in mind when he is making these appointments. The Attorney-General has been very vocal on the nature of the appointments he makes to the courts in Victoria. He has very proudly trumpeted the fact that he is appointing fewer white males from private schools, to use the term that he used repeatedly at the estimates hearing.

Mr O'Donohue interjected.

Mr RICH-PHILLIPS — People like him, as Mr O'Donohue says. To the Attorney-General's credit, he did point that out. But in appointing people with less legal experience there has clearly been a downside, as identified by the chief justice of the Supreme Court.

One of the other key provisions of this bill is that it extends the sunset provision for the Koori Court from 30 June this year to 30 June 2009. The establishment of the Koori Court is something that was supported by the Liberal Party in, I think, 2002 when it was first established, and its continuation on the basis of an extension of the sunset provision for another two years is certainly not opposed by the Liberal Party.

In summary, the Liberal Party will not oppose this bill, but I reiterate that it has concerns about the way in which judicial education can be used as a tool of indoctrination. When used properly as professional development for judges, it is something that would be welcomed, but it is something that could easily be abused in terms of a tool of indoctrination, and that would simply serve to weaken the legal system in Victoria.

Ms PENNICUIK (Southern Metropolitan) — This bill makes a number of amendments to the legislation applying to various courts. The principal amendments apply to judicial education in the Supreme Court, the Magistrates Court, the County Court and Victorian Civil and Administrative Tribunal. Other amendments refer to the commissioning of judges and their seniority and pension arrangements. The bill allows for masters of the Court of Appeal to constitute the court for procedural matters and to case manage those matters, which is well within their skills and experience, and thus free up the time of Appeal Court judges. The bill aligns appeal rights of the County Court to the Court of Appeal with the appeal rights that already exist for the Supreme Court. The bill also extends the sunset clause on the children's Koori Court for another two years.

The Greens support and welcome the judicial education amendments, which we think are very good. They implement compulsory judicial training by agreement from the heads of each court to direct that their judges, magistrates or tribunal members undertake particular training, thus achieving compulsory professional development without compromising the separation of powers.

While we have progressive heads of court, this will work, and hopefully it will become integrated into the operation of the courts as it has in other countries. Professional development is important in all professions and occupations — for example, teaching,

health, building and construction, hospitality and the law. Judicial officers need to keep up to date with developments in the law and technology and with the needs of different sections of the community.

Life-long learning is now accepted as an important part of our working lives. It is important that all courts are more responsive to the needs of people with complex issues — for example, people with disabilities such as cognitive impairment or mental health issues and people from culturally and linguistically diverse or newly arrived communities.

The amendments in the bill that will enable the heads of courts to direct their judicial officers to undergo professional development are an important mechanism for ensuring that courts and their staff are kept abreast of developments in society and in community attitudes. This will also be good for dealing with issues such as family violence, as reports have pointed out that there needs to be greater judicial and community education on that issue.

The Greens are very supportive of extending the term of the children's Koori Court for another two years to allow full evaluation. The children's Koori Court, which was established in 2004 as a division of the Children's Court, sentences children and young persons who have pleaded guilty or have been found guilty. In the children's Koori Court a Koori elder or respected person accompanies the child or young person, and family members can contribute to discussion during the court hearing.

The children's Koori Court tailors sentencing orders to the cultural needs of Kooris and helps reduce perceptions of cultural alienation. The aims of the court are to reduce Koori overrepresentation in the justice system, to decrease the rates at which court orders are breached and to reduce the rate of repeat offending, among other things. The court is informal. The magistrate sits with other participants at a large oval table, not at the bench. The Koori child or young person sits with his or her family at the table and not in the dock. Participants talk in plain English rather than using technical or legal language.

People I have spoken to about the Koori Court tell me it is very successful, and we are looking forward to a full evaluation of the court over the next two years.

Mr DALLA-RIVA (Eastern Metropolitan) — I wish to make a brief contribution on the Courts Legislation Amendment (Judicial Education and Other Matters) Bill 2007 and to comment on a couple of the issues that were raised by Mr Rich-Phillips in respect of how the opposition views this bill. It is a piece of legislation which we do not oppose, but we also do not give it our full support in the sense that we have some concerns about it, particularly in respect to part 2 of the bill, which I will get to later.

I must go on, as I always do, and congratulate the officers who compiled the explanatory memorandum. As I have said before and as I will say again, where there is an extensive explanatory memorandum that explains a bill — albeit a very small one in this instance — to the extent that it has been explained here, it does give great comfort to the opposition and indeed those in the community who need to read and understand the bill.

Some of the changes are really only insertions or substitutions of subsections, clauses or parts, and it makes it a bit confusing unless you have the principal acts to refer to, and there are a few principal acts that are amended as a result of this bill. In fact nine acts are amended through this amending legislation, and that is good to see. We have seen this government introducing three-page amending bills before. I know it is opposed to omnibus bills, but there are occasions where there is some merit in them, although this is probably not one of those occasions.

The bill is essentially broken into three components, as was explained earlier. Part 1 is the preliminary discussion points, the purposes and the commencement. Part 2 is the part that we do have some issue with in terms of judicial education, which I will go to. Part 3 deals with other matters, which I will also go to as I move through the bill. As I explained earlier, the amendments in part 1 on page 1 of the bill are fairly self-explanatory. In relation to part 2 we have some concern about the directing of the different levels of jurisdiction given that the bill establishes a uniform provision regarding judicial education for those different levels of jurisdiction.

Clause 3 in part 2 of the bill relates to the Supreme Court Act and provides for the insertion of new division 6 relating to professional development and training. The remainder of the bill is symbolic. The only real variation, as is detailed in the explanatory memorandum, is the difference in the judicial officers, whether it be in the Supreme Court Act, the County Court Act or the Magistrates' Court Act as provided under clause 5, or, in particular, in the Victorian Civil and Administrative Tribunal Act 1998, as provided under clause 6. It is really those issues that I have concerns about.

I will not be specific to any jurisdiction, but generally the legislation talks about the relevant officers — whether it be the chief justice, the chief judge, the Chief Magistrate or the president, in that sliding order — being responsible for, to quote from the legislation 'directing the professional development and continuing education and training of judicial officers'.

I am pondering this in the context of our position in the Parliament. Each year we are given an allowance with which to provide training; I do not think there is anything that says we are to direct the training of our staff. The training money is offered, but I do not think we are specifically expecting to be directing the professional development and continuing education and training of our staff. Essentially that is what this legislation does. Each relevant new subsection (2) in respect of each of the jurisdictions says 'responsible for directing the professional development and continuing education'. You would think funding would be made available to each of the people responsible for heading up those various levels of jurisdiction to support professional education or professional development and that education and training would be made available to the judiciary, but not that the judiciary would be directed, as this bill sets out to do. It is a bit rich that we have heard the Attorney-General in the other place talk about the continued separation of the executive and the judiciary but that here, for an unknown reason, we have the Parliament wanting to impose a direction for development.

The legislation does not make it clear what is intended to be done and what type of development that is. I have concerns about each new subsection (4), which states that 'A direction under subsection (3) may be given orally or in writing'. It seems rather odd that there be a direction. It is a direction, but the bill does not make it clear what happens if the direction given is not complied with. What happens — the jurisdictions referred to would be most aware of this — when there is a point of difference in the oral direction that is given? As we know, in civil and indeed in criminal matters an oral direction that is given or an oral statement that is made then becomes subject to what one person said as opposed to what the other person said. It seems rather odd that we have this re-engineering of the judiciary, and that part of that is that some oral direction be given by the senior court officers in each of the respective jurisdictions. It is a real worry for me and the opposition that we do not know what the intention is.

Each new subsection (3) is again about direction. Each talks not only about the judicial officers as defined in each new subsection (1) — those provisions are inserted by the relevant clauses under part 2 into various parts of the acts — but also talks about a specified judicial officers. The direction can be to a specified judicial officer — in other words, a specified judge, an acting judge, a specified master, a specified magistrate or judicial registrar or principal registrar, or, in terms of VCAT, one of its members.

This has got to the point where the legislation now allows not only for the various heads of the jurisdictions to direct the professional development and continuing education and training of judicial officers but also that in discharging his or her responsibility under new subsection (2) the respective heads may direct a specified judicial officer to participate in a specified professional development or continuing education and training activity. In other words, it appears that when a judgement is made in a particular court — and I pick out the Magistrates Court — and it seems to be not politically correct for a magistrate to have made a particular statement, this legislation would force, in this case, the Chief Magistrate to direct the specified magistrate who made the politically incorrect statement or judgement to participate in specified professional development or a continuing education and training activity.

This is about the judiciary and not liking what the judiciary has handed down. The Parliament and the media are often the first to criticise, but I think it is getting a bit rich that we are now assigning blame, and that if judgements made by particular judges, magistrates or members of VCAT do not accord with what the government thinks is the right thing, those judicial officers will have to go through some re-education and training program. It is like what happens in the book in which people are re-educated and put through a process where they come out of the end of the sausage factory in agreement with the Almighty. I think it is *Nineteen Eighty-Four*. I got a nod over there, so it was in *Nineteen Eighty-Four*.

Mrs Coote — And *Animal Farm*.

Mr DALLA-RIVA — *Animal Farm* as well. This is where it is heading. We do not like the decisions so we re-educate those who make them — take them into a room, put them in front of a whiteboard and tell them what they should be saying and brainwash them so they come out of the other end hopefully in agreement with the government's policy. That is not right; it should not be done. The government might see it differently — it is obviously seeing it differently — but it does not seem right in this legislation to be re-engineering the notion of a training and professional development and

education regime for our judiciary. That is not right, and the opposition is opposing the bill for that reason.

I move on to part 3 of the bill, which deals with other matters. There is merit in the issues that are raised there. I do not propose to go into too much detail, other than to say that it clarifies a lot of issues which have been on the books for a while. For example, clause 10 provides that masters of the Supreme Court may constitute a Court of Appeal. We note that clause 12 meets an urgent need by providing for the continuation of the Koori Court in the criminal division of the Children's Court, which is due to expire at the end of this month. I understand this legislation needs to be passed fairly quickly so that the Koori Court can continue to operate. Other than that, I look forward to the bill's passage through Parliament in due course.

Mr HALL (Eastern Victoria) — This is another of quite a number of Attorney-General bills that have come before the Parliament in recent months, and I have to say that each of those Attorney-General bills poses some challenges for lay persons in this area. I do not say it is a plot by all the lawyers in Parliament but it certainly is a challenge for those of us who are not trained in the law. I offer the comment that I think the views of lay persons are important in discussions on these matters because the views of a lay person often bring a broader perspective to issues before us.

That is why I think it is important that lay persons are included on certain boards or councils established by the legal profession to look at matters related to the legal profession, and equally the appointment of those trained in the legal profession is important to assist those serving on boards, councils or bodies that might be formed for other purposes. I think it is appropriate that we have a mixture of comments on these matters from both trained professionals and lay persons.

The Court Legislation Amendment (Judicial Education and Other Matters) Bill will amend various acts to provide for professional development, continuing education and the training of judicial officers. It will also amend the Constitution Act of 1975 regarding Supreme Court judges' employment conditions and pension arrangements. It also extends the Koori Court in the criminal division of the Children's Court until July 2009 and makes a couple of other machinery-type amendments. I want to comment on a couple of aspects of those amendments.

The first of those is judicial education. This bill will establish a uniform system of judicial education applying to judicial officers in each jurisdiction — the Supreme Court, the County Court, the Magistrates Court, and the Victorian Civil and Administrative Tribunal. As other members contributing to this debate have commented, this is an important aspect.

A continuing education is something that the public expects of our judicial officers. As it has also been said by some other speakers, continuing education, or professional development, is something that has been embraced by most other professions. I note comments by some members about the medical profession. Other professions too require mandatory professional development. I note with interest that in the teaching profession, the Victorian Institute of Teaching has recently mandated that teachers undertake 100 hours of professional development in a five-year period if they wish to maintain their registration as a teacher. There is a mandatory component of professional development in some professions.

While I understand judicial education not to be mandatory in this particular instance, I note that the head of each jurisdiction will be responsible for directing the judicial officers to participate in certain types of education and essentially that professional development will be undertaken by the Judicial College of Victoria. The functioning of the professional development of our legal profession is outlined in clauses 3, 4, 5 and 6 of this bill. I think it is a good thing. Indeed, from talking to my colleagues I hear that the Judicial College has been very effective within the profession and one would hope — and I am sure this will be the case — that the head of each of those specific areas will use wisely their powers now to direct particular officers within their jurisdiction to appropriate forms of professional development.

The other thing I wanted to comment upon was the extension of the sunset date for the Children's Court to 1 July 2009. While I think some have said they are looking forward to the review of the Koori Court — I think Ms Pennicuik said that she is looking forward to the formal review of the Koori Court — the anecdotal evidence and feedback that we in The Nationals have received from the various Koori courts that have been established in parts of country Victoria is that they are working very well. We are pleased about that and pleased that the outcome seems to best suit the needs of both the Koori communities and the white communities in various areas. That is positive. We, too, look forward to the formal evaluation, but the interim feedback that we are receiving is positive indeed.

I am not going to comment on other measures contained in this bill — other speakers have already done that — but I can conclude by saying that The

Nationals will not be opposing this particular piece of legislation.

Mr VINEY (Eastern Victoria) — I am very pleased to rise in support of the Courts Legislation Amendment (Judicial Education and Other Matters) Bill 2007. To pick up on Mr Hall's point about the number of pieces of legislation that are being introduced by the Attorney-General, he is a very busy man, and this legislation is the continuation of a commitment made by him and the government to ensuring that our courts are up to date, efficient and able to dispense justice in our legal system in Victoria in a timely and efficient manner.

As many would know, there is a view that it is important for the administration of justice that justice is not unduly delayed, and in part this legislation deals with that through changes to the capacity for masters in certain constituted courts of appeal to deal with some procedural applications in relation to civil proceedings. The legislation also covers continuing professional development for judicial officers and makes it uniform for the Supreme, County and Magistrates courts and for the Victorian Civil and Administrative Tribunal, which commitment is consistent with the government's 2006 election policy.

There are a number of other reforms in relation to the appointment of Supreme Court judges, and in particular also the Koori Court division of the Children's Court. The introduction of Koori courts in Victoria has been a very important reform that this government has put in place to provide a more relevant and appropriate judicial process for indigenous Victorians.

I listened with interest to Mr Dalla-Riva's contribution. I make the comment that his was one of the speeches that you sometimes hear in this place from the opposition in which all of the words appear to oppose a bill, but then you find that the opposition is going to support it.

Mr Dalla-Riva interjected.

Mr VINEY — He is in the chamber; I am pleased!

I want to pick up on some of Mr Dalla-Riva's comments that seemed a little tongue in cheek. When speaking of continuing professional development and education for judicial officers, I think he said he was reminded of a film or a book, the name of which he could not remember. I think he started with the books *Nineteen Eighty-Four* and *Animal Farm* and then went to the *Big Brother* television program.

It is worth commenting that often you hear calls from conservatives in the community that judicial officers need to be in tune with community attitudes, but community attitudes are often not very well defined. Yet criticism such as that made by Mr Dalla-Riva — and I think it was partly made in jest — is a bit disingenuous. We want our judicial officers, including our judges, to be aware of current social views and community attitudes and, sometimes, of government policy. We also want them to be aware of changes in the expectations and perceptions of the public in terms of the fairness of our judicial system and to sentencing, as well as the expectations of the community about the efficient operations of the court so that justice can be dispensed in a timely way. If that is to be the case, then we need to make a commitment to the continuing education and professional development of judicial officers.

The reason I wanted to pick up on this point is because this legislation is not about requiring judges to toe particular policy lines or to impose particular views of the government. This government — in particular, the Attorney-General — has been deeply respectful of the independence of the judiciary. The Attorney-General has also been respectful of the need for the composition of the judiciary to reflect that of our community, and he has worked hard to ensure that more women have been appointed to the bench. It is important to consider in the context of the bill and the debate earlier that professional development is an important part of improving our judicial service. I commend the bill to the house.

Mr O'DONOHUE (Eastern Victoria) — I am pleased to rise and make a contribution to the debate on the Courts Legislation Amendment (Judicial Education and Other Matters) Bill. In doing so I would like to pick up on a point made by Mr Dalla-Riva — that is, that it is pleasing to see that this bill amends nine acts rather than the usual course we have had in this Parliament, where small bills come before us to be debated one by one. In this case a number of amendments to a number of acts are wrapped up in the one bill. That is a more efficient use of the Parliament's time.

Other speakers to the debate outlined the range of amendments that this bill makes. In summary the two main issues that are of concern to the opposition are, firstly, the extension of the Koori Court. The Koori Court was first established in 2004 and is due to expire at the end of this month. The concern is not so much that the role of the court has been expanded. Anecdotally, the people I have spoken to about this matter say that the court has operated well, and, from

what I understand, the profession by and large supports it.

What is disappointing is that despite the Koori Court having had three years of operation the government cannot make up its mind whether it is a good initiative and thinks it has to extend the trial for another two years, thereby not providing certainty to the users and operators of that court as to whether it will continue to operate after the further trial period expires. You would have thought that after three years of operation the government would have been able to analyse the court's performance and make up its mind on whether Koori Court is good.

The second and perhaps more substantive issue that has been raised by members on this side relates to the issue of the independence of the judiciary. I am sure we all agree that providing judicial officers with the opportunity for further education is a good thing, but I make the point that members of the judiciary — members of the Victorian Civil and Administrative Tribunal (VCAT) and others — must not only be independent of the executive, they must also be perceived to be independent of the executive. It is a very fine line between offering further opportunities for education and training and influencing members of the judiciary to the detriment of that independence. Mr Dalla-Riva outlined that difference very clearly and succinctly.

I will pick up on comments made by two previous speakers. In her contribution Ms Pennicuik spoke of the need for members of the judiciary to keep abreast of changes in societal norms and expectations. She spoke about the need to have progressive heads for each jurisdiction. Those sorts of comments highlight the concerns that the opposition has, because it is not the job of the judiciary to be progressive or necessarily to keep abreast of societal norms. That is the job of the Parliament. It is the role of the Parliament to make the laws and to reflect the attitude of the community. It is the job of the judiciary to then apply those laws.

We do not need judicial officers being given education lessons in the latest societal fad or societal trend. Again, if the community has an expectation of change, it can act on that through the ballot box — that is the most appropriate way and form for that to occur. While Mr Viney in his contribution had a go at Mr Dalla-Riva for his comments, Mr Viney also said in relation to the role of judges that they need to be au fait with community norms and beliefs and societal expectations. With respect to Mr Viney, he has missed the point. I find it alarming that he would make that comment. The role of the judiciary is to apply the laws that the Parliament passes. If the people do not like the laws that exist, they can express that through the ballot box and change the government or the composition of the Parliament, and the laws can consequently be changed. It is not the role of judges to reflect and interpret the latest fashion or trend that exists in society.

To comment further on a point made by Mr Rich-Phillips about the composition of the judiciary, there should be only one test when it comes to appointing members of the Victorian Civil and Administrative Tribunal, members of the Magistrates Court, members of the County Court or members of the Supreme Court — that is, who is the best person for the job. Mr Viney spoke about the benefit of having more women on the bench, and I would welcome a bench that had a high number of women and a bench that reflected Victoria's diversity. However, that should not be done at the expense of the legal capabilities of the members of the bench. There should be only one test, and that test should be who has the best legal skills. Whether the members are women, men, people of ethnic diversity or Anglo-Saxon should be irrelevant. The criterion should be the people who have the best legal knowledge, because if you appoint people who do not have the best legal knowledge, they need to be brought up to speed, they slow down the court system and invariably they take longer to give their judgements.

That relates to one of the greatest criticisms of the court system — the length of time it can take for judgements to be made. Not only do litigants have to wait for their matter to be heard and to proceed through all the interlocutory procedures of the court system, they are often then having to wait for many months, and often over a year, for a decision to be made. That really gets back to the government's inability to adequately resource the court system. Resourcing is at the heart of the debate we have had thus far — resourcing courts adequately so that they can have enough members on the bench and can expedite litigation as quickly as practicable, because efficient and quick litigation of civil and criminal matters is efficient and quick delivery of justice. That really is one of the issues this government should be addressing over and above what it has introduced thus far.

Thus, whilst the opposition will not be opposing this bill, it has several concerns about it. At the heart of those concerns is this question of the further education of the judiciary. It has been very ill defined in the legislation, and the contribution by Mr Viney did little to alleviate the concerns that have been highlighted. In fact all it did was heighten those concerns through his reflection that the judiciary needs to be au fait with

community norms and community beliefs when in fact that is really the role of the Parliament.

In summary, the opposition will not be opposing this bill, but it has some very clear and serious concerns about its implementation. I call on the Attorney-General to provide adequate resources to the courts of Victoria so that the efficient administration of justice can be delivered.

Mr SOMYUREK (South Eastern Metropolitan) — I rise to make a brief contribution in support of the Courts Legislation Amendment (Judicial Education and Other Matters) Bill, which contains a number of amendments to legislation within the courts portfolio. This legislation is part of the Bracks government's commitment, made during the last election, to establish ongoing training and education for judiciary officers. As a result of this legislation, judges can be directed to attend professional development and training programs to ensure that they remain in touch with legal and community trends. This will maintain the independence of the judiciary while strengthening the community's confidence in our legal system. The community expects a modern and up-to-date judiciary, and these laws are an important part of this government's commitment to making justice accessible and relevant to all Victorians.

The bill will insert new provisions into the Supreme Court Act 1986, the County Court Act 1958, the Magistrates' Court Act 1989 and the Victorian Civil and Administrative Tribunal Act 1998, establishing a uniform scheme for professional development and continuing education and training for judicial officers in Victoria. The head of each jurisdiction will be empowered to direct all judicial officers, a specified class of judicial officer or a specified judicial officer within their jurisdiction to undertake professional development and continuing education and training.

The provisions to be inserted into each act establish a uniform scheme but differ with regard to which judicial officers within their respective jurisdictions will be included within the scheme. The scheme is the first of its kind in Australia, building on the success of the Judicial College of Victoria, which was established in 2002, to provide ongoing support to the judiciary in remaining up to date with legal, technological and social developments.

In conclusion, the Bracks government is committed to working with the courts to support a high-quality justice system and improve access to justice. This bill both assists court and judicial innovation and promotes a system in which judges are encouraged to continually update their knowledge of the law, community attitudes and other relevant community trends. I commend the bill to the house.

Sitting suspended 6.29 p.m. until 8.03 p.m.

Mrs PETROVICH (Northern Victoria) — I rise today to speak on the Courts Legislation Amendment (Judicial Education and Other Matters) Bill. I have an interesting perspective on this bill because I have no legal qualifications. I have a layman's approach to this bill, which I have read in some detail.

The bill clarifies a number of issues, one being the seniority of judges and the express recognition of their commissions of appointment. The bill also provides for the resignation of judges prior to their compulsory dates of retirement. It removes a number of anomalies with regard to judicial pensions. It also brings appeal rights from the County Court to the Court of Appeal, in line with the practice of the Supreme Court. The bill also assists in the extension of the sunset clause on the Koori Court division of the Children's Court.

I do not oppose this bill, but I have some reservations about a particular aspect of it regarding the education of the judiciary. The bill provides for uniform re-education opportunities for all members of the judiciary, but that is fraught with some difficulties and perhaps has some aspects which have not been fully considered.

The bill clarifies and recognises the seniority of judges, but that is an aspect of the legislation that I will not speak about in detail. There are two parts to my real concern: firstly, the status quo is that the roles of Chief Judge of the County Court jurisdiction and Chief Justice of Victoria in the Supreme Court jurisdiction have always been administrative. They serve as figureheads. In this context it is possible to draw an analogy to a mayoral appointment to a shire council. The chief justice holds the position of first amongst equals.

Currently the chief justice has no additional powers over members of the judiciary. Previously the chief justice has played a figurehead role. The chief justice is an administrator and ensures that court dates and hearings are organised in a timely manner for the benefit of the judiciary and those participating in court proceedings. Currently there is no capacity for the chief justice to exercise a supervisory or directional role over magistrates and judges.

My concern is that this bill places a chief justice, chief judge or chief magistrate in a position where they can apply undue force on members of the judiciary to undergo additional training. In its purest form, this positions the chief justice to determine the priorities of

judges and magistrates; that is clearly not what the role of chief justice was supposed to be. Additional training may not be necessarily the priority of individual judges and magistrates who are being directed. This could directly impact on the independence of the judge or magistrate when carrying out their duties. This, I believe, creates a potential for conflict for the judge or magistrate who is being directed. We know that their role is supposed to be that of independence, and that could certainly place them in direct conflict.

My second concern is that this now appears to be a supervisory role for chief justices. They would be directing judges and magistrates to undergo additional training because they could disagree with a decision that could have been made by them. A potential danger is that the re-education could be interpreted as a punitive measure for the judge or the magistrate who is being sent for re-education, and the net result could be a rather unfortunate dumbing down of the independence of the judiciary, and in this there is a possible conflict.

Judges and magistrates may have difficulty because of this, and avoid making those difficult and independent decisions. We all know there are controversial and difficult cases, and we have always had the benefit of judges and magistrates acting without fear or favour in these cases. That may alter if the role of the Chief Magistrate changes. My main concern is that the legislation does not have the capacity to deal with a conflict that may arise.

Ms PULFORD (Western Victoria) — It gives me pleasure to speak on the Courts Legislation Amendment (Judicial Education and Other Matters) Bill. I would like to start by saying that in Victoria we seek to have a modern and responsive judiciary, and the public expects nothing less, as I would hope they expect a modern and responsive legislature.

There were some comments by Mr Dalla-Riva earlier which included extensive quotes and references from some of George Orwell's works about the education of judges. Mr Dalla-Riva's proposition was that it was really an exercise in re-education. I find that to be pretty offensive. It is typical of some of the comments we have had from members on the opposite side of the chamber with respect to our judiciary. There has been some implicit criticism that some appointments to the judiciary have been lacking and, by implication, this bill, among other things, aims to rectify some shortcomings in the judiciary. That is frankly an outrageous proposition.

The bill contains some technical amendments on which I will comment briefly. There are amendments that will ensure that entitlements — pensions and the like — for judges are consistent for all judges. These are technical in their nature.

The second amendment will allow for the constitution of masters to the Court of Appeal. The government has a strong record in exploring alternative dispute resolution procedures. This amendment can assist in reducing delays, minimising costs and of course ease stress on litigants in the court system by providing other means to assist in the speedy resolution of disputes before the courts. The amendment will enable the Court of Appeal to be constituted by a master for procedural applications in civil proceedings, and it will enable a smoother transition through the courts of some matters as appropriate. As I said, this is part of our commitment to making the legal system in this state more accessible for people and providing them with a better experience of the court system.

One of the other amendments dealt with by this bill is to extend by two years the Koori Court in the criminal division of the Children's Court, to enable it to continue in its work. The government feels that this has been a very successful part of the court system, but hopes that an extension of two years will enable the court to continue so that a thorough evaluation can occur and a review that is currently under way can conclude. The experience of users of that court has been favourable to date.

The topic that most previous speakers have concentrated on is the question of education of the judiciary. Without doubt judges are very busy people. Like any busy professionals they can benefit from only the occasional day away from the courtroom to reflect on things which could result in best practice in their profession and which they could in turn apply at the court.

I do not need to tell members in this place that the law is a very fluid thing. It is critically important that members of our judiciary be able to continually update their skills. These amendments are supported by the judiciary. There are of course, from time to time, comments made by judges in handing down their decisions that are widely reported in the media and that result in significant outcry and outrage from the community. From time to time, there are judgements that are out of step with public opinion. It is important that as part of an ongoing process members of the judiciary take the opportunity to enjoy some training to assist in keeping the judiciary modern and responsive, as I said.

We support the independence of the judiciary and absolutely reject the implication by some members — Mr Dalla-Riva and similarly Mr O'Donohue — who talked about opinions like fashion, and suggested that judges might be forgiven for missing the latest social trend or the latest popular thinking on an issue. Members of the judiciary play a critically important role in our society. I fear that some members opposite believe the judiciary in Victoria has members who are perhaps lacking in their views of what is appropriate. I wonder whether that is because the government has made a real effort to appoint members of the judiciary so that we have judges in Victoria who are much more representative of the population in terms of gender and ethnic background and different experiences. Justice in Victoria can become only much stronger from that. I reject utterly the notion that providing training to our judges is in some way compensating for any deficiency. Rather I support the notion that our judges can only benefit from additional training, as do people in any profession.

Motion agreed to.

Read second time.

Third reading

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

That the bill be now read a third time.

In doing so, I wish to thank the respective members of the chamber for their contributions.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

STATE TAXATION ACTS AMENDMENT BILL

Statement of compatibility

For Mr LENDERS (Minister for Education), Hon. J. M. Madden 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 State Taxation Acts Amendment Bill 2007.

In my opinion, the State Taxation Acts 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 State Taxation Acts Amendment Bill 2007 is to introduce certain measures including amendments to the Duties Act 2000, which clarify the intent of the land rich provisions and make minor amendments to the motor vehicle duty provisions and amendments to the Taxation Administration Act 1997, which rectify abuse of certain concessions offered to taxpayers who cooperate with the commissioner before or during an investigation.

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.

JOHN LENDERS, MP
Minister for Education

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:

This bill makes amendments to both the Duties Act 2000 and the Taxation Administration Act 1997. The amendments provide clarification on issues relating to the land rich and motor vehicle provisions of the Duties Act 2000 and seek to ensure that only taxpayers who fully cooperate with the commissioner before or during an investigation receive the relevant concessions under the Taxation Administration Act 1997.

The current land rich provisions were introduced in 2004. They resulted from a significant review that identified arrangements being contrived to change the ownership of high-value city, suburban and regional properties, or any part interest in them, without payment of duty that such ownership changes should attract. It was believed at that time that the extent of the avoidance of this duty could exceed $50 million per annum.

The State Revenue Office has now had an opportunity to monitor these provisions in operation and consider any improvements. This has resulted in amendments that address concerns relating to the interpretation of the provisions. These amendments seek to clarify the intended application of the provisions to trustees and ensure that when a trustee acquires an interest in different capacities, the interests are not aggregated for assessment purposes unless the trustee has acquired the interests for the same persons or associated persons. The amendments also clarify the charging provisions in relation to aggregated acquisitions.

The changes to the motor vehicle duty provisions are very minor in nature. One provides clarity and offers consistency in the administration of the demonstrator vehicle exemption. The other simply changes a heading to refer from 'change of ownership' to a more accurate depiction of 'a change of use'.

The amendments to the Taxation Administration Act 1997 relate to its penalty provisions. Currently, those provisions determine the initial amount of penalty tax payable where there is a tax default and then provide for an automatic reduction if the taxpayer discloses sufficient information to the commissioner, in writing, to enable the nature and extent of a tax default to be determined. The reduction in penalty tax is 80 per cent if the disclosure occurs before an investigation commences and 20 per cent if disclosure occurs after an investigation commences but before it is completed.

The clear policy intent is that these particular concessions are meant to apply to 'voluntary' disclosures by taxpayers who save the commissioner the time and effort of conducting a formal investigation. The amendment is designed to ensure this clear policy intent is met. There is a further unintended consequence flowing from the current wording of the act whereby a taxpayer who lodges an electronic return, but who does not actually pay the associated tax owing, benefits from a penalty reduction. This too is to be restricted to instances where both the return is lodged and payment is made.

I commend the bill to the house.

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

Debate adjourned until Tuesday, 26 June.

PAYROLL TAX BILL

Second reading

Debate resumed from 7 June; motion of Mr LENDERS (Minister for Education).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to rise this evening to speak on the Payroll Tax Bill and to place on the record that the Liberal Party will not be opposing this bill.

The Payroll Tax Bill is the latest round of harmonisation that is under way between New South Wales and Victoria. That is the key reason why this piece of legislation, which is a very welcome development, is before the Parliament tonight. The introduction of this bill follows the consolidation and rewrite of the relevant payroll tax acts. It follows a similar process that was undertaken with respect to the duties acts around 2001, when new duties legislation was enacted to replace and update a range of redundant legislation and to consolidate in one single volume all the provisions relating to duties, with the exception of the Taxation Administration Act.

The Payroll Tax Bill is similar in that it consolidates payroll tax provisions in one place and, importantly, harmonises with New South Wales the provisions of the Payroll Tax Act. We talk in this place quite often about harmonisation between Victoria and other jurisdictions. It is particularly important for members who represent northern Victoria and towns like Mildura and Wodonga. Ms Petrovich and Ms Lovell would be very aware of the issues faced by businesses in those towns. They have to deal with two different payroll tax regimes depending on what side of the border they are operating, and if they have operations on both sides of the border, they are subject to two different payroll tax regimes.

What this bill seeks to do is harmonise those regimes, not in terms of the rates and thresholds, except that New South Wales will continue to have a different and, I understand, higher rate than does Victoria. The framework around the levying of that payroll tax is harmonised by virtue of this legislation.

In going through a process like that, some elements have been picked up from the current Victorian legislation, and aspects have been picked up from the New South Wales legislation. I thank the Department of Treasury and Finance and the minister's office for the table of changes that they have prepared which highlights those elements of the bill that are different to the current legislation. A lot of the new bill is carried forward directly from the current act of 1971, but there are some areas that are new and there are some areas that, as a consequence of the changes, have had revenue impact.

The net revenue impact of this bill is expected to be minimal — in the order of $2 million per annum over the next four years — but within that net figure there are some positive and negative impacts that are worth commenting on. The first of those is an approach that has been adopted from what applies in New South Wales, which is to include or to expand the payroll tax net to cover the issuing of options to employees. If a remuneration package for an employee in Victoria includes the issuing of share options, they will now be

collected within the payroll tax net, predominantly at the value at which they are issued. That represents a substantial expansion to the payroll tax net — an area that has not been covered before in Victoria — and the Treasury's assessment of that change is in the order of $7 million to $7.7 million per annum over the next four years. It is not something that I think many businesses in Victoria have turned their minds to.

I note in the briefing notes provided by the minister's office a reference to 'consultation with business in Victoria'. However, I know from the consultations that I have undertaken with some businesses and accounting practices within my electorate that there is no appreciation of the impact that this change is going to have on the handling of remuneration packages and consequently on the levying of payroll tax. While we accept that it is a necessary consequence of harmonisation with New South Wales, I do not know that it has been as widely articulated within the accounting profession and the business community in Victoria as may be necessary, given that type of remuneration.

The other key area in terms of revenue impact is the way in which fringe benefits are treated under the payroll tax legislation. There are two principal changes, and they both relate to the way in which fringe benefits are grossed up. Under the commonwealth legislation an employer is responsible for paying the tax on a fringe benefit, and the tax on ordinary fringe benefits, putting aside motor vehicles and a few other exceptions, is assessed at the highest marginal rate. Therefore the value of the fringe benefit is calculated by grossing up the actual cost of the fringe benefit by the highest marginal rate on the income tax scales.

I understand from the briefing given by Treasury that there have been two ways of doing this, that there are two different rates of grossing up fringe benefits, depending on whether a goods and services tax is payable on the fringe benefit. One of the provisions in this legislation that has been picked up from New South Wales allows fringe benefits to be grossed up using the lower rate. Therefore there will be a reduction in the total amount of tax collected with respect to the change to fringe benefits.

The other side to the fringe benefits changes is the removal of an existing exemption for Australian Football League clubs. It is not clear from the current legislation why that exemption for AFL clubs exists. I understand that when the fringe benefits paid through AFL clubs are counted in the payroll tax net, they are not required to be grossed up. That exemption will be removed, and consequently they will be grossed up in the same way as the fringe benefits paid by all other employers are required to gross up for the purposes of payroll tax.

There will be an unspecified increase in the amount of payroll tax levied against AFL clubs, but according to the table provided through the Treasurer's office, the net effect of those two changes to the grossing up provisions will be a reduction in payroll tax of $5 million per annum, increasing to a reduction of $5.5 million in the fourth year. The increase in payroll tax on share options issued in remuneration packages netted off by the changes to the grossing up of fringe benefits will result in a $2 million net increase in payroll tax per annum under the new regime. So the revenue impact is minor.

The Liberal Party has elected not to oppose rather than to support the bill because of the increase in revenue and the not widely understood impact that the bill will have on the issuing of share options in remuneration packages. However, we fully support the concept of harmonisation between Victoria and New South Wales. The Prime Minister has said in the federal Parliament that it has always been the Liberal Party's practice, whether in opposition or in government, to support or not oppose legislation that improves or enhances productivity. It has never been the position of the Liberal Party to oppose legislation that leads to those improvements.

Clearly this legislation will make life a lot easier and clearer for businesses in both jurisdictions that operate across the New South Wales-Victoria border. It will make the handling of their fringe benefits matters a lot clearer and simpler. It is definitely a step forward. We would certainly like to see further harmonisation initiatives, not only in taxation but also in regulation generally. The days when Victoria should be going it alone, or any state should be going it alone with respect to business regulation, are over. Unless there is a clear reason for state distinctions, we should be looking at a harmonised approach. This bill is a step in the right direction, and I look forward to its speedy passage.

Mr BARBER (Northern Metropolitan) — The Greens will be supporting this bill; and for that matter, we will not be opposing it either.

Mr HALL (Eastern Victoria) — Before I comment on some particular aspects of the Payroll Tax Bill I want to make some general comments about payroll tax itself. My first comment is about my personal view that payroll tax is one of the most regressive taxes imposed in this country. When you look at it you realise it is ludicrous to suggest that a person should be taxed for

giving somebody else a job in this country; in fact the reverse should be the situation. A far more logical approach is that there should be tax breaks for those who employ others. The whole payroll tax issue needs to be debated by governments and looked at very carefully, because it is a very regressive tax that does not help our economy or individuals at all.

It is interesting that the rates of payroll tax applicable in Victoria are contained in the schedule to this bill. I refer members to page 92, which contains schedule 1. It sets out a whole range of definitions and also the rate at which payroll tax is currently applied in Victoria. First of all, under the definition of 'R' — 'R' being the letter used in the formula for calculating payroll tax — the rate of payroll tax in Victoria from 1 July 2007 will be 5.05 per cent, and from 1 July 2008 that figure will come down to 5 per cent. Successive governments have all made an effort to reduce payroll tax, and that is laudable. I include the current government in that regard as well; it has made efforts to reduce payroll tax, as did the previous government.

However, payroll tax is still a significant impost on those who wish to employ people. Putting an extra 5 per cent cost factor on the act of employing somebody, as I said before, is ludicrous and extremely regressive in its nature. The tax threshold for paying payroll tax in Victoria is $550 000, which is also stated in schedule 1 of the bill. Therefore once your total payroll exceeds $550 000, payroll tax starts being applied. At today's rates, given the incomes that people now attract, it does not take the employment of too many to get to that threshold figure of just over half a million dollars.

It is also instructive to look at the amounts the state government receives from employers paying payroll tax. I note from the budget papers recently presented to this Parliament, which are in fact still open for debate in this house — particularly in budget paper 3 — that the 2006–07 revenue from payroll tax alone was $3.8 billion. The projected revenue in the 2007–08 budget is $4 billion, and in the previous year it was $3.8 billion — an increase of 4.9 per cent. Even though the government is reducing the rate at which payroll tax is paid in this state and even though the threshold has been increased, there will still be an increase in the next financial year of 4.9 per cent. Members of the government will argue that it is a growing economy, and so it is — the economy is growing but so is the potential to even further reduce the state's reliance on payroll tax.

Among the taxation subgroups in this state, the payroll tax collection figures are the largest. The total receipts from taxation are $11.6 billion, of which payroll tax makes up $4 billion. The next largest figure is land transfer duties — that is, stamp duty that people pay on the conveyance of land in this state — at $2.9 billion. We can see that at $4 billion of the total $11.6 billion taxation revenue received by this government, payroll tax contributes more than a third. Hence one can understand the reliance the Victorian government and other state governments have on payroll tax. Despite its being iniquitous and regressive, I can understand that at this stage governments rely on it to make sure their budgets balance. However, having said that, I still think there is scope to further reduce payroll tax. It should be a priority of this government and any future governments to continue to reduce payroll tax and aim towards its eventual elimination entirely. I wanted to make those general comments and give my personal views about the whole issue of payroll tax.

Let me turn to the bill, which I might add The Nationals will not oppose even though there are some aspects of it we do not like. There are other aspects which we do like and which we think are sensible. On balance we have come to a decision that we will not oppose it. I repeat that the purposes of the bill include to re-enact and modernise the law relating to payroll tax, to harmonise payroll tax with New South Wales and to repeal the Pay-roll Tax Act 1971. The bill is actually a complete rewrite of the Pay-roll Tax Act as it currently applies in Victoria.

As I said, we are not going to oppose this bill but there are some features of it with which we are not all that pleased. The first is that despite all the rhetoric that this is a harmonisation of payroll tax law between New South Wales and Victoria, there is no harmonisation of the rates at which payroll tax is paid. If you look at schedule 1, which I have previously referred the house to, you can see the rates at which Victorian employers pay payroll tax. In New South Wales those rates are different. For example, the threshold rate in New South Wales is $600 000, which is significantly different from $550 000. Indeed the rates at which payroll tax is paid are different in the two states. When we talk about harmonisation or when we talk about the intent of this bill being to bring about uniformity between payroll tax in New South Wales and Victoria, that is actually far from the case.

In fact if you look at the bill it is constructed in two parts. A comment in the explanatory memorandum says:

> For all practical purposes, the main body of the bill will be identical to the equivalent New South Wales legislation, and any state-specific provisions will be contained in a schedule to the bill.

The bill itself has about 90 pages of clauses, yet the schedules make up almost 40 pages. We have 90 pages of harmonisation between Victorian and New South Wales law but almost 40 pages in which there is a lack of harmonisation between the two states because of the rates being different. I make the point again that although this claims to be a harmonisation of payroll tax laws between the two states, it is far from it.

The second area I pick up is the area of apprentices and trainees. Once upon a time any employer was exempt from paying payroll tax on the accumulated figures that were paid to apprentices and employees, so that was a direct incentive to employers taking on new apprentices or new trainees. But the Bracks government dropped that provision in its first term, so now the income paid to apprentices and trainees must be included in the total wages paid by that employer for the purposes of calculating payroll tax. That has proven to be a distinct disincentive to employers taking on apprentices and trainees.

Again, we should be expanding our skill base in this state by encouraging more people to take on apprenticeships and traineeships, but by including them in the tax provision required to be met by employers we are actually doing the opposite. I think that is a bad thing. At the time the current government in its first term dropped that exemption for apprentices and trainees I said it was a bad move, and it has proven to be a bad move. What is happening with this legislation is that New South Wales is going to follow Victoria's bad example and drop the exemption that has previously been given to employers who employ apprentices and trainees. I think that is bad. There are a couple of other aspects of this bill we are not all that pleased with either.

On the other hand there are some sensible provisions contained in the bill, and I want to acknowledge some of those in my contribution to this debate. The harmonisation of the administrative components of the collection of payroll tax in both New South Wales and Victoria can be a good thing, because we are all well aware that many businesses operate in New South Wales and Victoria. If my memory serves me correctly, the second-reading speech says it is estimated that 8000 businesses operate in both New South Wales and Victoria. Indeed there should be some commonality in the way in which payroll tax is applied in both of those states, so if there is harmonisation in how payroll tax is paid and collected, we say that is a good thing.

However, when the government talks about a one-stop shop for businesses paying payroll tax in Victoria and New South Wales, that is probably going to be more of a virtual one-stop shop rather than a physical one-stop shop. It is not as if employers walk into a premises or actually visit a premises to pay payroll tax now; it is usually done over the internet or with direct bank transfers.

The briefing note supplied to the spokesperson for The Nationals in this area, Bill Sykes, the member for Benalla in the other place, lists the changes to Victoria's legislation. I think it was a good briefing note, and I pay credit to the department for providing The Nationals with that briefing note, which succinctly summarises the changes to Victoria's legislation and also the changes to the New South Wales legislation.

Among the things that we are particularly pleased about is the fact that there will now be an exemption from payroll tax for wages paid to employees participating in voluntary emergency work, including work for the Country Fire Authority and the Victorian State Emergency Service. We applaud that initiative. We think it is the very least that the government could do for an employer who releases his or her employees to participate in emergency service work in Victoria while still paying them as if they were at work. That is a great gesture on behalf of employers and should be recognised, and the very least the government can do is exempt from the provisions of payroll tax that component paid while those employees are undertaking active emergency service work. That particular aspect is welcomed.

I note there will also be an increase in the period allowed for refunds and reassessments for all state taxes, not just payroll tax, from three years to five years. Again, we applaud that particular measure. Given the nature of submitting returns and completing financial audits et cetera, often it is a period of some years before people can rightfully claim all that might be owing to them, and that increase in the period in which exemptions or refunds can be sought from three years to five years is indeed sensible.

I also note that Victoria is increasing its exemption rates for motor vehicle allowances and accommodation allowances to align them with the rates applying in New South Wales. That is a very modest benefit that will apply to Victorian employees, but it is a positive benefit, so we welcome those exemptions.

As I said, there will also be some changes to the New South Wales legislation to better conform with that which we will adopt in Victoria. I have already mentioned what I think is the worst aspect of that — that is, the removal of the payroll tax exemption for single-employer apprentices and trainees, and

apprentices and trainees employed under a group not-for-profit training organisation. That has been a most retrograde step, and I am sure that New South Wales will follow the same pattern that has occurred in Victoria — that is, there will be less opportunities for young people to enter into traineeships and apprenticeships.

There will be some general changes to both sets of legislation in Victoria and New South Wales. I note that one of those is the adoption of uniform definitions and mutual recognition of exempt charities by combining the broadest provisions existing in both states. That is a provision which we in The Nationals welcome. There are many fine charitable organisations which operate in both New South Wales and Victoria that should be acknowledged for the tremendous work they do. By accepting the broadest definition of a charitable organisation from both state legislations I think we will come up with a much fairer final position in respect of providing payroll exemptions to those charitable organisations that deserve to have that exemption.

There is a whole range of further features in this legislation which I am not going to go through in the course of my contribution tonight. I will just conclude by saying that there are some measures that I do not think are sound, that we are not pleased about and that could have been better. There are other measures which we applaud and welcome. On balance, we have decided that we will not oppose this legislation.

Mr KAVANAGH (Western Victoria) — I wish to make a few comments on division 4 of the bill before us. In my opinion, division 4 represents a backward step in our economic development. The Democratic Labor Party has long promoted measures by governments to encourage businesses to share ownership and profits with the workers in their industries.

The effect of division 4 is to impose payroll tax on businesses that give or grant shares or options to their workers. We live in an age of the rise of Asia. I think in centuries to come people will look back at this time as the period in which Asia developed at an extraordinary rate, and that means that Australian businesses face ever-increasing competition. The challenges are growing by the day.

In the opinion of the Democratic Labor Party, sharing profits and ownership with workers is one way of increasing our productivity and competing with the rising nations of Asia. Sharing ownership with workers would also end the conflict that exists between the owners of businesses and the people who work for those businesses.

Are we in Australia to rely in the future on mining alone for our prosperity? If not, we will continue to need not only our secondary manufacturing industry but also our primary industry, which is coming under increasing pressure from imports.

I understand that the reason for this initiative by the government is to ensure consistency with New South Wales. In my view it would be better to be consistent with New South Wales in a forward measure which would help our economy rather than something which will diminish our economic future.

Ms BROAD (Northern Victoria) — I am pleased to speak in support of this 2007 Payroll Tax Bill. As we have heard, the focus of the harmonisation exercise which is delivered through this bill will be to reduce the amount of red tape and compliance costs in relation to businesses operating across Victoria and New South Wales. This will provide benefits to the numerous businesses that operate in both New South Wales and Victoria. I know, as one of a number of members in this place from northern Victoria, that there are many businesses in my electorate that operate in both states. It is estimated that the harmonisation exercise delivered through this bill will approximately halve the compliance costs for those businesses. That is a very welcome advancement for those businesses. The new common and simpler provisions which will be prescribed in each state will also have flow-on benefits for businesses that operate in only one state, so that is a further benefit being delivered through this bill.

The Victorian government is committed to providing a competitive tax environment for all Victorian businesses. As part of this commitment the government, through the 2006–07 budget, further reduced payroll tax rates over the next three years to 5.15 per cent from 1 July 2006, to 5.05 per cent from 1 July 2007 and to 5.00 per cent from 1 July 2008. As well as that, on 1 January 2007 the government commenced the scheduled reduction in payroll tax to 5.05 per cent — six months earlier than scheduled. In total these payroll tax cuts, worth around $559 million over four years, will bring the Victorian payroll tax rate to 5 per cent, which is a 13 per cent reduction in the payroll tax rate since 1999 when the government came into office, and that is benefiting some 26 000 businesses. Importantly these payroll tax cuts reinforce that Victoria has the second-lowest payroll tax rate in Australia — and that is a position that the Bracks government is very keenly protecting.

State and federal governments have been pursuing reforms to reduce red tape for businesses operating in more than one state for some time. In relation to payroll tax this pressure has consistently been advanced through a number of forums, including what has been referred to as a multilateral project, and a work plan for that project was endorsed by state treasurers in March 2006. To progress this proposal New South Wales and Victoria agreed to go in advance of, if you like, and beyond the multilateral project. That is because Victoria and New South Wales make up around 60 per cent of the Australian economy and are home to approximately 57 000 of the nation's 95 000 payroll tax paying employers. Some 40 per cent of payroll tax payers — more than 9000 in Victoria — also operate in at least one other state. I understand that around 8000 of those operate in New South Wales and Victoria. I am very pleased that those 8000 businesses, many of which are in northern Victoria, will particularly benefit as a result of this bill through their payroll tax paperwork being halved.

As to the detail of this bill and the administrative features of this harmonisation, the first stage of the process will be to streamline the administration of the payroll tax systems through the respective state revenue offices. That will include examining the scope for the introduction of common payroll tax forms and systems, a one-stop-shop for businesses paying payroll tax in Victoria and New South Wales, as well as a common interpretation of the law by revenue offices, such as through common commissioner rulings and practice statements. Those administrative measures will certainly make life much easier for businesses.

As to the legislative harmonisation features of the bill, from 1 July 2007 there will be a number of changes to the Victorian and New South Wales payroll tax legislation, with both states adopting key aspects of each other's respective legislation to ensure a common approach. I do not intend to go through all of those changes, which are outlined in the bill and its explanatory statement, but like some other speakers I want to draw attention to one particularly advantageous change — that is, the exemption from payroll tax of wages paid to employees participating in voluntary emergency work, including those working with the CFA (Country Fire Authority) and the Victorian State Emergency Service. In recent times we have seen a great many outstanding examples of people who have volunteered to work with both of those organisations. This exemption is a terrific way to support that volunteering and to support employers who are doing the right thing in supporting their employees as volunteers.

In conclusion, I want also to underline that to ensure that these changes meet the needs of business both the New South Wales and Victorian governments will engage the business community in consultation to further develop these new administrative arrangements. They include, for example, the development of new payroll tax forms, as well as other more detailed implementation issues. That process of consultation will follow. I also want to indicate that of course the process does not stop here — there is always more to be done. Both Victoria and New South Wales remain committed to the ongoing multilateral work and will continue to work towards national harmonisation, building on the improvements that are contained in this bill.

Mr DALLA-RIVA (Eastern Metropolitan) — I wish to make a brief contribution to the debate on the Payroll Tax Bill 2007. The opposition has already indicated that it does not oppose the legislation before the chamber. Quite simply it is, as many speakers have said before, a rewrite of the Payroll Tax Act 1971, with modernisation of the language and the removal of obsolete references, to harmonise the Victorian payroll tax legislation with that of New South Wales. The other part, the theory of reducing the red tape, is yet to be proven, although hopefully it will be for those 8000 or so businesses that have cross-border operations. I note that the Victorian Competition and Efficiency Commission also has a program in place to reduce red tape in Victoria. One would expect that it would look at this as part of its process in doing that.

The bill effectively rewrites the previous act — it contained 117 sections and 3 schedules with 55 additional sections — and, as many other speakers have said, much of the detail and legislative intent is carried over from that act. One of the issues that has given us concern is the statement about the reduced tax burden for businesses with cross-border operations, as I have said. That is yet to be established in its entirety.

I note that some important benefits will come from the changes provided by the bill. They include an extra 14 days for employers to submit annual returns, the extension of charitable payroll tax exemptions, the motor vehicle allowance and accommodation allowance deductions being in line with or increasing respectively with Australian Tax Office provisions, and the calculation for grossing up fringe benefits using a lower factor, which on my understanding will come at a cost to revenue of $21.1 million. But the government has given with one hand and taken away with the other. As we know, the inclusion of employee share schemes as part of the calculable payroll tax base is a new tax base imposition.

The gain to revenue from the inclusion of employee share schemes is anticipated to be $29.4 million over four years. So the cost to revenue of $21.1 million over four years for the benefit of the calculation for grossing up fringe benefits using a lower factor has been offset with an expected windfall of $29.4 million — $29.4 million it will taketh and $21.1 million it will giveth — which in the scheme of things means that the government will prosper by an extra $8.3 million over the four-year period. That is not in keeping with what the government should be doing if it is fair dinkum about trying to make things more efficient.

The other issue of note concerns the payroll tax. While this legislation is meant to harmonise tax law between states — under the heading 'General' the explanatory memorandum states 'The bill will also harmonise Victorian payroll tax legislation with the equivalent payroll tax legislation in New South Wales, thereby increasing interjurisdictional consistency' — if the government were fair dinkum about interjurisdictional consistency, it would have looked at the threshold levels at which payroll tax cuts in.

The payroll tax threshold in South Australia is $504 000. In Victoria payroll tax cuts in at $550 000, but New South Wales is lenient with its extra $50 000 — its payroll tax cuts in at $600 000. On one hand the government is saying it is going to bring about harmonisation but it actually delivers a better result for New South Wales businesses that are based here when it comes to like for like on the payroll tax basis, because those businesses operating out of New South Wales on identical legislation to that before the chamber have a taxation benefit of $50 000 before payroll tax cuts in. That again is a demonstration that the government gives with one hand and takes with the other. The legislation is quite detailed, as other members have said. This bill is really a rehash or modernisation of the existing legislation.

My final point is about the removal of the exemption for prescribed sporting clubs, and I know Victorian-based Australian Football League teams will be impacted by that. My understanding is that the exact impact is as yet unknown, and there will be a 12-month period to get this worked out. The bottom line is that the legislation comes into effect on 1 July. We have to get this bill through the house as soon as possible so that it will take effect on 1 July.

I hope the businesses that will be subjected to significant changes are aware of the legislative changes coming their way. Given that we still have not passed this legislation and given the time frame for its implementation, we are running things a bit tight for businesses that wish to take advantage of any benefits which may become available from 1 July next.

Motion agreed to.

Read second time.

Third reading

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

That the bill be now read a third time.

In doing so, I wish to thank the respective members for their contributions.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

COURTS LEGISLATION AMENDMENT (JUDICIAL EDUCATION AND OTHER MATTERS) BILL

Resubmission of question

The PRESIDENT — Order! When the Courts Legislation Amendment (Judicial Education and Other Matters) Bill 2007 was considered by the house earlier today, the third reading was passed by a majority of the members then present. It has subsequently been realised that the third reading should have been passed by an absolute majority of the whole number of the members of the Council. I now propose to rectify the matter by resubmitting the motion for the third reading. I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

The PRESIDENT — Order! The question is:

That the bill be now read a third time.

In order that I may determine whether the required majority has been attained, I ask the members who are in favour of the question to stand where they are.

Required number of members having risen:

Resubmitted motion agreed to by absolute majority.

Read third time.

Remaining stages

Passed remaining stages.

WATER ACTS AMENDMENT (ENFORCEMENT AND OTHER MATTERS) BILL

Second reading

Debate resumed from 7 June; motion of Hon. J. M. MADDEN (Minister for Planning).

Ms LOVELL (Northern Victoria) — I rise to speak on the Water Acts Amendment (Enforcement and Other Matters) Bill 2007, and in doing so state that the Liberal Party will not be opposing this legislation. The purpose of this bill is to bring all fines for breaking all forms of water restrictions under the Infringements Act 2006 and also to amend the Water Act to ensure that holders of licences for non-consumptive use, such as fish farming and hydroelectricity generation, cannot convert these licences into water shares. This has come about as a consequence of unbundling, and the amendment needs to be passed by 1 July. The government has advised the opposition that this was not intended at the time of the 2005 reforms, and has also advised that further legislative amendment may be required in order to address some of these issues.

The key element of this bill is the enforcement of water restrictions. Currently breaches are enforced in different ways. Some are enforced under the Infringements Act and some are not. Different terminology is used for different types of restrictions. There are drought response plans, emergency management plans, permanent water-saving plans, water restrictions, and in country areas enforcement still exists under by-laws.

The Water (Governance) Act 2006 supports some but not all of these fines under the Infringements Act. This bill brings all of those on-the-spot fines under the Infringements Act. This bill is a consequence of the Water (Governance) Act, because it did not provide that all of the fines fall under the Infringements Act, and that left many still under by-laws in country areas. Once again we are dealing with legislation that has been brought back for the Parliament to fix up the government's sloppy and rushed attempt at its first piece of legislation — and this happens time and again.

This bill provides for the appointment of authorised water officers who will have the capacity to issue on-the-spot fines. The authorised officers must carry ID cards and present them when necessary. They must also have reasonable grounds to suspect that someone has broken a water restriction before they can impose a fine on that person. The authorised officers will be able to request the name and address of people if there are reasonable grounds to suspect that water restrictions have been broken. This power is currently available to employees of water authorities in country Victoria, and it will now be extended to authorised water officers in the city. However, if an authorised officer is unable to produce an ID card, people will not have to reveal their names and addresses.

The bill will also remove the mandatory requirement to issue warning notices, 10 000 of which had been issued prior to the introduction of this legislation. Under the current legislation it is obligatory that a notice be issued first, followed by a fine if someone continues to breach restrictions. Under the new legislation mandatory warnings have gone and the authorised officers will have discretion as to whether they will issue a warning notice.

The bill requires water restrictions to be posted on the internet. This is quite a good thing. Currently the detailed drought response protocols and information on restrictions is far more detailed than what is outlined in the advertisements that appear in the paper. It is only required that an authority has them available for inspection during business hours. This legislation provides that they will now be posted on the internet so people will be able to look at them at any time. In today's electronic information era it makes sense that these detailed plans should be available on the internet, not just at the office of the water authority.

I would like to deal with the quite severe penalties for breaching water restrictions. For water-saving measures, it is a 1 penalty unit fine. For stage 1 it is 2 penalty units; for stage 2, 3 penalty units; for stage 3, 4 penalty units; and for stage 4, 5 penalty units. With a penalty unit currently being $107.43, and on 1 July rising to $110.12, it means that these fines add up to quite hefty penalties for the people on whom they are imposed. For example, a stage 3 fine will now be $429, and after 1 July that will rise to $440. The top fine for breaching stage 4 restrictions is $550. Under this legislation no mandatory warning is given, so when we move to stage 4 in Melbourne, it will be a fine of $550 — quite a significant amount of money to impose on a person straight up if they were not wilfully breaking that restriction.

One of the key issues of the bill will be the conduct of the authorised water officers. One of the things that the Liberal Party does not want to see is a water Gestapo. We do not want to see people abusing their power; we want to make sure that the government will train these

authorised water officers well so that they will exercise their powers with care. We have heard that the Department of Sustainability and Environment will be running courses, and we hope that the issuing of warning notices will come under those courses so that the water officers understand the requirement under the act to issue a warning notice if necessary rather than going straight off and issuing a fine.

Any reasonable person would expect someone who is wilfully breaching restrictions and displays an attitude of saying, 'I don't care' to be fined, but we do not want to hear of little old ladies who have had their taps turned on by the kids down the street as a prank, or who are genuinely mistaken about the day on which they can water, being fined without first receiving a warning.

A number of concerns have been raised with us, and one I would like to mention comes from the Australian Car Wash Association (ACWA). It is concerned about the restriction and the way it will be enforced. The Liberal Party received a letter dated 19 May from Diane Ross, which says in part:

> The enforcement regime for the car wash industry under the current state drought response plan is very new and there has been, and still is, a great deal of confusion among the water authority personnel and the car wash owners and operators with regards to the rules, the meanings of the wording, and the exact requirements for compliance.
>
> The compliance procedures were developed 'on the run' from a first meeting between ACWA and the water authorities last October; the documentation is not at all clear as the people involved at the water authorities will tell you — hundreds of phone calls, a large proportion of the compliance reports filled in incorrectly. There is still confusion over what is required if compliance is done independently or within the government sponsored and endorsed water rating scheme. And that is just in metropolitan Melbourne.
>
> For the regions, the situation is further confused in that some of these regional authorities are not even sure what the water rating scheme is and do not see it as a model for compliance, while the car wash owners who have complied and been audited within the WRS think that they are now legally rated (as they would be in Melbourne).

The letter says further:

> In this situation we would strongly object to the first warning being removed, and cannot understand why this has even been contemplated …

The letter goes on to make a very salient point. It says:

> … if there is an unintentional breach or a difference of opinion, the first warning is the ideal structure within which any problems can be sorted out; if there is an intentional breach, the owner will not be able to correct the situation quickly and will in effect have to cease operations anyway …

That reinforces what the Liberal Party has been concerned about in relation to the behaviour and attitude of the authorised water officers. The Australian Car Wash Association is just reinforcing those concerns. This legislation has the ability to severely impact on this industry. In fact there are four industries that are severely impacted on by water restrictions, and this is because they all operate in the domestic water use area: the nursery industry, the turf industry, the car wash industry and the swimming pool industry. Other industries have made significant attempts to reduce their water use but have not been impacted on by water restrictions as harshly as these four industries.

What has been the government's response to the water crisis so far, and what do we think of today's announcements? Looking back over the last four years, we see that the government's response has been to place all responsibility for water savings on households and industries. It has done nothing to address Victoria's water crisis. Many towns in country Victoria have been on level 4 restrictions for many months, but the government could not have cared less. On 4 May this year at 7.30 a.m. Euroa ran out of water. People got up, they turned on the shower and there was no water. They tried to make a cup of tea and there was no water — not one drop of water for an entire town. Emergency water had to be rushed in — that is, bottled water. Hospital staff had to wash hospital patients in bottled water. Did this government care? No.

Mansfield, which is located beside Lake Eildon, has been on level 4 water restrictions since before Christmas. It received some little relief in May, when its water restrictions were reduced to level 3. Yet it was not until Melbourne reached level 4 trigger points that the government even began to look for any answers.

What did it come up with? It copied the Liberal Party's policy to build a desalination plant — and we know what government members said about our policy to build a desalination plant during last November's election campaign. They laughed at us. They said it could not be done. They said it would impact too much on the environment and would create too many greenhouse gas emissions. Yet here they are now, coming out with their grand plan to build a desalination plant. We welcome that plan to build a desalination plant, but where did they get their plans from? They dug out plans that date back to 1975. Very little thought has been put in by this government; it was a knee-jerk reaction.

It will take some considerable time to construct a desalination plant that will produce any water; therefore, government members needed an easy target.

The Goulburn Valley has been their easy target. But believe me, bringing water from the Goulburn Valley to Melbourne is not a smart plan. Eildon is not Melbourne's answer. Eildon is a climate-dependent catchment. When the Thomson Dam is empty, Lake Eildon is also empty, and we cannot pipe dust. Melbourne needs a more secure water supply then one that relies on a climate-dependent catchment that will be empty at the same times that Melbourne's water supply dams are empty.

Further, what has the government committed to this? The government has only committed $600 million. We know that in the Goulburn Valley we need at least $2.2 billion — and in fact it looks as if that figure could be a lot higher — to really make our infrastructure state of the art. If state Labor — —

Mr Lenders — Write a letter to Malcolm Turnbull.

Ms LOVELL — I thank Mr Lenders; I will take up his interjection. We should leave it to the federal water minister, Malcolm Turnbull, because if state Labor had signed up to the federal proposal, this work would have been done and the water would have been shared between the irrigators and the environment. Water would not have been sent to Melbourne; the water would have been there to be used in the catchment that it is meant to serve. But Labor did not sign, because it did not suit Labor's plan to steal the Goulburn Valley's wealth.

Governments are supposed to build infrastructure to add to the economic prosperity of the regions, and not to pilfer their wealth. Good examples of this are the freeways that have been built in Melbourne, such as CityLink, the West Gate Freeway and the Western Ring Road. These all provide easier access to areas of Melbourne and are important transport routes for industry. No other community has ever been asked to give up part of its wealth or its industry in return for infrastructure, so why then has state Labor asked the Goulburn Valley to give up its water in return for investment in infrastructure?

Last year the Goulburn system delivered only 350 gigalitres of water to the entire system. Our irrigators received only 29 per cent of their supply, and many of our towns have been on level 4 restrictions for many months, yet this government thinks it can take almost 25 per cent of that water and pipe it to Melbourne. Our irrigation infrastructure is in need of enormous investment, but this needs to be made just to deliver the entitlements on the system now, to allow for urban growth in regional towns and cities and also to provide the additional environmental flows that this government has already identified.

When addressing water services committee chairs and the food bowl group last week in the Goulburn Valley, the Treasurer said the government did not have to do this, because Melbourne had other options. Why not use those other options instead of stealing the Goulburn Valley's wealth?

What will Victoria get from this Labor government's grand announcements today? Neither of these initiatives will deliver any water until at least 2010 — and in the case of the desalination plant it will be even longer. Farmers have received more promises but will receive less water. Melburnians will receive higher water bills and will be carting more buckets for at least four more years. You have to ask yourself how the people of Mansfield feel today. They are situated right below Eildon weir. They have been on level 4 restrictions since before Christmas and received some relief only in May, when the restrictions went back to level 3, yet they were told that 75 gigalitres of water out of Eildon weir would flow straight past them to flush toilets in Melbourne. You have to ask yourself how the people of Broadford and Kilmore, who are still on level 4 water restrictions, feel when they see that pipeline being built past their front door to take water to Melbourne but not deliver water to people in the Goulburn catchment system.

This is a flawed plan that will steal wealth from the Goulburn Valley. The Bracks government will be remembered for many years as having introduced this plan, because it will shut down country Victoria.

Mr DRUM (Northern Victoria) — The Water Acts Amendment (Enforcement and Other Matters) Bill will not be opposed by The Nationals. While we are scathing in our appraisal of the Bracks Labor government's performance in securing Victoria's water supplies, we believe that in respect of some aspects we will be better off if this bill is passed than we would be if it were not passed.

The bill amends the Water Industry Act 1994 to enforce compliance measures in relation to water restrictions that have been put in place in response to the drought emergency management plans and the permanent water-saving plans. It will add the ability for on-the-spot fines to be issued without a warrant notice. They will include infringement notices, court proceedings, supply restrictions and warning notices. The bill provides for the appointment of a water authority to create more authorised officers. I do not know from where the government will get the

authorised officers, but it seems to be able to roll them out. The bill will also empower Melbourne Water businesses to require suspect offenders to supply their name and address if required, providing the authorised officers present an identification card.

The bill will amend the Water Act of 1989 in a similar way to the way it will amend the Water Industry Act. It will also remedy an error in the 2005 amendments to the Water Act in relation to unbundling. People who live in the north of the state realise what is meant by the unbundling of water. The government does not realise the pain some local governments will go through, especially the financial hardship, as they try to work their way through farmers being separated from water based on the rateable value of their properties. The bill will also amend the act to prevent non-consumptive licences from being unbundled. The bill brings forward a number of worthwhile water management issues, and as such The Nationals will not oppose it. It does not take away the fact that the government has been extremely lazy and unimaginative when it comes to providing Victorians with a secure source of water. There has been a distinct lack of action.

It is not as though the water crisis has been sprung on the Victorian public or the government in the last couple of months; it has taken eight years of below average rainfall for us to reach the crisis we now find ourselves in. There seems to be a feeling by some people in Melbourne — I include members of the Labor government — that the crisis may well be over, but that could not be further from the truth. The fact is that most storages in central Victoria are still empty. While we have had a tremendous autumn break for cereal crops, which are looking promising, the fact is that Lake Eppalock in the Bendigo region is still at around 1 per cent of capacity, and the whole of the Coliban system is at less than 6 per cent of capacity. If the winter rains do not come, we will be in an unbelievably sad state of affairs.

One has to ask: what emergency measures has the government put in place, what water infrastructure has been put in place and in what areas has it failed? We know that Bendigo, which I have mentioned on a number of occasions, is one of the driest cities in the world, yet it has one of the most wasteful and inefficient water supply systems in the world. The amount of water wasted from the time water leaves the catchments that have been allocated to supply Bendigo to the time it is delivered to the respective properties is between 50 and 70 per cent. This is an area that the Bracks government has refused to address. At any stage in the last seven years the government could have brought forward its 10 to 15-year time frame to address these inefficiencies in the Coliban system, yet the best it can do is bring it forward so that we may get a 5 to 10-year plan. The government could complete those inefficiency savings tomorrow. The situation could be fixed within two years if the government simply had the will and commitment to save the water that is being wasted in the Coliban system.

Water travels along 100-year-old gutters, 70 kilometres around the mountainsides of Malmsbury, past Kyneton, and Castlemaine and finds its way into some of the storages around Bendigo. Enormous amounts of water are lost in the main race that comes out of the Malmsbury, Upper Coliban and Lauriston reservoirs. The main waste occurs when the water leaves the storages around the Bendigo region and heads off into the inefficient urban gutters which deliver water to dams on many urban properties, which are unnecessary. Yet the government says, 'What will we do about it? We will leave these inefficient systems in place because it is too big a problem for us to try to address. We will build a pipeline; it is the only solution that can be put in place. Because we have done nothing for the last seven years all we can do now is build a pipeline from an area that might have water'.

As we know, the pipeline from Colbinabbin to Lake Eppalock is being put in place because we have got to the stage where it is the only solution available that will deliver 25-odd megalitres a day to the Bendigo region. The government refused to look at any other options. We have a situation in which Bendigo could run out of water if it does not rain. It will be touch and go whether the pipeline can be completed by September. We have been guaranteed that it will, but the previous speaker mentioned that Euroa got to the stage where it simply ran out of water. The Rural City of Wangaratta got to the stage where some 10 000 to 15 000 people living in the city were only two and a half weeks away from running out of water, yet this government refuses to look at the possibility of building a new dam.

But when is the government going to wake up and discover that its ideology and philosophy regarding the building of the new dam will harm rural and regional Victoria?

Lake Buffalo currently has a capacity of 24 gigalitres. There has been a proposal on the table for some 20 to 30 years. The land has been purchased. All we need is a government which has a will and a desire to take advantage of this. Lake Buffalo is in a high catchment area. We should take advantage of the fact that we can dramatically increase the availability of water for the north-east of the state if we convert Little Buffalo into Big Buffalo. If we do this, we could increase the

capacity of Lake Buffalo by 40 fold. That would effectively mean that Wangaratta would never have to run out of water again. There would also be options for Euroa.

We have found that many members of the Labor Party enjoy holidaying in the high country. They would be aware of a little township called Bright, and they would pass through it on the way to their free chalets. They would know that Bright was running out of water and was in dire straits. Bright does not have any water storage around the Ovens River, which is above the town. The town relies on the river flowing to continue to extract its water. The water authorities were able to pump water out of a sinkhole into the river to get the river to run past Bright and enable its 2500 regular residents to continue to use water in their daily lives. As we know, the population of the town of Bright can expand to 10 000, 20 000 or even 30 000 during the peak holiday periods. Nothing has been done to ensure this problem will not occur again next year. Everybody is sitting back just hoping it is going to rain.

We are looking at a serious situation. Whilst all of our catchments are wet and there has been sufficient rain for them to start running, the rain has been negligible. We are still sitting in an absolute crisis. We are in the lap of the gods. We need sustained rain throughout winter in order to get a significant amount of water into our larger and main storages and to provide our irrigators with a water allocation for the coming summer.

Members of this house have heard about the Arundel dam proposal which was put forward by members on this side of the house. It has been ridiculed by members of the government, who say it is going to be too expensive and will not create enough water. That is fine, but the water saved in the Arundel dam would be able to be continually emptied and used to augment the supplies at Rosalind Reservoir. That means if there are two to five significant rain events throughout the course of the year, the dam will fill up each time and can be emptied each time.

We know that the run-off from that area is growing exponentially simply because it now feeds off the areas of Sunbury and Gisborne. As those areas continue to expand at an unbelievable rate, the amount of stormwater will increase and so will the run-off from additional tin and tiled roofs. In effect the water will come from the head of the Maribyrnong River. The amount of that water will increase because of the development in the satellite cities of Gisborne, New Gisborne and Sunbury.

The other benefit of the Arundel project is that it will provide an opportunity to fix up the existing problem of the Lower Maribyrnong River flooding. Many millions of dollars have been spent in and around the Flemington Racecourse to fix flooding problems. Levy banks and the like have been put in place along the Lower Maribyrnong River. This problem could have been fixed if the government had the desire, will and commitment to put in place genuine infrastructure projects in the Upper Maribyrnong area.

The government has been caught out for a lack of vision regarding recycling. It attempted to put up a plan to pump recycled water out of Carrum. Instead of the recycled water flowing out at Gunnamatta, the government was going to send it to Gippsland. The government then found out when doing its business case that not only did the industry in Gippsland not want the water but the process was inefficient and ineffective. The whole concept was simply a bad business case. The people of Gippsland were furious that Melbourne was happy to dump its recycled water in Gippsland as opposed to putting in place ways to use its own recycled water.

I spent three days in South Australia with The Nationals spokesman for water and environment, Peter Walsh, the member for Swan Hill in the other place. We saw how Adelaide is using stormwater and waste water from the water plant in Bolivar. It has direct pipelines which take the vast majority of water from Bolivar out to market gardens and orchards in Virginia to provide for high-quality returns in those industries. There is also a southern treatment plant which delivers water under pressure to the entire McLaren Vale wine region, which utilises waste water from Adelaide.

I have looked around to see where Melbourne is using such high-quality infrastructure and is using its recycled water to produce such high returning yields — and I cannot see it. Proposals have been put forward by the western treatment plant at Werribee South to use recycled water, but only a very small portion of the water which is treated at the plant is used on market gardens. We should be looking at greater quantities of water. This government does not seem to have the foresight, the vision, the commitment or the will to get any of these common-sense projects up and running so that we can use what water we have available for the best returns.

We know that the recycled water is treated at Werribee South and is pumped into the bay at Werribee South. We also know that it contains a whole range of pollutants that cause a vast array of damage to the bay, which creates another range of problems that have to be

addressed. This is the same problem that led the South Australian government to stop all the water that used to run out into the gulf from Adelaide. It turned those wetlands into a stormwater harvesting project at Mawson Lakes, and the Adelaide government is using the wetlands as a natural cleansing filter so that the recycled water can then be captured and pumped underground into the aquifers of Adelaide.

There are 24 or 25 wetlands through three or four different municipalities which create enough water to recharge the aquifers; and at a time that suits their development, that water is taken from the aquifers and used to fully flush all the toilets, to maintain the artificial lakes and to water all the gardens at the new suburb at Mawson Lakes. People in that region, 12 kilometres to the north of Adelaide, are paying a $30 000 premium just so they can live in Mawson Lakes because it has drought-proofed itself from the drought we are now experiencing.

Where is the vision from the Victorian government to rival that? It does not exist. We have talked about capturing stormwater in the Bendigo region, where geographically we are blessed because all the stormwater from the Bendigo region goes down the one creek, so nature is doing our work for us. All we need is the government to acknowledge that if our rainfall patterns change so that we face a future with less rain, then maybe we need to look at the way we catch our water. Maybe our traditional storages will never run again. I think they probably will — in fact, I am almost certain they will — but if they do not and if all the doomsayers out there are right, and if the future is one of diminishing rainfall, then maybe we should look at changing where we go to get our rainwater.

Maybe it should come from the stormwater drains of our cities, in that over 95 per cent of all the rain can be captured because it is landing on bitumen roads, tin roofs, tiled roofs — but at present is just going down the gutters. It finds its way into culverts and concrete guttering. With a little will and imagination maybe we could introduce schemes so that stormwater harvesting becomes a major source of water.

I am not just talking about some of the minute programs that this government likes to trumpet, such as spending over $5 million to save 9 megalitres of stormwater, which is what will be spent putting in place a stormwater capturing process at the Melbourne Zoo. If the government wants to spend $5 million in regional Victoria, it will save quite a bit more than 9 megalitres of water!

This is where the government has missed the mark. It talks about stormwater projects in suburban Melbourne, where it can easily advertise to the world that it has a stormwater project up and running at, for example, the Melbourne Zoo, but the sheer economics of producing water through savings needs to be looked at in a far more critical manner, to assess and compare what works at the Melbourne Zoo and what does not work in regional Victoria.

Melbourne undoubtedly needs to be returning its recycled water from the two main treatment plants at Werribee South and Carrum Downs to Melbourne. It needs to reuse its own wastewater to irrigate and water the gardens, parks, recreational reserves, racetracks and golf courses. They can all be watered by wastewater, thereby saving many hundreds of gigalitres that would otherwise be potable water being put onto recreational reserves.

As I have said, the stormwater project in Bendigo was gazumped by this government. It was ridiculed by the then Minister for Agriculture in the other house who did not like the idea because he had not thought of it first. He said it would not work because he, a senior minister of this government, said, ‘We do not want to put in place a stormwater capture system because we cannot make it rain’. He is right — we cannot make it rain, but good governments make ready the community for when it does rain. However, this government has done nothing about catching stormwater in the Bendigo region, yet it has rained throughout March, April and May, with significant runoffs down the Bendigo Creek.

That water was not captured and the government is making no moves towards putting in place a significant stormwater capture for our reservoirs, which would enable us to send that water back to Lake Eppalock or possibly put it back into the Campaspe River, which could then augment the irrigators’ supplies, or it could even be put into the pipeline being built from the Coliban River, which water would flow into Lake Eppalock.

Today’s announcement on water again shows an unbelievable lack of vision on the part of the government. It had one plan, but it now has two plans. It has picked up on the desalination plant as its idea. Less than two months ago in this chamber it voted down that proposition when an opposition party moved that we investigate the possibility of having a desalination plant in Victoria; then the government argued that down. In effect it sat in this house for 3 hours of opposition business, listening to us put our best arguments in support of desalination, only to have it spend its time working out ways to credibly argue our

idea down. During all the time it was knocking down our motion it was also working out ways of building what it has announced today. Talk about hypocrisy! How could government members on the back benches stand up and argue against something they know their government is working for?

If you cannot stand up and talk the truth, why bother standing up and talking at all, if you are going to stand up here and tell lie after lie — when they knew their government was designing and planning for a desalination plant in the first place.

Hon. T. C. Theophanous — You should support us then.

Mr DRUM — I have no problem with a desalination plant, Mr Theophanous. I want to take the minister up on his interjection: I want to know how he can tell his backbenchers and other government members to stand up and argue something down for 3 hours when in fact they are working behind the scenes to build the very same project.

The government shows its arrogance — if someone else is putting forward an idea, it says, 'We cannot support it, and if it comes from the opposition side, we will do everything we can to argue it down, irrespective of whether it is a good idea and has merit. Regardless of whether we fully agree with them behind the scenes, we cannot possibly let on to the Victorian public that the opposition could ever come up with a viable and decent idea'.

The Minister for Regional and Rural Development in the other place — Minister Brumby, the de facto water minister — headed up to northern Victoria in the last couple of days, trying to bully the northern councils into putting their support behind a north–south pipeline. He was told where to get off and to quickly get back to Melbourne, to not bother trying to bully councils like the Moira shire into supporting a plan which they fully oppose.

Those councils along the Murray River and in the northern regions of Victoria truly understand that water equals employment, that water equals industry, that employment equals prosperity for the region; and it is only when all those things are solely reliant on water being available that we have enormous employment in the northern parts of Victoria.

When Melbourne takes that water away from the Goulburn Valley, it will take away the jobs, it will take away wealth and it will take away the prosperity of that region as well. Minister Brumby knows this; he is being cute with his wording, because he has made unequivocal promises that this is not on the Labor Party's agenda. He says it is not Labor Party policy to take water and pipe it over the Great Dividing Range. He says it is not Labor Party policy to let Melbourne enter into the water market to purchase water from the irrigators in the open market. He says this is not Labor Party policy, and yet in the blink of an eye, with the stroke of a pen, he has been prepared to break all those promises he made prior to the election. All the promises he made at the election when he went with hand on heart in front of the Victorian public have been broken with the stroke of a pen because it now suits him to look after a different cohort of Victorians. He no longer wants to be the irrigators' friend; he is now happy to be the friend of Melburnians. He does not care where he takes the water from. He does not care about ensuring that regional and northern Victoria have the water in which to grow industry.

Mr Pakula — You sold the irrigators out to Mark Vaile.

Mr DRUM — Mr Pakula is trying to involve the federal Leader of The Nationals in this. Mr Pakula knows that had it not been for the federal Nationals putting in place some of the safeguards surrounding the $10 billion irrigation plan, if we ended up with Mr Garrett in charge of water in this country we would see some 3000 gigalitres of water go down the Murray River as part of the Living Murray project.

There has been an amazing level of hypocrisy coming from the government, which has forgotten the whole concept of growing regional Victoria. By taking away the water, it will take away the industry, it will take away the jobs. If Mr Brumby truly had regional Victoria at heart and truly wanted to see regional Victoria grow and prosper, he would spend the money on regional Victoria, and he would let the environment and the irrigators share in the spoils of the infrastructure improvements.

Hon. T. C. Theophanous — That is what we are doing.

Mr DRUM — No, you are not doing that at all, Mr Theophanous. If the government would like only the irrigators and the environment to share in that water, then that is fine — it should invest in the infrastructure improvements and leave the water in the region. If we get the federal government involved in this, that is exactly what it will do.

Mr Pakula interjected.

Mr DRUM — Mr Pakula is now talking about looking after our federal mates. Obviously Mr Pakula

does not truly understand the whole water issue. He does not understand that The Nationals have led this whole debate. He does not understand that they have a greater understanding of how the Murray–Darling Basin cap will make sure that the basin is protected into the future. If infrastructure improvements can be made in the Goulburn region, those improvements should stay within the Goulburn region and Victoria should grow in a holistic fashion.

We do not necessarily want to have a capital city that just keeps getting bigger and bigger. We do not necessarily want to have a capital city that takes all of the jobs, takes all of our youth and takes all of the power we generate from Latrobe Valley in Gippsland. We do not necessarily want to have a capital city that keeps growing at an exponential rate compared to regional Victoria. If we are truly concerned about all of Victoria, we need to ensure that some of the resources that make Victoria a great state are left in the regions so that people will look towards regional Victoria and see that there is a tremendous opportunity for them to go into those regions because those regions have water-intensive and water-reliant industries and with them will go the jobs, the prosperity and the employment.

We have seen the Treasurer, Minister Brumby, go into the regions and be nothing short of a bully in the threats he has made to some regional councils, in effect saying to them that they should support his plan or he will cut the financing of all the discretionary projects on which so many of our councils need state government support on a regular basis. If that is the way you liaise with, talk to and treat your local government partners — so many times in this Parliament we hear about how local government is a partner of state government — I would hate to see the way you treat your enemies.

The fact is we need a government that has greater vision. We need a government that is prepared to look at all other aspects — at bore water, at fixing up some of our inefficient urban systems and at desalination and recycling projects. It is good to see that in the Coliban system in Bendigo a very good proposal has been put together to save the waste water from Epsom and pump it back to Spring Gully. However, there is still an argument to be had about this water being pumped out to Eppalock and being used for environmental flows.

Although we have storages that are sitting at 6 per cent and 1 per cent of their respective capacities, we are going to have recycled water which has been treated to AAA class put down the river to act as environmental flows — and that is happening as we speak. Whilst our storage at Eppalock is less than 1 per cent of capacity, every day we have in the vicinity of 5 megalitres to 6 megalitres going by and another 5 megalitres or 6 megalitres going over the wall at Eppalock and running down as an environmental flow. I think it is time that we took a stand on environmental flows. We still have an absolute crisis on our hands in relation to storages being at unbelievably low levels — —

Business interrupted pursuant to standing orders.

ACCIDENT TOWING SERVICES BILL

Introduction and first reading

Received from Assembly.

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

ADJOURNMENT

The PRESIDENT — Order! The question is:

That the house do now adjourn.

Mastectomies: prostheses

Mrs COOTE (Southern Metropolitan) — My adjournment matter tonight is for the Minister for Community Services. It deals with quite a poignant issue, and I hope he will be able to help me with this. I have a constituent who has approached me regarding a prosthesis. This constituent has had a double mastectomy. One breast was removed 27 years ago, and the other one was removed last July. She says the state government has a limit on the assistance given to mastectomy patients on health cards of $250 for a prosthesis. She says this will only cover one prosthesis, and as the other one is very old and cumbersome, she is now forced not to wear any prosthesis. She is on a disability pension and cannot even afford the supports that she needs for the prosthesis to go into.

I am aware that the minister is in the process of developing guidelines for the allocation of aids and equipment, but I am also aware that the additional money allocated in the May budget for aids and equipment will not be forthcoming until after 1 July 2008. The issue I raise is a matter of dignity and self-esteem. I ask the minister to direct his department to allocate additional aids and equipment funding for mastectomy patients as a matter of urgency and prior to 2008.

Drought: bore water access

Mr HALL (Eastern Victoria) — Tonight I wish to raise a matter for the attention of the Minister for Water, Environment and Climate Change in another place regarding funding for drought relief works. The government has provided funding for drought relief works, and we in The Nationals applaud the assistance given for the drought, although we would always argue for more. However, one of those measures was an important one, and that was — and I am quoting from the Department of Sustainability and Environment website:

> Three million dollars for emergency bore and water supply network — the government will provide funding for an emergency bore and water supply network and to prepare an updated inventory of reliable and accessible water supply cartage points across the state. This will include the upgrading of existing sites and the establishment of new sites as proposed by water authorities.

One of the sites proposed for the establishment of an emergency water supply point was at Gormandale, a town on the Highlands Highway between Traralgon and Yarram. The Shire of Wellington and the Gormandale Recreation Reserve deemed it was necessary to have such a point there to provide drought assistance for those in the areas without water and also for the local Country Fire Authority and the recreation reserve users. The Shire of Wellington made a submission to Southern Rural Water on 23 April containing the full details of the application. It said in its letter:

> An existing bore at Gormandale Recreation Reserve is currently out of commission due to suspected collapsing of the casing and it has been determined that a replacement bore would be the best option to restore a reliable water supply point in the Gormandale area.
>
> In this regard council wishes to apply on behalf of the Gormandale Recreation Reserve for funding assistance under the EWSP program to drill and construct a new drought relief bore at the Gormandale Recreation Reserve.

The application was received by Southern Rural Water. Its response dated 1 June includes this comment:

> The deadlines for this funding program is that invoicing is to be completed and finalised by the end of May, and for all works to be completed by the end of June, with works being audited in July. Unfortunately due to time constraints we are unable to grant Wellington shire funding for this project.

It does not say that funding has run out, nor does it give any indication of whether the funding is going to be available beyond this financial year. All it says is that time constraints prevented this application from proceeding further.

My request to the Minister for Water, Environment and Climate Change is this: that he gives a commitment on behalf of the government to provide funding that will enable this important drought assistance measure to continue into the 2007–08 financial year and so enable Wellington shire to pursue its application on behalf of the Gormandale community.

Youth: Building Bridges program

Mr LEANE (Eastern Metropolitan) — My adjournment matter is for the Minister for Health in the other place, Bronwyn Pike. Last Thursday evening I attended the launch of a DVD produced by 30 young Australians of school age, some of the families of whom have recently moved to Australia from Africa, the Middle East and other parts of the world. This group of young people also had amongst them a number of different religious beliefs.

The movie they produced was called *Outer East Voices*. It was funded through the VicHealth Building Bridges program. Participants came from the primary and secondary schools of the Knox, Maroondah and Yarra Ranges areas. The goal of the project was for the students to learn about the mechanics of making a movie and to talk about how to get along, their experiences of racism and the hope that their generation will stop racism altogether.

One part of the movie featured a young Sudanese primary school boy and his new Aussie friend. They speak about one of their first encounters involving a bit of a blue and a bit of push and shove. The teacher told them, 'You lads need to go away and sort out your issues'. They decided the way to sort out their issues was to become best mates, and they have been best mates ever since. If only warring countries had teachers that could inspire them to similar results.

During the night a young teenage Muslim girl gave one of the most thought-provoking speeches I have heard for a long time. She said that what she saw as Aussie values — considering that she has lived here all her life — had greatly diminished after September 11. Unfortunately attitudes towards her had changed in some quarters. She also spoke passionately on other issues and was obviously inspired by this project.

The movie is a good news story in that all the kids in the movie state that they believe Australia is not a racist country but for a few minority elements. I ask the minister to investigate the potential of this program being extended to other parts of the state due to the success it has had in the outer east.

Australian Council of Trade Unions: political strategy

Mrs PEULICH (South Eastern Metropolitan) — I wish to raise a matter for the attention of the Attorney-General in another place. He is also the Minister for Industrial Relations. The matter is in relation to a particular document I received in the mail. It is entitled the *ACTU Federal Election 2007 Union Political Strategy Manual*. Let me say it is a very interesting read. It just happened to appear under my door. I was very grateful; I did not even have to invest in photocopying.

It raises a series of issues in relation to possible breaches, whether in reality or in sentiment, of Victorian laws, rights — in particular the human rights charter — and obligations, which are reflected in the strategies as outlined by the Australian Council of Trade Unions. They involve such concerns as access to personal details that a particular union member may have given his or her union but not necessarily the ACTU; the possible diversion of membership funds; access to an electronic roll, which I understand under the act only candidates or members of Parliament have access to; as well as the very concerning tactics which can be used in door-to-door canvassing or telephoning that could be tantamount to harassment. This is especially the case in the northern part of my electorate, for example, which is covered by the federal seat of La Trobe, one of the 22 seats identified by this particular strategy for a political campaign. It identifies that over 15 000 union members actually live in the La Trobe electorate.

Let me say how concerned people are. On 17 April the community was invited to a meeting at the Berwick Springs Hotel to express its concerns about WorkChoices.

The PRESIDENT — Order! I advise the gentleman in the gallery that it is inappropriate for him to be conducting any communications whatsoever with a member in this chamber — and Mr Leane should know better. I ask him desist; if he does not, I will remove him.

Mrs PEULICH — Some 80 to 100 seats were put out for the meeting, but members might like to know how many people turned up: of the 15 000 union members in the electorate of La Trobe, 5 turned up. Those are not good results.

Mr Thornley — On a point of order, President, I guess like many of us here I have been patiently waiting to hear what action is being asked of the minister. We seem to be running out of time, and I have not heard it yet.

The PRESIDENT — Order! Mrs Peulich, to continue. I am sure she will get to the point.

Mrs PEULICH — The action that I sought was actually outlined in the opening sentence. Perhaps if the member actually used his ears rather than sitting on them — —

The PRESIDENT — Order! Mrs Peulich will address her remarks through the Chair.

Mrs PEULICH — He might in actual fact have heard that what I wish the Attorney-General and Minister for Industrial Relations to do is closely scrutinise this particular document, perhaps even refer it to an appropriate all-party committee, to make sure that it is not in breach of the government's own human rights charter, to make sure the strategies recommended in it do not cause harassment or intimidation of women in particular and of people in the community — —

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

Mrs PEULICH — And that it does not break the law like — —

The PRESIDENT — Order! This is the second occasion I have needed to address Mrs Peulich on taking instruction from the Chair about her time having expired. If this had not happened during the adjournment debate, I would have removed her from the house. I ask Mrs Peulich to respect the call from the Chair when she gets it.

Firearms: control

Ms PENNICUIK (Southern Metropolitan) — My adjournment matter is for the Minister for Police and Emergency Services in another place. The Greens express their shock and horror at yesterday's shootings in Melbourne and their heartfelt condolences for the victims and their families and friends. This horrific incident highlights the need for stronger national handgun control laws. The Greens have been campaigning since 1996 to restrict handguns, in particular semiautomatic handguns capable of causing multiple deaths.

The Greens proposals to ban semiautomatic handguns, except for police and other legitimate users, have been voted down in the federal Parliament. There is no reason for any person other than a police officer to be carrying such a weapon. The federal and state

governments must stop pandering to the shooters lobby and focus on their responsibility to protect the community from violence perpetrated by the use of guns.

According to Gun Control Australia, the two major weaknesses in our gun laws are the abysmally low level of training required before you are granted a shooters licence and the organisational structure through which guns can be legally acquired. On its website it states that the number of illegal guns is far too high and suggests that it is time gun sales took place only through specially adapted police stations. It also states that guns are far too dangerous an item, that they are too cheap, too technically deceptive, and too easily convertible and concealable to be part of the normal economic trading process.

In 2006 the Australian Institute of Criminology conducted a six-month analysis of firearms theft in Australia. Its report stated:

> The theft of firearms poses a potential threat to society, as they may be transferred from the legitimate to the illegitimate firearms market.

It also states:

> The type of in-depth information required on firearms theft is not routinely captured in police recording systems. If it is recorded, it cannot be easily extracted.

The report says that in the six months it looked at in 2006, 664 firearms were reported stolen; of those, 9 per cent were handguns. The majority were registered but only 12 per cent of the firearms stolen were recovered. Ammunition was stolen in just over one-quarter of the incidents, and firearms had previously been stolen from the same locations in six incidents. Some 30 per cent of the incidents involved the theft of firearms not stored correctly.

My request to the minister is that he conduct an urgent investigation into the number of unrecovered stolen firearms in Victoria, the level of compliance with the requirements for the safekeeping of firearms and the monitoring of the safe storage of firearms that has been carried out since 2003.

Rail: Ballarat line

Mr KAVANAGH (Western Victoria) — I wish to raise a matter for the attention of the Minister for Public Transport in the other place. I refer to the transport situation between Melbourne and Ballarat. Recently many passengers have regularly found themselves unable to find any seats on the train, if they are lucky enough to get onto the train. They are forced to stand while they travel long distances, often at high speed. I ask the minister to take immediate steps to address this situation and to develop long-term strategies to overcome this dangerous and unacceptable situation with travellers.

Roads: bus stops

Mr DALLA-RIVA (Eastern Metropolitan) — My adjournment matter tonight is for the Minister for Roads and Ports in the other place. It is about a matter brought to my attention regarding the off-road provisions for buses stopping for passengers to get on or off. As many road users would know, buses often drive into what are called bus stops.

Mr Koch interjected.

Mr DALLA-RIVA — They are, Mr Koch, thank you. Those bus stops are actually cut off the roadway into what you would call the nature strip. The nature strips on certain sections of roads are being filled in, and the bus stops are now on the standard roadway. To give an example to assist the minister, some photos were given to me of such work being done on Wantirna Road between Canterbury Road and Boronia Road. The person who took the photos, when talking to the crew that was in charge of the restoration of the bus stops, was advised that they are basically filling in the bus stops all the way through to Frankston. I am trying to get some clarification on whether that is correct.

My request to the minister is: is there is a process being undertaken by VicRoads at the moment that is looking at putting those things right along that route? If that is the case, the particular action I am seeking as part of that is: will advice be given to the community by the minister or indeed by VicRoads that that is the proposal being put forward? How does the minister propose to do that to allow residents to understand so that when they observe construction taking place along the roadway they do not become confused as to whether it is a whole-of-government policy program or a specific individual program along the particular stretch of road I nominated?

The PRESIDENT — Order! I am of the view that the member did not ask for a specific action but simply asked a couple of questions of the minister. On that basis, I rule that matter out of order this evening. The member might like to come back tomorrow and reframe his matter.

Gaming: poker machines

Mr O'DONOHUE (Eastern Victoria) — My issue tonight is for the Minister for Gaming in the other

place. It is estimated that the Bracks Labor government will collect in excess of $1.5 billion from gaming in the 2007–08 financial year. The government's addiction to gaming and other forms of revenue means that it has lost sight of the impact that gaming can have on individuals, families and communities. Gaming is a legitimate social activity and an important source of revenue for sporting clubs, RSLs and other community organisations. The Liberal Party recognises the need for balance on this issue, and at the last election it had a policy to reduce the number of poker machines by 20 per cent.

Since being elected as a member of this place I have been contacted by many constituents concerned about the impact of gaming on their communities. The reality is that Labor's policy to cap electronic gaming numbers in some local government areas means that uncapped areas such as the shire of Cardinia, the shire of Yarra Ranges, the shire of South Gippsland and the city of Knox will be targeted to accept more poker machines. Under the current government policy these local government areas can be targeted to receive a maximum of 10 electronic gaming machines per 1000 people.

Currently the shire of Cardinia has a population of 45 179 people and 212 electronic gaming machines, or 4.69 electronic gaming machines per 1000 people. Under Labor's policy this could increase to 452 electronic gaming machines, or a potential increase of 240 machines. The shire of Yarra Ranges has a population of 106 833 people and 427 electronic gaming machines, or 4 electronic gaming machines per 1000 people. Under Labor's policy the number of electronic gaming machines could increase by 641 to a total of 1068. The shire of South Gippsland has a population of 20 791 people and 101 electronic gaming machines, or a ratio of 4.86 machines per 1000 people. Under Labor's policy this could increase to 208 machines, or an additional 107 machines. The city of Knox has a population of 114 922 people and 861 electronic gaming machines, or a ratio of 7.49 machines per 1000 people. Under Labor's policy this could increase to 1149 machines or an additional 288 machines.

The recent decision of the Victorian Civil and Administrative Tribunal allowing more poker machines into Romsey despite vocal community opposition means that the wishes of local communities will be ignored in applying the government's policy as described above. In light of the above information, I ask that the minister urgently review the government's flawed regional caps policy and in doing so listen to local government and local communities who seek certainty that their communities will not be overtaken with poker machines against their wishes.

Schools: capital works

Mr DRUM (Northern Victoria) — My adjournment matter is for the Minister for Education and has to do with Myrtleford Secondary College. Myrtleford Secondary College is in a decayed and unsatisfactory condition. That should be no surprise to the minister, because the issue has been repeatedly raised in state Parliament by The Nationals MP for Benalla in the other place, Dr Sykes.

Hon. T. C. Theophanous — What school is it?

Mr DRUM — Myrtleford Secondary College. Like many others, The Nationals were hopeful that the Myrtleford situation would be among the first addressed in the education capital works program outlined by the Treasurer in this year's budget. There seems to have been some confusion. Minister Lenders is on record as saying that 131 schools will be modernised in the first year of this 10-year plan. He then went on to name 43 of those schools. There is no word about which schools are among the other 88. Myrtleford Secondary College is not on any of the lists. We do not know whether or not it is in line to receive a smaller upgrade of between $300 000 and $500 000 or whatever. In fact to find any record of maintenance work that has gone on at Myrtleford Secondary College you have to go back to 1999 during the time of the previous government; you have to go back that far to find proof of any real investment in this school's buildings.

The community is deeply concerned about the state of its school. The building leaks because there are holes in the ceiling, and its classrooms are dilapidated. One senior teacher recently spoke out about trying to run a 21st century standard of education in a 1950s facility. The community mounted a vigorous campaign in the lead-up to the last election in November, but it is now worried that all that work has been in vain. I urge the minister to put the community's concerns to rest by publicly committing to put Myrtleford Secondary College on the list of major makeovers in the first year, otherwise there will be a real concern in regional Victoria that this will finish up in the same way as the bungled series of announcements about towns being connected to the natural gas grid, when communities were played off one against the other to see who could come up with the best submission.

The action I seek from the minister is that he prepare an extensive list of all the schools that are going to be

either upgraded or modernised in the current year so that each of those schools is able to see where it sits on the priority list. At the moment that list does not exist and schools do not know whether they are going to be upgraded or modernised in the first year — and some of these schools are in fact in dire need of that sort of work. I ask that that list be compiled and then made public so that the schools know exactly where they sit in relation to maintenance and upgrading.

General practitioners: rural and regional Victoria

Mrs PETROVICH (Northern Victoria) — The matter I raise on the adjournment is for the Minister for Health in another place, Bronwyn Pike. There was a lot of publicity last week about the offer of $500 000 to attract a doctor to move to the rural town of Temora in New South Wales. This is unfortunately just the tip of the iceberg. Rural health is in a dramatic state of decline in Victoria. There is a chronic shortage of doctors throughout regional and rural Victoria, and unlike the case of the town of Temora, the shortage of doctors and facilities is right here on the doorstep of metropolitan Melbourne.

There is an inadequate amount of funding and subsequently a lack of resources and equipment. Whereas Temora can afford to pay its doctors $500 000, I was alarmed to be told last week that the doctors in Kilmore are being paid a paltry $87 a night to be on call at the Kilmore and District Hospital. At the moment there is literally only a handful of doctors available to be on call at the hospital — and at $87 for 24 hours it is unlikely to attract others. As it is, some of these doctors travel from Melbourne when required, and the $87 a night will hardly cover the petrol costs. By way of comparison, the neighbouring hospital at Seymour pays its doctors approximately $500 a night.

There was an article in *Country News* last week about a compulsory module which requires medical students at the University of Melbourne to do a two-week posting in a rural area. I would like to refer to what was said by one of the students who chose to work at Kilmore. She said the lack of resources was what surprised her most. She also said that considering Kilmore is only 60 kilometres from Melbourne you would expect it to be just like Melbourne, but it is not; it does not have the resources we have in Melbourne. She identified the lack of resources, the desperate shortage of doctors, the ageing population of general practitioners and the lack of postgraduate education as the main issues facing medicine in rural Victoria.

The action I seek from the Minister for Health is advice via a report to provide an insight into the doctor shortages in rural Victoria by providing accurate numbers of how many doctors are required throughout regional Victoria to fill all the current vacancies and, as a matter of urgency, for the minister to investigate the current situation at the Kilmore hospital and explain why doctors are paid a paltry $87 to be on call for 24 hours.

Trucks: overdimensional load permits

Mr KOCH (Western Victoria) — I raise a matter for the Minister for Roads and Ports in another place concerning VicRoads' decision to implement changes to the overdimensional permit application process.

VicRoads processes 31 000 applications for oversize permits annually; some 4000 are processed by permit officers at six rural centres. VicRoads has decided that greater efficiencies and consistency in issuing permits will deliver improved services to permit applicants. It has decided to centralise the issuing of all overdimensional load permits at its Burwood office from 2 July 2007. This means that local rural and regional permit officers will no longer be able to issue these permits.

A local contractor, whose family has been in the house relocation business for almost 80 years, has contacted my office and expressed concern that this change is basically the same as that tried over 20 years ago, when it failed to deliver promised improvements and was reversed. Improving efficiencies and consistency are worthy ideals, but there are significant differences between metropolitan and rural and regional areas of Victoria in terms of fuel costs, road conditions, roadside obstacles and, most importantly, traffic volumes when moving overdimensional loads.

This district contractor shifts houses both ways from South Australia, and while the guidelines for issuing overdimensional permits in Victoria differ from those in South Australia, where wider loads are permitted, the current guidelines using local knowledge work well. Under the new arrangements contractors are concerned they will be forced to wait at the border for a decision to be made from Melbourne before the load can continue into Victoria, as was the case when permits for loads in excess of 5 metres wide were previously issued from Melbourne.

The current system of local permit officers with local knowledge being able to immediately issue overdimensional load permits has delivered timely, practical and consistent service. VicRoads has advised

that the proposed changes are in response to broader industry concerns regarding the quality, timeliness and consistency of services across the state for the issuing of permits and that the new arrangements will enable a consolidated team to deliver services in a consistent, customer-focused manner. No evidence was given to suggest there were any serious problems with the current system. There was also no evidence to support complaints about the current level of customer service, and no indication was given that the proposed changes would in fact improve the service.

I ask the minister to review the reasons for implementing the new arrangements to issue overdimensional load permits and ensure that any changes will not hinder permit applicants in either time or costs.

Whitehorse: council vacancy

Mr ATKINSON (Eastern Metropolitan) — I wish to address a matter to the Minister for Local Government in another place. It concerns a current council vacancy at the City of Whitehorse. Cr Pauline Richards has just tendered her resignation in the Springfield ward, I understand to spend more time with her family, although I note she also spends quite a bit of time introducing the local Labor Party candidate for Deakin to a lot of people. Nonetheless, it has been necessary for her to stand down from the Whitehorse City Council — and fair enough.

There is a great deal of concern in the Whitehorse area about the process of countback, which will, at this point, elect a councillor to replace Cr Richards on the council. The minister and the house would be aware that countback provisions were put into the Local Government Act to cater for a councillor who resigns from council, and a number of municipalities in my area have expressed significant concerns about this provision. They want it changed in any event.

In the context of the Whitehorse City Council there is a need to really look at this very seriously. George Droutsas, a councillor at the City of Whitehorse, remains under investigation at this time for his actions in the conduct of the last council elections, involving the Springfield ward and other wards of the council. Cr Droutsas, who remains on the council at this point, has actually admitted that he arranged for dummy candidates and prepared their statements and worked to ensure that there was a direction of preferences that would ensure candidates of his preference were elected to the City of Whitehorse.

I am concerned — and, more importantly, the community is concerned — that given that Cr Richards has now resigned, a candidate might well now be elected on the countback system who was simply there in the first instance as a dummy candidate put in place by Cr Droutsas to deliver votes for Cr Richards, who has stepped down. The community does not want this outcome. The community would rather have a by-election and an opportunity to have a fair and untainted election for a councillor, free of Cr Droutsas's intervention.

I therefore ask the Minister for Local Government to intervene in the circumstances at the City of Whitehorse and to order a by-election for the Springfield ward rather than the countback system being relied upon for the election of a replacement councillor.

Essendon Airport: future

Mr FINN (Western Metropolitan) — I wish to raise a matter for the attention of the Minister for Industry and State Development. It involves a long-running issue in my electorate — that is, the future of Essendon Airport.

The minister would be aware that there has been a hard-fought, long battle to retain Essendon Airport for aviation purposes in Melbourne. Essendon Airport provides for Victorian aviation a major edge over the other states, and as such is very important to keep Victoria at the forefront of aviation in this nation. Any closure of Essendon Airport would mean that the international airport at Tullamarine would immediately need a third runway, as Essendon currently acts as the third runway, and that would involve, I am sure, considerable government funds — whether they be federal or state.

The importance to regional Victoria of Essendon Airport was shown yet again only recently after the tragic events at Kerang, when it was used as a centre for emergency services as ambulances ferried the injured to nearby hospitals. It is important — and it cannot be stressed too strongly — because the people of country Victoria see Essendon Airport as their aviation gateway to Melbourne, and any attempts to close Essendon Airport would be a severe slap in the face to the people of regional Victoria.

Irrespective of the battle that has been fought and won on the future of Essendon Airport over a long period of time, there would now appear to be the possibility of another threat to the future of Essendon Airport — that is, the perhaps unfortunate, or even unlikely, event of

the election of a federal Labor government later this year. It is my understanding that it has been longstanding Labor Party policy to close Essendon Airport, and I understand the shadow minister has already made it clear that that would be his intention.

I ask the minister to take the action that would be necessary to put Victorian aviation first and to prepare and put into place a campaign, along the lines of those that this government is so very good at, to defend Essendon Airport and put this vitally important piece of infrastructure on the Victorian map forever so that any federal Labor government — God help us! — knows exactly where the Victorian government and the Victorian people stand.

The PRESIDENT — Order! I have some concerns about Mr Finn's matter with regard to federal administration as opposed to Victorian administration and the fact that he is asking for the Victorian minister to prepare a campaign against a federal administrative matter. I think I will err on the side of caution and rule it out.

Mr FINN — I will take a point of order.

The PRESIDENT — Order! Mr Finn can take a point of order all he likes, but the fact is that I am ruling it out.

Mr FINN — On a point of order, President, what I am seeking the minister to do is take a action similar to what his colleague the Minister for Industrial Relations has done in running a campaign against the federal WorkChoices policy. It is in my view exactly the same thing and fully within the powers of the minister.

The PRESIDENT — Order! I will read from the guidelines for Mr Finn:

> The matter raised must relate strictly to Victorian government administration. However, where federal and state jurisdictions overlap, a matter may be directed to the state minister as it specifically relates to their area of responsibility. Any matter falling within the administration of the federal government will be ruled out of order.

Mr Finn is out of order.

Mr FINN — Further on the point of order, President, I again put it to you that this is well within the area of state responsibility because I am indeed asking the minister to advocate on behalf of Victorians. I am not asking him to make a federal decision, I am not asking or expecting him to become involved in a federal decision-making matter. I am merely asking him to advocate on behalf of Victorians, as his government has done on many occasions in the past.

The PRESIDENT — Order! There is no further point of order. I have made my ruling, and Mr Finn has had his say. I have ruled it out of order, and I suggest Mr Finn read the guidelines.

Responses

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — Andrea Coote asked a question for the Minister for Community Services in relation to a medical procedure, seeking additional assistance. I will pass that request on to the minister.

Peter Hall asked a question for the Minister for Water, Environment and Climate Change in the other place in relation to drought relief works funding. I will also pass that message on.

Shaun Leane had a request for the Minister for Health in the other place relating to a VicHealth project, Outer East Voices — in fact, it was a movie project. I will pass that request on to the Minister for Health.

Inga Peulich asked a question for the Attorney-General, wishing the Attorney-General to closely scrutinise the ACTU union election manual, and I will pass her request for that scrutiny by the relevant minister to him. I am sure he will treat it with the appropriate amount of effort.

An honourable member — Enthusiasm.

Hon. T. C. THEOPHANOUS — And enthusiasm.

Ms Pennicuik asked a question for the Minister for Police and Emergency Services in the other place in relation to the unfortunate shooting that occurred in Melbourne yesterday. She asked about gun laws. I must say, President, I was in the very near vicinity of that shooting at the time, so these things are very close to all of us, and I will certainly pass her request on to the relevant minister for consideration.

Peter Kavanagh asked a question for the Minister for Public Transport in the other place in relation to the long-term strategy on the Ballarat rail line, and I will pass that on to the transport minister for a direct response to the member.

Mr Dalla-Riva's matter was ruled out of order.

Mr O'Donohue asked a question for the Minister for Gaming in the other place in relation to having a look at the government's gaming machine policy, and I will pass that on to the relevant minister.

Mr Drum asked a question for the Minister for Education in the other place in relation to the Myrtleford Secondary College, but more broadly about investment in schools, and I will pass his question on as well.

Donna Petrovich asked a question for the Minister for Health in the other place in relation to doctor shortages in rural Victoria. I will pass that question on.

David Koch asked a question for the Minister for Roads and Ports in the other place in relation to road permit applications. I will pass that question on as well.

Bruce Atkinson asked a question for the Minister for Local Government in the other place relating to a council vacancy in the City of Whitehorse and the way in which that vacancy will be filled, and I will pass that question on for consideration.

Bernie Finn's matter was ruled out of order.

The PRESIDENT — Order! The house now stands adjourned.

House adjourned 10.43 p.m.