PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Tuesday, 22 May 2007

(Extract from book 7)

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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Minister for Housing and Minister for Local Government	The Hon. R. W. Wynne, MP
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Joint committees

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Dr S. O'Kane

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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, 22 MAY 2007

Tuesday, 22 May 2007

The PRESIDENT (Hon. R. F. Smith) took the chair at 2.02 p.m. and read the prayer.

BUSINESS OF THE HOUSE

Photographing and filming of proceedings

The PRESIDENT — Order! I wish to advise all members that an official photograph for the 56th Parliament of members of the chamber will be taken on Thursday, 24 May. The photograph will be taken following the ringing of the bells at 2.00 p.m. and prior to the commencement of question time.

Also, I would like to inform members of the chamber that on Wednesday a camera crew will be present in the chamber to film the proceedings of the house from 9.30 a.m. until after question time. This footage will be used for a series of educational DVDs to be produced by the Parliament. Additional lighting will be installed in order to facilitate a good-quality film — and make members look their best!

ROYAL ASSENT

Message read advising royal assent to:

8 May

Drugs, Poisons and Controlled Substances Amendment (Repeal of Part X) Act
Gambling Regulation Amendment (Review Panel) Act
Legal Profession Amendment Act
Major Events (Aerial Advertising) Act
Road Legislation Amendment Act

15 May

Infertility Treatment Amendment Act

PARLIAMENTARY COMMITTEES

Membership

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

Select Committee on Public Land Development

Mr D. Davis, Mr Hall, Mr O'Donohue, Ms Pennicuik, Mr Tee and Mr Viney, in addition to Mr Kavanagh, who was appointed as a member pursuant to the resolution appointing the select committee.

House Committee

Mr Atkinson and Ms Hartland.

QUESTIONS WITHOUT NOTICE

Small business: government contracts

Mr D. DAVIS (Southern Metropolitan) — My question is to the Minister for Small Business. Can the minister explain to the house what measures are in place to ensure that small businesses bidding for government contractual work are able to be confident that contracts will be awarded on merit and not on political favouritism?

Hon. T. C. THEOPHANOUS (Minister for Small Business) — I thank the member for his question. The government is very pleased to be able to say that all of its processes are of course done through probity officers and in an appropriate way. In relation to the issues he raised specifically about small business, he would be aware that there are programs in place — for example, he would be aware of the VIPP (Victorian industry participation policy) program — whereby we seek to assist small businesses in relation to government contracts and that, all things being equal, we would favour suppliers who supplied from local rather than overseas production. This is a program that the Bracks government has introduced, and it is one we are very pleased about.

In relation to other probity issues, I can certainly say to the house that all of the probity issues within my department, and so far as I am aware those in other departments, are fully abided by, and those probity issues are of course important in ensuring that contracts are issued out. But the other thing I might say is that small business, the economy and exports in this state are actually doing very well notwithstanding some of the information which David Davis has sought to put out. In fact might I take this opportunity to correct David Davis in relation to a quote which is attributed to him in which he tried again — —

Mr D. Davis — On a point of order, President, your rulings on these matters — attacks on the opposition and so forth — have been very clear. I think the

minister is diverting from the substance of his answer to an attack on the opposition.

Hon. T. C. THEOPHANOUS — On the point of order, President, the member asked me a question in relation to small business and how it is performing in the state and in relation to government assistance to small business and other matters concerning that. In answering the member's question it is quite appropriate for me to indicate to the house what the performance of the Victorian economy is, which is what I am seeking to do, and to put on the record some correct figures around that.

The PRESIDENT — Order! The minister is entitled to be expansive, and particularly given that there are no constraints on his time to answer I will afford him a little leeway. However, I remind all ministers that they do not have the ability to criticise members who ask the questions or to debate the actual questions. Whilst I do not think the minister is there yet, I just remind him that those guidelines are in place.

Hon. T. C. THEOPHANOUS — I did want to put on the record that, according to the latest Australian Bureau of Statistics figures, in March 2007 Victoria's share of the nation's goods exports was 13.5 per cent — that is, 13.5 per cent of the nation's exports go out of Victoria, which is — —

Mr D. Davis — On a point of order, President, I think the minister has strayed into new territory. My question was very specific — it was about government contracts.

The PRESIDENT — Order! There is no point of order. The minister, to continue.

Hon. T. C. THEOPHANOUS — I am trying to indicate to the house that small business and the performance of small business, including in export, is very important to this state, and that relates of course to the partnerships that exist in relation to government contracts, which are a part of that economic activity.

I can inform the house that small business exports and business exports generally are 13.5 per cent of the nation's share of exports, which is a pretty good figure from a Victorian point of view. It is helped by small business and is certainly not the figure that David Davis tried to put out, of 12.1 per cent, which was false.

The PRESIDENT — Order! I want to make a point to the house that, whilst I have made comments and given general directions as to how I see answers to questions being governed, I would hate to think that anyone on either side of the house would want to take advantage of that by taking some, shall we say, ordinary points of order. I advise the house that members should be cognisant of my rulings about ministers answering questions and members asking questions and, in particular, raising points of order. If someone is to raise a frivolous point of order — I am not suggesting they have to date — then I will treat them in exactly the same way as I have previously.

Supplementary question

Mr D. DAVIS (Southern Metropolitan) — What role does the minister or the minister's office play in government tender processes?

Hon. T. C. THEOPHANOUS (Minister for Small Business) — Government tender processes, as I understand it, are done by departments with appropriate probity officers and are — —

Mr D. Davis — What is the role of you and your office?

Hon. T. C. THEOPHANOUS — Ministers do not have a role in tender processes. David Davis has never been a minister, so I do not think he would understand these issues. If Mr Davis ever gets the opportunity to become a minister, he will understand that ministers are scrupulous in ensuring that they go nowhere near tender processes. They do not get involved in tender processes; ministers ensure that there are appropriate probity officers within departments — and external probity officers — who examine all of these tender processes as they come up.

There are guidelines, which the member would be well aware of, that need to be followed, and those guidelines are followed in all government tenders. At the point when it is decided that a tender is to take place, there is a very strict process which involves probity and the department, and ultimately the tender is normally allocated by the director of that particular department. Ministers do not get involved in tender processes.

Housing: energy rating

Mr TEE (Eastern Metropolitan) — My question is to the Minister for Planning. I ask the minister to inform the house of what initiatives the Bracks government has introduced to further progress the sustainable building and housing already achieved as a result of the successful 5-star standard in building.

Hon. J. M. MADDEN (Minister for Planning) — I thank Mr Tee for his interest in this matter. Before I answer the question, I acknowledge the presence of David Koch in the chamber today; it is great to see him

back on his feet, and I compliment him on his desire to get back into the house so quickly.

Honourable members — Hear, hear!

Hon. J. M. MADDEN — I also compliment opposition members on their resounding cheer for my comments!

Victoria can proudly boast that the 5-star standard for houses was pioneered in this state by this government. It is now being widely adopted by states right across this country, again showing that this government leads the way right across the nation.

Currently around 100 000 new homes have been built to this 5-star standard, and the Victorian government is continually working with industry and stakeholders to improve the system and build on what we have already achieved. New homes are at least 20 per cent more energy efficient than they would have been without the standard, but importantly recent studies have shown that without these standards carbon emissions would have been 33 per cent higher. Let me reinforce that: without the Bracks Labor government, carbon emissions would have been 33 per cent higher.

Honourable members interjecting.

Hon. J. M. MADDEN — I am trying not to yell, because I do not want to upset David Koch on the other side of the chamber. Carbon emissions would have been 33 per cent higher without a Bracks Labor government, because we know opposition members are greenhouse sceptics — they are greenhouse sceptics on every front. This is a huge achievement and an indication of the importance and the success of the 5-star energy standard.

It is important to note that whilst the standard has been successful in reducing carbon emissions and increasing energy efficiency in new homes, modern trends in housing have resulted in new homes being larger than existing homes that were built over the last hundred years. This means that the average emission of some new homes is higher — —

Honourable members interjecting.

Hon. J. M. MADDEN — I would ask you, President, to draw the attention of opposition members to this, because they do not seem to want to listen to it.

The PRESIDENT — Order! The minister should allow me the luxury of running the house from the chair.

Hon. J. M. MADDEN — Thank you very much, President, for your direction.

This means that the average emissions of some new homes are higher than the average of all existing homes. The Bracks government recognises and commends Victorian households that have proven they are keen to do their bit for the environment. We have witnessed this in recent months with large levels of water savings by Victorians in their homes every day. Victorians have shown that they are prepared to do their bit. They, by contrast with the opposition, also recognise the challenges and that they can make a difference when it comes to global warming.

I would like to make this absolutely clear: this is not about mandating the size of houses; it is about providing consumers with a greater choice. That means providing the industry with a greater impetus — —

Mr D. Davis interjected.

Hon. J. M. MADDEN — A greater impetus — Mr Davis doesn't need impetus! — to provide that choice, President. The Victorian government will continue to work with industry so that in the future new homes can be more energy efficient and water efficient. As part of providing that choice, the Victorian government, through VicUrban, has teamed up with the office of planning and urban design and the office of the state architect to tackle two previously distinct issues head-on. I announced these last week but I am reconfirming them today. Up to four architects are being asked to design Victoria's homes in the future to set new standards in affordability and sustainability. By producing homes that the average family can afford we will be able to save significant amounts of water and reduce greenhouse gas emissions.

Our goal is to encourage choice for consumers — sustainable and affordable homes which are cheaper to build, which cut the costs of running households and which provide good quality housing options for new homebuyers. This stands in stark contrast to the opposition. We also hope this will be a catalyst to encourage more sustainable housing in the volume building industry.

This stands in stark contrast to the greenhouse sceptics on the other side of the chamber. Do they have policy in this area? No. This is part of the Bracks government's vision for new communities — building communities as well as suburbs. We are getting on with the job of making Victoria a better place to live, work and raise a family.

GJK Facility Services: Office of Housing contracts

Ms LOVELL (Northern Victoria) — My question is to the Minister for Industry and State Development. I ask: will the minister assure the house that he has never sought to influence any minister or government department in relation to the awarding of any government contract?

The PRESIDENT — Order! I advise Ms Lovell that I am not convinced the question is strictly within the limits of minister's responsibilities. I will give the member an opportunity to maybe reframe it. If she cannot do that, we will move on.

Ms LOVELL — On a point of order, President, the minister in his — —

The PRESIDENT — Order! Is this a point of order on my ruling?

Ms LOVELL — Sorry, it is a point of clarification. The minister is responsible for tens of millions of dollars worth of contracts in his role as minister of the Crown, and I feel that it is within the minister's responsibility.

The PRESIDENT — Order! Is the member talking about contracts within his portfolio or area of responsibility?

Ms LOVELL — In his portfolio and departments.

Hon. T. C. Theophanous interjected.

The PRESIDENT — Order! I hear the minister is happy to answer. However, I do express a concern that the minister is not directly responsible for contracts. I am bordering on not allowing it, but given that the minister is prepared to answer, I will allow it.

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — Let me just say, as I said in answer to a previous question by David Davis, that this government is very clear about one of the things that it does. We are very clear that the tender arrangements that we enter into, the way in which we give contracts out, is done through a pristine process involving tenders that are done with independent probity officers and are done free of any political interference. That is the case and has been a hallmark of the Bracks government and the way that it operates. It is the case that if you want to go back and have a look at some of the deals that were done during the time of the previous Kennett government that maybe that standard does not apply the way that it does here. Obviously the opposition is seeking in this instance to make suggestions which in my judgement are meant to somehow build on a case which has been the subject of press reports. Since the member has decided that she is happy to give me the opportunity to respond to that by the inferences in her question, I am happy to take that opportunity and to put some things on the record about it.

First of all let me say that the accusations which are behind the member's question and which have appeared in the newspapers are based in the first instance on unnamed sources. We live in a political climate here, we are all political actors, and we know that some journalists are prepared to accept as gospel unnamed sources when clearly those sources would always have — and journalists ought to be aware of this — political agendas underlying them. It borders on defamation and is totally inappropriate behaviour on behalf of a newspaper to go ahead and publish accusations without being able to state who those unnamed sources are.

In the instance that is behind the honourable member's question — and I do want to take some time to respond to this, because I think it is a serious matter — the *Age* printed the allegations despite denials by me and despite the fact that the Office of Housing told the *Age* that the tender process had been open and transparent and overseen by an independent probity officer, with no political interference. That is what the Office of Housing told the *Age*. It was also denied by me to the *Age*, but the *Age* decided that that was not good enough because it had some unnamed sources that it was relying on. Those sources have not been verified by any independent source. The accusations were printed despite that.

The *Age* was contacted and asked if it was possible for me to have a right of reply in the form of an opinion piece to put a more detailed case. The *Age* declined that invitation. If a member of Parliament gets up in this house and makes a comment about a private citizen, the private citizen has the right of reply under standing orders in this house, as you, President, are well aware.

The PRESIDENT — Subject to the President's ruling.

Hon. T. C. THEOPHANOUS — Absolutely. The director of the Office of Housing wrote a letter to the editor of the *Age* in which he outlined the comprehensive probity process that had been conducted in this case. The *Age* declined to publish it; it did not suit its case. In his letter the director pointed out that the process complied completely with the Department of

Human Services and Victorian Government Purchasing Board probity requirements and that the probity officer provided written confirmation that it complied with the VGPB probity framework. That was in a letter sent by the director of the Office of Housing to the *Age*. It did not suit the *Age* to publish the letter, so it did not. The director also pointed out that government ministers and their staff do not participate in the tender process — and in this particular case — in any way. The director also indicated in his letter that he would welcome independent scrutiny in this case by the Auditor-General. All of those things were sent by way of a letter to the *Age*, but the *Age* declined to publish the letter or did not want to publish it because it did not suit its case.

The director's attempts to set the record straight and my attempts to get space in the *Age* in order to put a case after three consecutive articles in the newspaper, all fell on deaf ears at the *Age*. If the *Age* wants to put itself up as a newspaper which does things on the basis of an Insight team, it ought to at least acknowledge that it wants to do things on the basis of unnamed sources. I could go on and indicate all of the factual inaccuracies that were presented by that particular journalist. I do not think he deserves to be a journalist at the *Age*, because he is actually bringing the *Age* into disrepute by not checking his sources and not putting an appropriate or balanced case.

Instead, the *Age* continued to publish innuendo and assertions, somehow trying to link them with legitimate organisations such as the Greek Australia Council — an organisation that is trying to bring together the Greek community for the purpose of having a voice and an organisation which I helped to sponsor and establish — because the individual concerned in this case happened to be or later became a member of that organisation. Do you know what we share in common, President? We share in common only one thing in relation to those things — we both happen to be of Greek background.

I think the way in which the *Age* has dealt with this issue — particularly its attack on a legitimate organisation which has some of the most esteemed people in the community on its board; an organisation that I am not even a member of and which I simply helped and facilitated to establish, and an organisation which both sides of Parliament have supported — and the way it has tried to simply throw in things by innuendo and use guilt by association and all sorts of matters of that kind when there is nothing other than unnamed sources, is not the way a legitimate newspaper in this country ought to be run. I did not get the opportunity to put my case in relation to the article in the *Age*, so I am pleased that the honourable member has given me that opportunity by asking me about it during question time.

The *Age* finally published a small letter from me, which we negotiated with the newspaper. The *Age* was prepared to give us 300 words. We took the 300 words because we could not get anything else. In that letter I made a number of points, among which was that as a minister of course I meet with hundreds of business people and their representatives and organisations. I also discuss a whole range of issues with colleagues, ministers and parliamentarians — and even opposition members.

I also put on the record that I suggested to the then housing minister that she meet with Mr Stamas, who was the managing director of the company concerned, because he wanted to update her on the steps he was taking to employ tenants within housing estates, to help clean those housing estates under his existing contract. I understand that that program actually took place and that the organisation concerned, in partnership with the Brotherhood of St Laurence, implemented such a program.

I also understand that this particular company wanted to put the case to the government that it is not interested in using AWAs (Australian workplace agreements) in employing its labour and is only interested in working through legitimate award processes, and that it wanted to put such a case to the minister concerned. It was absolutely appropriate for me to refer this person to that minister in this case, and I did so. The fact that that occurred 10 months before the tender process had even opened was a small detail that the *Age* might have been concerned with, but in fact it was omitted from any of the articles that the *Age* ran.

I also asked whether Mr Bachelard was asserting that such a meeting, 10 months before tenders had opened, with a company already providing services to a government was improper. I asked whether he was suggesting that the then minister was influenced by that meeting. I reject both of those claims, and I believe that they are rejected both by me and by the then minister. They are nonsense and they are baseless. The bottom line is — —

Mr Atkinson — On a point of order, President, given the spirited remarks that Mr Theophanous has made and the fact that he has called into question a newspaper report in the context of this question, I notice he is referring frequently and in some detail to a document, which presumably is a note that he has prepared for this defence. I ask if the minister would be prepared to table that document.

The PRESIDENT — Order! There is no point of order.

Mr D. Davis — On a further point of order, President, I ask whether just as a courtesy the minister would make it available to the chamber.

The PRESIDENT — Order! That is entirely up to the minister. The minister, to continue.

Hon. T. C. THEOPHANOUS — I have only one further comment to make in relation to this matter — that is, that the bottom line is the following: I have done nothing wrong, the previous minister has done nothing wrong and the Office of Housing has done nothing wrong. All those matters are matters of record. The government for its part is absolutely happy for the Auditor-General to examine any and all parts of whatever tenders were handed out at that time.

The PRESIDENT — Order! Further to the advice I gave Ms Lovell when she sought clarification of my initial querying of her question to the minister, I remind the house that, in accordance with standing order 8.01, questions may be put to ministers of the Crown relating to the public affairs with which the minister is connected or to any matter of administration for which the minister is responsible. I am still of the view that Ms Lovell's original framing of her question was outside of that, but we got back within it.

I also want to make this point to the minister: President's ruling 20.3.2001 says:

> If a minister answers a question on a certain issue, it is unacceptable for the minister to refuse to answer questions subsequently on the same issue by claiming that the matter is outside the scope of their ministerial responsibilities.

Supplementary question

Ms LOVELL (Northern Victoria) — Thank you, President. I thank the minister for his answer, in which he referred to the allegations made in the *Age*. The former Minister for Housing, Candy Broad, did not deny the allegations that the minister lobbied her on behalf of his political mate George Stamas. Does the minister now deny intervening to have $52 million worth of government contracts awarded to his political mate?

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — My estimation of the honourable member has just — —

Mr P. Davis — No, Minister, don't go there!

Hon. T. C. THEOPHANOUS — Members should not ask the questions if they do not like the answers! The question — —

The PRESIDENT — Order! If Mr Davis has a point of order, he can raise it; if not, the minister will continue.

Hon. T. C. THEOPHANOUS — Given the answer I just gave, which was a comprehensive one, I consider the question from the honourable member to be insulting. It does not do her any justice, and it certainly does not in any way increase my estimation of her as a member in this house.

The PRESIDENT — Order! I am sorry; I know this is a serious matter for the house as well as for the minister in particular, but the minister cannot reflect on a member to that degree. The minister, to continue with his answer.

Hon. T. C. THEOPHANOUS — Thank you, President. I certainly do not want to reflect on anybody, and I would appreciate it if other members of the house did not reflect on me either. I think that if you look carefully at the way the question was framed, you will see there was a reflection in relation to me. That is the reason I responded in the way that I did.

I have put on the record a comprehensive response to this. I have indicated that I did no wrong. I have indicated that the former minister did no wrong. I have indicated that the Office of Housing has done no wrong. I have indicated that the process for the tender was commenced 10 months after the meeting took place with the minister and the person being referred to. I have put all that on the record. I do not know how you influence a tender process when it has not even started and you are not even aware that a tender is going to occur, let alone try to influence a tender.

As to the amounts that are involved, I am not aware of them. I do not think that amount of $52 million that was quoted is correct. I do not know whether it is correct or not, but I saw two numbers in the *Age*. It firstly referred to $26 million, then it referred to $52 million, so I do not know which of those two is correct either. Then again, the *Age* has become accustomed to putting in numbers or saying things are factual that clearly are not factual. I have already indicated some of the things it has said which are factually incorrect. There are little things. It refers to someone as my chief of staff when he was never my chief of staff — never has been. Why don't you just check your facts a little bit before you print them instead of just — —

Mr Atkinson — On a point of order, President, the minister has made a direct comment to the press gallery, people outside the chamber, and has sought to engage them with his comments rather than address the Chair.

The PRESIDENT — Order! Mr Atkinson's point of order is correct. I remind the minister that it is inappropriate to refer to the press gallery.

Hon. T. C. THEOPHANOUS — I certainly accept your point, President. I did not mean to refer to the press gallery as such, but certainly to the *Age*. Let me also indicate to the member that, so far as I understand it, all of the sources that are claimed by the *Age* were unnamed, and to my understanding the former Minister for Housing made no comment.

Ordered that answer be considered next day on motion of Mr ATKINSON (Eastern Metropolitan).

Budget: schools

Mr THORNLEY (Southern Metropolitan) — My question is to the Minister for Education. This month's state budget delivers a record $904 million investment in schools to support teachers and lift education standards in Victorian classrooms. Can the minister outline how this investment will help needy Catholic and independent schools deliver excellence in education?

Mr LENDERS (Minister for Education) — I thank Mr Thornley for his question and his interest in education — and education across the whole state. He has an interest in the 1594 government schools and the 702 non-government schools, because Mr Thornley and this side of the house are interested in the education of all students in this state. We are interested in the development of human lives and human capital, which will be fantastic for the students and fantastic for the future.

In the budget brought down so eloquently by the Treasurer — a great Labor budget in Victoria, one that deals with social and economic issues — there are a number of initiatives that assist non-government schools. Mr Thornley referred particularly to the needy Catholic and independent schools, and a number of initiatives announced in the budget include $113 million over four years to help students attending Victoria's non-government schools. Funding for needy non-government schools includes capital works grants and funding to boost literacy, numeracy and retention rates.

Those two things — capital grants and recurrent grants in these areas — are significant, with $83 million over three years to support needy students in non-government schools.

Mr Drum interjected.

Mr LENDERS — Mr Drum seems to be asking whether we care about schools. I say to Mr Drum: we care about all students in this state.

Mr Drum — You say that but you don't do that.

Mr LENDERS — Mr Drum says that we say it but don't do it. In the last two weeks I have visited 17 schools in the state, including two non-government schools. We go out and visit all schools. I suggest that the federal minister has probably never set foot in a government school; she has focused on one thing only.

Last week I was at Sacré Coeur College in Mr Thornley's and my electorate for the launch of the year 9 LOTE, or languages other than English, program. We as a government go out to all schools in the state. Our budget is delivering for all students in this state, both government and non-government. We believe we govern for the whole state, for all of Victoria, and this budget is a great budget to make Victoria a better place to learn, live, work and raise a family.

GJK Facility Services: Office of Housing contracts

Ms LOVELL (Northern Victoria) — My question is to the Minister for Industry and State Development. Will the minister assure the house that he did not discuss George Stamas's proposed tender for $52 million-worth of state government contracts with Mr Stamas when the minister opened GJK Facility Services' new offices on 12 October last year?

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — Yes.

Supplementary question

Ms LOVELL (Northern Victoria) — Noting that Mr Stamas has previously met with Premier Steve Bracks, I ask: did the minister or his adviser Vicki Yianoulatos arrange this meeting for Mr Stamas?

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — The answer to that question is that the Premier's meetings are organised by the Premier's office.

Schools: nanotechnology program

Mr LEANE (Eastern Metropolitan) — President, I take the opportunity to wish you a happy birthday and say how spritely and youthful you look. I am trying to keep my good record of not getting kicked out.

My question is to the Minister for Education. Nanotechnology is one of the fastest growing areas of investment in research and development globally and will be a key enabler for industry growth over the coming decades. Can the minister advise the house of how the Bracks government is encouraging Victorian school students to study this new field of technology, which will change the way we live, and also weave into his answer a reference to Julie Bishop?

Mr LENDERS (Minister for Education) — I am lost for words; I can never think of anything to say about the federal minister. Mr Leane may have to ask a supplementary question to get that out of me, because I seldom comment on the federal minister!

What I would be delighted to comment on now is nanotechnology. Mr Leane's question was a very good question, because nanotechnology is one of those state-of-the-art things that a good education system needs to be fostering. It is an innovative thing that will bring jobs into Victoria. Last week I had great delight in visiting St Helena Secondary College in Mr Leane's electorate and being part of the launch of the nanotechnology program in the school. For those who do not understand nanotechnology, it is absolutely state-of-the-art technology. It is an area where, if we are to be at the lead in jobs, investing in nanotechnology will be as significant in many ways as this state investing in the synchrotron.

St Helena Secondary College is a great government school in Victoria. It is a school that has fostered the curiosity of its young people. In this house I have previously said that for me the five things that are a measure of what a good education system is are whether it can make students literate, numerate, curious, articulate and passionate. This school brings out the curiosity and creativity of the students.

One of the delights I had in being at St Helena Secondary College was seeing the year 7 students so enthused about nanotechnology. They were making things for me, like slime, the relevance of which I was not sure about, but there was enthusiasm in their being able to do this. There was also enthusiasm for textiles and fabrics which could stop water soaking into them and cars that do not need windscreen wipers. There are a whole lot of innovative things that this school has.

It is not just Mr Leane and me; the Leader of the Opposition would also share the enthusiasm for nanotechnology in this school. Like me, he was at the education excellence awards at Crown Casino but two weeks ago, where we saw a team from St Helena Secondary College acknowledged in front of 950 peers for this innovative work in nanotechnology. It is a partnership with industry in our schools. It is one of the things that makes me extraordinarily proud about being the education minister in this state — when you see young people engaging in science in partnership with the business community, with their community being involved.

Mrs Coote interjected.

Mr LENDERS — Whether they are making slime, Mrs Coote, or whether they are doing the other things they are doing, it is about engaging young people in science. When I was a young lad and heard Professor Julius Sumner Miller on television it inspired me. At the risk of exposing Mr Rich-Phillips, I heard him ask at the Public Accounts and Estimates Committee meeting who Professor Julies Sumner Miller was. We did enlighten Mr Rich-Phillips; he is but a callow youth. I do not mean to reflect on him; he takes it in good nature. It is the Julius Sumner Millers of this world who inspire young people. At the end of this month Governor de Kretser will host a roundtable on teaching maths and science as state of the art. I will be there, but Philip Davis and Mr Hall have also been invited to come in a great spirit of tripartisanship. This government is tripartisan. We want the best. We want our young people to be enthusiastic.

St Helena Secondary College and nanotechnology are part of making Victoria an even better place to live, work and raise a family.

GJK Facility Services: Office of Housing contracts

Mr D. DAVIS (Southern Metropolitan) — My question is to the Minister for Industry and State Development. Will the minister assure the house that neither he nor his office had any involvement in arranging the meeting between Mr Stamas and Premier Steve Bracks?

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — I do not even know whether a meeting such as that took place. I do not know when it took place, I do not know who arranged it, and I am not aware of it at all, so I cannot answer the honourable member's question.

Supplementary question

Mr D. DAVIS (Southern Metropolitan) — That leaves me with great concern, because I can assure the minister that a meeting took place before the contract was awarded.

Hon. T. C. Theophanous — When?

Mr D. DAVIS — Before the contract was awarded.

Hon. T. C. Theophanous — When?

Mr D. DAVIS — I can provide the date.

The PRESIDENT — Order! Does Mr Davis have a supplementary question?

Mr D. DAVIS — I do. How can the minister assure business that probity will be maintained in industry and major projects tendering when he is under a cloud for corruptly intervening in a government tender process?

The PRESIDENT — Order! David Davis has a great deal of experience in this house, and he knows full well that that accusation was totally out of order.

Hon. T. C. Theophanous — He only did it for the newspapers.

The PRESIDENT — The minister will wait! I have exerted, I think, a great deal of even-handed authority in this chamber in the last seven months in trying to establish some sort of discipline, decorum, decency et cetera. On that basis, I ask Mr Davis to withdraw that comment.

Mr D. DAVIS — I withdraw.

Aged care: rural communities research initiative

Ms BROAD (Northern Victoria) — Just for a change, my question is to the Minister for Community Services. I ask the minister to inform the house of action taken by the government in partnership with the tertiary education and philanthropic sectors to grow the capacity of the aged-care workforce in rural and regional Victoria, especially in my electorate in north-eastern Victoria.

Mr JENNINGS (Minister for Community Services) — I thank Ms Broad for her question, for her concern about growing the aged-care workforce and indeed for providing me with an opportunity to talk about an exciting initiative that I launched last week at the La Trobe University campus in Wodonga about a great new research facility that will lead workforce development in the aged-care sector for rural and regional communities not only across Victoria, which is an important end in itself, but across the nation, and that will try to establish international best practice in relation to aged care and the quality of the aged-care services that we provide now and will provide into the future.

When I arrived at the Wodonga campus of La Trobe University last week I was met by the pro vice-chancellor of the university, Julie Jackson, and Professor Hal Swerissen, who invited me to take part in a great community event which saw us establish, in partnership, the John Richards research centre into the aged-care workforce. Indeed we joined Mr Richards, who is a philanthropist from Yarrawonga, a very prominent member of the Murray River communities and a man who is well known in the district for his outstanding contribution to public life.

Mr Richards has provided extremely generous foundation funding for this research facility that will see him, La Trobe University and the state of Victoria jointly commit $1.5 million in the first five years of the operation of the centre. The centre will establish a chair in the social sciences faculty to develop expertise in aged-care workforce issues and to research appropriate forms of intervention and support.

Mr Drum — Tell us a bit more about John. I know him.

Mr JENNINGS — John Richards is a great man. I thank Mr Drum for providing the opportunity for me to talk about Mr Richards, whom I first met as the chair of the Yarrawonga Health Service when it was redeveloping the Yarrawonga residential aged-care facility. I got to know John very well. He is a man who is passionate about the wellbeing of his community. He has expertise in the newsagency industry, he is a former jackaroo and he has participated in many forms of community life. He is a great community activist, and I am very proud to have been able to take up, at his instigation, this work in the name of ensuring that in the years ahead not only will we have an educational facility of the highest calibre operating out of Wodonga but we will be providing for the care needs in particular of the northern communities straddling the Murray River from Mildura to Beechworth.

The centre will be engaged in providing community health services and residential aged-care services right throughout those communities. It will drill down into the community to determine best practice in terms of providing timely and appropriate support for the variety of care needs of older members of our community and

to ensure that we have a skill base to meet those needs now and into the future.

It was a great community day in Wodonga. I then moved on to look at the residential aged-care facility we are redeveloping in Wangaratta as part of our commitment to the region, where we have seen the major redevelopment of a number of aged-care facilities. I was pleased to be part of this great community event. I congratulate La Trobe University, and I certainly congratulate John Richards, for being foundation partners with the Victorian government in this great new research facility.

Drugs: nembutal

Mr KAVANAGH (Western Victoria) — My question is to the Minister for Planning representing the Minister for Police and Emergency Services. In recent weeks it has been reported in the press that people from Melbourne and Geelong are intending to illegally manufacture the deadly barbiturate nembutal in Victoria. They claim they will produce the nembutal only for their own use and suggest that it is only to be used by the incurably ill. It would seem quite unlikely that both of these claims are correct at the same time.

In recent years Australia has seen several high-profile cases when the deaths of people have been publicly promoted on the false premise that those people were terminally ill. It is reasonable to conclude that knowledge of the widespread availability of nembutal would contribute to a feeling of pressure by the elderly and the sick to take their own lives. Furthermore, the illegal manufacture of this drug is a dangerous process in itself. What steps are being taken to prevent nembutal being manufactured illegally in Victoria?

Hon. J. M. MADDEN (Minister for Planning) — I thank Mr Kavanagh for his question and his interest in this subject. Obviously it is one of serious concern and one that has been reported prominently in the media in recent weeks. I am happy to refer the issue to the Minister for Police and Emergency Services in the other place and, having had a supplementary question from Mr Kavanagh before, I will try to provide him with the advice from that respective minister at the earliest possible time.

Victorian Manufacturing Hall of Fame: inductees

Mr VINEY (Eastern Victoria) — My question is to the Minister for Industry and State Development. Can the minister inform the house about any recent initiatives by the Bracks government to recognise the ongoing success of the Victorian manufacturing industry?

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — I thank the member for his question. As we all know, manufacturers in Victoria are facing many challenges. Those include greater international competition, changing technologies, rising prices and skill shortages. If you add climate change and water shortage issues, you realise that there are a lot of issues for and a lot of challenges being faced by manufacturers in this state.

Last night I had the pleasure of hosting the 2007 Victorian Manufacturing Hall of Fame dinner, when 10 new companies were inducted into the manufacturing hall of fame. I was very pleased to be part of that. In relation to this initiative, the manufacturing hall of fame dinner was commenced by the Bracks government about five years ago, and during that time it has grown from strength to strength. The dinner last night was attended by 820 people from businesses. It has become an annual event which recognises the achievements of our manufacturing industries — and as I have said before, manufacturing is at the heart of Victoria's economic development and we should all be supporting our manufacturers in what is a very difficult time for manufacturing worldwide.

I would like to acknowledge in the house the following companies that were inducted into the 2007 Victorian Manufacturing Hall of Fame for their outstanding and sustained contributions to manufacturing excellence in Victoria. The companies are: Albins Off-Road Gear; Charlwood Design; Compumedics; DAIR Industries; HM Gem Engines; Note Printing Australia; Thales Australia Land Systems; Torian Wireless; Trimas Corporation; and Visy Recycling. They are 10 very significant manufacturing companies in Victoria that have made a great contribution.

I would also like to acknowledge the contributions of three individuals who were added to the hall of fame honour roll for this year. The three contributors were: the medical diagnostics pioneer, David Burton; the second-generation furniture manufacturer, Lee Kidman; and the cable manufacturer, Andrew Stobart. I would also make special mention to the house of Dr Peter Campbell, who was named Young Manufacturer of the Year.

Members who want further information can go to page 9 of today's *Age* and read all about the achievements of those manufacturers. I am very pleased and happy to put on the record that the *Age* is a gold sponsor of the manufacturing awards, so it just shows

that not all things that come out of the *Age* are necessarily bad.

I would also like to congratulate all of our 2007 Victorian Manufacturing Hall of Fame inductees. These outstanding companies and individuals have demonstrated that the Victorian manufacturing industry has the potential to adapt and form new relationships with other sectors of the economy in order to survive and prosper in this new global environment.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Minister for Education) — I have answers to the following questions on notice: 43, 47, 63, 65, 68, 70, 74, 119, 135, 136, 239.

The PRESIDENT — Order! Mr Dalla-Riva has written to me, seeking my ruling in relation to a number of answers to questions on notice concerning the Victorian government schools planned building program.

Consistent with my ruling of 1 May 2007 in respect of questions nos 209 to 221 and 272 to 283, I consider that parts 1 and 3 of each of those questions have been answered. However, I am of the opinion that part 2 of each of those questions has not been answered. I therefore direct that that part of those questions be reinstated to the notice paper.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 6

Mr EIDEH (Western Metropolitan) presented *Alert Digest* No. 6 of 2007, including appendices.

Laid on table.

Ordered to be printed.

LAW REFORM COMMITTEE

De novo appeals to the County Court

The Clerk, pursuant to Parliamentary Committees Act, presented government response.

PAPERS

Laid on table by Clerk:

Crown Land (Reserves) Act 1978 —

Minister's order of 8 October 2006 giving approval to the granting of a lease at Bridgewater Public Park and Public Recreation Reserve and part of the Loddon River Public Purposes Reserve (three papers).

Minister's orders of 4 April and 9 May 2007 giving approval to the granting of leases at Albert Park Reserve (nine papers).

Psychologists Registration Board of Victoria —

Minister's report of failure to submit report for the year ended 31 December 2006 within the prescribed period and the reasons therefor.

Minister's report of receipt of report for the year ended 31 December 2006.

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

Ballarat Planning Scheme — Amendment C96.

Baw Baw Planning Scheme — Amendment C41 Part 1.

Golden Plains Planning Scheme — Amendment C27.

Greater Bendigo Planning Scheme — Amendments C81 and C86.

Greater Geelong Planning Scheme — Amendment C132.

Hepburn Planning Scheme — Amendment C28.

Moreland Planning Scheme — Amendment C30.

Mornington Peninsula Planning Scheme — Amendment C73 Part 2.

Surf Coast Planning Scheme — Amendment C36.

Victoria Planning Provisions — Amendment VC30.

Whittlesea Planning Scheme — Amendment C100.

Statutory Rules under the following Acts of Parliament:

Borrowing and Investment Powers Act 1987 — No. 29.

Coroners Act 1985 — No. 28.

Legal Profession Act 2004 — No. 31.

Magistrates' Court Act 1989 — No. 30.

Subordinate Legislation Act 1994 — No. 32.

Supreme Court Act 1986 — No. 27.

Subordinate Legislation Act 1994 —

Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 24, 27, 30 and 33.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 21 and 31.

Victorian Renewable Energy Act 2006 — Victorian Renewable Energy Target Scheme Rules pursuant to section 113(9) of the Act *(in lieu of that tabled on 17 April 2007).*

A proclamation of the Governor in Council fixing an operative date in respect of the following act:

Gambling Regulation Amendment (Review Panel) Act 2007 — 10 May 2007 *(Gazette No. G19, 10 May 2007).*

DISTINGUISHED VISITORS

The ACTING PRESIDENT (Mrs Peulich) — Order! I would like to draw to the attention of the house the presence in the chamber of the Honourable Michael Polley, Speaker of the House of Assembly of Tasmania, who is accompanied by Mrs Heather Butler, MHA. Welcome.

HOUSE COMMITTEE

Membership

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

That Ms Darveniza, Mr Drum and Mr Eideh be members of the House Committee in addition to those members already appointed pursuant to the resolution of the Council on 2 May 2007.

Motion agreed to.

MEMBERS STATEMENTS

Aged care: rural communities research initiative

Ms LOVELL (Northern Victoria) — Together with the Minister for Community Services, Mr Jennings, I attended the launch of the John Richards research initiative into aged care in rural communities, a research initiative that will focus on what the aged care workforce in regional Victoria should look like in the future and map out what is required to deliver that workforce. By 2021 nearly one in three people living in country Victoria will be more than 60 years of age. With the demand for services increasing dramatically we need to make sure that we recruit and train the right kinds of professionals needed to deliver the right mix of services. The research initiative was named in honour of John Richards, a former jackaroo, soldier, farmer, Victorian Authorised Newsagents Association executive and inaugural president of the Yarrawonga District Hospital board of management, whose vision to support aged care in country Victoria was matched by a very generous donation. John Richards is a close family friend. He is a man I admire very much and someone who has had an enormous influence on my life. John Richards is a man I am proud to know and love and someone who has made a tremendous contribution to the Yarrawonga community.

West Heidelberg community legal centre

Ms MIKAKOS (Northern Metropolitan) — On 8 May 2007 I had the pleasure to attend, together with the members for Ivanhoe and Bundoora in the other place, the launch by the Attorney-General, Rob Hulls, of the new West Heidelberg community legal centre. Following a temporary relocation of services for 18 months, the historic Melbourne Olympic Games administration building has received a major upgrade. The results are truly stunning. The modern, bright, functional and welcoming building is home not only to the legal service but also to problem gambling counsellors and dental and community health services.

It has been my experience that problems do not neatly fall into one area but are frequently interrelated. The co-location of all these services is innovative and will provide a better quality service to the local Heidelberg community. The West Heidelberg community legal centre has a proud history of serving the local community for the past 20 years, and I want to pay tribute to the dedicated staff and volunteers who have served the Heidelberg community over all these years.

Many of these volunteers are La Trobe University students undertaking their clinical legal education program, and I know that the involvement of those students will be critical to its future. The Victorian government is a huge supporter of the community legal sector as part of its commitment to providing affordable and accessible justice, and this year's budget has provided $8.8 million to extend this sector in rural and regional Victoria and to provide more community lawyers to assist victims of family violence.

The ACTING PRESIDENT (Mrs Peulich) — Order! We have had a bit of an equipment malfunction with the clock, so the member may have ended up with a little extra time. Should that repeat itself, I ask members for their forbearance.

Warburton Highway: safety

Mr O'DONOHUE (Eastern Victoria) — The road network in the Shire of Yarra Ranges has been sadly

neglected by this government. Despite there having been many road-related deaths over recent years, there has been very little funding to address the terrible state of the VicRoads-managed roads within the shire, in particular the Warburton Highway, which is a major arterial road for residents and commuters to Lilydale and beyond during the week and for tourists on the weekend.

This government has failed in its duty to properly maintain the highway and has allowed it to deteriorate and become more dangerous, despite its increased traffic load and its importance to the economic and social wellbeing of the Upper Yarra area. Intersections, such as the one at Warburton Highway–Lester Street and the one where the Warburton Highway intersects with the Healesville-Koo Wee Rup Road, need urgent attention. Additional passing lanes are required, and there needs to be a complete review of the traffic speeds along the highway to give greater consistency in speeds travelled, particularly given the large number of tourists who use the highway.

The Upper Yarra communities have been let down by this government and by its budget. I call on the government to take action to fix the problems associated with the Warburton Highway. To do nothing risks the loss of further lives.

Drought: impact

Mr HALL (Eastern Victoria) — Today I wish to make a brief comment on the rainfalls experienced by much of Victoria in recent days, but at the same time I also want to impress upon members that the drought is far from over. I again stress the fact that the impact of the drought will long be endured by primary producers and indeed the communities that rely on primary production.

The rain was welcome but at best could be described as providing temporary relief. The level of water storages — whether they be in major storages supplying towns or indeed farm dams — increased precious little. Whilst grain growers received a welcome boost that helped germinate crops, dairy and livestock farmers will continue to need to buy in grain and fodder for many months yet. Because of the failed spring and summer rains of years past, many of these farmers have little, if any, dry food in storage, and for some months now they have been bearing the cost, which runs into literally thousands of dollars a week in buying grain and fodder.

With the onset of the cooler weather, grass growth is minimal, and no amount of rain will alleviate the need to buy in fodder for stock. The flow-on impact upon communities as production decreases and costs increase is also significant. While the rains were welcome — and we hope there will be much more in future — let us not forget that many farmers in country Victoria will indeed feel the impact of the drought for many years yet. It will take them some time to overcome the effects of the drought.

Medley Mag

Mr TEE (Eastern Metropolitan) — I would like to congratulate *Medley Mag* on receiving a Victorian volunteer grant. *Medley Mag* is run by volunteers and provides an online magazine to give a voice to young migrants and refugees in the eastern suburbs. This is about enhancing English communication skills, building confidence and giving young migrants a vehicle to become more involved with the community.

Being refugees can involve years of dislocation, stress and horror in refugee camps. Once they arrive in Australia there are difficulties for them with the new language and culture, difficulties catching up with education and a burning desire to succeed in their new home. *Medley Mag* helps bridge the gap, allowing new migrants to make that difficult adjustment, which has been made all the more difficult in recent times by the Prime Minister harking back to a Menzies-era White Australia policy in a desperate attempt to score a headline.

On 11 May the Prime Minister was quoted in the *Daily Telegraph* as demanding a return to the 1950s racist policies of assimilation. He was dreaming of an Australia where having a white skin was falsely lauded as a guarantee of superior culture, sophistication and intelligence. While the Prime Minister may be lost in the 1950s, the rest of the country has moved on. I challenge the federal Minister for Immigration and Citizenship, Kevin Andrews, to turn his back on the racism of assimilation and to join with me so that together we can welcome and celebrate the contribution of *Medley Mag* in our shared eastern suburbs electorate. Kevin Andrews must stand up to the Prime Minister and take a public stand to support migrants in his eastern suburbs electorate.

The ACTING PRESIDENT (Mrs Peulich) — Order! I would like to draw the attention of the house to the fact that it is unparliamentary to reflect upon members not only of this chamber but of any Parliament around Australia. I believe the member did cross the line. I did not want to interrupt him at the time, but perhaps for future reference he should reflect upon that particular parliamentary practice.

Nillumbik: family violence forum

Mrs KRONBERG (Eastern Metropolitan) — I rise to provide an account of the launch of a joint community initiative of the Nillumbik Shire Council and the Nillumbik Women's Network — that is, the 'Say no to violence' event. This superbly organised and well-attended forum heard powerful addresses, but it was the much-anticipated address by a Nillumbik resident, Jane Ashton, that stunned and moved us all. 'Who is Jane Ashton?', you might ask. Jane Ashton is the surviving twin sister of the fatally bashed Julie Ramage. Mrs Ramage was bashed and strangled by her abusive husband in 2003. The perpetrator of this heinous act of violence was acquitted of murder and instead convicted of manslaughter. This judgement eventually saw the scrapping of provocation as a defence for Victorians on trial for murder.

Domestic violence affects one in four people. It is often witnessed by children but, according to Victoria's Chief Commissioner of Police, up to 80 per cent of cases go unreported. In this country approximately 250 women have died at the hands of men they have loved or been too frightened to leave. They are frightened because they will face poverty, anxiety and depression when they leave abusive partners, and access to refuges is extremely limited. The Shire of Nillumbik is to be congratulated on its initiative of giving life to a forum and a support network for women during times of great terror and low self-esteem.

Geelong: community initiatives

Ms TIERNEY (Western Victoria) — On 14 May I had the pleasure of representing the Minister for Victorian Communities in the other place in announcing funding for two new and improved community spaces in Geelong — the Geelong youth activity area and the Northside Geelong community centre. Located in the waterfront precinct, the Geelong youth activity area will be a multi-use outdoor space for performances, dance, music events and sporting activities. It will provide a central point for all youth activities in the area, such as National Youth Week, and will offer interactive media and wireless internet on site. This area will continue to be shaped by the involvement of local young people, ensuring that it is a public space and place that reflects the needs of our youth in Geelong.

The Northside Geelong Community Centre refurbishment and expansion will enable many more members of our community to come together and connect with each other, whilst having access to a wide range of services. This much-needed resource will provide a positive model and pathways to empowerment for our local people. Both projects show what can be achieved when we do work together as a community and government. They are great examples of identifying solutions for local issues, and I look forward to being involved in seeing both projects from construction to opening and fulfilling the aspirations of our people in Geelong, particularly our youth.

Planning: Port Campbell development

Mr VOGELS (Western Victoria) — In the last few months I have noticed in this place and in the local press a great deal of activity surrounding the development of a motel at Port Campbell. At least three members of this house have been down to Port Campbell and have been told unequivocally that if this proposal goes ahead, the headland on which the development is proposed to take place would collapse into the ocean, putting at risk all the other houses and shops et cetera which are presently sited there.

This proposal moved backwards and forwards to and from the Corangamite Shire Council for approval on a number of occasions and then went off to the Victorian Civil and Administrative Tribunal. The planning permit conditions imposed by VCAT mean that the development cannot proceed until a geotechnical assessment of the stability of the headland has been prepared by the proponents. This would then be submitted to and again assessed by the Corangamite shire, and that makes a lot of sense to me.

I, for one, am a great believer in local decision making, and I am not a supporter of the Minister for Planning, whoever he or she may be, riding roughshod over local decision-making processes. In this case there is absolutely no doubt that due process has been taking place and has been followed to the nth degree. All parties involved deserved to be heard, and they have been heard. This development has been in the pipeline for at least four or five years. Again, once you start taking local planning issues and decision making away from local communities and their democratically elected representatives, in my opinion you are taking a step backwards.

Buses: Yarrawonga service

Ms BROAD (Northern Victoria) — Last week on a visit to Yarrawonga I was pleased, together with the mayor of Moira shire, Cr Frank Malcolm, and the operator of Thomson's Bus Lines, Mr Laurie Thomson, to inspect a new community bus service. Funding for this new community bus service connecting Yarrawonga with Mulwala is part of the Bracks

government's $502 million plan for growth in provincial Victoria called Moving Forward. That plan has allocated $50.8 million to improving transport services in regional towns because the government has recognised the need for more public transport.

I wish to congratulate the local community and Thomson's Bus Lines for working with the Bracks government to deliver the new service and encourage Yarrawonga residents to continue to take advantage of it. The service uses an ultra-low-floored bus, which makes it very accessible and safe for all members of the community, including people who use wheelchairs, thereby increasing their independence.

Minister for Planning: comments

Mr FINN (Western Metropolitan) — I rise today in defence of a number of my constituents, in particular those who live in Caroline Springs and Tarneit. Members would be aware they came under particular attack on the front page of the *Herald Sun* last week by a minister of the Crown, much to my surprise, because not only are they my constituents they are also his constituents.

It came as a particular shock to me to see this attack, which was based — of all things — on what these people live in. It is not enough that they are out there paying their taxes, working hard, raising their families, paying their mortgages and doing everything that decent, honourable people do the world over, but they have a minister of the Bracks government going hell for leather putting the boots into them — and not just any people but his own constituents. That left me dumbfounded.

I have to say that having been to Caroline Springs many times and having been to Tarneit many times, I have to wonder if the particular minister involved has been there himself, because Minister McMadden referred to McMansions. He would not know what he is talking about if he has not been there. I suggest that he get into his government car, go for a drive out to the western suburbs and next time he might have half an idea of what he is on about.

The ACTING PRESIDENT (Mrs Peulich) — Order! I remind the member that ministers and members are to be referred to in the chamber by their proper names.

Loyola College: restaurant function centre

Mr ELASMAR (Northern Metropolitan) — Today I rise with pleasure to address this house concerning the opening of the Loyola College restaurant function centre. I was honoured to be invited by Sister Pat McAuley to attend on Thursday, 10 May 2007. I was most warmly greeted at the restaurant doorway by the business management class of year 11 students who are currently studying Victorian certificate of education business management units 1 and 2. I was totally impressed by the professional appearance and demeanour of the students. Also in attendance were about 50 very proud parents, the member for Yan Yean in the other place, Ms Danielle Green, and the deputy principal, Ms Anne Marie Cairns. We were seated and then served a delicious three-course dinner that would have done justice to any high-class restaurant in Melbourne. All in all the standard of food and service was excellent. I cannot remember when I have had a more enjoyable evening. I congratulate Sister Pat and her students on a wonderful job well done.

Mr Koch (Western Victoria): health

Mr KOCH (Western Victoria) — I wish to express my thanks to you, President, to my parliamentary colleagues and to the clerks and council attendants for the prompt attention and support that was given to me when I took ill in this chamber on 17 April. I have no doubt that my initial recovery was greatly aided by those in this chamber who secured the quick intervention of paramedic support.

The response from medical professionals at St Vincent's Hospital emergency, which was within 25 minutes, gave me every possible chance. I extend my personal thanks to Philip Davis, John Vogels, Andrea Coote, Greg Mills and others for their quick help. The further support from John Vogels, Wendy Lovell and my lower house colleague Denis Napthine and their untiring bedside presence for over 5 hours at St Vincent's until my wife and family arrived will never be forgotten. I also thank Richard Dalla-Riva for acting as Opposition Whip and on a job well done.

The support and well wishes I have received from so many, especially the Leader of the Opposition in the other place, Ted Baillieu; the Premier, Steve Bracks; both leaders in the Council; and the President, are greatly appreciated. In expressing their well wishes, many members across all parties indicated that although our opinions and ideas may never be aligned, collectively we all have the utmost consideration and respect for each other's wellbeing and health. Once again my personal thanks to everyone. It is marvellous to return to good health and be back serving those I represent.

Sunshine Swim and Leisure Centre: FINA pool relocation

Mr EIDEH (Western Metropolitan) — The Bracks Labor government has again shown that it is not a government of empty words but one of deep commitment and action. Through the announcement that it will install first-class swimming facilities in Sunshine the government has maintained its interest in the health and welfare of the community. But in using panels from the successful world aquatic championships, the government has also shown that it is not a government that wastes resources. The Minister for Sport, Recreation and Youth Affairs in the other place, Mr James Merlino, has ensured funding for a 25-metre heated outdoor pool, a children's water-play area, landscaping, seating and shading so that the area is attractive to children and their families alike. However, this achievement is also testimony to the support of the local community. They have worked toward this end, and the government has helped them.

Minister for Planning: comments

Mr GUY (Northern Metropolitan) — I rise to condemn the offensive and elitist comments made by the Minister for Planning in relation to outer suburban estates and the style of homes being built on many of them.

Hon. T. C. Theophanous — On a point of order, President, the member knows full well that he cannot use a 90-second statement debate to get up and condemn a minister. He began his comments by saying that he rises to condemn the Minister for Planning. He knows full well that if he wants to — —

The PRESIDENT — Order! I am satisfied that the minister's point of order is in order. The only way Mr Guy can actually make those sorts of comments to the minister is by way of substantive motion, so I call Ms Pulford.

Water: goldfields super-pipe

Ms PULFORD (Western Victoria) — I wish to raise a matter that is very important to many people in the region I represent in this place, and one that is of great concern to the Bracks government and the federal opposition. It is a matter that the current federal government has been embarrassingly and neglectfully silent on, and that is funding for the extension of the goldfields super-pipe from Bendigo to Ballarat. The state government has committed $71 million to this vital project. Federal opposition leader Kevin Rudd announced in March this year that if elected a Labor federal government would contribute $115 million towards the goldfields super-pipe. By contrast the Liberals, and in particular the Liberal Party candidate for Ballarat, former Nationals party member and candidate for election to this place only six months ago, Samantha McIntosh, have not committed a single cent to the extension — not a single cent!

According to Central Highlands Water the cost of water in Ballarat could double if the extension is not funded by the federal government. Why did Treasurer Peter Costello not fund this project in the budget? It is shameful that the Howard government will not announce anything in regard to this project. Its silence is deafening. Does it still think the idea of a pipe is, and I quote, 'wacky', as Liberal Senator Julian McGauran said on Ballarat radio last year? The flaw in their logic is remarkable. Is it wacky to fund it for Ballarat when they have already announced that they will fund it for Bendigo? I look forward to the day when a Rudd Labor government is able to work with us to deliver water to Ballarat and provide water pricing security.

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

Yarra Glen bypass: funding

Mrs PETROVICH (Northern Victoria) — I would like to speak on the issue of the failure of the Bracks government to deliver on its election promise of $9 million to fund the Yarra Glen bypass. It is simply not good enough for the member for Seymour in the other place, Ben Hardman, to say that budget has been and gone. Nor is it good enough to pass the buck onto the federal government, because it has delivered its $5.5 million share of this project. The Minister for Roads and Ports in the other place confirmed in writing in April this year that this project would proceed once the government had confirmed its contribution.

The community of Yarra Glen is still waiting for this state government's contribution. The people of Yarra Glen deserve to be treated better than this. The need for this bypass has long been recognised, yet Ben Hardman and the Bracks government could not find $9 million in a $247 million allocation for roads in this year's budget.

STATUTE LAW REVISION BILL

Second reading

Debate resumed from 17 April; motion of Mr LENDERS (Minister for Education).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to rise this afternoon to speak on the Statute Law Revision Bill before the house. This piece of legislation that has been brought forward is interesting to the extent that it is the privilege bill — that is, the bill that was introduced by the Leader of the Government on the first day that the 56th Parliament, sat as an historic token whereby the Parliament or this chamber asserts its supremacy in being able to conduct or deal with its own bills, its own legislation, before dealing with matters brought to its attention by the Governor.

In this instance — in looking through the history I found that it is quite rare — the house will indeed deal with the privilege bill before it deals with the address-in-reply to the Governor's speech. To that extent the privilege bill is serving its purpose. As with previous privilege bills that have been introduced to the house, this bill is a statute law revision bill. The purpose of the bill is to simply clean up the statute book. There are 77 discrete provisions contained in the schedule of the bill which make a number of amendments. Some of them are repealing provisions in other acts and some of them make grammatical corrections but all of the 77 provisions are generally of a minor nature.

The explanatory memorandum of the bill runs through the 77 items of the schedule, which outlines specific provisions that are affected by the amendment of this legislation. The bill was referred to the Scrutiny of Acts and Regulations Committee (SARC) for a specific report. This was the practice that was followed with previous statute law revision bills. The report that was received from that committee confirms the nature of this bill is that of a statute law revision bill to the extent there are no provisions in this legislation that can be described as having the effect of reforming or amending the statute book above and beyond repealing redundant provisions and correcting grammatical errors.

There are a couple of points of note in this bill worth commenting on. The first concerns the three retrospective provisions. Clause 2 of the bill, which is the commencement clause, notes the three items: item 7.2, which relates to the Children and Young Persons Act 1989 and substitutes the word 'child's' for the word 'person's', came into effect on 1 September 2006; item 57, which relates to the Public Sector Acts (Further Workplace Protection and Other Matters) Act 2006 and substitutes the words 'Mineral Resources (Sustainable Development) Act 1990' for 'Mineral Resources Development Act 1990', came into effect 10 October 2006; and item 61.1 of the bill, which relates to the Sex Offenders Registration Act 2004 and substitutes the words 'a cognitive impairment' for 'impaired mental functioning', came into effect on 1 December 2006.

It is unusual for the Parliament to bring forward retrospective provisions. It is unusual for the Liberal Party to support retrospective provisions such as those included in this bill. However, the advice from the Scrutiny of Acts and Regulations Committee indicates that these three retrospective provisions are largely to correct grammatical errors which were introduced as a result of amendment bills to the principal acts at the time of the passage of that amending legislation and on those dates which were referred to in the retrospective clause. As such the Liberal Party will support those provisions.

Also of interest to the house in the report from SARC is a letter from Eamonn Moran, chief parliamentary counsel. He confirmed that the nature of the bill is a statutory law revision bill. The letter confirms that the bill:

> … does not make any substantive changes to the statute law of Victoria. The effect of any transitional or saving provisions repealed by the bill will be saved by section 14 of the Interpretation of Legislation Act 1984.

On that basis the Liberal Party is happy to support the Statute Law Revision Bill and its effect of cleaning up the statute book without any substantive change.

I would like to take this opportunity in talking about the issue of statute law revision to highlight the nature of the statute book and of the regulation burden imposed on business in Victoria. In April of this year the Victorian Competition and Efficiency Commission released its latest report on the impact of regulation in Victoria. In reference to the 2005–06 year, VCEC found that the burden to Victorian businesses arising from regulation introduced in that year was in the order of $280 million. It also found that this was on top of $1.7 billion in the regulatory costs for the existing book of regulations. In effect the 32 000 pages in acts and regulations that are administered and apply to business in Victoria cost in the order of just under $2 billion to administer on an annual basis.

The government has made a lot of noise about cutting red tape and about reducing the regulatory burden, but

it is not encouraging to see reports being forwarded by bodies like the Victorian Competition and Efficiency Commission. The commission has done a very good job in a number of areas that it has investigated since it was established three or four years ago. It is not encouraging to see a report like this coming forward which highlights the dramatic increase in the regulatory burden on businesses at a time when the government is talking about cutting red tape.

One of the themes that runs through this report is the failure of the government to consider the collective impact of the regulations that are imposed on business. Every agency, every department and every minister considers their regulatory requirements in isolation. As VCEC points out, there seems to be very little consideration to the overall regulatory burden that is imposed.

Another area I would like to briefly touch on relates to a petition that was tabled in this place by Mr Barber on behalf of residents of Diamond Creek and Yarrambat who are involved in a planning matter. As the lead speaker for the Liberal Party on this bill in this place, I today received correspondence from those parties in Diamond Creek and Yarrambat who expressed concern that the Statute Law Revision Bill was to be debated here today; they requested that it not be debated. They are concerned about a number of clauses in the bill, the effect of which will impact upon their rights and entitlements under the principal acts that this bill amends.

I went through the matters they raised in their correspondence, and I will take just a moment to go through those, one by one. The first area of concern for the residents was item 23 of the schedule, which relates to the Federal Courts (State Jurisdiction) Act 1999. What the Statute Law Revision Bill does in respect of that act, though, is purely to repeal a consequential provision arising from another act. Because that provision has already been inserted into whatever act was amended, the section that is being repealed by this bill has no impact upon the operation of the principal act, as was enunciated by parliamentary counsel in their report to the Scrutiny of Acts and Regulations Committee.

The next item of the schedule with which the parties expressed concern was 36, which relates to the Land (Miscellaneous) Act 2004. Again, the provision that is repealed under that clause is a consequential amendment to the principal act arising from other amendments. It has no impact upon the entitlements of the parties in Diamond Creek and Yarrambat.

Item 44 was their third area of concern; it relates to the National Electricity Victoria Act 2005. Again, the section repealed under this bill is a consequential provision. The fourth area of concern was item 51 of the schedule, which deals with the Perpetuities and Accumulations Act 1968. Again, the section repealed is a consequential provision. Item 59, the next area of concern, relates to the Retirement Villages Act 1986. It deals with only a grammatical correction to the principal legislation and, as such, will not affect the entitlements of the parties in Diamond Creek and Yarrambat.

Item 70 was also raised as an area of concern. That relates to the Victorian Civil and Administrative Tribunal Act 1998. Again, that is concerned only with a grammatical change to the principal act. In fact all it does is remove a hyphen from 'Vice-President'. In no way could that impact upon the rights and entitlements of those parties. Item 74 was another area of concern. That deals with the Victorian Urban Development Authority Act 2003. This bill will repeal section 9 of that principal act, but, again, that is repealing a part of the principal act that is consequential on other amendments and therefore will not in any way impact upon entitlements of those parties.

The final area of concern related to item 76 of the schedule, which is the Water (Governance) Act 2006. Again, it is concerned with only a grammatical change to section 62(2) and does not impact upon the operation of the principal act.

I would like to place on record that I have considered the concerns raised by the parties in Diamond Creek and Yarrambat on an item-by-item basis, and I believe that the provisions they have flagged as being of concern to them will not impact upon their entitlements and the matter over which they are in dispute at the moment. As such I note again that this bill merely tidies up the statute book. For that reason, it is a bill we should welcome. We would like to see a lot more of the reduction of red tape in this state. I commend the bill to the house.

Mr HALL (Eastern Victoria) — I welcome the opportunity to make some comments on behalf of The Nationals on the Statute Law Revision Bill 2006. I can indicate at the outset that we will be supporting this bill.

The bill makes amendments to 77 different Victorian acts, as listed in the schedule to the bill. Those 77 acts are varied in their subject. Most are acts which have been enacted within the last 10 years or so; indeed, if you look closely at them, many of the acts have been enacted in only the last four or five years.

The majority of the changes will see now-redundant transitional provisions within those acts repealed. Also, some changes clarify some ambiguities, minor omissions and errors in spelling or of grammar. There are also some other consequential amendments that should have been enacted at the time but were overlooked when the original acts were passed.

For an explanation of all of those changes I refer members to the explanatory memorandum which goes to some length to point out what are the changes to each of these acts. I commend the work that has been done to provide that explanatory memorandum for members.

The minister has described this as part of the Victorian Parliament's regular housekeeping arrangements. I concur with that view, that the bill simply looks to get rid of redundant provisions within acts and will make them easier or simpler to read. We are always going to be happy to support legislation which makes other legislation simpler, and that is the principal reason why we will be supporting the bill.

I want to say three things about this bill. Firstly, I thank those involved in the task of identifying the changes to be made. I presume that task fell largely to parliamentary counsel, but I think the Scrutiny of Acts and Regulations Committee also had a role in that through the work it did in identifying acts which require revision and indeed, in a previous bill that passed this chamber, acts that have been repealed. Doing all of that would have been a big task, and I think parliamentary counsel and SARC did that task well.

I also want to thank Gordon Rich-Phillips for his comments on the email received from constituents at Diamond Creek and Yarrambat. I also received that email, and his response to it was very thorough. I commend him for going through each of those concerns, and I trust that he will relay his comments to those people, because I support the comments he made in relation to alleviating their concerns about the changes that will be made with the passage of the bill.

I also want to comment about what is now the online availability of acts of Parliament. When I first became a member of Parliament there was no online availability of acts, so one had to rely on the documented versions of acts of Parliament. When amendments to various acts were going through the Parliament — weekly, almost — you could with no great deal of certainty pick up an act and believe that it was current in every regard. Now the online availability of acts means they can be altered, amended and brought up to date so that they represent the legislation currently before the Parliament. That has been a great asset in terms of our being able to interpret legislation and also in terms of our constituents being able to get the most recent form of acts of the Parliament as well.

This bill, which revises 77 acts of the Victorian Parliament, tidies up the statute books and is welcomed by all. I am certainly happy to add The Nationals' support to the passage of the legislation this afternoon.

Ms BROAD (Northern Victoria) — I rise to add my support to the Statute Law Revision Bill. I commence by acknowledging the many departments and departmental officers who have contributed work to the provisions contained in the bill before us today. As has been mentioned, this bill is all about ensuring the efficiency and effectiveness of public administration in Victoria and in particular that of our statutes.

In going through the many items listed in the schedule to this bill, you see that in addition to the typographical errors and the like, the great majority of the items listed in the schedule relate to provisions in acts which are being repealed by this bill because they are spent provisions. As has been mentioned, many of these spent provisions relate to relatively recent acts of the Parliament which have been implemented by the Bracks government, which highlights the energy with which the Bracks government is proceeding to implement changes to the many legislative provisions listed in the schedule to the bill.

That these types of bills are regularly brought before the Parliament to make our statutes as current as possible is very much in the interests, efficiency and effectiveness of not only public administration but also, as has been mentioned, in the interest of access by members of the public to up-to-date acts. With those brief remarks, I commend the bill to the house.

Mr O'DONOHUE (Eastern Victoria) — I am pleased to rise to make a contribution to debate on the Statute Law Revision Bill. As other members have said, this bill makes minor amendments to 77 acts including such acts as the Commissioner for Environmental Sustainability Act 2003, the Coroners Act 1985, the Corrections Act 1986 and the Gene Technology Act 2001 — in other words, it will amend a diverse range of acts.

The aim of this revision bill is to correct minor grammatical and typographical errors, to update references and to repeal spent provisions. In other words, its aim is not to change the substance of any act or law but rather to tidy up errors or omissions that may possibly distort the intended meaning of an act.

The minister referred this bill to the Scrutiny of Acts and Regulations Committee, or SARC as it is commonly known, for its review. SARC has, amongst other references, a general reference to inquire into and consider acts of Parliament which are unclear, ambiguous, unnecessary or redundant. As part of that general reference, SARC reviewed the proposed bill, and as part of that process it took evidence from the chief parliamentary counsel and the second chief parliamentary counsel. In addition, the committee received a certificate declaring that the bill only contained amendments consistent with a statute law repeals bill. With those assurances and the work of members of this place, we can be comfortable that the bill is only procedural in nature.

I make note of just a couple of points. Firstly, three amendments in the bill, affecting three acts, will be retrospective, which potentially could have an adverse impact on a person. SARC examined those three amendments and satisfied itself that those retrospective amendments were minor in nature and appropriate for inclusion in a statute law revision bill.

The other point I make is that this bill continues the recent practice of certain acts being automatically repealed on the first anniversary of the day on which they receive royal assent. This is a sensible practice and means the statute book is, in effect, self-cleansing as once the amendments have come into effect, the amended legislation will become redundant and will automatically be repealed 12 months after their enactment. This not only has the effect of reducing the number of statutes on the statute book but also saves the chief parliamentary counsel and his staff from having to review and formally repeal acts at a later date — in other words, it assists the orderly management of the statute book. This bill is about greater administrative efficiency.

Let me conclude by saying what a pity it is that we do not have more bills which reduce the red tape and regulatory burden on the people of Victoria. This government has a terrible record in reducing regulatory burden. It is suffocating small business and the people of Victoria who generate the jobs and incomes for all of us, and for that it should be condemned. With those words, I commend the bill to the house.

Motion agreed to.

Read second time.

Third reading

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

> That the bill be now read a third time.

In doing so I thank all members for their contributions, in particular Mr Rich-Phillips, who I thought gave a very measured contribution. I commend him on his research.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

JOINT SITTING OF PARLIAMENT

Victorian Health Promotion Foundation

The PRESIDENT — Order! I have received a letter from the Minister for Health requesting that arrangements be made for a joint sitting for the purpose of appointing three members to serve on the Victorian Health Promotion Foundation for a three-year term following the expiry of the terms of Mr Hugh Delahunty, Mr Bill Forwood and Ms Maxine Morand. I have received the following message from the Assembly:

> The Legislative Assembly acquaint the Legislative Council that they have agreed to the following resolution:
>
> That this house meets the Legislative Council for the purpose of sitting and voting together to elect three members of the Parliament to the Victorian Health Promotion Foundation and proposes that the time and place of such meeting be the Legislative Assembly chamber on Wednesday, 23 May 2007 at 6.15 p.m. which is presented for the agreement of the Legislative Council.

Ordered that message be taken into consideration forthwith on motion of Mr LENDERS (Minister for Education.

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

> That the Council meet the Legislative Assembly for the purpose of sitting and voting together to elect three members for appointment to the Victorian Health Promotion Foundation and, as proposed by the Assembly, the place and time of such meeting be the Legislative Assembly chamber on Wednesday, 23 May 2007, at 6.15 p.m.

Motion agreed to.

Ordered that message be sent to Assembly acquainting them with resolution.

HOWARD FLOREY INSTITUTE OF EXPERIMENTAL PHYSIOLOGY AND MEDICINE (REPEAL) BILL

Second reading

Order of the day read for resumption of debate.

Declared private

The PRESIDENT — Order! Having had the opportunity of examining this bill, in my opinion it is a private bill.

Mr LENDERS (Minister for Education) — I move:

That this bill be dealt with as a public bill.

Motion agreed to.

Debate resumed from 3 May; motion of Hon. T. C. THEOPHANOUS (Minister for Industry and State Development).

Mr D. DAVIS (Southern Metropolitan) — I am pleased to rise and make a contribution to the debate on the Howard Florey Institute of Experimental Physiology and Medicine (Repeal) Bill 2007. While this might on the surface appear to be a private bill, the house has agreed that it be treated as a public bill. That is a step I strongly support; it points to the importance of medical research in our state and at the national and international levels.

In supporting this bill strongly I want to say something about the place of medical and biomedical research in Victoria and nationally. It is a truism that such research offers to the community a promise of greater understanding at a scientific and experimental level of how the neurophysiology of our bodies works and thereby provides greater opportunities for medical and other health interventions. I make the point that the Howard Florey Institute has a very esteemed history of which the Victorian community can be very proud.

The basic purpose of the bill is to transfer all property rights, liabilities and staff of the Howard Florey Institute of Experimental Physiology and Medicine to a new body called the Florey Neuroscience Institutes, which will result from the merger of the Howard Florey Institute, the Brain Research Institute and the National Stroke Research Institute. The Florey Neuroscience Institutes will be a partner to the Mental Health Research Institute to create, in effect, an overarching Australian Centre for Neuroscience and Mental Health Research. The centre will be based at both Parkville and the Austin Hospital. I note that the government has contributed $53 million for infrastructure at the centre, a contribution I welcome. I know of the commitment of many in the government to that funding, and I echo the support of the Liberal Party and, I am sure, of other parties in this chamber for that contribution. I will come back and talk about the place of that infrastructure support in a short while. Certainly from the consultation that I undertook on this bill I am satisfied there is broad support for the bill within the research communities and more broadly within the Victorian community.

It is worth understanding something of the history of the Florey to gain a better understanding of the position of medical research in Victoria. It is worth noting that in 1960 the University of Melbourne accepted the offer of Ken Myer and Ian Potter to fund the establishment of the Howard Florey Laboratories of Experimental Physiology and Medicine. These were devoted to the study of what was described as integrative physiology. The commonwealth of Australia, the Reserve Bank of Australia and the Rockefeller Foundation also made gifts for that purpose. I point to that to explain to the house the position of philanthropy and private money in the history of medical research in Victoria; it has been absolutely central.

Victoria would not have its important and dominant position in medical research in Australia without private philanthropy over a long period. There have also been significant government grants, both federal and state, and I will come back to talk about those. Given the history and the important role played by the Florey Institute over many years, it is important that this merger go ahead and that this arrangement be put in place to enable the Florey Neuroscience Institutes to become a body of sufficient size to compete internationally and in Australia.

At this point I pay tribute to the Honourable Chris Strong, a former member of this chamber, who chaired an Economic Development Committee inquiry in the late 1990s that looked at the possibility of aggregating a number of research institutes in Victoria into larger groups. That set many of them thinking about ways of achieving better outcomes in their research by pooling the administrative and other costs that could be amortised, in effect, over a larger number of researchers.

I make the point that medical, biomedical and biotech research is increasingly becoming a larger undertaking. It is no longer a cottage industry; it is no longer something that can be done by a tiny number, such as

two or three dedicated scientists working in modest facilities. Given the capital costs and the costs of research equipment, it is increasingly becoming something that needs to be undertaken with broad community and governmental support. It is also something where the collaboration of a large number of researchers strengthens the results and means that the research institutes can cross-fertilise information and understandings and in that way move competitively to the forefront of science.

I make the point that it is a competitive business. It is competitive in the positive sense of understanding science and the world, but it is also competitive in terms of the competition between institutes. Scientists face the challenge of competing for resources both nationally and internationally, and the large Florey Neuroscience Institutes and the Mental Health Research Institute coming together and locating jointly will mean that there is a centre based at the University of Melbourne and Austin Health that can compete internationally. That will mean of course collaborating within the structure and elsewhere in Australia, but it will also mean, on some occasions, collaborating overseas. It will mean a preparedness to bid for research funding internationally. It is true to say that increasingly the larger Victorian research centres are becoming successful in achieving funding from overseas sources, whether it be from the pharmaceutical companies, whether it be from the philanthropic groups internationally, or whether it be from government grants — for example, from the United States, which has become a significant factor and one which we need to understand.

I want to make a point about the new Florey Neuroscience Institutes and the Mental Health Research Institute, with their focus on neuroscience. If you look at the burden of disease in the community and the impact on the community of neurological diseases, you find it is no doubt the case that these diseases form a very large part of the burden of disease. Somewhere between one in four and one in five in the community will experience a mental illness at some point in their lifetime. But it is true to say that not only are the numbers significant, the impact of neurological diseases on the individuals and their families is also significant. That impact means that in many cases they are unable to work and perform their normal roles in the community, and in some cases they require high levels of support.

From an economic perspective as well as from an ultruistic perspective, it is important that we tackle, as one of the key issues for biomedical research, the whole complex of neuroscience-related research. The spin-off in terms of the community will be significant. The opportunity for alleviating the enormous human suffering that many of the neurological diseases put on the community and individuals is great.

The idea that there will also be a commercial or an economic spin-off is an important one as well. The commercialisation of research and new knowledge is a critical part of what can be achieved by a larger institute, because the series of steps that are involved — from basic physiological research through to the commercialisation of a product — is very long, complex and costly. The greater the size of the institutes the greater the opportunity to improve that last leg of the process, which is the commercialisation. Victoria and the rest of Australia have traditionally been very strong on basic scientific research but have not often been so strong in the latter stages of commercialisation. In some respects that is a reflection on the fact that we have a smaller population and hence a smaller market, so the development of a drug, a device or treatment of some type will require the long steps involved in clinical trials and bringing a treatment to market.

It is no doubt the case that in the United States there is a very large market. There are many other factors that are important here. The protection of intellectual property is something that Victoria and the rest of Australia needs to think carefully about into the future. I will reflect on some broader issues as well later, but that is one issue the community needs to think about carefully. This larger institute that will be formed will offer better hope of taking basic research through the full sweep of the process — from basic research through to the commercialisation of useful biomedical interventions.

I want to say something about the careers of scientists and the need for them to have proper support. The capital grant in support which has been provided by the Victorian government is a very important one. There is also significant federal support for the institute. Those basic capital inputs are very important. I make the point that there has to also be stronger infrastructure support. It is not enough to build grand buildings; that is an important step, but more needs to be done. There needs to be matching money, or money that is tied to or cognisant of the money that is put in for basic capital.

There needs to be operational infrastructure support of a variety of types too. I am thinking of medical equipment. It is not sufficient to have grand buildings; there is the need for up-to-date medical equipment. Very often when grants are applied for and institutes are successful in obtaining grants, the grants provide

recurrent money that does not provide a sufficient measure of support for that operational infrastructure.

The Americans are better at this than we are in Australia. In the United States it is more common for grants of that type to come with a significant attached component for operational infrastructure support — meaning equipment-related support. We need some focus on that, at both the federal and state levels, to ensure that these recurrent grants are not provided devoid of the requirement for proper operational infrastructure.

Scientists face a very difficult environment in many respects because relatively short-term grants are applied for, and successfully obtained in many cases, but the continuity is not what it should be. There is a disparity in that continuity between those in the strictly academic world at the university, where many are tenured and have significant security, and those involved in pure research in the private and philanthropic institutes, who do not often have that security. They will often be funded for a single program or a series of programs. From time to time you hear from scientists that a research project is coming to an end, that they need to take another few steps and that there are logical extensions to that research project. Applications are put in to the various funding authorities, both governmental and philanthropic funding authorities in Australia and overseas, but there is an insecurity there. Scientists who are trying to build careers and trying to build the base of knowledge and expertise are faced with that fundamental insecurity in career progression.

In many overseas countries — in particular, in Europe and the United States — greater career security is offered to scientists. I think that we in Victoria — and I will speak about Victoria because I think there is every reason to believe that Victoria should be the trendsetter — should be the state that is able to lead. The truth is we need to look at these matters, and we need to provide greater long-term career structure and security for key scientists.

As I said, scientific research is a competitive business, and the Australian institutes, including our larger Florey Institute, will be in competition in an ongoing sense with the large research institutes overseas. Victorians are very familiar with the brain drain, with our best and brightest being — 'poached' is too strong a word — offered opportunities overseas that we struggle to match. The truth is that we need to look at that in a very hard-headed way, because scientists with families and a desire to naturally move forward in their careers look at the security of career progression as a key factor.

I think there are a number of other issues that we need to focus on, and I alluded earlier to Victoria's place in research. I will make some comments now about federal governments. I do not make them about the current federal government in any negative sense but in the longer sweep of research funding history under all governments of both political stripes. At a federal level there is a consistent tendency to spread research funding thinly across Australia. That, at the federal level, is an understandable response, but I do not think it is necessarily the best response in terms of the future of biotech and biomedical research in Australia.

In my view, given the way that this bill is stepping forward to try to achieve the bringing together of the institutes for neuroscience, the community is going to need to look at the concentration of resources and skills, and the concentration of money that are necessary to create institutes of significant size and world standard. That is not easy for federal or commonwealth governments of any stripe to come to grips with, but in my view over the longer sweep we need to concentrate as much as possible on biomedical research in Victoria.

We already have an overwhelming share of Australia's biomedical research. There is competition from Queensland and elsewhere, but in my view the future of Australian biomedical research will be advantaged by concentrating rather than dissipating those resources. I know that that attitude would be controversial in some parts of the country, but in the longer term greater levels of concentration will place Australia in a stronger position. That will be done by the creation of a stronger cluster of researchers and scientists, which will mean Victoria will be able to compete — and Australia, thereby, will be able to compete — internationally more effectively.

I do think — and this is partly a state government focus — that there needs to be some thoughtful examination of issues surrounding the regulation of research. Recently this chamber debated and passed the Infertility Treatment Amendment Bill, which took a step towards allowing a broader range of research. But in am thinking a little more broadly than one specific area of research; that is not what I am referring to here. What I am referring to is the ethics and regulatory burden that surrounds biomedical research in this state and internationally.

I make it clear I am not arguing that there should not be strong regulatory arrangements in place, but as we move to arrangements where collaboration occurs across larger institutes and across multiple institutes, we run into a multiplicity of regulatory structures. For example, if I pick on ethics committees, every research

project has to go through a series of ethics committee's steps and checks, and that is quite appropriate; but once you start to build up big international collaborations, you then face the situation where there are multiple regulatory steps, and we should start to look at how we can moderate the impact of those regulatory steps.

It seems to me that if respected scientific institutes have proper regulatory processes in place, they may not need to be duplicated again and again as collaboration spreads; they may need some modified version of examination at a local research level. But I put those on the record because I think it is becoming a significant cost burden that is restricting research in a way that is fundamentally not intended. These checks on the ethics of research are appropriate in and of themselves, but the multiple layers that I think are building up should be given thoughtful consideration over the future period.

I do not want to say a lot more. I want to make it clear that the Liberal Party supports this bill strongly. I think this bill takes a step to place Victoria at the forefront of biomedical research, and I welcome that. The challenges for the future are to look at ways that we can position Victoria and the research that is done here at the centre of biomedical research internationally, and I hope that I have laid out some thoughtful contributions as to how that might be achieved.

Mr HALL (Eastern Victoria) — It gives me a great deal of pleasure this afternoon to indicate that The Nationals support this piece of legislation under our collective consideration in the chamber this afternoon.

This bill contains the machinery to do two things. Firstly, it repeals the Howard Florey Institute of Experimental Physiology and Medicine Act 1971, and it also transfers all property, rights, liabilities, assets and staff to a new body called the Howard Florey Institute. In essence the institute is now being incorporated under the Corporations Law rather than by its own act of Parliament, and the reason for doing this is what we should be talking about today. I will go to that matter now.

We are doing this because the Howard Florey Institute is going to become a fully owned subsidiary of the Florey Neuroscience Institutes, and it will be joined by two other institutes. The Brain Research Institute and the National Stroke Research Institute will also become fully owned subsidiaries of Florey Neuroscience Institutes. This new organisation will be established, I understand, on 1 July, and as part of the coming together of those three organisations into one, we will see the building of two new research facilities, one at the University of Melbourne and the other at the Austin Hospital.

Also the Florey Neuroscience Institutes will be co-located with the Mental Health Research Institute in a new building at the University of Melbourne. As David Davis has indicated, the coming together of these organisations will bring some economies of scale that will put Victoria at the forefront of research into this particular area.

In the consultation that I undertook with these organisations on this legislation, one person I spoke to was Dr Graeme Chandler, the chief operating officer of the Howard Florey Institute. Dr Chandler replied to me by email and made some comments about the benefits of the amalgamation of these three organisations. He said in his email:

> For Melbourne, Victoria and Australia it is believed that the project will:
>
> deliver a critical mass of neuroscientists commensurate with leading edge neuroscience research institutes internationally
>
> help focus the neuroscience and mental health research agenda and strategy in Melbourne and Victoria
>
> capitalise on the major investment in research and operational infrastructures being made by the Victorian government
>
> deliver shared research and administrative platforms to enhance efficiencies
>
> facilitate commercial and incubator activities in a dedicated neuroscience and mental health research precinct
>
> grasp the biotechnology opportunities in the neuroscience arena with the extraordinary promise of rapid advances made available through stem cell and growth factor technologies, genomics, proteomics and advanced neuroimaging
>
> deliver world-class facilities attractive to international research stars.

David Davis elaborated on many of the benefits that this amalgamation will bring to Victoria. I commend him for his thoughtful comments on each of those, and I also add my support to the content of his contribution here this afternoon.

Graeme Chandler also mentioned to me that brain and mind disorders pose the largest health, economic and social capital burden to Australia of any disease group because they are chronic, debilitating and occur across the lifespan. He goes on to say:

> Reducing brain and mind disorders has the potential to improve the health and wellbeing of Australians and make significant budgetary health outcomes.
>
> We are excited by the opportunities afforded by the project funded by the state and federal governments, the Potter Foundation, the Myer Foundation etc. and believe the repeal of the current Howard Florey Institute of Experimental Physiology and Medicine Act is but the first step of many to establish a new era in neuroscience research in Melbourne.

I concur with those comments. I note the contribution by the state and federal governments which is mentioned there. We are aware, through the minister's second-reading speech and through previous announcements, that the Victorian government is contributing $53 million in facility costs towards the creation of this new institute. I suggest there is going to be a contribution also by the federal government, although I am not aware of how much that will be. Perhaps the minister might advise us about that in response, and also advise us about the role being played by the philanthropic organisations, the Potter Foundation and the Myer Foundation. Whatever the size of the construction costs, it is significant. The development of these facilities at the University of Melbourne and also at the Austin Hospital will be significant and assist each of those institutes in their particular endeavours.

I briefly want to mention by way of background something about the three organisations which will become one under the banner of the Florey Neuroscience Institutes. The Howard Florey Institute itself, to start with, is located at the Melbourne University now. It was actually established in 1971 and it is a world-renowned Australian medical research institute that undertakes clinical and applied research into treatments to combat brain and mind disorders and the cardiovascular system. It employs somewhere near 300 staff, including many scientists and postgraduates from overseas.

According to the information I have obtained about the institute, it is currently working in the areas of Parkinson's disease, stroke, motor neurone disease, traumatic brain and spinal cord injury, addiction, epilepsy, multiple sclerosis, brain development in premature babies, autism, heart failure and memory loss. Each of those areas is very significant in its own right, and I commend the role that the institute has played in some of the advances in treatments for some of those diseases.

It is also of note that Howard Florey himself was an Australian Nobel Prize-winning scientist who developed penicillin. I am sure most of us in this chamber have been significant beneficiaries of that work on the discovery of penicillin.

The Brain Research Institute is another organisation that will come under the banner of the Florey Neuroscience Institutes. The Brain Research Institute was established in 1996 and is based at Austin Health. It employs over 40 researchers, full time and part time, and 25 visiting honorary staff. It has particular expertise in neuroscience imaging and is a world leader in the use of 3-D magnetic resonance imaging (MRI) facilities. The institute also undertakes some significant work in epilepsy, particularly in relation to the genetic basis of epilepsy.

The National Stroke Research Institute is also based at the Austin and Repatriation Medical Centre. It was established in 1994. Again it plays a key role in national and international trials of treatment for stroke — again, the impact of which we are all aware. We all fervently pray that the research of the stroke foundation and others will lead to some improvements in the way we can prevent and hopefully cure the causes of stroke conditions from which people suffer.

As Graeme Chandler has said in his email to me, this is the very first step in what promises to be an exciting time in neuroscience, stroke research and brain research in Australia. It is particularly pleasing to see that Melbourne will become a world leader in this area. This bringing together of the three organisations I have mentioned under the banner of the Florey Neuroscience Institutes is a marvellous first step. I am pleased again to indicate that The Nationals fully support it.

Ms HARTLAND (Western Metropolitan) — The Greens will be supporting the bill. As there have already been two incredibly well-informed speakers, I do not intend to repeat the information. I believe this is a process bill, and it should be supported by all parties. Thank you.

Mr SCHEFFER (Eastern Victoria) — I am also pleased to make a brief contribution to the Howard Florey Institute of Experimental Physiology and Medicine (Repeal) Bill, and it is good to see that the bill is supported by all members in this chamber.

The bill itself is not complex, but its implications are far-reaching. It facilitates another important step in the Victorian government's objective of maintaining and strengthening Victoria's position as a world leader in medical research.

The objective of the bill is to repeal the Howard Florey Institute of Experimental Physiology and Medicine Act 1971 to enable the creation of the Australian Centre for

Neuroscience and Mental Health Research, an initiative that is funded through the Victorian government's Healthy Futures program. The purpose of the 1971 act, which is now to be repealed, was to establish and provide the government's framework and arrangements for the Howard Florey Institute of Experimental Physiology and Medicine. While today the repeal of the act is a new and exciting departure for medical research in Victoria, we should also pause to recognise the valuable work that has been undertaken by the Howard Florey Institute over the past 36 years.

The institute has operated as part of a global scientific collaboration that includes researchers in leading universities in the United States, France and Singapore. Ten years ago the Howard Florey Institute decided to focus on neuroscience, to investigate how the brain regulates physiological functions and to maintain the balances that are essential to keeping the body healthy. The institute embarked on an ambitious program to bring leading researchers to Howard Florey at the University of Melbourne to work on a range of neuroscience areas, including Parkinson's disease, motor neurone disease, traumatic brain and spinal cord injury, autism, schizophrenia, dementia, stroke, and Huntington's disease, which Mr Viney spoke about during the last sitting week in his contribution to the debate on the amendments to the Infertility Treatment Act. Of course members will know that Mr Viney, when he was Parliamentary Secretary for Innovation and Industry, played a critically important role in advancing cutting-edge medical research in Victoria; and this is probably a good opportunity to acknowledge his contribution. I look forward to what he will say when he addresses this bill later in the debate.

The Howard Florey Institute conducts research of a type that can enable, for example, the development of drugs to treat brain injury and mind disorders to improve the lives of those who suffer these diseases and their family and friends who live and work with them.

The repeal of the act will enable the amalgamation of three institutions: the Howard Florey Institute itself, the brain research centre and the National Stroke Research Institute. That will create the new Australian Centre for Neuroscience and Mental Health Research, with the Howard Florey Institute acting as the lead agency through the transition. The new centre will be able to build the critical mass in neuroscience that can strengthen Victoria's reputation in this field, and it can also enhance the capacity to develop the research findings into practical remedies that can benefit people suffering from degenerative diseases.

As we have heard, under the government's Healthy Futures initiative — the Victorian life sciences statement — $53 million was made available to the new Australian Centre for Neuroscience and Mental Health Research to facilitate the amalgamation of the three institutions into the one new centre. This centre will become the successor in law of the Howard Florey Institute; all its assets, liabilities and staff will be transferred from Howard Florey to the new centre.

The policy context behind this bill is the Victorian government's aim to provide better health, research and jobs in Victoria. To achieve this, the government is working to attract new investment so that the state holds onto its international reputation for research and is able to attract the best researchers at the forefront of knowledge. The government is also determined to make sure that commercial and clinical opportunities are not lost to Victoria.

The growth of the biotechnology industry and fostering the knowledge and technical expertise that underpins it is very important to the development of Victoria — and the government is putting a lot of work into this area. The scientific research into genetics, enzymes and bacteria is capable of generating profound advances in a wide range of industries, such as pharmaceuticals, plant and animal breeding, waste management, food processing and energy production — and if Victoria can maximise its expertise and technical proficiency in these new fields of human knowledge, it can both influence and benefit from the direction of global research.

The establishment of the Australian Centre for Neuroscience and Mental Health Research and the repeal of its governing act is one part of that mosaic. Other parts include the development of the Australian Synchrotron, the expansion of the research capacity of the Walter and Eliza Hall Institute into immunology, cancer and haematological research, the establishment of the new Australian Regenerative Medicine Institute that will build one of the world's largest core stem cell research hubs, and the creation of a new research institute out of the merger of the Austin Research Institute and the Burnet Institute, to create the Southern Hemisphere's largest infectious diseases institute.

The repeal of the Howard Florey Institute of Experimental Physiology and Medicine Act may seem a small and uncontroversial measure, but it is also a very significant decision because of what it makes possible. I commend the bill to the house.

Mrs COOTE (Southern Metropolitan) — I have great pleasure in speaking on the Howard Florey

Institute of Experimental Physiology and Medicine (Repeal) Bill 2007. It is a bill for an act to repeal the Howard Florey Institute of Experimental Physiology and Medicine Act 1971 and for other purposes. The preamble to the bill states, in part, that to:

> … facilitate the involvement of the institute in the Florey Neuroscience Institutes it is expedient to repeal the Howard Florey Institute of Experimental Physiology and Medicine Act 1971 and to provide for the transfer of all property, rights and liabilities held, and staff employed, by the institute to a company, limited by guarantee, incorporated under the Corporations Act that is to be the successor in law of the institute.

As I said, I have great pleasure in speaking on and supporting this bill.

I have had quite a bit to do with the Howard Florey Institute, particularly with Professor Frederick Mendelsohn, the director. I have been at the Howard Florey Institute on a number of occasions and I get its publications; I follow with great interest the work that the Howard Florey Institute has done and is doing. Many Victorians may not realise how well respected this organisation is worldwide. It is indeed a benchmark for research in so many areas, and it is happening here, not even 2 kilometres from where we stand today.

It is interesting to look at its history. The Howard Florey Institute was established in 1971 as a not-for-profit organisation. It was named after Lord Howard Florey, the famous Australian who won a Nobel Prize for his research on penicillin. Originally the institute was based on physiology, but in the 1990s there was a neuroscience knowledge explosion and the board made a decision to focus on brain disorders. This neuroscience revolution and Australia's contribution included such things as the sequencing of the human genome, new imaging technologies which are non-invasive, the emergence of cellular and molecular neuroscience, the emergence of genomics, stem cell sciences and gene therapy, and the ability to create animal models of disease through gene manipulation.

These breakthroughs have enabled the researchers to go ahead in quantum leaps and to do some of the research we see them doing today. It was because of that that the nature of the original purpose of the Howard Florey Institute was changed to being more involved with brain disorders.

The types of research that are done and the brain disorders that are investigated through Howard Florey include Parkinson's disease, stroke, dementia, multiple sclerosis, epilepsy, Huntington's disease, motor neuron disease, addiction, traumatic brain and spinal cord injury, attention deficit hyperactivity disorder, depression, schizophrenia and autism. I think all members of this chamber will have had experience of constituents who have suffered from many of these types of brain diseases and will know of the importance of trying to understand and find some sort of research that will enable us to make a difference for them.

The annual report of the Howard Florey Institute for 2005–06 says:

> Solving puzzling brain disorders.
>
> The brain is the final frontier in medical research. It is an enigma, yet we know it is responsible for all our movements, sensations, thoughts, dreams and aspirations. The brain is also prone to many debilitating disorders.
>
> The Howard Florey Institute's scientists work together to solve the brain's many mysteries. Our scientists are piecing together complex puzzles in an effort to develop better treatments for the millions of Australians affected by brain disorders every year.

On my latest visit to Howard Florey I saw a number of very interesting pieces of research work being done. Some extraordinary work was being done on brain imaging; most of these young scientists were doing work that was being shared with the research community around the world. It was extremely interesting. Through the work conducted here, not far from Melbourne University, they have gone from strength to strength in understanding some of the make-up of the brain and its reactions.

But the work that I thought was most interesting is what they are doing on Alzheimer's disease with the Alzheimer's mice. Alzheimer's mice take three years to breed. The research work being done with the mice is extremely interesting. There are three boxes. In the first box is a group of Alzheimer's mice who just stand there all day. They are just a group of mice — they do not interact, there is nothing to do; they just sit there. On a graph the incidence and rate of development of Alzheimer's disease is rapid. It almost goes straight up at a very steady rise. The disease escalates with these particular mice.

The next box has a treadmill. These mice go around and around the treadmill all day, every day. Their Alzheimer's is also progressing, but it is not progressing at quite the same rate as for those in the first box who have nothing to do all day.

The mice in the final box have bells, whistles, pulls, mirrors and other activities and things to do — tunnels to go through, ladders to climb. Their Alzheimer's is not proceeding as rapidly as with the mice in the two other boxes.

Researchers can draw a lot from this. They can realise that having something to do — being physically and mentally active and socially involved — will not cure the mice of Alzhheimer's but will slow down its onset. This is very important work to understand when developing policy into the future as we try to work out how to deal with people who develop Alzhheimer's and how to keep them engaged in the community for as long as possible. Obviously the lesson for all of us in this chamber is to stay alert physically, mentally and socially so that we can help people who develop this disease and have to deal with its onset — including members of our families, other people we care about and our constituents — lead happy and worthwhile lives.

As I have said, this is an excellent bill, and the debate has given all those members who have spoken an opportunity to put on the record their appreciation of the excellent work done by the Howard Florey Institute. I think each and every one of us wishes this bill very well.

In 2006 Professor Frederick Mendelsohn, the institute's director, wrote to me. His letter states:

> The brain holds a myriad of amazing and complex puzzles that have intrigued mankind throughout the ages. Solving these puzzles will lead to better treatments for many debilitating brain disorders.

I wish the new Howard Florey Institute all the very best. I know that with the new body under the direction of Professor Frederick Mendelsohn, Victoria will continue to be at the forefront of research well into the future.

Mr VINEY (Eastern Victoria) — It might sound strange, but it is a pleasure to support the repeal of the Howard Florey Institute of Experimental Physiology and Medicine Act, because in this case we are repealing legislation to allow a number of institutes to come together to provide a new beginning in neuroscience research. The development of medical research internationally now requires research scientists to be clustered together as much as possible. It is true that whilst there needs to be a continuing focus on specialisation in medical research so that specialists can focus on detailed aspects of such research there is no doubt that collaborative and interdisciplinary approaches are obtaining the best results both in Australia and internationally.

The concept is to co-locate the Brain Research Institute, the National Stroke Research Institute and the Howard Florey Institute to facilitate the creation of a new facility — the Australian Centre for Neuroscience and Mental Health Research. The co-location of these facilities and establishment of the new neuroscience and mental health research centre will give us an opportunity to allow Melbourne to continue its incredible reputation as one of the world's leading centres for medical research. The Bracks government set itself the goal of making Victoria one of the top five centres in the biotech sector by 2010, and we have been pursuing that goal with these kinds of initiatives. Other initiatives to achieve this goal have included moving the Austin Research Institute to the Alfred hospital precinct, and significant growth in medical research around the Monash cluster, which will continue and accelerate when the synchrotron is launched and comes on line.

Mr D. Davis interjected.

Mr VINEY — Mr Davis says 'eventually', but it is this government which pushed the synchrotron project.

Mr D. Davis interjected.

Mr VINEY — Mr Davis belatedly admits that the opposition supports it.

The PRESIDENT — Order! From your place, Mr Davis.

Mr D. Davis interjected.

Debate interrupted.

SUSPENSION OF MEMBER

The PRESIDENT — Order! I had just explained to Mr Davis that he was being disorderly in speaking from a place other than his own, and he continued to do so. Under standing order 13.02 I ask him to leave the chamber for 30 minutes — starting now.

Mr D. Davis withdrew from chamber.

Debate resumed.

Mr VINEY (Eastern Victoria) — The synchrotron project is great for Victoria and Australia. It is also an iconic symbol of this government's commitment to medical research, as this new neuroscience facility will be when it is established in the Parkville precinct.

It is fair to say that in the latter part of the last century a lot of medical research was focused around the human genome and the mapping of human genes, and that has continued in the early part of this century. However, from my discussions with many people in this sector as Parliamentary Secretary for Innovation and Industry in

the last Parliament, and prior to that in health, I know that many people believe that one of the new frontiers in medical research in the coming decades is neuroscience research. As Mrs Coote outlined, it is hoped that a number of quite serious diseases of the brain and nervous system can be dealt with through this kind of research. As I said at the outset, the clustering of scientists in this way is the way of the future. Of course that goes beyond bringing them together in any one particular institute or agency; it is also true in terms of the general locations of research precincts around Victoria.

There are three developing medical research precincts: one around La Trobe University and the Austin Hospital in the northern suburbs; one around Monash University and, as I mentioned, the CSIRO research facility, the Monash Institute of Medical Research and Prince Henry's Institute and the new synchrotron project; and of course the incredible research facilities that are almost unique in the world around the Parkville precinct.

What will add to the uniqueness of the Parkville precinct is that co-located in a very small area will be a highly prestigious university, the University of Melbourne, with all its research facilities and a number of research institutes, including the Howard Florey Institute, the Walter and Eliza Hall Institute of Medical Research, the Murdoch Children's Research Institute, the Ludwig Institute for Cancer Research, which is doing incredible work, and of course a number of significant medical facilities at the Royal Melbourne Hospital and at the Royal Children's Hospital, which is currently being redeveloped.

These developments give us an opportunity in that Parkville precinct to ensure that there is a coming together of medical research and clinical practice. That coming together is vital to ensuring that the medical research that is being undertaken in that precinct and across Victoria has the greatest opportunity of being practical and able to be commercialised — that is, able to be implemented on a broader scale. That is what the real benefits to humanity will come from — being able to ensure that great medical research becomes usable in practice.

The repealing of the principal act will pave the way for the establishment of a new facility — the Australian Centre for Neuroscience and Mental Health Research. As Parliamentary Secretary for Innovation and Industry I had the honour of chairing a process that looked at developing a strategy for the whole Parkville precinct, which was released some 18 months ago. That strategy was all about bringing together in the Parkville precinct our unique features of medical research, the university and clinical practice in a range of very prestigious internationally regarded organisations.

One of the things I did as chair of the Parkville precinct process was to meet regularly with Michael Wooldridge, who was chairing the process looking at the bringing together of a number of the medical research institutes, which ultimately resulted in the neuroscience institute proposal. The coming together of these two things ultimately resulted in the announcement of the funding by this government, with some commonwealth support, of a new neuroscience institute based in the precinct of Parkville on the Melbourne University site. This is going to be an enormous opportunity for Victoria's medical research professionals and for the state to continue to hold a very highly regarded position in medical research internationally.

I want to take the opportunity of thanking all of the people who worked with me, collaboratively and cooperatively, on the Parkville precinct strategy process, because that process of bringing a number of people together with various interests and getting all of those people to work together, not focusing on the particular needs of their institution, but looking at the future of research and clinical practice in Parkville, was difficult — but they did an outstanding job. I will not name them because there was a significant number of them.

I want to say that in that work, and in my work as Parliamentary Secretary for Innovation, I have enormous respect not only for the people who lead those institutions but for the incredible number of young scientists who are working in the field. Earlier Mrs Coote talked about her visiting Howard Florey Institute; anyone who wanders around and meets people in our medical research institutes cannot but be incredibly impressed by the youth and energy of the people involved in research. It does not appear to be a particularly glamorous environment; often they are working in very small, confined spaces and on benches.

I want to pay tribute to those people, who often were overwhelmed at a politician coming to visit them. I often reflected that I thought their work seemed so much more important than mine, because some of the things they work on in these institutes are really important — things like malaria at the Walter and Eliza Hall institute — not necessarily for great commercial gain but for humanity, so I want to pay tribute to them.

In the context of this legislation and the establishment of the neuroscience facility, I particularly want to

acknowledge the director of the Howard Florey Institute, Fred Mendelsohn, who I have always found incredibly approachable. He has always been prepared to explain things in simple terms— in lay terms, if you like — which is important for someone like me. He has obviously provided great leadership to this institute and in trying to bring all of these institutes and organisations together to help Melbourne and Victoria pave the way for a great future in neuroscience and medical research generally.

Motion agreed to.

Read second time.

Third reading

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

That the bill be now read a third time.

In doing so I would like to thank all speakers in this debate.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

GAMBLING AND RACING LEGISLATION AMENDMENT (SPORTS BETTING) BILL

Second reading

Debate resumed from 3 May; motion of Hon. J. M. MADDEN (Minister for Planning).

Mr GUY (Northern Metropolitan) — I am pleased to be able to rise to make a contribution to the debate on the Gambling and Racing Legislation Amendment (Sports Betting) Bill 2007, and in doing so to point out to members of this house, as I am sure they already know, that the Liberal Party takes the issue of regulation of the gaming industry very seriously, particularly at the rate this industry is growing across our state. Further, I think all members of this house would no doubt support my view that in areas such as the gaming industry, the highest levels of transparency, probity and integrity must be a high priority, indeed the highest priority, and that the public must have exceptionally high confidence in the integrity of the industry and the gaming industry all over this state.

The bill as it stands seeks to amend the Racing Act 1958, which was introduced by the Bolte Liberal government, and the Gambling Regulation Act 2003, with the focus of improving the integrity surrounding the sports betting industry in Victoria. Further, the bill sets out procedures to allow sporting bodies to receive a share of revenue from sports betting and gives recognition to the costs and other burdens on sports from betting that is placed upon them.

While the bill does have credible objectives, particularly in the areas I have just raised, I think it remains to be seen whether many of them, or indeed any of them, will materialise. I note the government's record of promise versus delivery. Despite almost a pot of gold being promised to the sporting organisations and grassroots sports with the passage of this bill, I fear the actuality may be very different. However, we are certainly willing to give this bill a go and to see if the government follows through on its word and ensures that the moneys promised by this bill flow on to grassroots sport, which we support. We are hopeful that will eventuate.

I do want to mention one part of the bill from which we are hopeful of better outcomes, and that is the transfer of responsibility of the approval of sporting and other non-racing events from the ministers for gaming and racing to the VCGR, the Victorian Commission for Gambling Regulation. This move removes the minister from a role in his portfolio that could be problematic. Indeed it enhances the role. We support the responsibilities held by the VCGR, and we certainly support those parts of this bill.

As I have said, the Liberal Party has shown that it supports any measures related to increasing probity in the gaming industry, and as such it certainly will not be opposing this bill. As members would no doubt be aware, sports betting is an increasing industry here in Victoria and indeed nationally. In fact it is the fastest growing segment of the gaming and racing markets. In dollar terms sports betting is not comparable to racing or gaming, but its turnover is rapidly on the rise. I am informed by statistics I have in front of me that Australian gambling figures from 1999–2004 show that turnover for gambling and racing was up by single-figure margins, while turnover for sports betting was up a whopping 28 per cent. Indeed sports betting is really starting to come of age in Victoria and nationally. It is fair to say that in a state with more than 5 million sport obsessives, there are many Victorians who are willing to bet on a race between two flies let alone on their favourite AFL (Australian Football League) teams.

I will be happy to share my example with others. I recently placed a sports bet not on my own terrific team, St Kilda, but on the recent Collingwood-Essendon game. I am sure members of this chamber who are fans of those teams would have been as enthralled by the outcome of that game as I was. I noticed that Collingwood was paying $3 and Essendon was paying $1.50. While I am not a supporter of Collingwood, I thought those odds were certainly good for a return, and I put a bet on — and the black and white came through. Not being a fan of the team, though, I did not necessarily worry, but I got a return out of the win — although it was not as good as a win for my own team. The point in raising this is that my own brief experience with sports betting highlights the obvious interest Victorians have in this new form of gambling and the ease with which we can now place a bet on what is for millions of Victorians their favourite code of sport.

One of the concerns the Liberal Party does have with the bill is the overly bureaucratic approach that it establishes. The greater levels of bureaucracy may undo much of the good work that this bill seeks to establish. Sporting organisations and betting providers will face a greater level of bureaucracy in establishing an internet betting system, for example, which may discourage Victorian firms from even bothering to engage in this rapidly growing form of gaming. The internet makes much of this bill irrelevant.

I am sure members all know that Centrebet, for example, is located in Darwin, and thus does not have any real need to take heed of what we are talking about here today. Where on earth is the incentive for a Victorian company to go away and establish a Centrebet-style operation in this state when it could pretty easily fly west of the border or north of the Murray and establish a business without the complexities contained in this legislation? I will never know. I am sure that some gaming operators are no doubt somewhat bemused. That is one aspect that we certainly are a little bit confused about.

Raising those points brings me to another important concern or issue we have this legislation. That is the lack of a national approach to the regulation of this market. At present, as members know, there are six state and two territory governments in this nation which share the same political colours. That is a unique position for any political party to be in. Regardless of what does or does not happen at the end of the year at the federal election, we have six state and two territory ministers who are all of the same political colour sitting around a ministerial council (MINCO) table. I would have thought they would have been able to look seriously at national solutions to a wide range of issues, this being one. This issue clearly spans state and international borders, and I would have thought that would be a clear reason to sit down and work out what actually can constructively be done to address the situation.

Before introducing this bill, the Minister for Gaming in the other place, Minister Andrews, might have thought about taking it to the Sport and Recreation Ministerial Council, where it could have been talked about at a cross-border level rather than it firstly being brought to this Parliament. At least communicating with the other states and requesting that they fall into line by passing similar legislation should be one of the first aims of the government rather than bringing the bill to Parliament to try to be first out of the blocks. Given that all the state and territory ministers around the MINCO table were of the same political colour, you would think it would have been much more probable that a consensus would have been achieved. On this issue consensus could have been achieved by Minister Andrews talking to his state and territory colleagues, but unfortunately that does not seem to have been the case.

We should all remember that the AFL, the NRL (National Rugby League) and soccer are all national codes in this country. Therefore a ministerial council would have been one of the places to talk about the regulation of sport, which is what we are talking about today. However, as I said, it appears that the opportunity for common sense has somehow been lost. We are debating this bill today despite what is going on in the Northern Territory and Tasmania. It is a pity that government members failed to get their act together and talk to their state and territory colleagues to try to do something beforehand.

Page 3 of the bill contains definitions. New section 4.5.1 of the Gambling Regulation Act states ‘sports betting provider means a person who, in Victoria or elsewhere, provides a service that allows a person to place a bet on a sports betting event’. The definition states ‘or elsewhere’. The government must have forgotten about not being able to police other states or territories. I am somewhat perplexed about the words ‘or elsewhere’. I wonder if the government thinks that the good folk at Centrebet, who probably go down to the Noonamah pub, just out of Darwin, on a Friday night, really think about whether what we are passing today is of any concern to them. I am not sure whether the minister wants to implement some kind of flying squad to get up there to have a bit of a chat to the folk from Centrebet. Again, I am not sure, but it seems that those people, who are 3000 kilometres away, may not be as interested in this bill as the government is. In

all seriousness, that highlights one of the unfortunate absurdities of this bill — that it seems to be unworkable given state borders, and that that issue could have been addressed at a ministerial council meeting before it came to Parliament.

As I have mentioned previously, there is also an example of this government's near obsession with adding extra layers of red tape across all different types of businesses, including the one we are talking about today — the gaming industry. I am starting to believe that there are government members who go away and try to work out new ways of implementing red tape hindrances on businesses that are trying to establish themselves. Unfortunately that seems to be the norm.

New section 4.5.12 provides a requirement for applicants who wish to set up a betting service to publish a notice of application to the commission within 14 days and of course pay the prescribed fee to the government. I note that it is another new fee. I am not sure how many we are up to now or whether they are called fees, levies or taxes, but we are up to quite a few, that is for sure. New section 4.5.19 provides that the sports controlling body must notify the commission of a change in the situation of that body also within 14 days. These are two very small but indeed salient examples of more red tape, more levels of bureaucracy and more 14-day periods that lay in wait for people wishing to do business in Victoria.

As I have said, the bill places a large administrative burden on sporting bodies as well as — I should add — on bookmakers. The danger we have with these additional layers of red tape is the possibility of the flight of jobs as a result of the bill's passage. What incentive remains for a sports betting provider and/or a bookmaker to remain in Victoria to conduct their business here with all the complexities, a growing amount of red tape and government interference, when they can do exactly the same thing without any of that over the border? Why would a sports betting provider choose Victoria as the place to be or, in this case, the place to bet, if to establish themselves they have to comply with a growing range of complex measures introduced by the current government, when they can go over the border and do the same without any complexities given the fact that this issue was not discussed at a MINCO meeting — and not forgetting the additional fees that would be incurred in doing that kind of business south of the Murray?

It is worthwhile noting comments made by the Association of Australian Bookmaking Companies, which has described the increase in red tape in this bill as 'regulatory overkill'. The association said:

> … many of the affected sporting bodies are too small to, for example, have the expertise, resources and authority necessary to administer and monitor and enforce the integrity systems. This is a costly exercise for sports and, at the end of the day, is totally unnecessary. The administrative cost could well exceed the returns for smaller sports.

I hope the association is wrong, but they are concerns that have been raised and are concerns that the opposition has. We certainly hope that the government will monitor them closely, and we urge the government, if the bill is passed, to ensure that it does not become unworkable. As I have said, the bill introduces a new fee. It is a little bit vague and mentions no guidelines whatsoever about the value of the fees and how they will be established. This leaves us with some concerns.

One of the central aspects of this bill is that there will be a process established whereby bookies and those wishing to establish sports betting systems will have to register with the VCGR and reach an agreement with it about the relevant sports controlling body, if one exists, in regard to the payment of fees and information exchanged to promote the integrity of the sports betting situation. Through the fees it is hoped that moneys will go to good grassroots sport. Unfortunately there is nothing in the bill which actually mandates or requires the spending of money on grassroots sport in Victoria. It appears that we are left with a bit of a nod and a wink, and we are told that this will happen just because the government says it will. That is rather unfortunate. As I have previously stated, given the government's record on promises versus delivery, I do not hold out much hope, despite being supportive of the government's thrust in the bill.

While there is a raft of unresolved issues in the bill, the Liberal Party will not oppose its passage through the Parliament. My immediate and obvious concerns relate particularly to the workability of the bill and its relevance to the national and international frameworks in which online sports betting now operates.

Further, as I have said, the return of moneys back to community sporting organisations has been promised, but it is little more than a promise; I sincerely hope that is not the case, but I suspect it is. Despite the fact that sport in Australia, and particularly in Victoria, is one of the essences of our communities — particularly holding many people in rural and regional communities together — I believe that promising a pot of gold and providing no details or guarantees in the legislation is a little disingenuous, particularly when we are being told to take the government at its word.

Members of this house are probably unaware of the fact that seven harness racing tracks in rural Victoria,

particularly in the west of the state, have closed under this government. In the Wimmera area tracks at Horsham, Murtoa and Donald, just to name a few, have closed. I, like other members on this side of the house, hope that this bill is not a forerunner to more closures.

I remain concerned that the government has yet again introduced a piece of legislation for the simple reason that Victoria will have been the first state to do so — and we have seen a few examples of that since the election — without actually thinking of the effects it may have and whether we are cutting our nose off to spite our face. We are being asked to pass the legislation simply so Victoria becomes a national leader but without thinking through the consequences. In my view, as I have said, parts of this bill certainly remain poorly thought through and messy.

I state again that I am a bit concerned that the minister did not use the MINCO process to greater effect but, considering all the other ministers around the MINCO table — or all of them except for the federal minister— were of his own political colour, I would have thought and hoped that he might have tried to achieve a national consensus on this policy area before bringing it to the Parliament. Rather than being a local sheriff, he had the chance of being a national leader. Unfortunately he has not taken up that challenge.

In closing, I note again the comments on the bill from the Association of Australian Bookmaking Companies, which described the bill as 'costly', 'cumbersome' and 'bureaucratic'. While I think its descriptions are spot on, I would also add the descriptions 'rushed' and possibly 'unworkable'. Despite all that, the Liberal Party will not oppose the bill and genuinely hopes that it will in fact succeed in its aims.

Mr DRUM (Northern Victoria) — I am grateful for the opportunity to be able to rise and contribute to debate on the Gambling and Racing Legislation Amendment (Sports Betting) Bill. It is interesting to note that, whilst the bill has two main purposes, in effect it filters down through five aspects and five different amendments. Hopefully this bill will strengthen the regulation and give some confidence to the people in the industry who are involved in sports betting. Hopefully this bill will lead to an increased level of integrity and probity in relation to sports betting; and that it will also deliver something that has been in desperate need — that is, trying to bring some of the proceeds from sports betting back into the respective sports that are being used as the product.

That is something that has really been amiss in the Australian sporting culture. We are happy to take sporting product and flog it off within Victoria, around Australia or around the world as a potential event that is worthy of wagering, yet we have the situation where, with the exception of the racing industry and, to a very small amount, Australian football, effectively no benefits flow back to the respective sports. I hope this bill can take some steps to try and change that. If we can get that happening, there will be a significant benefit. In light of that, The Nationals will certainly not be opposing this legislation.

The first amendment that we are dealing with is the transferral of powers and responsibilities away from the respective ministers. The Minister for Racing and the Minister for Gaming, both in the other place, will no longer be responsible for judging whether events within Victoria are to be allowed to have other sporting or betting agencies field bets on them. Those decisions and that responsibility will be made and will rest with the Victorian Commission for Gambling Regulation.

We think it is sensible that the legislation remove the ministers from making those decisions. We believe that the commission will be in a much better position to make those decisions, the responsibility having been transferred away from the ministers. We think it will lead to an increased level of comfort in that the Victorian public will know that the right authority or agency is going to be making decisions on those very contentious issues. In recent times we are finding an ever-increasing desire on the part of the betting agencies to delve into some of what we would call minor sports and to classify those events as events that people can lay wagers on.

As this demand for access to sporting product increases, we are going to need to take this step. I think it is a common-sense step to put the Victorian Commission for Gambling Regulation in control of these events; so we support that aspect of the bill.

The second amendment creates a new offence for betting on prohibitive contingencies within certain events. So it is not just going to be a matter of whether you can bet on a certain event, it is going to involve what type of bet can be laid on what type of event. Certain contingencies are going to be placed on the actual bets that are being placed and the associated restrictions thereon.

This part of the bill should very well be called the Steve Harmison part. It is not a negative reflection on the wayward fast bowler from England, but it really did bring into light what happened some months ago. We all know that Steve Harmison, apart from a very wayward first ball, also bowled another few wides in

the first over of the first Test match, Australia versus England, last year, but we only found out some months later that some very big money was being fielded on that match in other parts of the world. We know that people in India will gamble on games being played in Victoria, which again causes me concern about other aspects of the bill, but with so much international interest in events that take place in this state, we have to be careful of the various types of betting we allow. Indeed an offence of betting on prohibited contingencies is created in this bill.

At all events it came to light that people were able to bet on the odds of the opening ball of the Ashes test being a wide, and obviously there were a few smart people out there who were able to put their money on that — —

Mr Viney — What odds did they get?

Mr DRUM — I am sure the odds would have been well into the 20s or the 30s, Mr Viney, and I am sure that some people cleaned up. We just have to hope that those people have no link at all to the opening bowler or his family!

This situation is truly borne out also by the American college basketball system, and even in American pro basketball, where people are able to bet on the spread of a basketball game. A team can go out and try its hardest to win but along the way, if it is able to get a comfortable lead, it can set its winning margin, and that can lead to some serious allegations. People have been found guilty of exploiting these spread-betting markets.

Again, this is going to be a very contentious issue as the sports betting or gaming industry in this state and country starts to really grow. We are going to have to put in place a lot of these contingency measures, and we are going to have to put probity and integrity steps or aspects into the industry to ensure that we do not let it get out of control. Otherwise, before we know it we could have a very major problem in this state.

A third set of provisions I want to refer to relates to approvals for sports controlling bodies. I hope this will lead to some of the finances generated through the betting industry being hypothecated for the respective sports. A sporting body will be able to apply to the commission to be classified as a sports controlling body. This will enable such bodies to make decisions on behalf of their sports about whether or not betting agreements relating to those sports will be entered into and about the types of wagering that the sports would be happy to have made on their events.

The bill will clarify the situation and assist those sports where each of a number of bodies claims to be the controlling body. In the great sport of World Wrestling Entertainment there are diverse events such as the SmackDown, WrestleMania 23, the Raw events and Extreme Championship Wrestling. All of these are owned and run by different operators and different owners, all claiming to be the controlling body of professional wrestling. They involve such figures as John Cena, Randy Orton, Shawn Michaels and the great Carlito — all people coming in to effectively be the star.

Is 'Stone Cold' Steve Austin going to be able to take down Ricky 'The Dragon' Steamboat? These are the issues we are going to have to let them fight out with each other. But in such situations in Victoria there is going to be one controlling body that will make the decisions about what events it has — —

Mr Pakula interjected.

Mr DRUM — It is good to see Mr Pakula understands the importance of this sport! Boxing is another sport where there are different bodies all claiming to be the primary controlling body, but each of the different sport controlling bodies will need to be allowed to make decisions as to how much and what type of betting will be able to be made on its sport. The decisions that will have to be made will relate not just to the type of betting allowed; there will also need to be a lot of consultation and negotiation to make all this work.

This bill will create offences that will apply whenever an agency is found to be offering bets without having an agreement in place with the controlling sporting body. This, however, is going to be very difficult to police. As I said earlier, all of us can now, at any time we want, get onto internet sites and start up an account with an overseas betting agency. We can put money into the account and start betting straight away. There are betting agencies all around the world, and I do not see how they are going to be able to be held to account by this legislation. If they wish to accept betting on a Victorian event, I do not see how the fact that they have not entered into an agreement is going to result in their being caught up by these legislative offences.

I do not see how these offences will be made to work for international betting agencies. I worry that we will pass legislation that effectively cannot be enforced; I think it was Mr Guy who referred to this legislation as being a bit sloppy and a bit cumbersome. Obviously the government is trying to fix the issue in Victoria;

possibly it just finds the whole international aspect of it a little too difficult.

That is going to be a part of the bill which will be hanging out there in the ether, unable to be truly put to bed. It is just going to be dangling around out there, and it will cause the government some concern if the international agencies effectively start pursuing their interest in our events without having those agreements in place.

They will avoid any type of punishment or penalty simply because they are not based in Australia. There is a dispute resolution mechanism in the bill. It is hoped that whenever a controlling sporting body and a betting agency start their negotiations in relation to the fees to be charged, the percentages to be returned to the punter, the profit to be kept, the type of betting products and the contingencies that will be put in place as to what you can bet on, how you can bet and so forth, and agreement is unable to be reached, that dispute resolution mechanism will resolve those situations.

We have been through the bill carefully. We acknowledge that there are some excellent parts to the legislation that we support. We have real concerns about how those offshore betting agencies will be caught up under the offences aspect of the bill. We realise that if we can get some of the financial returns from the wagering industry returned to the sport that is producing the live product on which the betting is taking place, that has to be a positive for all sports in the state. The Nationals will not oppose the bill. I hope that it will be passed and that some of its benefits will result quickly.

Mr PAKULA (Western Metropolitan) — I should say at the outset on behalf of the government that I thank Mr Guy for his fulsome and enthusiastic support of the bill.

Mrs Peulich interjected.

Mr PAKULA — Slightly. I rise to support the bill.

Mr Guy interjected.

Mr PAKULA — We will take whatever we can get. Like many members of this chamber, I like my sport — and I do not mind a punt occasionally.

Mrs Peulich interjected.

Mr PAKULA — I did indeed; one of a string. My flutters are generally confined to the neddies, but others like to place a flutter on a variety of sports. The purpose and intent of the bill is to ensure that the integrity of those sporting events is not compromised by the bets placed on them.

It is instructive to some extent to take the house to what the bill does in various measures, as Mr Drum did. The first thing referred to by the previous speaker was that the bill transfers responsibility for the approval of sporting and other non-racing events, whether that be the academy awards — I am not sure whether the elections come into it — or any of a whole range of non-sporting events on which bets are placed, from the ministers for gaming and racing to the Victorian Commission for Gambling Regulation (VCGR). That is an element of the bill which everybody would agree is consistent with good regulatory practice. It will ensure that the process for approval is entirely independent and transparent and will enhance public confidence in that process.

It will also provide, as Mr Drum so entertainingly took us to, the new offence that may occur as a result of the VCGR being able to prohibit a betting provider from offering bets on particular contingencies. I was also going to make reference to the first wide of the Ashes series that Steve Harmison bowled, but I understand from my reading this week that he was similarly inept in the first test against the West Indies. We will have to accept the fact that Steve Harmison's radar is off.

An honourable member interjected.

Mr PAKULA — I would not suggest that, but apparently it is true that some bets were placed on the first wide and that some people struck it rich. You could turn your mind to other contingencies that could potentially be outlawed, such as who would be the first player to kick out of bounds on the full or any of the peripheral events that occur during a sporting contest that could be engineered to deliver a betting outcome without necessarily affecting the outcome of a match itself. That is a very important part of the legislation.

The next element of the bill that deserves a mention is that it allows a sporting body to make application to the VCGR to be approved as a sports controlling body for an approved sporting event. That is a very important element of the bill, because it is the central measure from which all of the other benefits of the bill that may potentially accrue to those sporting bodies flow. The first and most important aspect of that part of the bill is that to obtain approval a sporting body will need to demonstrate a proven capacity to manage its integrity issues. There will not be a willy-nilly approval process whereby any sport will simply get approval to be the controlling body for the purposes of betting. A sport will have to show effectively that it has its house in

order on information gathering and information provision and on integrity issues more generally.

We say that will give those sports an incentive to invest in their code of conduct on betting and an ability to investigate breaches of their code. In any legislation like this there needs to be a quid pro quo for that kind of activity and the level of sophistication the sporting body will need to create and demonstrate to be approved. That quid pro quo is that the sporting body can develop a revenue stream by negotiating a fee with a betting agent. That is made possible by the creation of a new offence of offering bets without a written agreement from the sports controlling body or, in the absence of that, without a binding agreement on the termination of the commission. In speaking on the bill Mr Guy sought to create the impression that what the government was promising sports was rivers of gold in the form of revenue streams.

Mrs Peulich — We know that is not true.

Mr PAKULA — No, it is not, and is not suggested it is true. It is a straw man that has been set up. The bill does not pretend that there will be rivers of gold. The bill provides a sport with an incentive to invest in its own integrity measures and an ability to then receive compensation from betting agencies for the work it will do. If a revenue stream then occurs and continues to accrue to the sport beyond that, that is all well and good. It goes to the argument about the flight of betting agencies across state borders that may occur. The fact is that betting agencies have for a long time been making money from the intellectual property of other sporting bodies. Some betting providers, many of which exist across state borders, have become very rich from fielding bets on the products of local sporting bodies, whether it be the AFL (Australian Football League) or any other sporting organisation. This legislation simply creates a mechanism for the betting provider to put some of that back in. Where Mr Guy sees red tape, we see legislation that gives sporting bodies some recompense and some benefit from the punting that goes on in relation to their sport.

The legislation deals with a free-rider problem that has existed. It is not true to say that this legislation is bad for sports or industries. It is not an impediment to the sports betting industry, which has been claimed by a number of people. The biggest threat to sports betting in this country is a loss of public confidence in sports betting. The biggest threat to public confidence in sports betting is corruption. To the extent that this bill protects the integrity of the sport, and in turn the integrity of betting conducted on the sport, it is good for betting providers. It gives punters confidence that the product they are betting on is free of corruption, with the appropriate integrity controls in place.

To give an example, if Sportsbet wants to field bets on the Goulburn Valley footy league or the Hamden league or any other country league, so long as those leagues have been approved as controlling bodies, the betting agencies will need to negotiate an outcome with those leagues. What the bill does is allow for information sharing as well as the strengthening of the integrity controls. It will mean that those agencies that bet on the Australian Football League, for instance, will have to have information-sharing agreements with the AFL, and that will give the AFL a greater capacity to identify players or officials within the sport who may be betting on the outcome of AFL games. We have seen examples brought to light recently — admittedly they were fairly low level. This legislation will enhance the ability of a sporting body to gather that information.

We would not suggest that this sort of legislation can totally protect sport from corruption. Wherever there are human beings and there is big money involved, and where those human beings have the capacity to fix the outcome of a game — to run dead or to hook a racehorse — the potential for scandal always exists. It is the nature of the beast; it is the nature of punting. It is always a risk, but we have an obligation to put in place whatever integrity measures we can to seek to minimise those risks. What this legislation does is improve the capacity of the sport in question, and it improves the capacity of the betting agencies to manage that risk appropriately. What we say is that far from creating a disincentive to sports betting, anything that improves the capacity of the sport or the betting agency to manage the risk protects the long-term viability of the sports betting industry.

There have been comments from Mr Guy in this place and from Mr O'Brien, the member for Malvern in the other place, that the bill was a failure because what we really need is a national approach. The fact of the matter is that constitutionally the Victorian government can only legislate for things in Victoria.

Mr Guy interjected.

Mr PAKULA — It has been to the ministerial council. The fact is that agreement could not be reached from every state to do the same thing. The logical consequence of the argument being made by Mr Guy is that because other states would not do it, we ought do nothing.

Mr Guy interjected.

Mr PAKULA — It is the logical consequence. Other states do not want to proceed at this point in time. Victoria had two choices: proceed or do nothing. Of course it would be better if everybody did the same thing, and we are hopeful that in time other states will come on board and introduce complementary legislation, but we do not get to decide what other state governments do. We are not going to wait for a national agreement or, indeed, a major sports betting scandal in Victoria before we protect the integrity of the Victorian industry. That would be totally irresponsible. If we had the constitutional authority to legislate nationally, we would. Hopefully other states will agree to introduce complementary legislation, and that is something we would welcome. Until then our obligation is to protect the integrity of the Victorian sports betting industry and the integrity of sporting events which occur within Victorian borders. This legislation does that, and I commend it to the house.

Mr BARBER (Northern Metropolitan) — The Greens will be supporting this bill.

Mrs KRONBERG (Eastern Metropolitan) — I rise to speak on the Gambling and Racing Legislation Amendment (Sports Betting) Bill 2007. We know that this bill establishes a mechanism whereby a sporting body may apply to the Victorian Commission for Gambling Regulation (VCGR) for approval as a sports controlling body of a sporting event.

According to the *Age* report of 18 May 2006, sports betting is the fastest growing gambling product in Australia. Current estimates of the sports betting waging revenues amount to about $1.6 billion per year, so we are looking for assurances of the highest level of integrity for establishing such an industry and its regulatory framework.

Critical to the success of this regulatory regime will of course be the proper resources for the Victorian Commission for Gambling Regulation to allow it to provide the required degree of vigilance. The bill is the state government's attempt to return long-sought-after funds to sports bodies, such as cricket, Rugby League, Rugby Union, golf, soccer and tennis organisations, and to guarantee that the events operate in a climate of the utmost integrity.

The bill also gives the Victorian Commission for Gambling Regulation the powers to evaluate the capacity of the sporting body to adequately manage a sporting event and thus ensure its integrity. Any sports controlling body status granted will provide that sporting body with the legal right to both negotiate fees and participate in information-sharing arrangements with betting providers. The bill gives the Victorian Commission for Gambling Regulation the ability to arbitrate fees in the absence of an agreement between the sports controlling body and the betting provider.

The bill gives the VCGR the power to approve sporting and non-sporting events, other than horse, harness or greyhound racing, for betting purposes, whether partly or wholly in Victoria. The regulatory body must have regard to whether the event is exposed to unmanageable integrity risks, the event's administration and whether betting could be offensive or unreasonably expand gambling in Victoria. Furthermore, the bill empowers the VCGR to prohibit betting on particular contingencies in otherwise approved betting events. I have to draw upon that famous example of the first wide in the International Cricket Series. Whilst no-one is suggesting that such an event actually occurred, this clause covers situations where an individual sports participant may be pressured to act in a way that does not comply with the rules of the game.

The issues of concern to me are as follows. The bill will result in sports betting providers paying fees to sports controlling bodies, thus the costs to betting providers will increase, and they in turn will pass those costs on to punters. One could argue, however, that the sports betting industry should make a financial contribution to the sports on which the industry is reliant. Frankly sporting bodies are anticipating a bonanza. For instance, back on 28 October 2005 the *Herald Sun* reported that the AFL expected to reap about $1.5 million per year from the football betting industry.

I am going to suggest that Mr Pakula now step up to the plate and let these sporting bodies down gently on the fact that this is not going to be their anticipated bonanza, windfall, gravy train or pot of gold at the end of the rainbow.

Mrs Peulich — Rivers of gold!

Mrs KRONBERG — Or the rivers of gold — I beg your pardon. Whilst information-sharing provisions would increase the ability of sports controlling bodies to assure the integrity of sports which are subject to betting, it would come at the expense of the privacy of affected individuals.

Whilst not opposing this cumbersome legislation, and considering that the stated objectives of the bill are reasonable, I wish to go on the record as stressing that a national approach to sports betting regulation is preferable. Attempts by this government to configure a national framework of sports betting came to nothing. Dialogue with six state governments on a more

workable framework came to nothing. Once again this is the hastily cobbled together and catch-up kind of legislation that is typical of this government.

As a member of the opposition, I anticipate that local sporting clubs and groups would ultimately be the beneficiaries of such legislation, and I would expect funds to percolate down to them. Of course the timing could not be better. We all know about the plight of our greenkeepers and our curators, and what they face when trying to prepare and resuscitate sports fields as a result of the decimating drought.

Now more than ever in the national interest and in the interests of the health and wellbeing of Victorian children, there is an even greater call on such funding to provide infrastructure, administration, communication and marketing skills so that they can play a role in heading off the skyrocketing levels of childhood obesity. The government now needs to demonstrate its bona fides in ensuring that cash-starved sporting clubs do get access to their share of the financial bounty of this industry.

Mr VINEY (Eastern Victoria) — I am very pleased to support the Gambling and Racing Legislation Amendment (Sports Betting) Bill 2007. In doing so I think it is worth observing that the bill is a continuation of this government's commitment to ensuring there is a high degree of integrity in the gaming sector and, in this particular case, in relation to sports betting.

The government has taken pretty seriously the responsibility it has in relation to the regulation of gaming and betting in this community. In fact in my time in this Parliament we have seen significant amendments and changes to the gambling act. This bill continues those processes of reform by instituting things such as placing with the Victorian Commission for Gambling Regulation the ultimate responsibility for the regulation of sports betting in this state and in doing so removing some of the authority and responsibilities previously held by the minister in relation to sports betting. I think that the legislation in terms of the policy settings that it puts in place is something to be regarded as a further sign of this government's commitment to integrity and transparency in relation to gaming.

I note some of the opposition's criticisms of the capacity of the bill to achieve these objectives, but I think the objectives of strengthening confidence in the integrity of sporting events in a betting environment and of ensuring that sporting bodies receive a proportion of revenue from betting that takes place in their respective sports are very valuable and laudable objectives in the legislation. I do not share the opposition's cynicism about these things.

I suspect that the opposition's cynicism about these objectives relates more to its attempts to score some political points in the area of gaming and gaming regulation than to a serious analysis of what the government is doing in terms of the legislative framework and the regulations that it is putting in place to ensure that the integrity and transparency of gaming and betting in this state continues.

The bill had quite an extensive process of consultation involving a number of stakeholders, not the least of which was the sporting sector, which of course puts on the events that are the subject of betting across our community nationally and sometimes internationally. I think what we can take it from the advice that has come back to the government is that there is considerable support for two aspects of the legislation from the sporting sector in particular. The first is that it ensures there is going to be some further regulation ensuring that there will be integrity of the sporting event itself. The second is that it also requires sporting bodies to have comprehensive internal policies and regulations within their own sporting organisations to ensure that there is integrity within those sporting organisations.

Other members have referred to specific instances that may have been the subject of inappropriate betting or may have potentially been linked to unusual occurrences that have occurred in various sporting events that could have been linked to betting. I am not going to mention such examples because I do not think it is of great value for us to be making suggestions that sportsmen and sportswomen have been behaving inappropriately unless there is some body of evidence to support them.

But I think it is fair to say that the potential exists for betting to take place on unusual occurrences, which is described in this legislation as contingencies in sporting events, and this legislation puts in place some protections in relation to that. It also puts in place a range of requirements for approval of the sporting bodies involved in putting on these events, and I think that is as it should be. After all, it is the people who participate in the sport, the people who play the games and the people who put on the entertainment as well as all the support organisations and structures around that, such as administrators, coaches and support staff, who ought to be able to share in the revenue that comes from betting on the events and entertainment they put on.

I am going to speak for a very short time — a little longer than Mr Barber's contribution! — but I think

that this legislation demonstrates this government's continuing commitment to transparency and integrity in the regulation and operation of gaming and betting in this state, and I commend the bill to the house.

Mrs PEULICH (South Eastern Metropolitan) — I rise to make a few comments also on the Gambling and Racing Legislation Amendment (Sports Betting) Bill 2007 — a bill which amends the Gambling Regulation Act 2003 and the Racing Act 1958 to make new provisions for betting on sporting and other events. Under the proposed legislation it would become an offence for sports betting providers to offer bets on events held in Victoria without having reached a betting agreement and having it in place with the relevant sports controlling body, or else having a determination of the Victorian Commission for Gambling Regulation.

The betting agreement is intended to cover the payment of fees, if any, and the sharing of information. Mr Pakula spoke about one of the major objectives of the bill, which was basically to set up some sort of framework to enhance the integrity of sports betting and events, and I think the idea is probably quite a noble one. In particular, I would commend the movement of that responsibility for approved betting on sporting events from the minister to the Victorian Commission for Gambling Regulation. I think that that sort of hands-on involvement of ministers on a case-by-case basis or in detail is undesirable, and having things at an arms length with established processes and dispute resolution in place is desirable; it is good governance.

The bill will provide a mechanism to allow sports controlling bodies to negotiate with sports betting providers to provide sports betting on approved sporting events, and I think in many ways, in the context of what is happening, that is probably long overdue. It is intended to prohibit a sports betting provider based in Australia or overseas from offering bets on Victorian events without having the written agreement of the sport's controlling body or a binding determination of the commission.

Of course the ideas behind that provision are noble in part, and I think the level of scrutiny, criticism and concerns raised by members of the opposition is understandable. A framework is a framework; a concept is a concept; but the implementation is often contingent on the execution and the detail, and often the devil is in the detail. I commend those members of the opposition for signalling some of those concerns to ensure that the government gets it right.

Given the proliferation of online betting, there is no doubt that the appropriate framework should have been a national one. It is still possible for Victoria to play a leading role in spearheading a national framework. Clearly Victoria could have played that role. It is a sad reflection that it has not done so, because it will be compromised, as we know, especially when it comes to online betting in the context of a global industry. In reality, borders mean very little.

Clearly, the controls are required. Turnover on sports betting, although relatively small in gaming and racing, is a fast growing segment of the market, and I understand it increased by 28 per cent between 1999 and 2004. In 2002 Labor promised to revamp the regulations for sports betting; four years later we had the discussion paper; now we have this very loose and poorly considered legislative framework.

The bill places a significant administrative burden on sporting bodies and bookmakers, and contains provisions that are confusing. The pay-off will be that they will be able to reap greater rewards for the administration of that framework. As a mother of an athlete, and having spent a lot of time at athletics grounds, I am disappointed to see such a framework really not consider how money can flow through to grassroots sport. Hopefully that challenge can be taken up by the government at a future point in time. I believe that indeed there will be rivers of gold; there will be substantial money, and those details should have been considered by the government because the opportunity may well be lost.

One of the major flaws in the bill is the definition of 'sports betting provider', as it includes persons from both Victoria and elsewhere. Other members have raised concerns about the jurisdiction of the legislation, especially with regard to international providers. Mr Guy's suggestion that the idea of the regulation of sports betting being taken up with the ministerial council is a very sensible one, especially given that there are six Labor state governments and two Labor territory governments in place, but is a lost opportunity. Clearly a national approach could and should have been considered; it would have been plausible and achievable. The idea of moving in this direction solo has the potential to damage Victoria's interests. Mr Guy raised some concerns about the potential impact on business, and most of us would regret it if they were borne out.

The concerns are clearly with the workability of the bill and the lack of benefit for grassroots sport. The opportunity to ensure that grassroots sport was better funded I think would have been better received by the

community than the bill being seen as a framework that basically just favours the big players — the bigwigs in sports betting in particular. It no doubt has the capacity to give some confidence to this growing area to increase the level of integrity and probity, and if the detail had been worked out, no doubt that would have been the case. Melbourne is the sporting capital of Australia, and of course we are all very proud of that tradition, but legislation which cannot be enforced will be a wasted effort.

In closing, a national approach would have been far preferable, and I would have certainly welcomed any greater return of funds to sports to ensure that the spectacles which many of them provide continue to grow. It is an important part of not only our history and culture but of course increasingly our business success as well. With those few words, I support the concept but will judge the execution and implementation of this legislation and will watch it carefully.

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.

In so doing I thank members for their very speedy consideration of this important bill.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

Sitting suspended 6.13 p.m. until 8.02 p.m.

FAIR TRADING AND CONSUMER ACTS AMENDMENT BILL

Second reading

Debate resumed from 3 May; motion of Hon. J. M. MADDEN (Minister for Planning).

Ms LOVELL (Northern Victoria) — I rise to speak on the Fair Trading and Consumer Acts Amendment Bill 2007. In doing so I say at the outset that the Liberal Party does not oppose this legislation.

Generally at the start of a speech I thank the minister and the department for the briefing that we have been given on a bill. I have sat through some very good briefings; I have also sat through some very bad briefings; but unfortunately this one was the most appalling briefing that I have ever sat through. It was a briefing where opposition members actually knew more about the bill than the people who came to brief us. The people who came to brief us read — particularly on the fair trading section — from the explanatory memorandum, and when they were confused it was up to opposition members to point out to them exactly what a clause meant. In future if people come unprepared like that to a bill briefing, we will just adjourn the bill briefing and bring all those advisers and other departmental people back when they are prepared to give us a decent briefing.

The Liberals consulted widely on this bill, but unfortunately the government did not. I know for some time the government did have some notes on the changes published on its website, but it did not consult directly with industry. I have an email stating that from the VACC (Victorian Automobile Chamber of Commerce). In its response the VACC said:

> … thank you for sending this bill for our comment and for your continuing commitment to consult with VACC.

In that it was referring to the Liberal Party's continued commitment to consult with the VACC. It went on to say:

> We had not seen these proposals before introduction to the Parliament …

When changes to legislation have a direct impact on the way an industry operates I guess it is particularly disappointing that this government does not see the need to consult directly with the industry on those changes.

The bill will amend 19 acts of Parliament. Two of those pieces of legislation have not yet even been proclaimed — they are, the Conveyancers Act 2006 and the Funerals Act 2006, both of which we debated late last year. We pointed out a number of problems, particularly with the Conveyancers Bill, but the government did not listen. It rushed the legislation through Parliament. And here it is, before that legislation has even been proclaimed, having to bring it back to make amendments to it. It certainly reeks of sloppiness on the Bracks government's behalf that it does not do the consultation. Indeed, if it did consult with industry, perhaps it would get legislation right before it brings it into Parliament.

In general this bill will strengthen and streamline enforcement procedures. In particular the Fair Trading Act will strengthen unfair contract terms in the sections relating to the destruction of goods, publishing disclosure arrangements and the ability for CAV (Consumer Affairs Victoria) to prohibit the transfer or withdrawal of money held by an ADI (authorised deposit-taking institution). It will also streamline procedures for gathering evidence of a contravention of the act and for presenting evidence already proven in injunction proceedings and subsequent prosecutions.

The main changes to the Fair Trading Act will clarify that when a publisher publishes their own promotional material they must publish their contact details. It has always been the practice that when you publish an advertisement or any other promotional material you must provide your contact details to the publisher. But when people have operated as their own publisher they have exploited a loophole in the law. This clarifies that when they are acting as their own publisher they must provide their contact details in the body of promotional material.

The bill will also allow the director of CAV to delegate his or her power to require a person to appear and give evidence about a contravention of the act. I guess this is just a practicality in that the director cannot be everywhere; it will enable him — at the moment it is him; it could be her in the future — to delegate that responsibility to someone else within CAV. One would hope that that would be a very senior person within CAV and not just anybody.

This bill also inserts a new section 126B which will allow an inspector, with the written approval of the director, to apply to a Magistrates Court for an order requiring the occupier of premises where goods that are subject to an embargo notice are present to answer questions or produce documents. It will also allow an inspector to apply to a Magistrates Court for a search warrant permitting entry to the premises where the item that is subject to that notice is kept or required to be kept. The warrant may authorise the holder to search for, seize and secure the thing named in the warrant, to test whether the thing complies with a prescribed safety standard, or to test whether an interim, permanent or fixed-term ban order is being complied with.

The bill will allow a court to make an order permitting the destruction of goods to which a prescribed safety standard applies. Currently that only applies to goods that are subject to an interim, fixed-term or permanent ban order; it will be extended to those with a prescribed safety standard. It also provides that the court may issue an order requiring that the owner or the supplier of the goods must pay the costs of their destruction.

The bill will also enable a court, in the course of prescribed proceedings against a person, to issue an order to prohibit the payment of money or transfer of property belonging to that person. Currently under section 154 of the act this does exist, but the new clause will prohibit an ADI that is holding money on a person's behalf from transferring or allowing withdrawals from that account.

Apparently it has been the subject of some confusion as to whether an ADI holding money on a person's behalf may transfer or allow withdrawals, and this will clarify that part of the act.

The bill also allows a finding of fact made by a court in an injunction proceeding to be used in subsequent prosecutions that action for damages. This will eliminate the need to prove these facts for a second time in any subsequent proceedings.

The bill will also allow Victorian courts to make orders in relation to the existing prohibition of unfair contract terms and consumer contracts. Currently only the Victorian Civil and Administrative Tribunal has the power to make these orders. The bill also clarifies that a court may declare that a person has contravened provisions of the act or regulations.

Part 3 of the bill deals with the Conveyancers Act 2006. As I said, that legislation has not yet been proclaimed, but the changes that are incorporated in this bill have been requested or initiated by the Australian Institute of Conveyancers. The AIC has been consulted on these changes, but it should have been listened to before the legislation was passed last year. Unlike the government, the Liberal Party did consult with the AIC, and some of the changes that are made in this bill were raised in last year's debate as being things that should have been included in that bill. In its response to the Liberal Party about this legislation, the AIC said:

> Many of the amendments to the Conveyancers Act 2006 are of a minor and technical nature to assist with the operation of the Act when it is finally proclaimed.

However, the institute goes on to speak about the regulations and the need for them to be finalised as quickly as possible so that the act can be proclaimed and that licences can be issued before the end of 2007, so I encourage the minister to get on with setting the regulations so that the institute can prepare itself for a whole new regime for conveyancers within the state.

In particular this bill provides that sections of the Conveyancers Act relating to trust accounts will fall into line with the amendments that were proposed in the recent Legal Profession Amendment Bill. It moves the definition of 'affairs' of a licensee from section 62 to section 3, the definitions section and repeals the definition of 'registered education and training organisation'.

The bill substitutes a new section 12 in the Conveyancers Act, which sets out the minimum competency and work experience requirements for the holding of a licence. It allows these requirements to be prescribed in the regulations and sets out some requirements that may be included in those regulations. This replaces the current section 12 of the act, which prescribes the minimum competency and work-experience qualifications.

The bill provides that if a licensee has had a licence suspended due to a failure to renew the licence under section 35 and then the licensee has further failed to comply with the notification issued and pay the late payment fee, the licence will automatically be cancelled on the next anniversary of the day on which the licence was granted. I guess that is just about getting unused licences out of the system, and it makes quite a deal of sense.

The current section 38 in the existing legislation only requires a licensee to notify the authority of a change of details in the annual statement. The replacement clause included in this bill will require that notification be given for either a change of details in the application for the licence or in the annual statement. It just broadens that clause.

The bill adds a new section 40A to the Conveyancers Act that provides for the surrender of a licence, which was not dealt with in the original act.

The bill clarifies the purposes of the register for licensed conveyancers and inserts a new section 182A, which gives a registrar the power to waive fees payable under the act or refund fees that are paid under the act.

It applies additional parts of the Fair Trading Act that deal with corrective advertising, cease-trading and interim cease-trading injunctions to the Conveyancers Act, and inserts a new section 11A into schedule 1 that deals with restrictions on a company licence under the transitional provisions.

The bill corrects some anomalies that were created by the original legislation. These are to do with the Estate Agents Act 1980, the Sale of Land Act 1962 and the Transfer of Land Act 1958. Mostly these amendments will insert the word 'conveyancer' in addition to the words 'legal practitioner', but they will also allow a real estate agent to fill out contracts that have been prepared by conveyancers. Under the previous bill — and this was one of the things raised in the initial debate — real estate agents would have been operating outside the law because this consequential amendment had not been dealt with.

The bill also makes numerous grammatical changes to clarify the meaning of clauses and provides that a new fee may be charged for the application for exemption from appointing a manager.

Other consumer acts amended by the bill include the Consumer Credit (Victoria) Act. Credit is a big issue, not only in this state but in the whole of Australia, and we have seen credit card debt blow out to around $38 billion in Australia. A consumer credit review was instigated by this government in 2006, and a report was made to the government in March 2006. The government gave its response in late 2006, but it is disappointing that such small changes have been made to credit legislation when major reform is needed in order to protect consumers who are racking up enormous debt. We look forward to more legislation coming into the Parliament on this issue.

For some reason the press release announcing this bill was issued by the Minister for Youth Affairs, not the Minister for Consumer Affairs. It states:

> The bill introduces new enforcement tools to prevent lenders and credit providers from engaging in illegal or unfair business practices that encourage individuals to take on debt levels they cannot service.

This bill does not quite do what the press release says it does, because it extends additional sections of the Fair Trading Act to the Consumer Credit (Victoria) Act 1995. These clauses deal with undertakings, injunctions, interim injunctions, cease-trading injunctions, interim cease-trading injunctions and undertakings as to damages and cost and the power of the court to require corrective advertising. None of these changes deals with preventive measures — they deal with the problem, not with prevention.

So the bill does not, as the press release says, introduce new enforcement tools to prevent lenders and credit providers from engaging in illegal or unfair business practices and encourage individuals to take on debt levels they cannot service; it only deals with sanctioning or dealing with those credit providers who have already done that. It is disappointing that we have not seen legislation that protects consumers in the first instance.

One of the other acts amended by this bill is the Motor Car Traders Act. In particular this deals with the Motor Car Traders Guarantee Fund (MCTGF) and the ability to claim from the guarantee fund for compensation for actual pecuniary loss. The bill prevents claims for such things as compensation for potential or possible future loss, loss of income or interest, legal costs incurred while pursuing the trader, and the cost of hire cars. It provides the committee of the MCTGF with the power to require an applicant to seek to recover the loss through other means of legal redress, such as an application to the Victorian Civil and Administrative Tribunal before allowing the claim.

Opposition members have quite a few concerns with this section of the act. Most members of this chamber who were members of the last Parliament would remember that Mr Noel Pullen conducted a quite thorough review and produced a document entitled *A Report on the Motor Car Traders Act Consultations*. In his review and the report he presented to the government in December 2004, Mr Pullen recommended that 38 changes be made to the Motor Car Traders Act. In November 2005 — I remember that day clearly, because we debated that piece of legislation in Colac during the regional sitting — legislation was introduced to the Parliament that implemented only one of the 38 recommendations, but there was still no government response to Mr Pullen's detailed report. In May 2006, nearly 18 months after the report was presented, the government actually tabled its response. Yet here we are, another 12 months later, in May 2007, back in the Parliament and debating only the second of the 38 recommendations. This legislation does not even achieve what the report or the government response recommended.

In his report Mr Pullen talked about issues raised during the consultation, and one of the main issues raised in relation to the guarantee fund regarded who could actually make a claim against the fund. He raised the issue of VicRoads and other entities dealing with traders, in the normal business sense, being able to claim against the fund. It says that the act provides that any person who is not a motor car trader or special trader may make a claim against the fund if they have incurred a loss as a result of the trader's failure to comply with the act or to do specified things.

It went on to talk about a case before the Victorian Civil and Administrative Tribunal in 2000, in which VCAT accepted that the intent of the act was to limit claims to consumers. It nevertheless held the words 'any person' were sufficiently broad to cover VicRoads. It ruled:

> The tribunal held that VicRoads had suffered the required loss as a result of the failure of a trader to pay transfer fees and stamp duties and was therefore entitled to make a claim against the fund.

The committee that worked on this review with Mr Pullen suggested that if the purpose of the fund is only to protect consumers, that this should be specified clearly in the act; and alternately, the committee said consideration should be given to specifically excluding VicRoads or similar organisations — that is, statutory authorities — from being able to make a claim against the fund. It also suggested excluding persons from being able to make a claim in circumstances in which a motor car trader receives money as an agent or delegate in any other authorised manner for that person, and it recommended excluding persons from being able to make a claim where they would reasonably be regarded as a motor car trader, but for the fact that the transactions in which they engage are exempt from the definition.

In its response to Mr Pullen's report the government actually supported Mr Pullen's recommendation. It said it would introduce legislation in 2007 to remove VicRoads' capacity to make any claim against the fund. It went on to say:

> Having reviewed the purpose of the fund, the government considers that it is a fund established to compensate consumers for losses incurred as a result of specified trader actions. Legislative amendment is required to reflect this purpose in the wording of the provision.
>
> The act currently allows any person (other than a motor car trader or special trader) to make a claim if they have incurred a loss as a result of the trader's failure to comply with the act or do specified things.
>
> As Mr Pullen noted, in a decision in 2000, the Victorian Civil and Administrative Tribunal determined that the current wording of the provision enabled any person suffering loss to make a claim, not just consumers purchasing motor vehicles.

The amendment that we have before us in the bill does not specifically say that a claim cannot be made by a statutory authority; it does not say that a claim cannot be made by VicRoads. What it says is that the committee can require a person or an applicant to seek to recover those losses through other means of legal redress, such as an application to VCAT. What we are concerned about is that it may well result in genuine, poorly resourced claimants incurring additional costs before being able to access the fund.

The Liberal Party are not the only ones concerned about this amendment to one's ability to be able to claim on the Motor Car Traders Guarantee Fund. The RACV (Royal Automobile Club of Victoria) also wrote to the Liberal Party, saying that it did not support clause 35 of

the Fair Trading and Consumer Acts Amendment Bill 2007. They say:

> We understand that if passed into legislation, this clause would prevent claimants against the Motor Car Trader's Guarantee Fund from seeking compensation for losses incurred as a result of non compliance by traders, including future loss of income. RACV understands this type of loss has been incurred by consumers in the past and would likely occur again in the future.
>
> RACV believes that restricting the right of consumers to claim that type of loss against the fund would cause excessive hardship in some cases, particularly for those reliant on ownership and use of a motor car for their employment. We note that the fund provides access to compensation for consumers not necessarily available through other legal channels, such as when the trader against which the claim has being made becomes insolvent or bankrupt.
>
> RACV believes provision for continued payment of compensation for indirect and future losses is appropriate under the fund's current purpose. We do not support adoption of clause 35 —

of the bill.

I guess the RACV is concerned that this actually lessens consumer protection in this state. The changes that will be made to the other 15 acts of Parliament will also apply to the Motor Car Traders Act, so the bill is actually changing 16 acts. The further 15 acts include the Funerals Act, which as I said before has not even yet been proclaimed. Those amendments include sections of the Fair Trading Act to do with cease-trading injunctions and interim cease-trading junctions and the power of the courts to require corrective advertising in relation to these acts. Those sections were previously specifically exempted from the acts.

The bill will also prohibit the transfer of money or property during such time as a business is under a cease-trading or interim cease-trading injunction. In particular the Housing Industry Association (HIA) and the Master Builders Association of Victoria (MBAV) had concerns about this section of the bill. The HIA said it was quite concerned about the increased regulation and the ability to impose cease-trading injunctions upon builders who are otherwise regulated by the Building Act and the Domestic Building Contracts Act. It went on to say:

> The Fair Trading and Consumer Acts Amendment Bill … will have a detrimental impact on housing construction industry. Housing Industry Association's central concern is the removal of provisions that currently exempt domestic housing construction from cease-trading injunctions.
>
> HIA has only recently become aware of the proposed bill —

again there was no consultation; the HIA had only recently become aware of the proposed bill —

> and has had no direct consultation regarding the amendments to the Domestic Building Contracts Act. We note that the explanatory memoranda to the bill does not contain reference to the Domestic Building Contracts Act …

The HIA felt that the changes to the Domestic Building Contracts Act, which would affect the building industry, were well and truly hidden within the bill.

The MBAV was also concerned about such things as the additional powers under the Fair Trading Act and the implication that it would have for builders. In particular it was concerned about unfair contract terms, and in relation to the consequences of the changes to the Domestic Building Contracts Act it said:

> This well hidden and unexplained 'consequential' change seeks to reverse the amendment made by Parliament to the Domestic Building Contracts Act 1995 … in 2004, exempting the DBCA from the incorporation of clauses 151A, 151B, 151C and 153 of the Fair Trading Act (as well as clause 155). This item would re-import those first four excluded clauses.
>
> This should be resisted.

Again, another industry association which was not consulted and which did not have an opportunity to put forward to this government its concerns about these changes has expressed its concerns to the Liberal Party because we bothered to consult with it, unlike the government. I put on the record that the Liberal Party will always consult with industry on changes to legislation. Regardless of whether we are in opposition or in government, we will consult with industry.

Ms Mikakos — What about with consumers?

Ms LOVELL — We will also consult with consumers; we will consult with the Victorian community on changes to legislation that affect the Victorian community.

In summing up I would like to say that that I was disappointed with the speed at which this legislation was rushed through the Parliament. It was introduced into the Assembly on Thursday, 19 April. The following week we had a short week because of Anzac Day, and we really only had that one week to do the consultations. Many of the stakeholders were not even able to respond to us within that week. The legislation was debated at the earliest possible date on Thursday, 3 May. The debate was truncated in the Assembly when it was put on during the last hour of sitting on the Thursday in an effort to rush it through Parliament at

the earliest possible time — within two weeks of its being introduced into Parliament — and leaving only that one week when we were outside of Parliament, a short week because of Anzac Day, for any consultation with the Victorian community.

I am also concerned that there has been little or no industry consultation. I acknowledge that the changes were flagged on the government's website, but not too many people would be actually surfing the net looking for changes to legislation. It would have been more appropriate if there had been more direct consultation with industry. In closing, I will say that in the interests of consumer protection the Liberal Party does not oppose this legislation.

Mr DRUM (Northern Victoria) — I am glad to rise to contribute to the debate on behalf of The Nationals and put our views on the Fair Trading and Consumer Acts Amendment Bill 2007. As Ms Lovell has pointed out, this bill will in effect amend 16 pieces of legislation. As the government has said, it is carrying on the work that was started back in 2004 when the Fair Trading Act was amended.

Many of the changes made back then involved closing down some of the Consumer Affairs Victoria offices around regional Victoria and replacing them with mobile businesses and caravans that were able to offer a travelling service to many our small communities. Many of our larger communities had their consumer affairs offices shut down and replaced by a travelling service. But that seems to be working in some respects. We are still getting a few queries about how well it can work. People in regional Victoria speak to people in Melbourne, which is their first point of contact when they have a consumer problem. They touch first base by dialling a Melbourne telephone number. It is yet to be determined whether the provision of local knowledge and local help to people in those regions works, but every opportunity will be provided to ensure our consumers get the support they need.

I hope this bill will further strengthen the consumer protection framework in Victoria, which was changed in 2004. There are examples of enabling a court to order the destruction of dangerous goods that do not comply with prescribed safety standards. These powers are going to be made available in regard to dangerous goods — I think that it is a very important aspect of the bill. Hopefully changes will be made with regard to dangerous toys and the like so that we can deal with products in the marketplace that are likely to cause damage at some time in the future.

The bill will also allow a court to give inspectors access to goods that have been embargoed over time. That is also important, because decisions can continue to be made regarding products which have come under consideration because of their safety standards. It is important that that access be granted so that the issue is an ongoing process. We do not want products to have a black line put through them and that be the end of the story. In the real world of products and production, we need to make sure that that process is ongoing.

The bill will also enable the director of Consumer Affairs Victoria to delegate his or her powers to a responsible person. Again, The Nationals support this aspect of the bill, because we believe it will provide a local level of expert specificity to each of the areas that the director would otherwise not have. We think that will be an important aspect. Under the scrutiny of Consumer Affairs Victoria, we are hoping that that level of expert knowledge can be increased by this provision.

The bill also deals with the use of publicity orders in order to ensure that the public of Victoria are warned and educated in relation to the compliance associated with the Fair Trading Act. That will be an ongoing process as well.

There are amendments in this bill to the Domestic Building Contracts Act 1995. This is referred to in item 3 of the schedule. We certainly hope that the changes that are foreshadowed in this item do not lead to any adverse effects to the cost of domestic housing throughout Victoria. Concerns have been raised about this by some of the peak bodies associated with the housing sector. Again the truth of that matter will not be known until sometime in the future.

The bill also deals with certain aspects of the conveyancing industry. Whilst these amendments are mainly technical in nature and generally reasonably minor, we hope they will simplify the framework of conveyancing qualification requirements. If that is the case, then the legislation should simplify those requirements. Therefore The Nationals will not have too much concern about that. The bill also allows for the voluntary cancellation or the surrender of a conveyancing licence. It appears that that cannot be done at the moment. It sounds common sense if they are the wishes of a person who is currently licensed; certainly we should be passing legislation to enable that to happen.

There will also be an opportunity for the Business Licensing Authority to recover the costs for appropriate searches and applications. The authority is able to

reduce or even totally waive fees when it believes that reduction or waiving is in the best interests of the people it is dealing with.

The bill covers an enormous number of different aspects of consumer affairs — and members have just touched on a few of them — and we think that most of these changes, at first glance, seem to be positive. While there are some concerns about some of them, on balance The Nationals are prepared to not oppose this legislation.

The last area of the bill I would like to touch on is the Motor Car Traders Guarantee Fund. New subsection 76(7) in clause 35 is very clear when it says that an applicant may be required to attempt to recover any loss incurred. The applicant has to try to attempt to recover their losses by other means before claiming them from the fund.

Whilst the fund generates its wealth and totality from the industry, there will be limits put upon the ability of others and the public to effectively claim from it. That move has not been backed by the RACV (Royal Automobile Club of Victoria) and has caused some concern regarding the $40 000 cap that can be claimed. Issues will be created by forcing those who feel they have been wronged by someone within the motor trading industry to try to recapture their loss in some other fashion. There is also the possibility that this requirement may impact on those who are least able to deal with those sorts of issues. This new subsection will possibly further discriminate against those who can least handle this type of problem. Are we going to further disadvantage the already disadvantaged? That is something we are going to need to be very aware of.

Those who are young and a bit reckless and in their youth have made a mistake in relation to purchasing a motor car may realise they have made a bad choice and feel as if they have been genuinely wronged by somebody within the industry. We probably need to be putting in place some stronger safeguards for those young people who quite often act in an impulsive manner and sometimes can be led down a certain path that may not be all that ethical. We have real concerns about that part of the bill.

We would have liked this government to have taken a longer period of time to truly discuss and work with industry on that particular issue, because we have again been contacted by certain members of the public who have claimed that the government has not consulted well on this piece of legislation. It causes us concern, but on balance we believe there are a number of aspects of this legislation which will benefit the Victorian public. We believe there has been some strengthening of the consumer protection aspects of the legislation, and we think that will help many Victorians who need some assistance with their daily purchases.

Quite simply, whilst we wish we had more time to work through this with the public, we do not. The government has chosen to bring it on as quickly as it possibly can, and it is going to be up to us to make a claim one way or the other. The Nationals have agreed not to oppose this legislation. We hope that the positive aspects of the bill can be brought forward. We hope that some of those areas where we have genuine concerns, such as in relation to the Motor Car Traders Guarantee Fund and also the changes that have been made to the Domestic Building Contracts Act 1995, do not eventuate. Other than that, we wish consumers the benefits of this bill.

Ms PENNICUIK (Southern Metropolitan) — This bill makes amendments to various acts, as has been comprehensively outlined by Ms Lovell. It amends the Fair Trading Act to improve provisions regarding unsafe goods and amends the Conveyancers Act to clarify qualifications and licensing provisions. It amends the Consumer Credit (Victoria) Act to allow courts to order injunctions and enforceable undertakings, as in the Fair Trading Act. We think these are sensible amendments, along with the others that have been outlined by previous speakers. We are happy to support the bill.

Ms MIKAKOS (Northern Metropolitan) — President, can I begin by wishing you a happy birthday.

The Fair Trading and Consumer Acts Amendment Bill is a very important bill. I indicate at the outset that the government is appreciative of the fact that the other parties are either supporting or not opposing the bill, which is much of a muchness. Anyway, I am pleased the other parties agree this is much-needed legislation and will actually help Victorian consumers.

The bill builds on a very sound legislative framework that has existed here in Victoria. A whole range of measures have been put in place over the years to protect consumers, in particular the vulnerable and disadvantaged members of our community. It is important to indicate that it has in fact been a number of our Labor consumer affairs ministers who have sought to considerably strengthen those provisions over the years this government has been in office. This government has a very proud track record of leadership when it comes to consumer affairs. At the very outset it was this government that actually was prepared to re-establish consumer affairs as a ministerial portfolio.

I noted that Ms Lovell in her contribution as the shadow Minister for Consumer Affairs talked about how the opposition parties would consult with industry. It was only at my prompting that she also mentioned they will be consulting with consumer affairs bodies. I think that is reflective of the fact that when in government the Liberal Party always had a minister for fair trading; it was fair trading and not consumer affairs. I think that the naming says a lot about their approach. The Liberal Party would be about putting in place mechanisms to support industry, whereas the Labor Party and the Labor government are about ensuring that consumers are in fact protected in this state.

There are a number of other things that have led to our very good track record in relation to consumer affairs, such as cracking down on the payday lenders; significant reforms that we have put in place to protect residents of retirement villages; the changes that we have made in relation to banning dummy bidding and over and underquoting in the real estate industry; and many other areas. As well as putting all these measures into place, we have opened up many offices, including a very impressive one here in the central business district, which has had over 30 000 visitors since it opened in the middle of last year at the Southern Cross building. It is a clear indication of the interest that exists amongst members of the Victorian community on consumer affairs issues. That is reflective of the increasing number of telephone inquiries to Consumer Affairs Victoria since we have been in government, which have increased by almost 40 per cent to 570 000 in the last financial year. There have been over 1.1 million visits to the consumer affairs website just during the last year.

We can see from those figures that Victorian consumers are very interested in protecting their rights, and this government is very interested in ensuring that they have the legal ability to enforce their rights and the capacity to find out what their rights are through the government's provision of advice via the consumer affairs telephone service, staff, offices and of course the website.

We went to the election last year with a number of commitments to build on our proud track record in consumer affairs and in particular to deal with issues such as the new lemon laws, to implement our comprehensive response to the consumer credit review and to continue work on residential tenancy laws. This bill seeks to begin to deal with our response to the consumer credit review and to clarify and simplify a number of current provisions in Victorian consumer protection legislation, making them more transparent and more user friendly and providing greater clarity for both consumers and for industry.

I turn now to what the bill seeks more specifically to do. The bill makes a number of technical amendments. I do not propose to go through all of them or we would be here for a considerable amount of time, as the bill amends many acts of Parliament. The bill seeks to make a number of changes to the Fair Trading Act 1999, which is of course the principal consumer protection legislation we have in this state. In relation to dangerous goods, for example, the bill will enhance consumer protection measures by allowing a court to order the destruction of dangerous goods that do not comply with prescribed safety standards. The making of such orders was previously confined to goods that did not comply with a permanent ban order. This will increase protection for consumers from dangerous goods that could lead to serious injury or death. I note here that Victoria is leading the way when it comes to banning unsafe products. We are very active in this area — for example, prior to Christmas last year 31 000 unsafe products were seized and this year 76 000 unsafe products have been seized. Since we banned ice pipes under the Fair Trading Act in 2004, over 3000 have been seized. Consumer Affairs Victoria is doing a great deal in this area.

The other area where the bill seeks to make changes is that of asset freezing orders. The relevant provision allows an application to a court for an order to freeze a bank account. In deciding whether to grant the order the court will have to consider relevant matters such as whether and, if so, how innocent parties might be affected. It is unlikely that a court would make an order that unfairly affected innocent parties. These bank account freezing orders are a quite important enforcement tool — for example, in the situation of a real estate transaction. Real estate agents normally hold a purchaser's deposit in a trust account, which is what they are required to do by law. If a real estate agent acts dishonestly and does not deal with the deposit in accordance with the legal requirements, an asset freezing order could be made over the trust account in which the money is held. This would enable the consumer to recover those funds.

While that is one practical illustration of how a bank account freezing order could help a consumer, such orders could apply in a range of situations. Another example would be that of a builder who had received progress payments before having provided a certificate of occupancy and who then disappeared before providing that certificate. Again, the consumer would be able to be compensated through these bank account freezing orders. The same situation would apply to a

motor car trader who did not deliver a vehicle after a deposit had been paid. There are many ways in which this could benefit consumers.

The other area of change I want to touch on relates to the amendments to the Motor Car Traders Act. Under a VCAT (Victorian Civil and Administrative Tribunal) decision made last year, a need for clarity arose about whether actual rather than potential losses are now to be covered by the provisions of the Motor Car Traders Act. The Motor Car Traders Guarantee Fund had been used to cover only actual rather than potential losses because the Motor Car Traders Act 1973 and the subsequent 1980 amendment act referred to a loss that had been incurred. One would have expected that the ordinary meaning of a loss would be a loss that had been incurred as opposed to a potential loss. The decision by VCAT raised doubts about whether in the future a broader range of claims might need to be determined under that legislation in the future. The amendment will clarify that the fund is intended to cover only actual and direct losses and will avoid an increase in the fees burden of motor car traders but will not prevent claimants from taking action in the future to recover other losses through other avenues.

Ms Lovell raised the issue of who can actually seek recovery of a loss under this legislation. The fund acts as an avenue of last resort for loss recovery for any person other than a motor car trader, financier, manufacturer or related company, but there is an exception that allows financiers to claim against the fund under limited circumstances. Financiers are able to claim against the fund for failure of a trader to cancel a security interest. There is an underlying consumer protection element in allowing such claims, because if financiers could not claim, they would seek redress from consumers, who would then have to make a claim on the fund.

The other area I want to touch upon concerns changes to the Fair Trading Act which relate to making consumer contracts clear. The provisions of the bill will enable a court, if it finds that a consumer document or part of a consumer document is unclear, to make an order prohibiting a supplier from using the unfair part of the document or similar terms in consumer contracts. If the supplier does not comply with that order, then a penalty will apply.

The bill also seeks to make some changes relating to conveyancing provisions. Members will remember — those who were here last year — that we put in place legislation that is due to take effect by 1 July next year that will provide an added level of protection to consumers who are using conveyancers for their real estate transactions. Everyone understands that a home is probably the most expensive asset a consumer will ever buy, and it is important that they be given every possible protection in purchasing their home. That legislation seeks not only to provide additional consumer protection measures but also to promote competition within the industry. The act that was passed last year requires conveyancers who are not registered lawyers to be licensed and to comply with consumer protection measures, such as keeping proper trust accounts and holding professional indemnity insurance. What this bill seeks to do is to make some changes to the training and experience requirements for conveyancers. It does not change the provisions; all it does is allow the requirements to be prescribed in regulations. This will provide for more flexibility in keeping the requirements up to date with changes in educational standards and competencies over time. These regulations are being developed in consultation with the relevant stakeholders.

The other area I want to touch upon relates to changes to the cease-trading injunctions. The director of Consumer Affairs Victoria currently has power to apply to the Supreme Court of Victoria for injunctions requiring the cessation of, or imposition of conditions upon, the trading activities of persons who have engaged in conduct in trade or commerce in contravention of the Fair Trading Act. What is being proposed here is to extend the director's power to obtain such injunctions to circumstances involving contraventions of a number of significant pieces of consumer protection legislation. That legislation includes the Associations Incorporation Act, the Business Names Act, the Domestic Building Contracts Act, the Estate Agents Act, the Fundraising Appeals Act, the Funerals (Pre-Paid Money) Act, the Introduction Agents Act, the Motor Car Traders Act, the Petroleum Products (Terminal Gate Pricing) Act, the Prostitution Control Act, the Residential Tenancies Act, the Sale of Land Act, the Second-Hand Dealers and Pawnbrokers Act, the Travel Agents Act and the Utility Meter (Meteorological Controls) Act. This power will only be used in cases of serious or repeated breaches of any of those acts and, as I said at the outset, will require an application to be made by the director of Consumer Affairs Victoria to the Supreme Court of Victoria.

I noted that in her contribution Ms Lovell indicated some concerns that the Housing Industry Association has expressed. I want to assure the house that the minister's office has been in contact with the association and is having ongoing discussions with it. Some of the concerns expressed by that association relate to a fundamental misunderstanding by the

Housing Industry Association, which currently believes that it is exempt from these cease-trading order injunctions provisions when currently it is not exempt. It is in fact the case, as I said before, that under the Fair Trading Act an order could be made now by the Supreme Court ordering a builder to cease trading if there had been a breach under the provisions of the Fair Trading Act. The amendments will allow cease-trading orders to be obtained against builders for breaches of the Domestic Building Contracts Act. That is the change that is being sought here. As I said, the orders would have to be made by the Supreme Court and only after a high evidentiary burden had been established.

It is also necessary to establish that unless the order is granted a builder will continue with the offending conduct. Therefore a builder could avoid any order being made by simply giving an undertaking not to continue the offending conduct. It is perhaps a misunderstanding on behalf of the Housing Industry Association that has led to its concerns on this issue. We think this particular change will provide an additional ability of Consumer Affairs Victoria to control rogue traders in the building industry and to help protect responsible builders from unfair competition in the market as well as protecting consumers. The vast majority of builders who comply with the legislation and look after their clients have nothing to worry about; this will be something for rogue traders to be concerned about. In any event it is a provision that is currently in existence at law under the provisions of the Fair Trading Act.

The shadow spokesperson made a number of assertions during her contribution on the issue of consultation. As I said at the outset, this bill relates to a whole host of amendments to a whole range of different acts. Just in relation to the cease-trading provisions, I indicated through the long list that I read out that a large number of acts are being amended by this bill. There was consultation on the proposed amendments with relevant stakeholders. Many of the proposals were published on the Consumer Affairs Victoria website, and interested members of the public were invited to comment.

I have in front of me a printout of the Consumer Affairs Victoria website. A summary of the proposed amendments was put on the site and links related to a whole array of industries, including estate agents, liquor licensing, motor car traders and so on. Letters were sent to a whole range of stakeholders during the course of the development of the legislation. I will not bore the house by reading out the very long list that I have of peak bodies, but I can assure the house that a number of organisations, many of which are peak industry bodies, were consulted in the development of this legislation. As I said before, the Housing Industry Association is still being consulted as we speak in relation to the changes contained in the bill.

In conclusion, this bill seeks to strengthen consumer protection laws in Victoria. It will ensure that consumers can be assured they have a suite of rights and entitlements to protect them as consumers and that the regulator, Consumer Affairs Victoria, has the ability to properly enforce our consumer protection legislation. It strikes an appropriate balance between the needs of industry and the needs of consumers. I appreciate the fact that the other parties are not opposing the bill, and I wish it a speedy passage.

Mr ATKINSON (Eastern Metropolitan) — As has been indicated, the Liberal Party is not opposing this legislation, although it does have some concerns with it. Those concerns have been enunciated by Wendy Lovell, the opposition lead speaker in this debate. I wish to particularly comment on some other aspects which are not even in the legislation and have not been covered by the debate, but which I regard as areas that ought to have been addressed in this legislation, given it is an approach by the government to try to create greater fairness for consumers. After looking at the purpose of the bill and the purpose of previous fair trading legislation changes, I think there are some areas which continue to slip under the radar and which the government ought to have addressed. They are certainly matters that I bring to this debate.

One of the issues that ties in with a key provision of this legislation concerns the contact details of people who publish an advertisement or promotional material, or have other marketing materials seeking to obtain people's support for products or services. People often fail to provide adequate details for a follow-up in the event that the goods or services have some defect or do not perform to the standard that has been advised and is reasonably expected.

The real opportunity the government has missed with this legislation — and I would urge the minister to have a close look at this as quickly as possible — is in relation to internet trading. What I find when I visit many of the internet sites of businesses domiciled in Victoria or in other places around Australia is that the real contact details of those organisations are in many cases deficient. Whereas companies are required to provide an Australian business number (ABN) or an Australian company number (ACN) on their letterhead and other published materials, when it comes to internet sites you often cannot find an ABN or ACN. In other words, there is some fairly vital information that goes to the core of the integrity of Australian companies trading

on the internet that is missing because regulators, both state and federal, have failed when it comes to the internet to establish the protocols that apply to print materials. Given the number of people who are increasingly using the internet to source information and, in many cases, becoming involved in commercial transactions, it is absolutely crucial that the contact information — the real information on how people can redress problems — is published on the internet.

A number of members might have their own examples of issues they have encountered in this regard. At one point in time I bought some concert tickets through a fairly well-known brand company. The transaction went awry, and I spent an inordinate amount of time trying to find out where this company actually was, where it existed beyond an internet address. It is unreasonable that so many people are trading in a situation that seems beyond the scope of this legislation and other legislation, both state and federal, in that the same requirement of disclosure, if you like, sought with the provisions of this bill before the house today in regard to published advertising, will not apply to internet sites. I urge the minister to have a look at that. I am disappointed because when I heard this legislation was coming before the house I expected that issue might well have been addressed as part of the legislation.

In relation to advertising materials there is no doubt that providing a point of real contact with an organisation is a very important issue to consumers. What we all expect of fair trading legislation is that it create a framework in which people can make informed decisions. I do not think that people ought to be protected against their own bad decisions all the time. I do not believe traders ought to be put through the hoops when people make decisions and change their minds. For the most part, the fair trading legislation we have in Victoria strikes a reasonable balance, but what we definitely need to ensure and what we as legislators need to be assured of is that people are able to make informed decisions and that there is fairness and balance in the processes.

Most businesses have nothing to fear from fair trading legislation. Most of the changes that are here are not going to cause great concern to most businesses. In my former role as a small business spokesperson, or shadow minister, there were many businesspeople who would come to me and express concerns about other businesspeople and their practices. Their concerns were about a number of areas. One of them was obviously the economic impact on their own business of somebody who was doing the wrong thing. But the most important concern that they would raise all the time as a supplier of goods or services to the community and other businesses was the integrity and reputation of their industry being tainted or lost because of the behaviour of some rogue traders. There is real value in legislation being enforced effectively to ensure that those people who are doing the wrong thing in business do not impact upon the rest of the industry and that they meet the expectations of consumers, be they ordinary consumers in a general sense or business consumers in business-to-business transactions. That is absolutely crucial.

Amendments to this legislation have been before the Parliament in each of the last three parliamentary sessions. It keeps getting changed, and I notice in some ways it gets more and more teeth. The director of Consumer Affairs Victoria has had his powers in relation to the conduct of legal proceedings and the legal remedies he might seek before the courts significantly increased as a result of changes to the legislation, particularly on the last occasion it was before the house, and they have been extended in the bill before the house tonight. I do not have major concerns about the extension of some of those powers, provided they are used with an appreciation by the director that not all businesses set out to deceive people or act mischievously or dishonestly.

I have always had a view that legal proceedings by regulatory authorities ought to be a matter of last resort. In fact they ought to follow a series of warnings and, particularly in the context of the significant and frequent changes made to this legislation, a period of education. One of the areas mentioned in this legislation which gives me some concern in that regard is the confiscation of goods and the destruction of goods. Clearly from time to time we impound goods which are regarded as dangerous. In many cases goods clearly do not meet the published standards.

One would say that businesses ought to make themselves aware of what the appropriate standards are in Australia and Victoria before they import products, but I think there are cases where the regulatory authorities move in and look to impound some products. This legislation, and the existing laws which are in effect being extended by this bill, would seek destruction orders on some of those things.

It is my quite strongly held view that in some cases the legal action and the destruction should be a matter of last resort. In cases where there is not a very clear position that the product would have caused harm or for some reason would have been unsuitable for sale in Victoria, the owner of that product — the importer, the retailer, the supplier or whoever — might have an

opportunity to negotiate with the regulator to return the goods to the point of manufacture rather than have them destroyed. In other words, products that Victoria does not think are appropriate for our jurisdiction might well be considered appropriate in California, Tennessee, India, Great Britain or wherever. If the business operator has attempted to do the right thing and has not deliberately flouted published standards that he or she ought to have known about, they should have an opportunity to negotiate with the regulatory authorities to return those goods to the point of supply and get some compensation or return on their money rather than having to face a destruction order simply for the sake of getting rid of the goods in Victoria. As I said, destruction as a last resort is very much a concept that I am mindful of in terms of the regulator's actions.

I note that a number of the provisions that were passed in the legislation in the last session and that are continued by this bill before the house today are provisions that would seek to provide some degree of consistency in most cases, but certainly some degree of empowerment, if you like, to the director of Consumer Affairs Victoria similar to the powers enjoyed by the ACCC — the Australian Competition and Consumer Commission. I note that the ACCC and the state authorities do in fact work together on a range of issues where there is likely to be some detriment to consumers or where there is a risk that consumers are not able to make informed decisions because of such things as misleading advertising.

I note that Mother's Day has just passed and that Consumer Affairs Victoria and the ACCC conducted something of a blitz on the jewellery industry leading up to Mother's Day. The basis of that blitz was to enforce a very strong campaign that the ACCC has put in place trying to eradicate dishonest advertising claims on prices, particularly where the price an item of jewellery is struck out and a new price is added, giving the impression that the new price is cheaper, when the item might never have been offered for sale at the original price. That practice has been fairly rife in the jewellery industry, according to the ACCC's investigations. As I said, leading up to last Mother's Day the ACCC combined with Consumer Affairs Victoria to have a blitz on that sort of activity.

I certainly had no problems with that blitz because it followed extensive consultation with the jewellery industry and a lot of education materials that had gone out to the jewellery industry. Frankly, if any jewellers were caught in that sort of misleading pricing behaviour, then really it is their own lookout, because I think they were given adequate notice.

What I am more concerned about when I look at the sorts of additional powers that the Consumer Affairs Victoria director has today is the blitzes that we have seen across Victoria. Under the previous minister, in a range of country towns, in suburban strip shopping centres in particular and in a couple of shopping malls, Consumer Affairs Victoria's inspectors have arrived en masse and run through the town trying to tote up as many transgressions against their various legislative provisions as they can.

That might look good in some respects. It might improve their clean-up record, it might make for interesting reading in their annual report and it might also even send some warning signs to other traders in other areas, but I hope that the government under this new minister will take a more constructive approach by seeking to inform those businesses of their obligations and looking at educating them rather than simply looking at this blitz approach and just relying on these new enforcement powers which were included in the previous legislation that went through the Parliament and which, as I said, are extended in the current legislation.

I refer in particular in the context of this legislation to some of the information that courts are able to admit and adjudicate on, certainly the destruction of goods powers, and also the standing of some of the people who might appear before the courts and the information they might be required to provide to the courts as part of those proceedings. Again, as I said, there is nothing to suggest that those powers in their own right ought not be properly included in this legislation and available to Consumer Affairs Victoria and the director, but I would hope that those powers will be used constructively and appropriately rather than being relied on for some purposes which are perhaps simply designed to be punitive, particularly where they follow a blitz that has the hallmarks of a publicity campaign for a minister rather than necessarily an attempt to achieve an informed and fairer marketplace for consumers.

I am interested in the conveyancing changes, and I note the licensing provisions that have been made in this legislation. When I was small business shadow minister a number of lawyers prevailed upon me to acknowledge the opportunity that they should have to conduct real estate practices without having to go through the same rigmarole as the real estate agents or without having the same sorts of restrictions as the real estate agents have, and yet they were not so happy to see conveyancers involved in their business of processing mortgage documents and helping people buying houses.

The changes that have been brought about — particularly in this legislation and in regard to the licensing and the way it has been strengthened — are, I think, appropriate and certainly provide for a better system and some balance between the various professions. I believe that this legislation is okay in that sense. I look forward to the day, though, when the government gets serious about the position of consumers and starts to seriously get stuck into those people who are running scams like the Nigerian mail system and into the payday lenders. That is something that adversely affects consumers and ordinary Victorians who can least afford it. They do not seem to be able to get the same level of attention from the department that others receive for more minor transgressions in business transactions between consumers and businesses.

Ms TIERNEY (Western Victoria) — A key priority for the Bracks government is to facilitate better ways in which our markets can operate. Indeed this bill contributes to the better operation of markets by ensuring that consumers, particularly those who are vulnerable and disadvantaged, are well informed and protected.

This bill makes Victoria's consumer laws more effective, efficient and definitely more transparent. It also ensures that there is a shift in the enforcement of consumer protection legislation from an emphasis on criminal prosecutions to a much greater reliance on civil and administrative interventions. That has been a trend that the Bracks government has brought to this place and has overseen since 2004 with the introduction of the Fair Trading (Enhancement Compliance) Act.

The amendments contained in the bill that have been ably outlined by Ms Mikakos will further ensure that the protection framework is enhanced, and indeed there will be a streamlining of the availability of compliance and enforcement tools.

One example of this is in the area of product safety. I am very pleased to see that there is now the provision that allows courts to order the destruction of dangerous goods that do not comply with the prescribed safety standards. Previously such orders were confined to goods that did not comply with prescribed safety standards. The non-compliance of safety standards can render products just as dangerous as banned items, and there is a real need to introduce these amendments to extend these powers due to an increase in non-compliance of the prescribed standards.

It is important for the chamber to know that so far this year Consumer Affairs Victoria has seized more than 76 000 banned or regulated products, and many of these are children's toys. The types of goods that these amendments will protect consumers from when there is prescribed safety standards compliance failure include baby walkers and baby toys.

When I visited the Geelong office of Consumer Affairs Victoria in February there was a targeted campaign towards children's toys. The shop front of CAV in Geelong had a very extensive display of children's toys that, on the surface, one would say were reasonably okay for children to play with, but there were some examples where, if you just added water, the toy or part of that toy would become some six or eight times the size of the original item; one can just imagine what that could do in a child's mouth — it could easily slip down the oesophagus or indeed down into the stomach, leaving the child choking, and parents or even medical attendants would find it incredibly difficult to save a child's life in those circumstances.

A recent safety product case also came to light with the monkey bikes. That has been delayed for more than six months because there is no power under the Fair Trading Act, as we currently have it, to seek a warrant to enter the premises where embargoed goods are stored. At the moment we cannot order a test to check whether those items comply with the product safety legislation.

This bill will rectify that situation. It will prevent the proliferation of dangerous goods in the marketplace and thereby protect consumers from the potential risk that these goods present to the community. For example, CAV will be able to apply to the court for a warrant to enter premises, to monitor compliance with an embargo notice that prevents potentially dangerous goods from being sold, leased, moved, transferred, or otherwise dealt with, and I think we should all applaud such action. The warrant will also allow the goods to be tested to provide conclusive proof that they do not comply with relevant bans or orders.

The other aspect that will assist members of the community who are disadvantaged and vulnerable concerns changes to unfair contract terms in consumer contracts. Currently only Victorian Civil and Administrative Tribunal has the power to make such orders.

There are also a number of changes with respect to conveyancing that were mentioned by Mr Atkinson, but in a nutshell there are five key areas that will change in respect to the Conveyancers Act. The first of these is that it simply provides a regulation-making power to set

conveyancing qualification requirements. That in itself is an enormous benefit.

The bill also allows for voluntary cancellation or surrender of conveyancers licences, which provision was also previously mentioned. The amendments to the trust accounting provisions in the act to reflect the proposed amendments to the trust accounting provisions in the Legal Profession Act will also provide consistency, and the business licensing authority will have the power to recover costs for certain applications and to waive, reduce or refund fees payable under the act in certain circumstances. It will also of course include a provision setting out the purpose of the conveyancers register.

In a nutshell, the amendments protect, but they also provide a much more efficient marketplace and put in controls that will assist not just consumers but indeed children as well. The amendments will facilitate better markets and ensure that the vulnerable and the disadvantaged are protected. Victoria's consumer protection needs to remain effective, efficient and transparent, and I believe all the amendments will actually help us to achieve that. Therefore I commend the bill to the house.

Mr O'DONOHUE (Eastern Victoria) — Firstly, President, may I also wish you a happy birthday.

I am pleased to speak on the Fair Trading and Consumer Acts Amendment Bill. This bill amends several acts, including the Fair Trading Act 1999, the Motor Car Traders Act, the Conveyancers Act, and 15 other consumer-related acts.

The opposition will not be opposing the bill. Let me say at the outset that the aim of the bill, it would appear, is to strengthen and streamline enforcement procedures, and that therefore leads to greater consumer protection — a worthy aim and something we support. It really is a balancing act between consumer protection on the one hand and the risk of overregulation on the other. I suppose there is no precise point where perfection is reached, but I would say this bill is a lost opportunity.

Mr Atkinson spoke very clearly about the missed opportunity to look at the regulation of internet trading, to look at such things as payday lenders and other issues. Perhaps one could speculate that this is a lost opportunity because of the lack of consultation with the various stakeholder groups.

Ms Mikakos seems to think that consultation is putting a document on a website and waiting for consumer groups to respond. I say that proper consultation is going out there, meeting with and talking to the stakeholders and actually hearing what they have to say about various issues. Putting a document on a website does not constitute proper consultation.

In fact what Ms Mikakos said reinforces that point. She said that the HIA (Housing Industry Association), one of the groups Ms Lovell referred to, had a fundamental misunderstanding of how the act operated. With respect to Ms Mikakos, may I say that perhaps the HIA had a fundamental misunderstanding of the intention of the act because it was not explained to it properly. If the government had actually taken the time and been bothered to go out and meet with these groups, perhaps that misunderstanding would not have taken place. This is another example, I would say, of a lazy government that does not consult properly or widely.

I move to the specific parts of the bill. Clause 3 is an appropriate amendment. It closes a loophole, as other members have discussed, so that a person who publishes a document, statement or advertisement on their own behalf will have to include in it the place of residence or business of the person whose document it is. Clause 5 allows the director of Consumer Affairs Victoria to delegate his or her power to take evidence and receive documents. The director cannot be everywhere, and that is a logical amendment. Clauses 6 to 8 enhance the power of the authority after an embargo notice is issued. Again, we support those amendments. Clause 10 concerns the freezing of money or property transfers. It clarifies the original intention to include bank accounts in the legislation and therefore tidies up another uncertainty.

Clauses 11 to 13 aim to strengthen enforcement and make it more effective. If I may digress for a second, this raises an interesting issue with regard to ex parte hearings and findings of fact at an ex parte hearing — a hearing where one party is unable to attend. I commend the Minister for Consumer Affairs in the other place, Mr Andrews, for his thorough statement of compatibility that accompanied the second-reading speech. In relation to ex parte hearings and the issue regarding section 24 of the charter, the right to a fair hearing, Mr Andrews stated:

> Clause 11 of the bill arguably engages this right because it provides for a fact proven in an earlier proceeding to be used as evidence of that fact in a later proceeding. However, the right to a fair hearing is not limited by this clause, because the issues relevant to and the manner of determining a finding of fact in the earlier proceeding … are the same or similar to issues relevant to the later proceedings in which the finding of fact can be evidence.

The Scrutiny of Acts and Regulations Committee was not necessarily satisfied with that answer, being

concerned that a finding of fact at an ex parte proceeding may prejudice the right to a fair trial at a later time. In its report SARC stated:

> The committee notes that clause 11 amending section 157 will allow certain facts determined at an ex parte injunctive stage of proceedings to be used in later proceedings for final orders. The committee is concerned to ensure that a party not present at earlier proceedings is not in any way disadvantaged by not being able to challenge at a final hearing or determination, a finding of fact made at the earlier proceeding.

The committee wrote to the minister, and the minister's response concluded with the sentence:

> I am further advised that if a party was not present at the earlier proceedings, the court has the power under the court rules … to set aside an order made under section 149A in the interests of natural justice.

The point I am trying to make is that this is an excellent example of the charter acting in the way that the previous Parliament perhaps intended it to. I think there are a number of ministers who could learn a lot from the way Minister Andrews completed the statement of compatibility, how SARC subsequently corresponded with the minister and how the minister responded. Many ministers seem to treat the statement of compatibility — I will not say 'with contempt'; that is probably too strong — flippantly and do not give it the proper regard that it requires, given that the legislation was enacted by the previous Parliament. Perhaps there is no better example of that than the statement of compatibility that the Minister for Health in the other place, Ms Pike, prepared for the therapeutic cloning bill. How the health minister could sign off on a statement of compatibility that said no human rights issues were raised in that legislation is beyond me. Regardless of your view on that matter, Minister Pike must be incompetent or negligent or have an absolute disregard for the charter — one of those three things. For her to sign off on a statement of compatibility saying that no human rights issues were raised by that bill is totally unbelievable. I just say again that I hope other government ministers learn from Minister Andrews and the way he completed the statement of compatibility.

In summary, the Liberal Party will not be opposing this bill. It makes some minor positive changes but misses the opportunity to make much better and more complete changes to the enforcement of consumer protection. One can only suggest that perhaps that is because the minister and the government could not be bothered consulting properly with all relevant stakeholders.

Ms DARVENIZA (Northern Victoria) — I am pleased to rise to make a contribution to the debate on and speak in support of the Fair Trading and Consumer Acts Amendment Bill. I would like to first of all take up the statements that have been made by the previous speaker, Edward O'Donohue, about the lack of consultation. As happens with all bills before they come to Parliament, this bill underwent an extensive consultation process with stakeholders. That consultation in fact informs the bill. We would not have the bill that we have before us today if it were not for the fact that as a government we went out there and consulted with stakeholders. That has been done through a variety of means.

Mr O'Donohue talked about a lack of consultation and said that we would have a better bill if we had taken the time to go out there and talk to people about it. I would like to let Mr O'Donohue know that we have consulted widely with a whole range of stakeholders, such as the Real Estate Institute of Victoria, the Australian Livestock and Property Agents Association, the Estate Agents Council, the Australian Pawnbrokers Association in Victoria, Cash Converters, the Credit Union Industry Association, GE Money, the Travel Compensation Fund and Tourism Alliance Victoria, just to mention a few. We did that in a range of ways.

We always consult in a number of ways, and we always consult with those people who are going to be affected by the legislative changes that we want to make. We do it by putting information on a website so that people are able to access the detail they need or the specific areas that relate to them. We do it by writing to those stakeholders we believe have an interest in a particular bill. In fact in this case, on request, we have met with stakeholders where we have wanted to share a bit more information with them or clarify a particular issue. The contention that Mr O'Donohue put up about the lack of consultation with stakeholders on this bill simply does not stand up.

I have to say that most of the matters that I wanted to run through in relation to this bill have been fairly well covered by previous speakers on the government side and in some contributions made by the opposition. However, there are a couple of things I want to say, and it is important that I say them.

This bill is about strengthening consumer laws in Victoria and protecting consumers. As a government we want to build on the work that we have already done to protect consumers. We particularly want to make sure that those who are most vulnerable, most disadvantaged and most likely to be taken advantage of — those who are least able to be able to manage and

cope with being taken advantage of, when it may mean a huge difference if they are ripped off and the loss of a sum of money could impact greatly on their lives and livelihoods — are protected. It does not matter whether it is when they are purchasing something they see on the internet, when they are using a credit card or when they are looking at the sorts of goods that we as a government allow to be sold, we are ensuring that proper protection is offered to consumers.

As I said, this bill absolutely builds on the consumer protection initiatives that we have already put in place; in fact it strengthens the legislation and streamlines the availability of compliance as well as strengthening enforcement. The bill increases access to civil remedies rather than focusing on criminal penalties. The bill is transparent and user friendly. This is a good bill. It deserves the support of all members in this chamber. It is about protecting consumers — those who are most vulnerable and who need the strongest levels of support to be put in place to ensure that they are not going to be ripped off and taken advantage of. I commend the bill to the house.

Motion agreed to.

Read second time.

Third reading

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — By leave, I move:

That the bill be now read a third time.

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

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

STATE TAXATION AND GAMBLING LEGISLATION AMENDMENT (BUDGET MEASURES) BILL

Introduction and first reading

Received from Assembly.

Read first time for Mr LENDERS (Minister for Education) on motion of Hon. T. C. Theophanous.

ADJOURNMENT

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — I move:

That the house do now adjourn.

State Library of Victoria: book budget

Mrs COOTE (Southern Metropolitan) — I raise a matter for the attention of the Minister for the Arts in another place. The State Library of Victoria is one of Victoria's best assets and is treasured as a repository of books, manuscripts and paintings. It has a wonderful children's library, a toy library and memorabilia amongst its collections. The La Trobe library section has a deep and rich collection of materials relating to the earliest settlement of Victoria, and there are many fine and rare books and maps. There is a policy that every book published in Victoria is to be deposited in the library, therefore it has a very broad collection of works relating to our state. Amongst the treasures of the state library are the diaries of John Batman and Burke and Wills — the original copies. The state library has been a centre of research for thousands of students, as well as academics and historians.

This age of electronic media has still not overthrown the book. Although the digitisation of much of the state library's collection has made it readily available to scores of researchers across the world, nothing can surpass referring a researcher to an original copy. A library with the status of the State Library of Victoria needs to maintain its position in the country. I understand that the State Library of New South Wales has a far greater book budget for 2006–07 than our very own state library. I ask the minister to ensure that the State Library of Victoria's book budget for 2006–07 and beyond aligns with the government's initiative to establish a Centre for the Book as a matter of urgency.

Water: Melbourne supply

Mr HALL (Eastern Victoria) — I wish to raise a serious matter for the attention of the Minister for Water, Environment and Climate Change in another place. The matter is about water being diverted from the Tanjil River to the Thomson River. On Thursday, 10 May, the *Age* ran a front page story headed 'Drought puts new pressure on Victoria's power supply'. The article states:

> The security of Victoria's electricity supply is under a cloud after the emergence of threats to the operation of some of the state's key generators.
>
> In an unprecedented development, power companies have been forced to buy emergency supplies of water on the

> internet after the drought left them short of what they need to run major generators in the Latrobe Valley.
>
> The move has prompted fears about the long-term viability of the region's power stations, which provide 85 per cent of Victoria's electricity.

The article also goes on to state:

> Power stations buy an annual bulk entitlement from water authorities, administered by the Department of Sustainability and Environment. A portion of that comes from Southern Rural Water's Blue Rock Dam and another portion comes from the region's rivers.

The primary source of the water supply for the power stations in the Latrobe Valley is Blue Rock Dam. The dam is fed by the Tanjil River. It has been brought to my attention that a clandestine operation appears to have been occurring to open an old water viaduct, which will redirect water flows from the Tanjil River to the Thomson River, which ultimately feeds the Thomson Dam, Melbourne's main water storage. The reason for doing this is quite obviously to supplement Melbourne's water supply. The cost of doing it is to risk the capability of electricity production by our main generators and so put Victoria's electricity supplies at risk. Blue Rock Dam also holds bulk entitlements for Gippsland Water and Southern Rural Water, so any diversion of Blue Rock water jeopardises the supply capabilities to Gippsland homes, businesses and farmers. The secrecy of these happenings is most disturbing.

I call on the minister to investigate this matter and to verify if water destined for Gippsland use is being directed to Melbourne's supply and, if so, on whose authority and at what cost to Victoria's energy supplies and Gippsland's industries and its domestic and agricultural users?

Weeds and pest animals: control

Ms TIERNEY (Western Victoria) — I address my adjournment matter to the Minister for Agriculture in the other place. I have travelled extensively across my electorate and worked with wonderful communities, but I am often asked what our government is doing to assist communities in dealing with the curse of noxious weeds and pest animals. Pest plants and animals are a major challenge for effective rural and land management and pose significant threats to Victoria's natural biodiversity balance. Many people in my electorate have applauded quite loudly the minister's recent decision to initiate a fox bounty across the state and a wild dog bounty in fire-affected areas.

The strategic management of weeds and pest animals can deliver significant savings to farmers, land-holders and the state. Successful pest management relies on very strong partnerships between community, industry and government. I ask the minister to provide me with information on measures in this year's budget that are being put into place to assist farmers in the fight against noxious weeds and pests animals.

Weeds: control

Mr O'DONOHUE (Eastern Victoria) — My issue is for the Minister for Water, Environment and Climate Change in the other place. The control of pest plants and feral animals is an ongoing major challenge for the government, landowners and the Victorian community. Although the government has reintroduced the wild dog and fox bounties, it is short sighted to have only introduced these schemes on a short-term basis. The government must give a commitment to fund these schemes as long as there is a feral animal problem.

Weeds are increasingly a major threat to both the natural environment and farmers alike. Species such as blackberries, ivy, sweet pittosporum and ragwort are spreading, often unchecked, throughout large parts of eastern Victoria and Victoria more generally. The spread of these introduced weeds makes it more difficult for native plants to survive and consequently, more difficult for native animals to survive. The spread of these introduced plant species can have severe economic as well as environmental side effects. Weeds both reduce the productiveness of farming land by taking land from grazing or food production, and by reducing the appeal of the landscape to tourists, potentially resulting in reduced revenue for the affected tourist operators.

It would appear the Bracks government does not understand what a serious threat weeds are to our environment. Two years ago the government commenced a pilot project to tackle weeds on private land. That program was administered by local councils. Despite some success and in spite of the ever-growing problem of weeds, the Bracks government has stopped funding for this program. To their dismay, local councils, if they want to continue the fight against weeds on private property, have to do it from their own resources — another disgraceful example of cost shifting from this government.

The shires of Cardinia and Yarra Ranges, despite the government's actions, have decided to fund their own weed management programs. But shires are under attack from weeds, and they face real environmental and economic challenges as a result. The tourist areas of Upper Beaconsfield, Emerald, Cockatoo, Gembrook, the Dandenongs, including the Puffing Billy railway,

and elsewhere are all being compromised because of the growth of weeds at the expense of native plants. To tackle this problem the two shires have allocated funding to remove as many weeds as they can and they have mobilised volunteers to assist with the process. However, their efforts are being compromised by the lack of available resources. They need state government support.

I ask therefore that the minister recognise the serious weed problem confronting the shires of Cardinia and Yarra Ranges and match dollar for dollar the funding commitments these councils have made to address the ever-growing problem of weeds on both public and private land within their respective shires.

Rail: regional links

Mr DRUM (Northern Victoria) — My adjournment matter is for the Minister for Public Transport in the other place. I have been highly critical of the V/Line punctuality performances in the last 12 months. The fact is that their targets throughout country Victoria, particularly in services to northern Victoria, have been far from acceptable. In fact over the last 12 months they have failed to meet any one of their targets in any one month in any one of their regional rail systems.

However, I note that in the release of their April punctuality figures V/Line has adopted a new reporting system, and it is actually telling us why it is that so many of their country trains are late. We have an interesting example where 89.3 per cent of the passenger trains to and from Bendigo in April were actually on time. That has been an improvement in recent months but is still short of their target of 92 per cent. But if you took out the metropolitan component of this journey and measured the efficiency just from Watergardens station through to the Bendigo destination, they would have had an efficiency rating of 98.3 per cent.

Quite clearly the different problems are originating in the urban crawl. If country trains did not have to cope with the urban crawl, their records would be stunningly better. Echuca would have been 100 per cent in the April record; Seymour would have been at 94 per cent; Ballarat, 93 per cent; Geelong, 85 per cent; Swan Hill, 96 per cent; Ararat, 97 per cent; even the troubled Albury–Wodonga line would have scored a reasonable 88 per cent.

While we have a state government that has tried to sell us a fast rail project when all it has effectively done is implement a much-needed upgrade — and we understand that — the fact is that it is not delivering fast rail because of the crawl that all of our trains are reduced to once they hit the metropolitan system. Why country people are forced to endure late trains continually because of metropolitan operations still needs to be addressed by this government. I call on the minister to instigate a plan that will enable our regional rail services to travel inside the metropolitan region without getting caught up in urban crawl. I hope that initiative would create the time saving that the government has been trying to sell us for the last 18 months, albeit very unsuccessfully.

We have been told we are going to get fast rail, but we have not. The fact that they have bought the lines back and put in place new reporting procedures has very clearly identified where the problem exists — that is, in metropolitan Melbourne. It is affecting all of regional Victoria, and we need to have a minister prepared to make a change.

Schools: tutoring vouchers

Mr PAKULA (Western Metropolitan) — My adjournment matter is directed to the Minister for Education.

An honourable member — He is not here!

Mr PAKULA — I know he is not here. In doing so I make reference to the *Weekend Financial Review*, that well-known lefty rag. It concerns the $500 million program announced by the federal Treasurer in last fortnight's budget to provide $700 tutoring vouchers to the parents of children who fail national reading and maths test.

The action I seek is for the Minister for Education to conduct an investigation of the program and perhaps in doing so, write to his federal counterpart, Julie Bishop. In his letter the minister should point out the following — —

An honourable member — Why doesn't he ring her up? Pick up the phone!

Mr PAKULA — Because I want a letter written. I ask him to point out in his letter the following: that there was a pilot program conducted in which according to an evaluation by the federal department of education, only 36 per cent of eligible children actually got the vouchers; in Victoria only 12 per cent of eligible children got the vouchers.

I would also ask the minister in his letter to ask about the administration costs of the program. Figures that were provided to the Senate estimates hearing suggest that in the city, for every $700 voucher, $170 went to

admin costs; and in the country, for every $700 voucher, $204 went to admin costs. We should bear in mind that those admin costs are astonishingly high because the vouchers are available solely for private tutoring, and therefore we have a serious duplication of costs.

Perhaps in the letter the minister could ask whether the federal Liberal Party's ideological obsession with vouchers is actually leading to inefficient outcomes in education delivery, and that perhaps more federal money could actually be spent on educating children and less on administration costs if parents could take the vouchers to schools to coordinate the tutoring, or the federal minister might consider giving Victoria its share of the funding. It would just about fund a full-time tutor in every school, government and private, in the state.

Finally, perhaps the minister could ask Minister Bishop if this program is genuinely about helping kids read and add up, or is it in fact a Trojan Horse for the delivery of another agenda — that is, the delivery of all educational funding via vouchers.

Mr P. Davis — On a point of order, President, I seek your indulgence and ask you to advise the house with respect to your guidelines for the adjournment debate whether asking a minister to write a letter to another minister in another jurisdiction conforms with your direction that the adjournment debate is about seeking an action on the part of a minister. By the way, I would offer to give the member a stamp so that the letter could be written. I make the point that this seems to be totally out of order in terms of an action on the part of a minister of the Crown in Victoria.

Mr PAKULA — On the point of order, President, I also asked the minister to conduct an investigation into the program, which is — —

An honourable member — You didn't say that!

Mr PAKULA — I did say that; check the *Hansard*! That is the same action that Mr Hall asked for in his adjournment matter.

The PRESIDENT — Order! The member correctly pointed out that at the start of his adjournment issue he made the specific request of the minister to write et cetera, and then went on to expand — at great length, I might add — on the matters, but I am of the view that his adjournment matter is within order.

Melbourne Wholesale Fish Market: relocation

Mr VOGELS (Western Victoria) — I raise an issue for the Minister for Agriculture in another place. It concerns the Melbourne Wholesale Fish Market. At the invitation of Mr Jim Racovolis and Mr Tim Yotis, my parliamentary colleague for South-West Coast in another place, Denis Napthine, and I attended the wholesale fish market at 5.30 a.m. today.

The Melbourne Wholesale Fish Market is the focal point for the fishing industry in south-eastern Australia. Fish arrive fresh daily, direct from fishing ports and inland waterways. It is the only centre that supplies a full range of available, fresh fish in Victoria. The market is made up of two sections: the main part consists of four commissioned agents who sell fresh fish on behalf of fishermen; the other section of the market is 13 provedores who complement the agents by specialising in imported fish, crustaceans, molluscs, shellfish and processed fish.

Businesses from Melbourne, regional centres, country Victoria, New South Wales and South Australia use the market as their main source of fresh fish. It employs approximately 500 people and provides a vital service to Victorians. The present 4.6-hectare site on Footscray Road, Melbourne was issued to the Melbourne city councillors as a Crown land grant and trading there commenced in 1959, after it was opened by then Premier Henry Bolte.

On 25 January this year all market tenants were informed in writing of the following:

> … the state government (despite repeated requests by council) has declined to establish a formal position on the future of the land on which the market operates.

However, the government has commenced a compulsory acquisition process.

The recent release of the port of Melbourne development plan and the Melbourne port strategy clearly indicates that the fresh wholesale fish market has to move.

The tenants of the market have been trying without any success to have a meeting with the Melbourne City Council or the state government so they can find out where they have to go. They have been told they have to be out of there by March 2009. That is obviously of great concern to the tenants, and I think it should be of great concern to the people of Victoria, especially the retailers and the tradespeople who go to the market and get their fish every day.

The action I seek from the minister is to start immediate negotiations with the board of the Melbourne Wholesale Fish Market to find a suitable site to enable the relocation of this essential market so it can continue. Surely there is Crown land available in this area which would be suitable for the wholesale fish market. Perhaps there could be precinct where Melburnians and tourists could be drawn to sample wonderful fish cuisine. I ask the minister to get together with the Melbourne City Council and the tenants who use the wholesale fish market presently to see if some action can be taken to find a new site. It is urgent.

Wangaratta performing arts centre: funding

Ms BROAD (Northern Victoria) — My adjournment matter is for the Minister for Regional and Rural Development in the other place. The action I seek is for the minister to write to the federal government calling on it to contribute $500 000 for the proposed new Wangaratta performing arts centre because of reports that the federal government has refused to make any contribution at all to this important project.

The Bracks government has already committed $4.5 million towards the proposed new centre from the Regional Infrastructure Development Fund — which I recall the opposition also opposed — because the Bracks government is a strong supporter of regional arts and cultural facilities. The reason the Bracks government has made a $28 million commitment to boosting regional arts and cultural facilities is to provide families in country and regional Victoria with access to contemporary standard facilities with the capacity to attract major events and festivals, as well as attracting more visitors.

Anyone familiar with existing facilities in Wangaratta — its town hall and theatres — will understand that although they have provided a great service to the community since the 1960s, staging productions is a challenge, to say the least, and they are now in much need of updating. The community has been waiting for many years for a new arts centre that will provide Wangaratta with the opportunity to build on its strong reputation as one of regional Australia's premier arts destinations. Accordingly, for all these reasons, I call on the Minister for Regional and Rural Development to write to the federal government urging it to contribute $500 000 towards this important project. I call on state and federal Liberals and Nationals MPs to also urge the federal government to support the project as well.

Mr P. Davis — On a point of order, President, I raised another point of order a moment ago in regard to Mr Pakula's submission on the adjournment debate. I accept the President's ruling in regard to that matter — naturally I always defer to the wisdom of the Chair. I make the point that in relation to the matter just raised by Ms Broad, I am offering to provide her with an envelope to use when writing her own letter. Failing that, the only action she has sought from the minister with whom she has raised the matter during the adjournment debate is to write a letter — no other action is sought. If that is the only action sought on the part of the minister, I believe it is entirely outside the bounds of the jurisdiction of the adjournment debate, because no other action by the minister is called for.

Ms Broad — On the point of order, President, the action that I have ultimately sought is for $500 000 to be contributed to a very important project. The responsible state minister is being called upon to act to secure that contribution from his federal counterpart. That action goes a great deal beyond simply writing a letter, the implication being that that would be done for its own sake. The action in writing a letter is to seek a very sizeable contribution of $500 000 for a community project.

The PRESIDENT — Order! I am not convinced that the request of the member is within the guidelines of the standing orders of the house, because it does not directly relate to the state minister's area of responsibility. In fact I think it is drawing a long bow to ask the minister to write to the federal minister for something that the member wants done here. I will take this matter under further advisement. Tonight, however, I am not convinced. I rule that the member's matter is out of order.

Lake Charlegrark: committee of management

Mr KOCH (Western Victoria) — My adjournment matter is for the Minister for Agriculture in the other place and concerns the Department of Primary Industries (DPI) and its prosecution of a member of the Lake Charlegrark Recreation Reserve Committee of Management. On 9 May a long-time trustee of this committee found himself before the Horsham Magistrates Court over what can only be described as the most menial of offences. The well-known and respected reserve manager for 40 years, Mr Roy Pretlove, was charged with disturbing the dry lake bed for cultivation purposes. Mr Pretlove and the volunteer committee, including his wife and other family members at Lake Charlegrark, have been long-time stewards of this reserve. The committee was founded in 1934 and is currently chaired by Mr Geoff Carracher.

The Lake Charlegrark reserve, which is between Edenhope and Kaniva, provides opportunities for fishing and water sports. It has a well-maintained caravan park and for the last 14 years has hosted a very popular and successful music festival. The committee recently undertook foreshore restoration and tree-limb removal with the permission of the Department of Sustainability and Environment. After removing old fencing and rubbish from the lake bed, Mr Pretlove, with the support of the committee and in an effort to remove an ongoing fairy grass weed infestation, cultivated the dry lake bed with a barley crop, eliminating further weed contamination. The crop proceeds helped raise much-needed funds for the lake's ongoing beautification. Along with the tens of thousands of dollars it has received in grants and local contributions in both cash and kind, this proactive committee has saved the government many thousands of dollars in maintaining this attractive reserve.

After being insulted with a bill for $95 from DPI for interviewing him at Lake Charlegrark, Mr Pretlove's prosecution resulted in his being fined $150, without conviction, in favour of the Minimay Landcare group. As a result of this action, the voluntary Lake Charlegrark Recreation Reserve Committee of Management resigned en masse. The action of DPI demonstrates the needless use of a sledgehammer to crack a walnut. As one of the committee members said to me, 'After a lifetime and 55 years of volunteer work, Roy Pretlove and his volunteer committee did not deserve or need a stick taken to them in this appalling way'. I certainly support those sentiments. The department's action also raises fears that the government will now cost shift onto local government its responsibilities for managing this reserve.

My request of the minister is: will he review this outrageous case and the senseless guidelines that permitted this atrocious attack on volunteerism and encourage the reinstatement of this hardworking volunteer community group to its former role as soon as possible?

Sunshine: youth workers

Mr FINN (Western Metropolitan) — I wish to raise a matter for the attention of the Minister for Community Services. It concerns an afternoon that I spent recently with well-known youth worker Les Twentyman in the western suburbs. We met in the Footscray mall at Cafe Bulldog and had a very delightful lunch of bacon-and-egg sandwiches. We then moved on to have a look at the west through the eyes of Sir Les, as he is referred to by many out there. We went through Footscray, through Braybrook and through a number of places in the western suburbs. He showed me some of the areas that really need urgent attention and bringing up to scratch in a whole range of areas, but particularly infrastructure.

The matter I wish to raise with the minister this evening concerns a particular event which was both disturbing and terrifying. It occurred around the bus depot in the Sunshine railway station precinct. Les and I went down there around 3.10 p.m. It was a school day. He said to me, 'Come and have a look at this. I want to show you something'. We went down, sat and had a look at what was happening there. Over the next 10 or 15 minutes groups of youths in school uniforms were gathering in their ethnic tribes — or that is the way it appeared to me. Violence appeared to be brewing. There were a number of people who were familiar with the circumstances there and had been involved in it in the past who were extremely nervous. I looked at Les on this particular occasion. He is not a man who is given easily to fear, but his bottom lip was pretty much trembling. That did not do a lot for my self-confidence, I can assure you, so we got out of there as soon as we possibly could.

What we really need to do is to defuse the situation. This is a situation that has been going on for quite some time. I was down there just last week, and it is still continuing. Gangs of youths indulge in violence; it is gang warfare, if I can use that term. In fact it is ethnic gang warfare on the streets of Sunshine. Les told me on that occasion and has told me again since that funding for two youth workers to defuse what is a very explosive situation around that Sunshine railway station would go a long way towards correcting a situation that is of very grave concern to all involved. I ask the minister to provide the appropriate funding for two youth workers to work in and around the Sunshine railway station precinct to defuse a situation that is very dangerous for not just the young people involved but also those who are nearby.

Local government: countback provisions

Mr ATKINSON (Eastern Metropolitan) — I wish to raise a matter with the Minister for Local Government in another place. I refer to the recent process by the Victorian Electoral Commission (VEC) to review boundaries for municipalities in the eastern suburbs. Indeed there were other municipalities, but the ones that I have obviously had contact with in this regard have been in the eastern suburbs. I am delighted to say that the VEC has changed some of its initial recommendations to accord with the views of local communities and the local councils in respect of submissions that were placed before it in response to

the draft recommendations. The councils I particularly had contact with in regard to these boundary reviews have been Knox, Manningham and Whitehorse.

The matter I particularly wish to raise with the minister has been brought to my attention by one of those councils and is a matter of continuing concern to them. Although the matter was outside the terms of reference of this particular review by the VEC, it is a matter that the councils would like the minister to take another look at. It concerns the countback provisions that have been initiated in the local government laws where there are multimember wards. As members are probably aware, the process of local government elections for multimember wards involves the election of two, perhaps three or perhaps more members of those wards, depending on the area. Under the current provisions of the Local Government Act, if one of those members leaves office during the course of the term of office they were elected for, either by way of death or illness or because there is some other reason for resignation, a new member is to be appointed to the council based on a countback of votes from the previous election.

The councils believe this is an inappropriate approach to the election of councils, because those who might be elected by countback may no longer wish to stand as candidates. There might be other issues the community would want a fresh judgement on through a by-election. The action I seek from the minister is a review of the countback provisions in multimember wards as provided for in the current Local Government Act.

Rail: Epping–South Morang line

Mr GUY (Northern Metropolitan) — I seek action from the Minister for Public Transport in the other house in relation to the Epping railway line. For too long the people of the far-northern suburbs have been promised the extension of this railway line by the Labor Party. They were promised it in 1999 and they were promised it in 2002, but all they got was a bus. People do not want a bus; the people of the northern suburbs want a railway line — they want a train service. That is what they were promised in 1999 and it is what they were promised in 2002.

Hon. T. C. Theophanous — Have you ever been up there?

Mr GUY — Many people in this chamber — including Minister Theophanous, one of the local members for the area — would be aware that the population is growing at a rapid rate in the outer northern suburbs. In fact an extra 40 000 people will live in the railway corridor by the year 2021. It is imagined that most of those homes of course would probably be 'obese' housing, according to members on the other side of the chamber who may subscribe to that theory; I am not sure.

The government's claims of fixing this line are bordering on farcical. One of the local members has come out and said that the government's plan in the transport and livability statement to duplicate the line from Clifton Hill to Westgarth will aid the long-term extension of the line from Epping to South Morang. Of course the problem with this, as anyone with any knowledge of the area would know, is that the Clifton Hill–Westgarth rail section is on the Hurstbridge line, and that is 15 kilometres south of South Morang. So I have no idea what that is about.

I note that in the budget recently brought down by this government it now talks about the 'possible' future extension of the Epping railway line to South Morang. I have no idea what this means with this government — whether it means it is going to do it or not. The government has gone from a promise in 1999 to a reaffirmation of the promise in 2002 to 'It is going to be on the agenda; we will put a bus there' and now to a 'possible' extension. The change of wording from the government is frightening.

I also note that the Clifton Hill railway group review, put out by the Department of Infrastructure, claimed that only 13 trains an hour can operate each way on the Clifton Hill–Jolimont section — 26 trains an hour going both ways. In 2007 we have 24 trains operating on that section; in 1972 we had 29 trains operating on that section, so the credibility of the government is further brought into question.

In seeking action from the Minister for Public Transport I ask a very simple question: can the minister, once and for all, advise the people of Whittlesea whether the government intends to extend the railway line from Epping to South Morang? If so, in precisely what month of what year will the construction work commence?

Gippsland Lakes: entrance

Mr P. DAVIS (Eastern Victoria) — I direct a matter to the Minister for Water, Environment and Climate Change in the other house. I will come to my request for action towards the end of my contribution.

Hon. T. C. Theophanous — It had better be a good one!

Mr P. DAVIS — Remind me, Minister! The issue relates to the accretion of sand at the entrance and

inside the entrance to the Gippsland Lakes. Specifically I refer to the accretion which has created such an impediment to navigation that fishing boats of most dimensions are challenged by the passage through the entrance to the Ninety Mile Beach, on the seaward side of the entrance to the lakes. Over a long period of time sand has been accreting, and the sidecast dredge, the *April Hamer*, has simply been shifting sand from one side to the other without actually moving any of the accretion of sand. As a result we now have the problem that there is so much sand in the system that the navigation depth is such that fishing vessels have moved to Eden and Port Welshpool. As a result there is a real threat to the viability of not just the fishing fleet but the Lakes Entrance fishermen's cooperative and the economics of the community of Lakes Entrance.

The tourism industry is also under threat. At Kalimna, which is well known to many people and where there used to be 60 feet of water, now you can see sand at a very shallow depth, and that is starting to be a problem. The Hopetoun Channel is blocked to internal tourism navigation vessels. All of this is bringing Lakes Entrance and tourism in its community into disrepute. I am concerned about the failure of Gippsland Ports to deal with this developing problem. There are hopper dredges in Queensland and New Zealand which are available to come in and remove large volumes of sand.

The action I therefore ask the Minister for Water, Environment and Climate Change to take is to charge Gippsland Ports to act immediately to contract with hopper dredge operators to remove sand from the Lakes Entrance channel.

Responses

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — I received a question from Andrea Coote for the Minister for the Arts in the other house in relation to the State Library of Victoria book budget, and I will pass that question on for direct answer to the honourable member.

I had a question from Peter Hall for the Minister for Water, Environment and Climate Change in the other house about investigating the diversion of water to the Thomson River from the Tanjil River. I will pass that question on.

Gayle Tierney asked a question of the Minister for Agriculture in the other place in relation to noxious pest plants and pest animals and asked for action to assist farmers. I will pass on that matter for answer to the honourable member.

Mr O'Donohue asked me a question in relation to attacks by wild dogs and weeds, or such things, for the Minister for Water, Environment and Climate Change in the other house, and I will pass his question on to the minister concerned for a direct answer.

Damien Drum asked me a question for the Minister for Public Transport in the other place in relation to V/Line service performances, particularly in the metropolitan region, and I will pass that on for answer to the member.

Martin Pakula asked me a question for the Minister for Education in relation to investigating the $700 voucher system. He said the minister should write to Julie Bishop in her ivory tower, and I will pass that message on to the Minister for Education.

Mr Vogels asked a question for the Minister for Agriculture in the other house about the wholesale fish market site, and again I will pass that question on for answer.

There was a question from Candy Broad which was ruled out of order, so I will not refer that question on.

I had a question from Mr Koch for the Minister for Agriculture in the other place about a community group in his region in relation to weed infestation and other matters. I will pass that on for direct answer to the member.

Bernie Finn, as he always does, eloquently asked a question of the Minister for Community Services; he spoke in the flowery way in which he usually asks such questions. He painted an interesting picture of a lunch he had with Les Twentyman — —

Mr Finn — Not as good as some of the other ones I have had with him.

Hon. T. C. THEOPHANOUS — Probably not — which seemed to be interrupted by ethnic tribes and other ethnic people in the Sunshine region, which he seems to think are dangerous in some way. He wanted me to pass on a request to the Minister for Community Services to address that issue, and I will do that.

Bruce Atkinson had a question for the Minister for Local Government in the other house in relation to a review of the countback provisions by the Victorian Electoral Commission, and I will pass that question on for answer.

Matthew Guy asked a question of the Minister for Public Transport in the other place in relation to the Epping rail line. He wanted to know what Labor Party

policy is on that line. I will pass the message on to the relevant minister for answer, but I think Mr Guy should be aware that the people of Epping will be much better served by the existing government, quite frankly.

Philip Davis asked a question for the Minister for Water, Environment and Climate Change in the other house about the shifting sands of Gippsland, and I will certainly pass that question on for answer as well.

The PRESIDENT — Order! The house now stands adjourned.

House adjourned 10.33 p.m.