

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Tuesday, 27 February 2007

(Extract from book 3)

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Tuesday, 27 February 2007

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

SELECT COMMITTEE ON GAMING LICENSING

Membership

The PRESIDENT — Order! I advise the Council that within the time set by the resolution of the Council I have received from the party leaders and the Australian Greens Whip advice in which Mr Barber, Mr Drum, Mr Guy, Mr Pakula, Mr Rich-Phillips and Mr Viney were nominated as members of the Select Committee on Gaming Licensing, in addition to Mr Kavanagh, who was appointed as a member of the committee pursuant to the resolution.

RULINGS BY THE CHAIR

Sessional orders

The PRESIDENT — Order! On Thursday, 15 February 2007, Minister Theophanous raised with me a point of order relating to the notice of motion proposed by the Leader of the Opposition in relation to the adoption of certain sessional orders. The minister raised with me two specific issues: the capacity of ministers to make ministerial statements as a result of the proposed suspension of standing order 5.14 and the impact of the proposed changes on the time allowed for debate on government business and the resulting occupational health and safety implications.

I now advise the Council that I have closely studied the *Hansard* report of the minister's point of order. I believe that both issues raised are simply matters for debate and it would be inappropriate for me to attempt to explain the impact of sessional orders. Neither issue affects the validity of the motion. The Council will make a decision on whether or not to adopt the proposed sessional orders. However, the impact of sitting hours on the occupational health and safety of members and staff is always a matter of concern and will continue to be closely monitored under whatever set of sitting arrangements the Council adopts.

QUESTIONS WITHOUT NOTICE

Schools: performance standards

Mr P. DAVIS (Eastern Victoria) — I direct a question without notice to the Minister for Education. I refer the minister to the latest Australian Bureau of Statistics figures which show that student numbers in Victorian government schools have declined by 518 compared to non-government schools, which recorded an increase of 4406 in the student population. This reveals a significant migration of students from the public school system to non-government schools in Victoria. Therefore does the minister agree with the federal Labor leader, who has called for a system of quality control and was described in the *Weekend Australian* as saying that he would not allow the commonwealth to shovel billions of dollars of education funding to the states without schools performing to adequate standards?

Mr LENDERS (Minister for Education) — I thank Mr Davis for his question. As I said, I am always delighted to talk on education at any time in this place and would be delighted if we had to have a dialogue with Mr Rudd, the leader of the federal Labor Party, as the Prime Minister come November, when we might actually have a government that cares about education.

Mr Finn interjected.

Mr LENDERS — Mr Finn says we might not have to worry about it. I do not worry about it; I relish the thought of Kevin Rudd becoming Prime Minister because we might have a federal government that is prepared to focus on education and put its money where its mouth is.

Mr Davis raised the issue of standards in schools. I draw Mr Davis back to the Adelaide declaration of 1999 that was actually signed by eight state and territory education ministers, some of them Labor and some of them Liberal. The incoming president of the Liberal Party, Dr Kemp, was at that time the federal education minister. The Adelaide declaration essentially set a path towards achieving standards across all jurisdictions where, working collaboratively, the commonwealth and the states could move forward. It is interesting that the commonwealth at that particular time put its money where its mouth was and committed to supporting education funding-wise. As Mr Davis knows, approximately 10 per cent of the funding in state schools in this state currently comes from commonwealth revenue.

We are very interested in standards. That is why the Victorian essential learning standards were brought in by my predecessor, now the Minister for Public Transport in the other place, Lynne Kosky, so that there is a clear standard that all 1597 government schools in this state have to run their curriculums against. Schools in the Catholic and independent systems are also essentially using them. That is a balance between that and — to be uncharitable — the mad exuberance of Julie Bishop, the federal minister, who sort of talks of a national syllabus which would virtually imply that on Tuesdays at 2.00 p.m. you would teach the same book in the same school in a remote community in the Northern Territory as you would in a school somewhere in metropolitan Melbourne, if you take it to its extreme. She has not denied any of this. Actually it seeks to drive a wedge into state education, where she talks down state education and Catholic education in this jurisdiction.

We support federal Labor and will do what we can collaboratively to boost the standards of education in this country, which is something every Australian wants. As part of the agenda of the national reform initiative on human capital Premier Bracks has led the way around the country doing some work on human capital. I am pleased to be in the chamber with Mr Thornley, who is assisting the Premier on this matter. Going back to the literacy and numeracy paper which the Premier announced last Monday — eight days ago — which addresses improving the human capital, we all know we will have a much better future if we get this right.

I would welcome the election of a Rudd government. Working with 'Prime Minister' Rudd and 'Minister' Stephen Smith — the words roll beautifully off the lips — would give great joy to schools in Victoria, great joy to parents in Victoria and great joy to students in Victoria, because there would be some hope, some consistency and some collaborative work with the states to bring us forward in education and not take us back into the Dark Ages, where Prime Minister John Howard and Julie Bishop wish to take us.

Supplementary question

Mr P. DAVIS (Eastern Victoria) — Will the minister confirm that the Australian Bureau of Statistics figures reveal parent dissatisfaction with the quality of the government school system in Victoria?

Mr LENDERS (Minister for Education) — How the opposition has not changed its spots. It loves to talk down government schools. I am proud of the 70 per cent of students in government schools, and I am proud

of the 30 per cent of students in non-government schools. If Mr Davis — —

Mr P. Davis — On your watch.

Mr LENDERS — On my watch of 88 days — a long one! If Mr Davis looked at the statistics in an objective fashion, he would see that the drift he talks about is lower in Victoria than anywhere else in the country. Perhaps he should get up and praise the Bracks government, because the drift in this state is lower than anywhere else. This government has invested in education. We have not closed 300 schools like the Kennett government did. We have not sacked 8000 teachers like the Kennett government did. In fact we have built schools. In fact we have employed 7000 more teachers. In fact we have brought in the Victorian essential learning standards to boost curriculum choices in Victoria. We have brought more diversity and more resources.

I cannot but take up Mr Davis's comment, which was reported in the *Age* today, that schools are a lot more than bricks and mortar. I suggest to Mr Davis that if he looked at the correspondence from the parliamentary Liberal Party, he would see that 90 per cent of the issues it raises with me are about bricks and mortar, so perhaps he is out of touch with his own party. Perhaps the Liberal Party does not care about curriculum, just about bricks and mortar.

Victorian government business offices: review

Mr PAKULA (Western Metropolitan) — My question is to the Minister for Industry and State Development. Can the minister inform the house of any recent initiatives by the Bracks government to assist Victorian businesses to drive exports further and attract new investment to Victoria?

Hon. T. C. THEOPHANOUS (Minister for Industry and State Development) — I thank the member for his question and his interest in this area over a protracted period of time. The Bracks government is committed to jobs, jobs and more jobs in this state. We have taken steps to internationalise the Victorian economy by both targeting foreign investment and assisting local exporters. The opposition might want to make light of this, but we think this issue of providing jobs to families in Victoria is the central most important issue for Labor to achieve because of its importance in providing prosperity for our community.

I want to talk about one important part of this — the Victorian government business offices (VGBOs). Since 1999 these offices have helped facilitate over

\$8.7 billion of new foreign investment. Just some of the major new investment projects are Toyota, GE Money and Acciona, the last of which I was involved with in my previous role as Minister for Energy Industries. Importantly the new investments facilitated have created over 18 000 new jobs during the same period — that is, 18 000 families in Victoria have jobs as a result of these initiatives.

However, the VGBOs are also active in assisting new exports from Victoria through their support of industry capability missions and trade fair missions. Since 1999 a total of 2290 companies have participated in a trade fair and mission program, reporting an estimated increase in exports of \$1.675 billion and helping to grow Victoria's economic output by 17 per cent in the five years to 2004–05, the highest absolute growth of any state in Australia. That is the record of achievement as a result of the emphasis we have been able to put on it through our VGBOs.

The government recognises that further export support is crucial to achieving its export target of \$35 billion by 2015. We know there is more to be done, and we are getting on with the job of doing it. By growing our exports and seizing the opportunities abroad, particularly in fast-growing economies such as China and India, the government is continuing to encourage this growth. That is why a week ago in a keynote speech to the Committee for Economic Development of Australia the Premier announced a review into the operations of our Victorian government business offices. The review will be chaired by David Buckingham, Victoria's Agent-General in London and a former executive director of the Business Council of Australia. It will focus on how to better coordinate our export offices in leveraging Victoria's business strengths.

Currently there are 11 investment and trade-focused VGBOs worldwide, located in London, Frankfurt, San Francisco, Chicago, New York, Hong Kong, Shanghai, Nanjing, Dubai, Tokyo and Bangalore. These offices work in an extremely competitive global environment, competing against 2500 other investment promotion agencies for a slice of the pie. It is important that we review these offices and make them even more effective than they have been in the past.

Aboriginals: primary health-care program

Mrs COOTE (Southern Metropolitan) — My question is to the Minister for Aboriginal Affairs. I refer to the new model of primary health care for Aboriginal people with or at risk of a chronic disease proposed in the *A Fairer Victoria* document, and I ask the minister

what time frames he has put in place to measure the success of this program.

Mr JENNINGS (Minister for Aboriginal Affairs) — I thank the member for her question. I will answer the question. Although I am not responsible for establishing the time frames, I am very happy as part of the Bracks government's commitment through the indigenous affairs framework to be accountable for all our programs that are designed to improve the quality of life for Aboriginal people. Within that document, which was launched last November, we made commitments over 5, 10 and 15-year time frames in relation to trying to address profound disadvantages experienced by Aboriginal people, which includes the program that the member refers to.

The program in question is being rolled out through a variety of organisations by Aboriginal community-controlled health organisations, community health centres and other health providers throughout Victoria. It is a collaborative effort to try to turn around the prevalence of chronic conditions within Aboriginal communities. Interestingly enough this program is totally consistent with the agenda the Bracks government promoted through the national reform initiative, which is designed to assist all our citizens in turning around chronic illness, whether it be diabetes, liver failure or a variety of other circumstances that often prevent a full and productive working life. Certainly that is the case within Aboriginal communities. In fact there is a very high prevalence of diabetes within the Aboriginal community.

We recognise that there is a need to improve these key chronic conditions that permeate the wellbeing of the Aboriginal people. We understand that it has to be undertaken in collaboration with Aboriginal community-controlled health centres, community health services and other providers throughout Victoria. We have embarked upon that program. It is already up and running and has been for some time, probably for the best part of 12 to 18 months. We would anticipate that the results would soon be evident about a collective arm being put to this important initiative. As I say, the Bracks government is absolutely prepared to ensure that these programs are measured not only just once but cumulatively over time so that we can see the impact of this work.

Supplementary question

Mrs COOTE (Southern Metropolitan) — I ask the minister why after more than seven years of his government's policies more than 47 per cent of Aboriginal Victorians still suffer from heart disease and

eye problems, as is reported in the latest Australian Bureau of Statistics survey.

Mr JENNINGS (Minister for Aboriginal Affairs) — I know the member does not intend to be flippant about the circumstances in which Aboriginal people find themselves.

Mrs Coote interjected.

Mr JENNINGS — I am not being patronising. In fact I am giving Mrs Coote the benefit of the doubt — that she actually understands the dimensions of the chronic conditions and disadvantage that Aboriginal people confront and that she understands what the past 200 years has led to in relation to the lower life expectancy of Aboriginal people and the degree to which these chronic conditions permeate their quality of life each and every day.

I know Mrs Coote does not underestimate that, and because she does not underestimate that she will also understand that it takes time for programs designed to turn around those tragic statistics to show some results in turning around the profile and the quality-of-health indicators for any part of the community. It takes some time to turn those around, for them to have a cumulative effect and for the benefit derived to be seen in the statistical analysis that follows.

Melbourne Recital Centre and Melbourne Theatre Company project: construction

Ms PULFORD (Western Victoria) — My question is to the Minister for Major Projects. Can the minister advise the house of recent progress in the construction of Melbourne's exciting new recital centre and the Melbourne Theatre Company theatre project?

Hon. T. C. THEOPHANOUS (Minister for Major Projects) — I thank the member for her question. The Melbourne Recital Centre and the Melbourne Theatre Company (MTC) theatre project will put in place key infrastructure components that will enhance and develop Melbourne's reputation as a major centre for the arts and culture in Australia. For the benefit of new members of the house, the project is for the development of this theatre.

Mrs Coote — What about the acoustics?

Hon. T. C. THEOPHANOUS — It will provide a 500-seat permanent home for the Melbourne Theatre Company (MTC) and a 1000-seat recital hall to be built at Southbank. It is an exciting project. The recital centre will be first class, and I can inform the house that it will have first-class acoustic programming and provide an

environment primarily for the presentation of a range of classical and contemporary music forms. I can inform Mrs Coote that I am absolutely certain it will sound spectacular.

This project is a one-off with very sophisticated project design specifications. The budget for construction, for the development of the recital hall and the MTC theatre is \$121.5 million. In addition there will be opportunities for partnerships with the private sector through the development of additional facilities such as car parking, cafe operations and so on. Of the funding that I have indicated, \$82 million will come from the Victorian government, \$12 million from the University of Melbourne and \$16 million from Crown Ltd. The remainder is coming from fundraising.

Construction commenced in July 2006. It is progressing very well and is on schedule for both venues to open in 2009. The development is being undertaken by Bovis Lend Lease, and 500 jobs will be created during construction. Upon completion the theatre will employ 10 staff, and when the centre opens the recital hall will employ 15. Tenders are currently also being assessed for the seating for both venues. Of the five tenderers, two have been short-listed to progress further through negotiations.

I am pleased to be able to advise the house that this project, one of a number of projects in this precinct, is progressing very well. Whether it is the Melbourne Theatre Company theatre and recital hall, the National Gallery of Victoria redevelopment, the State Library of Victoria redevelopment or the new state-of-the-art Melbourne Convention Centre complex, all are exciting projects that will enhance the image of Melbourne as a cultural centre, not just a sporting centre. We all know that Melbourne has a fantastic image as a sporting centre, but this will enhance Melbourne's image as a cultural centre. I am very pleased to be able to inform the house that this project is going ahead on schedule. It is a very exciting project, and I look forward to it being opened in 2009.

Small business: confidence

Mr D. DAVIS (Southern Metropolitan) — My question is to the Minister for Small Business. I refer the minister to the Sensis *Business Index* released today and other recent business surveys and ask why, according to the Sensis survey, the small and medium businesses of metropolitan Melbourne have the lowest business confidence in the nation.

Hon. T. C. THEOPHANOUS (Minister for Small Business) — First can I say that the interesting thing

about David Davis is that he comes in here and asks as many negative questions as he can, and when it is ultimately shown that he is relying on one-sided information or stretching the truth somewhat, he moves on to another subject. He has given up on the convention centre because he has suddenly realised that the convention centre is on time and on budget and is a great project. He started coming in here trying to bag that centre, which will deliver an enormous number of jobs to Victoria.

Small business in this state is in fact progressing very well, whether in the manufacturing sector or in other sectors. I can assure the house that Victorian small business is one of my priorities, and it is something that we in government are very keen to progress in a number of ways. I think the best way of responding to the honourable member is to look at some of the job development that has taken place not just in the small business sector but throughout the economy. We have just heard from the opposition about the seven years of Kennett government and the seven years of Bracks government.

It is interesting to note some of the statistics in relation to the economy, which is the thing that drives the development of small business as well as development generally. The house might be interested to know some of these statistics. For example, during the Kennett years there were 250 000 jobs created in the Victorian economy, and during the first seven years of the Bracks government there were 360 000 jobs created — 110 000 more jobs than were created in the same period under Kennett.

Mr Finn — And what did you inherit?

Hon. T. C. THEOPHANOUS — Do you want to look at unemployment? Under Kennett in October 1996 the unemployment rate in Victoria was 9.1 per cent, today the unemployment rate is 4.9 per cent. Let us look at regional development, because what the honourable member forgets is that a lot of these jobs in small business are actually in regional Victoria. The Kennett government managed to create a measly 41 000 jobs in regional Victoria in seven years, compared to the Bracks government, which created 113 000 jobs in the same period. If you go and ask those extra 60 000 or 70 000 Victorians working in small business in regional Victoria who they think has done the right thing by them, they will tell you, as they did at the last election, that it is the Bracks Labor government.

Supplementary question

Mr D. DAVIS (Southern Metropolitan) — I am not allowed to reflect on the minister's likeness to a feathered bird, but can he at least tell the house without further evasion why the Sensis survey also found that Victorian small and medium enterprises recorded the lowest performance level of any state or territory for sales, wages, prices, profitability and capital expenditure?

Hon. T. C. THEOPHANOUS (Minister for Small Business) — What I can tell the honourable member are the things that we have done to help competitiveness in the small business sector. Let me give him some more examples, since he keeps asking. WorkCover premiums under the Kennett government were 1.8 per cent of payroll. Under the Bracks government they are 1.6 per cent of payroll, and that is in addition to giving back to the workers of this state the common-law rights that they did not have under the Kennett government.

Mr Atkinson interjected.

The PRESIDENT — Order! Mr Atkinson!

Hon. T. C. THEOPHANOUS — If you want to talk about payroll tax. Under the Kennett government payroll tax was 7 per cent, and it is now down to 5 per cent under the Bracks government. We are happy to talk about all the positive things we have done for small business in this state, which has created thousands of extra jobs and a much better livelihood for all Victorians.

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

Students: starting age

Ms BROAD (Northern Victoria) — My question is to the Minister for Education. Could the minister advise the house how the government is addressing the very important matter of differing school starting ages?

Mr LENDERS (Minister for Education) — I thank Ms Broad for her question and her interest in schools in this state. School starting age is an issue that many families spend a lot of time thinking about. In fact it is extraordinary how many people plan the birth of their children around the school starting age. It is a large economic decision for some people, whether it be for child care, kindergarten or school.

Mr Drum interjected.

Mr LENDERS — Mr Drum well knows that many families plan the birth of their children around the starting age at school. The former federal education minister, Brendan Nelson, brought to the table a proposal to harmonise starting ages at all schools in the country. Recently Bruce Billson, the federal Minister for Veterans' Affairs, has also been saying that there needs to be a harmonising of starting ages at schools around the country.

Mrs Peulich interjected.

Mr LENDERS — I suggest to Mrs Peulich that if members on her side of the house believe the Labor Party would meddle in personal affairs in relation to the starting ages at schools, I caution the Liberals to give at least six years notice of this.

Mrs Peulich — The nanny state.

Mr LENDERS — Mrs Peulich talks of the nanny state. There are a lot of families who time the birth of their children around the starting age at school. This government is not averse to harmonising the starting ages at schools around Australia, but we are not going to be prying into the bedrooms around this country. We will be doing this over a period of time.

I say to the federal education minister, Julie Bishop, and the federal Liberals, that it is one thing to say, 'Let's have harmonisation of starting ages at schools', which the Bracks government supports, but two years ago we committed to signing up to the Ministerial Council on Education, Employment, Training and Youth Affairs on this issue provided there was a period of time to consider developmental needs and provided the commonwealth actually came to the party with finances. Strange as it may sound, bringing forward the compulsory starting age at school in this state would mean that in the year it came into place we would effectively double the number of preps entering our schools in the first year and would see that number go through schools for 13 years — and it would cost in the order of \$350 million a year to have that extra group going through the schools.

We are supportive of harmonising these issues. There are big issues over what is the ideal time for a child to start. But leaving that aside, we are on board for harmonising, but Ms Bishop needs to understand that sometimes there are consequences of her actions, and if the consequence of this is \$350 million a year for Victoria for 13 years then she needs to come to the party with some money to pay for that.

This goes back to my whole premise of why Julie Bishop should come to one of the states and visit. What

is happening is that Ms Bishop is presiding over a federal education bureaucracy that has grown fourfold during the life of the Liberal government. Does it teach a single student in Victoria or any other state or territory? The answer is a clear no. Julie Bishop has seen her education bureaucracy grow fourfold, yet the commonwealth does not teach a single student in Australia.

The bureaucrats that Julie Bishop has around her are coming up with all sorts of wacky ideas, saying, 'Let's start harmonising the school starting age', which is a good point and something to talk about, but it will cost Victoria \$350 million a year. The minister should get out of her ivory tower in Canberra and mix with students and parents.

Hazardous waste: Tullamarine

Mr FINN (Western Metropolitan) — My question without notice is directed to the Minister for Planning. I refer to the health concerns expressed by residents living in proximity to the Tullamarine toxic waste dump, and I ask: has the minister or the government undertaken any investigation into those residents' concerns?

Hon. J. M. MADDEN (Minister for Planning) — I welcome the member's question. Mr Finn is very predictable in many ways. A matter in relation to the Tullamarine landfill site is before the Victorian Civil and Administrative Tribunal, so it is not appropriate for me to make comments about it. I make it very clear that I am not going to make any detailed comments about this matter because it is currently before VCAT.

In relation to Mr Finn's question, can I just say more generically and broadly that we are conscious of the concerns of the local community as we are conscious of the concerns of every community in relation to all planning matters. It is worth appreciating that, as in this case, there are relevant authorities that deal with those kinds of matters, whether it be local government or the Environment Protection Authority. In this instance the EPA has a number of pending matters in relation to this site, hence there is a hearing at VCAT in relation to this matter. I am not going to make any comments in relation to it.

I will make it absolutely clear that in relation to all planning matters this government and I, as the planning minister, are always concerned about the community's comments and concerns that are expressed in relation to these matters. The relevant agencies and authorities will do what they need to do in relation to any of those concerns that are expressed by that community.

I know Mr Finn, in his very early days in this chamber, has to rally behind those themes in the west —

Mr Finn interjected.

Hon. J. M. MADDEN — That is right.

The PRESIDENT — Order! The minister is not to debate the question but to answer it.

Hon. J. M. MADDEN — It would have been good had we heard from Mr Finn in the years prior to the recent election. I know he was distant from many of these issues then. I think one day he was spotted somewhere near the EastLink tollway waving a placard, but other than that and other than trying to re-establish himself as a member of the Liberal Party and enhancing his credentials so he would get a gig in this Parliament yet again — and may I suggest —

Mr Finn — On a point of order, President, on the question of relevance, I think the minister is entitled to wander a little but at this point in time he is decidedly avoiding answering the question. What the minister is referring to at the moment bears absolutely no relevance to the question asked.

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

Hon. J. M. MADDEN — What is the relevance of Mr Finn's point? Although it was a long time ago, I recall that Mr Finn was the member for Tullamarine in the other house but did not last very long. Why? Because the Kennett government wanted to expand that landfill site. It is absolutely hypocritical of Mr Finn to come into this chamber, stand on his soap box and make out that he is a born-again environmentalist, when it is not true. We all know it. The members of his party know it. We all know that he is a fraud when it comes to this matter.

Supplementary question

Mr FINN (Western Metropolitan) — Given that the government is walking away from its promise to close the Tullamarine toxic dump within 18 months, will the minister now give a guarantee that the residents of Tullamarine, Westmeadows, Gladstone Park, Atwood and the surrounding areas will suffer no ill effects to their health as a result of the ongoing operation of the toxic waste dump?

Hon. J. M. MADDEN (Minister for Planning) — I put on record once again how hypocritical it is for Mr Finn to come into this chamber and pretend he is a born-again environmentalist, when we know that this is

an issue he just stumbled upon. He has fumbled his way into the electorate. I know in his press release on this matter Mr Finn will misquote whatever I say, but it is absolutely hypocritical for Mr Finn to come into this chamber and pretend he is concerned about the landfill site in Tullamarine, because the Kennett government, when he was the member for Tullamarine, wanted to expand this site well and truly.

Housing: affordability

Mr TEE (Eastern Metropolitan) — My question is to the Minister for Planning. Can the minister inform the house of measures the Bracks government is taking to address housing affordability in Melbourne's growth areas?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Tee's question, because I know it is a matter he is particularly concerned about in his local area, especially in those outer suburbs. It is obviously an issue for debate and discussion. There has been much public debate about housing affordability, and that relates to all areas of government.

Mr Atkinson interjected.

The PRESIDENT — Order! Mr Atkinson!

Hon. J. M. MADDEN — There have been many claims and misconceptions. No doubt the Liberal Party will have a lot of misconceptions on this matter, and that is reflected in the remarks of the Prime Minister and the federal Treasurer on it. They are saying that state planning systems are driving up the cost of land in growth areas. They have repeatedly claimed that, and they are saying that those land release policies are driving up house prices. That is absolutely wrong. I make it absolutely and comprehensively clear that not only are they wrong on a number of things but on this matter they are absolutely wrong.

Who says the federal government is wrong on the impact of land supplies and house prices? I will tell the house. The Productivity Commission does, for a start. Its 2004 inquiry found that the principal issue responsible for the drop in housing affordability is not land supply, planning red tape or infrastructure costs. No, the inquiry's key finding was that the central driver behind the drop in affordability over the past decade has been access to cheaper housing finance. Who else says this? The chief economist from the ANZ Bank disagrees with the federal government as well.

Mr Guy interjected.

Hon. J. M. MADDEN — Do you disagree with the ANZ Bank’s chief economist, Mr Guy?

The PRESIDENT — Order! The minister will address his comments through the Chair. He need not provoke the opposition.

Hon. J. M. MADDEN — He said the main factor, by far, for the drop in affordability was the steep drop in interest rates in the past 15 years. The interest rate strategist from the Macquarie Bank said the land releases would have little effect on affordability. But we in government are taking our responsibilities absolutely seriously in relation to this, to make sure we have sufficient land supply in growth corridors, and we have put in place land supply for the next 25 years in each of these corridors.

Melbourne is the soundest of any major city, giving us a unique advantage over other states, as has been reported in the media quite recently. Our 2006 urban development program annual report is further confirmation of this strong position. Melbourne has a larger supply of residential land and more competitive prices than any eastern seaboard capital city, as well as it being more affordable than Perth, so it puts us in a very competitive position. In fact Victoria has a strong forward land supply, some of the lowest development charges in the nation and a significant program to cut regulatory red tape in the housing sector. We will also ensure, through our strategy of cutting red tape, that 13 000 planning permits are removed or streamlined, which amounts to almost 25 per cent of all permits lodged.

This is in stark contrast to the opposition. Theirs is the same old story. What is the opposition’s policy in terms of the long term? I will tell the house. Its policy is to neuter the role of the independent umpire in the form of the Victorian Civil and Administrative Tribunal for starters, to abolish the Growth Area Authority and to throw out plans for Melbourne’s growth corridors. The opposition’s policy would simply result in laissez faire, chaos and uncertainty. That is the position members opposite have adopted and continue to adopt. It is completely unconvincing.

The government will get on with the job and will make sure we continue to do the strategic and regulatory work that we need to do to make sure that we provide land for all Victorians.

Planning: Mill Markets

Mr KAVANAGH (Western Victoria) — My question without notice is to the Minister for Planning. I

want to raise the issue of the Mill Markets in Geelong. This issue was raised by Mr Guy recently, and Mr Vogels and Mr Koch have both taken a strong interest in it as well.

There has been a stay of execution since Mr Guy spoke, and the Mill Markets are now due to close on 30 March. At present anyone going down there can see that it is a very interesting place to visit, as Mr Guy suggested. Indeed it already attracts quite a lot of tourists. The more interesting thing about it is the potential for growth. What is the Minister for Planning, Mr Madden, going to do to help keep the Mill Markets open? In particular, will he agree to meet a delegation of stallholders at the Mill Markets?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Kavanagh’s question in relation to this matter. I welcome all questions in relation to planning matters from Mr Kavanagh. I hope the questions he asks are of a genuine nature. I suspect by the way in which he has asked this question that they are. My only suspicion comes from the fact that earlier in proceedings Mr Guy was consulting with Mr Kavanagh, so I hope Mr Kavanagh’s concerns are legitimate, and that he is not voicing or parroting the position of the Liberal Party on many of these matters.

Honourable members interjecting.

Hon. J. M. MADDEN — I think they do protest too much! No doubt the Mill Markets are the subject of discussion down in the Geelong region. Whilst I understand the community generally is sympathetic to the Mill Markets stallholders, which include a number of antique and other collectibles dealers in that sort of warehouse location, I want to elaborate on why the Mill Markets operator finds himself in that position.

It relates predominantly to a planning permit application. The proprietor applied for a planning permit for materials to be recycled at the site. It has now lodged a review at the Victorian Civil and Administrative Tribunal, because the council failed to make a decision on the application within the prescribed time. Regrettably the operation was established without the proprietor seeking advice or obtaining the necessary permission, and it has continued to disregard various legislative and regulatory requirements. I sympathise with the stallholders about planning permission not having been granted for the use of this facility, but it is worth appreciating that it is in a port area and certain uses are deemed to be acceptable for a port area, not only currently but also strategically in the long term. While I appreciate Mr Kavanagh’s concern, and while I am also

concerned about the stallholders, it is worth appreciating that, regrettably, the operation was established without the proprietor obtaining the necessary permission and has continued with a disregard of various legislative and regulatory requirements.

Mr Atkinson interjected.

The PRESIDENT — Order! Mr Atkinson!

Hon. J. M. MADDEN — I understand that the council is allowing the facility to remain open while it works with the proprietor to facilitate a relocation to a more suitable site in Newcomb by April. What we have is the council working collaboratively with them and trying to seek a better outcome, and I encourage that. I understand the stallholders have their concerns, but if the opposition is advocating that various proponents should disregard the legislative and legal requirements in relation to planning permit activity, it needs to reconsider its position on planning. It needs to seriously consider the rule of law in this state and the regard in which it holds legislation.

An honourable member interjected.

Hon. J. M. MADDEN — We know where the question came from. The opposition needs to think about this very seriously.

Supplementary question

Mr KAVANAGH (Western Victoria) — I would like to ask again whether Mr Madden will meet the people from the stallholders' association.

The PRESIDENT — Order! Mr Kavanagh is unable to ask the same question, but asking one closely related to it is permissible.

Mr Atkinson — Is his diary clear on Friday?

The PRESIDENT — Order! Mr Kavanagh certainly does not need any assistance from Mr Atkinson, whose name I have already raised four times today. I ask him to be careful. I warn him.

Mr KAVANAGH — Thank you, President. I ask the Minister for Planning whether he has any plans to help the stallholders from the Mill Markets.

Hon. J. M. MADDEN (Minister for Planning) — I thank Mr Kavanagh. I am happy to have representatives from my department meet with representatives from the group.

Honourable members interjecting.

Hon. J. M. MADDEN — If, on short notice, I have the opportunity to meet with some of the stallholders, I would be happy to consider that. I appreciate that whilst I do not understand the arrangements the stallholders have with the store, in many of the antique markets the stallholders have a sublease or a rental payment, and they rent from the actual proprietor who has the facility. I look forward to hearing more from the department in relation to what it has spoken to those stallholders about. Also I am genuinely interested that the matter be resolved in the way the council is proposing — that is, considering any potential more suitable site. I am happy to have those matters considered and to seek advice from my department in relation to them.

Aged care: young resident facility

Ms MIKAKOS (Northern Metropolitan) — My question is to the Minister for Community Services, Gavin Jennings. Could the minister advise the house how the government is responding to the needs of younger people living inappropriately in residential aged care facilities?

Mr JENNINGS (Minister for Community Services) — I thank Ms Mikakos for her question. Yesterday I had the good fortune to be in the company of many good citizens of the state of Victoria in Darebin, in her electorate, to announce a new facility that will be established under a program known as My Future My Choice. It will provide opportunities for members of our community with disabilities such as acquired brain injuries and other intellectual disabilities to be able to move out of inappropriate accommodation — whether it be in residential aged care or at home — and be provided with individual support. It is a great initiative that has been undertaken by the Villa Maria Society, and it will be a benchmark for this work into the future.

As any member of the community and as any member of this chamber knows, I am very prepared to give the commonwealth government some credit where credit is due. In fact, this is one area — —

Mr Drum interjected.

Mr JENNINGS — No, Mr Drum, you know full well that if any credit is due to the commonwealth, I will pay it. In this regard the commonwealth and the state of Victoria have entered into an arrangement where \$60 million will be allocated over five years to provide the facilitation of services, such as the Villa Maria service, in years to come.

This service, which will be built in Austin Street, Fairfield, will be an exemplar — in fact, a shining model — of what services can be tailor made to meet the needs of individuals with acquired brain injury, intellectual disability or other disabilities. They will be able to have their care needs addressed in a small and intimate neighbourhood-type setting that will be able to provide quality community care, access to the community and access to neighbourhoods.

We will make sure the services are tailor made to address care needs yet are done in a way which will be cost-effective, which will provide efficient service delivery and which will develop innovative models into the future. It is one of those areas where the commonwealth and Victoria can be pleased to work arm in arm with great providers like Villa Maria to undertake this work.

With yesterday's announcement we saw a great cross-section of the community who have come together to support this new initiative. An amount of \$2.2 million has been allocated out of those funds. I am very pleased to report to the house that one of the first of 10 residents who will move into the facility is Chris Nolan, a young man whose circumstances have become very well known throughout the community. He is a young man who has an acquired brain injury and who has been a crucible — a shining light — in relation to these issues right across the community. He has galvanised a whole range of people to provide support.

Chris was at yesterday's event with his mum, Mary. During the course of my speech, when I referred to Chris and his great reservoir of family, friends and support and to the fact that they have provided a great support base but also said we wanted to implement a program designed to meet the circumstances of individuals who do not have that level of family or friendship support and who are quite often forgotten or invisible, a huge smile came over Chris Nolan's face. It was a huge recognition of the value of this work for the people who are quite often forgotten in our community.

I am pleased to say that Villa Maria, with the support of the state and commonwealth governments, will develop quality care for the individuals who deserve this degree of intimate and appropriate support into the future. I look forward to further opportunities that we make together for providing this great form of innovative care.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Minister for Education) — I have answers to the following questions on notice: 25, 26, 27.

Mrs COOTE (Southern Metropolitan) — I ask the Leader of the Government for some clarification. Questions 8 to 24 which first appeared on notice paper 1 have not been answered. I have written to the minister concerned, and I would like some indication of when I can expect an answer.

Mr JENNINGS (Minister for Community Services) — I would like to take the call, because whilst the question was directed to the Leader of the Government, those questions are my responsibility. In fact I signed off on any number of those questions last week, and I am very surprised that only relatively few of them have landed on the table of the chamber today. The answers that were referred to by my leader a moment ago are my answers. The answers the member has referred to are coming and are not too far away, because I believe that I have signed off the vast majority of them.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 2

Mr EIDEH (Western Metropolitan) presented report, including appendices.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Altona Memorial Park — Minister's report of failure to submit report for 2005–06 to the Minister within the prescribed period and the reasons therefor.

Report, 2005–06.

Falls Creek Alpine Resort Management Board — Report for the year ended 31 October 2006.

Gambling Regulation Act 2003 — Victorian Commission for Gambling Regulation Rules — Casino, 21 February 2007.

Lake Mountain Alpine Resort Management Board — Minister's report of receipt of 2005–06 report.

Members of Parliament (Register of Interests) Act 1978 — Summary of Primary Returns, February 2007 and Summary of Variations notified between 14 September 2006 and 26 February 2007.

Mount Baw Baw Alpine Resort Management Board — Report, for the year ended 31 October 2006.

National Environment Protection Council — Report, 2005–06.

Parliamentary Committees Act 2003 — Minister's response to recommendations in Road Safety Committee report on the Inquiry Into Driver Distraction.

Minister's response to recommendations in Rural and Regional Services Development Committee report on the Inquiry into Regional Telecommunications Infrastructure for Business.

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

Bayside Planning Scheme — Amendment C46.

Casey Planning Scheme — Amendment C46.

Darebin Planning Scheme — Amendment C71.

Greater Bendigo Planning Scheme — Amendment C51.

Greater Dandenong Planning Scheme — Amendment C88.

Maroondah Planning Scheme — Amendment C55.

Mildura Planning Scheme — Amendment C10.

Moonee Valley Planning Scheme — Amendment C74.

Moreland Planning Scheme — Amendments C69 and C70.

Mornington Peninsula Planning Scheme — Amendment C85.

Stonnington Planning Scheme — Amendment C65.

Wodonga Planning Scheme — Amendment C50.

Snowy Hydro Limited — Report for the period 3 July 2005 to 1 July 2006.

A Statutory Rule under the following Act of Parliament:

Legal Profession Act 2004 — No. 3.

Subordinate Legislation Act 1994 — Minister's exemption certificate under section 9(6) in respect of Statutory Rule No. 3.

Water Act 1989 — Minister's Order of 25 January 2007 declaring a water supply protection area for the Barwon River.

Proclamations of the Governor in Council fixing operative dates in respect of the following Acts:

Drugs, Poisons and Controlled Substances (Amendment) Act 2006 — sections 1, 2, 3, 7, 9(1) and

11 — 19 February 2007 (Gazette No. G7, 15 February 2007).

NOTICES OF MOTION

Mr P. DAVIS (Eastern Victoria) (*By leave*) — As a courtesy I seek to advise the house that in relation to notice of motion 1 listed under my name some changes have been advised to the clerks. These are a consequence of some discussions between the opposition, the government and the other non-government parties. I have no doubt that tomorrow we will see further suggested changes during the course of debate, but the matters which I wish to draw to the attention of the house as a courtesy rest primarily with some principal issues.

Firstly we have proposed to introduce a sunset clause on the operation of the suspension of time limits. That sunset clause will be for a period of, in effect, six months. Further we are proposing to alter the way in which the adjournment debate is conducted to in effect remove the limit of 15 adjournment matters per night and therefore the practice of limiting one adjournment matter per member per week. Further we are proposing to delete from the notice of motion the production of documents provisions and separately list those in a moment as a notice of motion formally, so that debate on those would occur at a later date. I will give notice of that formally.

Those are the major changes but for one further matter, which is to try to accommodate some concerns by the government in particular about the effect on the government of the time allowed for government business as a result of giving precedence to select committees to meet on Thursdays. We have made some further minor changes, including the introduction of a provision which would mean that when it was in receipt of a motion that a select committee would meet on a Thursday morning, the house could determine that that sitting of the select committee not proceed. I think that largely accommodates the concern about managing the time for government business should there be a conflict between the sittings of select committees and the house.

Mr P. Davis having given notice of motion:

Mr VINEY (Eastern Victoria) (*By leave*) — I ask leave of the house to have the amended motion put on the notice paper for tomorrow so that we understand what we are debating tomorrow.

The PRESIDENT — Order! That is an automatic occurrence. That will be on the notice paper tomorrow.

Mr VINEY — Secondly, I have circulated a government amendment to the proposed sessional orders and wanted to give the house the courtesy of advice of our intention to move that amendment, which relates to the question of general business. I understand the motion will be moved tomorrow. I do not want to get into it, but the effect is to have general business held at 3 hours and then extended by hourly decisions of the Council.

Mr P. DAVIS (Eastern Victoria) (*By leave*) — I am happy for the amended notice of motion to be circulated now so that all members have it available to them. I have no doubt there will be a series of amendments tomorrow, and perhaps tomorrow is the time to debate those.

The PRESIDENT — Order! It is up to Mr Viney as to whether he wants to circulate them now.

Further notices of motion given.

MEMBERS STATEMENTS

Rail: Windsor station

Mrs COOTE (Southern Metropolitan) — Yesterday the remains of what appears to be a homeless Victorian were found beneath the bridge at the Windsor railway station. This is a tragedy in so many ways, and it is impossible to say with certainty that that death could have been avoided, but we must ask ourselves: how long had he been there? Why did the system fail him? With so many services available, why is it that he fell through the cracks?

I have mentioned Windsor station in this place many times. I have described the damage that is done to it — the graffiti, the broken windows and the general state of disrepair of the entire station. There is an appalling mess at Windsor station, and this tragedy has unfolded under its nose. I am left wondering whether, had there been better maintenance of the entire Windsor station site, perhaps this homeless Victorian could have been identified earlier, been given appropriate assistance or, at the very least, been discovered earlier and been buried with respect and dignity.

Philip Wollen

Mr PAKULA (Western Metropolitan) — I want to make a statement about the strange decision of the Australian of the Year committee to make Mr Philip Wollen Victoria's Australian of the Year. Mr Wollen may well be a high achiever in his field, but he has

some particular and pretty odd views about the dairy industry: he wants to shut it down.

My interest in this is that for 10 years I was the National Union of Workers dairy organiser. In that role I went to companies and towns as diverse as Nestlé at Dennington, Tongala and Mulgrave; Kraft at Strathmerton, Leitchville and Port Melbourne; Bonlac at Darnum, Stanhope and Koroit; National Foods at Chelsea, Morwell and Cobden; Murray Goulburn at Cobram, Koroit, Leongatha and Maffra; Parmalat at Bendigo and Rowville; and Dairy Farmers at Allansford and Simpson.

Whilst my work was at the processing level rather than at the farm gate, that was enough for me to understand that the dairy industry is almost a \$5 billion industry; it is our biggest export industry, and it is the lifeblood of hundreds of Victorian communities. It also supports thousands of highly skilled and well-paid jobs in the processing industry. The ill-thought-out views of fringe activists ought to be utterly rejected.

Philip Wollen

Mr VOGELS (Western Victoria) — In a bipartisan approach I would like to know how an advocate who supports the demise of the dairy industry in Victoria could win the Victorian of the Year. Philip Wollen, the recipient of the award, as reported in the *Weekly Times* of 21 February, has urged Victorians to turn their backs on the dairy industry and become vegans, as he compares dairy products to asbestos products. No doubt this merchant banker can afford to be a vegan. If that is his choice, good luck to him, but to many of the population, especially people in Third World countries, dairy products are essential for a healthy diet.

The dairy industry in Victoria is the state's largest decentralised value-adding industry and is worth approximately \$5 billion per annum. It is also the largest exporter out of the port of Melbourne, sending out products like skim milk powder, full cream cheeses and yoghurts, not to mention specialised dairy ingredients such as milk protein concentrates. The Warrnambool Cheese and Butter factory is about to spend \$50 million on a dairy plant which will turn whey, presently just a waste product, into a nutrient used for infant formulas.

The dairy industry in Victoria directly and indirectly employs about 50 000 Victorians. According to the guidelines, the selectors for Victoria's Australian of the Year consider the nominee's contribution to the development of their community and economy, their future goals and likely impact. On this criteria alone,

Philip Wollen does not qualify for this prestigious award.

Maroondah: citizenship ceremony

Mr TEE (Eastern Metropolitan) — On 21 February I attended a citizenship ceremony at Maroondah. The 99 citizenship applicants from 21 countries proudly and enthusiastically swore loyalty to Australia, its democracies and laws. Some have had firsthand experience of living with governments which viciously suppressed democracy and the rule of law.

Unfortunately the occasion was soured by comments made by the federal Treasurer, which were reported in the *Herald Sun* on that day. Mr Costello referred to dual citizens 'hell-bent' on dividing Australia, who did not support what Australia stands for including the law, rights of others and tolerance. This was a slur against the new Australians I met on 21 February. They are proud Australians who I have no doubt would fight for and, if need be, die to defend Australian values.

Mr Costello's attack was a slur on the 140 000-plus members of my electorate who were born overseas. They are good citizens who have worked hard and have built our community.

Is it a coincidence that these offensive and divisive remarks were made in an election year with polls showing Prime Minister Howard in trouble? This is cheap political opportunism of which Pauline Hanson would have been proud. Mr Costello should offer an immediate and unreserved apology and leave the race card out of the election.

Holocaust: education campaign

Mrs KRONBERG (Eastern Metropolitan) — Along with my parliamentary colleagues on both sides of this house I attended the launch of 60 days for 6 million project on Sunday, 11 February, at the Melbourne Hebrew Congregation. Zachor, or the act of remembering the Holocaust, or Shoah, which saw 6 million Jews annihilated during World War II, is of greater importance today than it was in previous decades. Melbourne's Jewish community, which has the largest number of Holocaust survivors in the world, now has to fear history revisionists. One of the most prominent supporters and financiers of the history revision industry is the extremely anti-Semitic Iranian president. He believes that if the Holocaust is denied, the fundamental reason for founding the state of Israel in 1948 is removed and his goal to destroy the state of Israel and sweep its people into the Mediterranean will move closer.

I believe that the children of Victoria should be well informed about the Holocaust. Studies of the Holocaust should become part of our schools' curriculums. The Bracks government must do everything possible to ensure that our children visit Melbourne's Holocaust museum and the government should sponsor travelling exhibitions throughout the state.

Victorian Jazz Archive: heritage grant

Mr LEANE (Eastern Metropolitan) — Since the last parliamentary sitting I have been fortunate enough to visit the Victorian Jazz Archive, which is a hidden gem off the Mountain Highway in Wantirna where over 400 volunteers are passionately preserving jazz music and associated memorabilia. They have collected and archived thousands of records, tapes, posters, books and musical instruments dating from the 1920s to the present day. The jazz archive recently received a \$3000 heritage grant as part of the Bracks Labor government's four-year heritage strategy, which dedicated \$20.5 million for the protection, conservation and understanding of our heritage. The Victorian Jazz Archive will use its grant to pay for a study to assess its collection and how best to preserve it.

The archive's general manager, Mr Ray Sutton, and its curator, Mr Les Newman, were happy to give me a comprehensive tour. As well as thousands of jazz items held in the archive, there is also a working sound studio, where, amongst other things, fragile acetone tapes are recorded onto CDs to preserve this historic Australian music. I was so impressed that you are now looking at new member 649 of the jazz archive. I asked my daughter if this makes me a hip and groovy cat. She said that in my case the answer is no, but I will tell members that the Victorian Jazz Archive is a happening place.

Eastern Freeway: native trees

Mr DALLA-RIVA (Eastern Metropolitan) — I wish to raise my concerns about the state of some of the native trees along the Eastern Freeway. In particular I am concerned about the area between Doncaster Road and Bulleen Road. Along that stretch of freeway is a range of native trees that are slowly dying. I know that the Bracks government's policy on water is to look to the skies and pray, but it concerns me that no strategic plan is in place to combat the loss of vegetation along that road. For those who wish to use alternatives to trees, huge concrete walls can be put up to protect residents from road noise.

I am concerned, as are residents of North Balwyn and those on the other side of Doncaster, that we need to

have a plan in place to maintain the trees. A number of large gum trees are already dead — I am sure they were planted many years ago or were there before the freeway was built — and a number are distressed. I am concerned that if we do not take action to protect the trees along that particular stretch of freeway the alternative course will be to put up huge concrete walls like those in place along other freeways in Victoria, which would be a shame and would affect the aesthetics of that area.

Disability services: Leadership Plus program

Ms TIERNEY (Western Victoria) — Last Monday I was fortunate to meet with participants and carers involved in as well as the organisers of the leadership program for people with disabilities, Leadership Plus. The program has run for three years and has 12 monthly intakes. This involves one three-day opening retreat in Geelong followed by eight two-day seminars in various Victorian locations throughout 2007.

Leadership Plus promotes people with disabilities as leaders and works towards a society that will value diversity in leadership. The program is not necessarily directed at championing disability rights and related issues but rather at ensuring that people with disabilities can be and are leaders in many fields within our communities and that, like everyone else, they are afforded the opportunity to further develop their expertise and networks. This was amply demonstrated to me that evening by one of the participants, who approached me about the special needs of women with mental illness. It was clear that she had a very detailed knowledge of services and a very enthusiastic strategy to help women.

Consequential outcomes for communities that host the program are multifaceted and multilayered — for example, the accommodation provider in Geelong organised training for the 14 hospitality and housekeeping employees on the needs of program participants and as a result modifications were made to facilities. It is a process of involving everyone and having a more aware community that allows disabled access issues to be naturally integrated into town planning and landscapes. I urge all Victorian communities to engage in, support and hopefully at some time host the program.

Small business: confidence

Mr D. DAVIS (Southern Metropolitan) — My matter today concerns the issue of business confidence in Victoria. We heard the Minister for Small Business

respond to questions about business confidence during question time today. Clearly he is a minister who is out of touch. I think it is important to place on the record that he was small business minister in the Kirner government, a government that destroyed Victorian business prospects and greatly damaged this state's economy, including employment.

I make the point today that the quarterly Sensis *Business Index* for small and medium businesses for February is an indictment of the Victorian government. Business confidence among Melbourne and metropolitan small and medium enterprises is at 55 per cent — 8 percentage points below the national average.

It is also clear that the situation in country Victoria is no better. In fact country Victoria scores as the second lowest nationally, a bad result for Victoria and a result of which this minister should not be proud. He should be beginning to act to turn this confidence index around. It is only a week or so since the St George Bank-Australian Chamber of Commerce and Industry survey was released. That made the point that in the December quarter 2006 state government regulations were the greatest constraint on small business investment. I make the point that this government has got to do more to remove business regulation impediments.

Honourable members interjecting.

Mr D. DAVIS — I will tell you what: much more needs to be done. The minister needs to take action. He is failing small business, and he is a small business minister who is heading the way —

The PRESIDENT — Order! Mr Davis is out of time.

Lawn bowls: Australian championships

Mr ELASMAR (Northern Metropolitan) — On Thursday, 22 March, I was privileged to attend, along with the mayor of the City of Darebin, Cr Marlene Kairouz, the Darebin International Sports Centre, which hosted for the second year the ABN AMRO Australian Open 2007 lawn bowls championships. These are Australia's premier lawn bowls championships and attracted a record number of entries, with more than 1400 competitors from across Australia and around the world. The Darebin International Sports Centre is the same venue that hosted the very successful lawn bowls event during the Commonwealth Games in 2006. With a growing number of registered lawn bowlers — around 400 000 in Australia — the televised Australian Open lawn bowls championships attract wide interest.

The Minister for Sport, Recreation and Youth Affairs in another place, Mr James Merlino, recently announced, together with the City of Darebin, a government funding package that will ensure that the Australian Open remains at the Darebin International Sports Centre until at least 2011. The state lawn bowls venue at the Darebin centre has been so impressive during the two years since it opened that Bowls Australia is relocating its offices there and will run all of its elite and high-performance training programs for Australia's top lawn bowlers from the centre. This venue is a wonderful example of the Bracks government working in partnership with local government and sporting bodies to deliver world-class facilities and events for widespread community benefit. This event provides a world-class lawn bowls spectacular for the citizens of Victoria and the City of Darebin and has a significant economic impact on the area.

Australian Labor Party: Bennelong federal candidate

Ms LOVELL (Northern Victoria) — I refer to an article in today's *Sydney Daily Telegraph* which reflects on the Australian Labor Party's addiction to celebrity candidates. It starts out:

Labor's habit of recruiting candidates with no local knowledge is bad news ...

The ALP's latest celebrity candidate, Maxine McKew, has a distinguished CV, working for decades as a presenter with the ABC, the ALP's media arm —

It goes on to say:

McKew, who has been parachuted into politics as the ALP's candidate for Prime Minister John Howard's seat of Bennelong after joining the Labor Party earlier this month, follows celebrities such as Peter Garrett and Cheryl Kernot to the ALP brand.

It is clear that the ALP is addicted to recruiting celebrity candidates who have very little local knowledge and do not go on to make good members of Parliament. It is also clear that a double standard exists within the ALP when it comes to handing out the seats. Male candidates like Peter Garrett are handed safe Labor seats with large margins. Female candidates are expected to go out and win seats that have not had traditional Labor leanings. Cheryl Kernot whinged that she had not been given a safer seat when she lost the federal seat of Dickson, and now we see Maxine McKew asked by the Labor Party not only to contest a seat that is not traditionally aligned to Labor but also to take on one of the greatest leaders and the smartest politicians Australia has ever known. It is clear that

within the Labor Party there are plenty of jobs for the boys, but the glass ceiling — —

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

David Hicks

Mr SCHEFFER (Eastern Victoria) — I commend the decision of the Attorney-General in the other place, Rob Hulls, to directly press USA Attorney-General, Alberto Gonzales, to justify the treatment of Guantanamo Bay Australian prisoner David Hicks. Rob Hulls is to be applauded for asking other state attorneys-general to support his call for Mr Gonzales to appear by video link at the next meeting of the Standing Committee of Attorneys-General. It is a national shame that the commonwealth Attorney-General, Philip Ruddock, refuses to support Rob Hulls in this matter. Philip Ruddock, the Prime Minister, some members of the federal Liberal government, members of the US government and the US ambassador to Australia have at various times during the five years of incarceration of David Hicks made public statements that have prejudged Hicks as being guilty before he has come to a fair trial.

It is outrageous and offends basic principles of justice and fairness for the US ambassador to describe the men held at Guantanamo Bay as 'ruthless fanatics who would kill Australians and Americans without blinking an eye' before they have been tried and found guilty.

The seriousness of the commonwealth government's conduct is underscored by the statements of two eminent lawyers — former Chief Justice of the Family Court, Alastair Nicholson, and Robert Richter, QC — who point out that Philip Ruddock's conduct has exposed him to investigation or charge in relation to a possible war crime, with Mr Nicholson saying there is a substantial argument that the Australian government may be acting unlawfully. The Australian public awaits with interest the response of Alberto Gonzales to Rob Hulls and those who support him.

Migrants: information assistance

Ms MIKAKOS (Northern Metropolitan) — On 21 February I was honoured to speak at the launch of the *Bringing the Law to the Community* DVD. The Migrant Resource Centre North West Region developed the DVD in partnership with the African Community Development Centre. It was jointly funded by Consumer Affairs Victoria and the Victoria Law Foundation. The DVD has been translated into Arabic, Amharic, Dinka and Somali and has a complementary

English version. It is anticipated that the DVD will be used by community legal centres and settlement support workers to provide essential information to newly arrived members of the Sudanese, Ethiopian and Somali communities.

Since 1999 over 7000 people from the Horn of Africa region have arrived in Australia. Many of them have found it difficult to understand the Victorian and Australian justice systems. The DVD covers important information about day-to-day life, including travelling by public transport, the responsibilities associated with buying and owning a vehicle, mobile phone contracts, where to go for help with family violence, and the role of Victoria Police in contributing to a safe and secure society.

The Bracks government is committed to ensuring access to justice for all our communities and to removing barriers to opportunities and the seeking of information about existing services. The DVD will assist in the settlement of our African communities by providing basic orientation to the legal system and addressing some critical issues they face. I commend all the organisations involved in its production.

Bushfires: Licola flood

Mr HALL (Eastern Victoria) — Yesterday I rang two of my constituents in Licola, they being Ralph Barraclough, the local Country Fire Authority captain, and Ray Winter, who, with his wife Mary, runs the general store and caravan park at Licola. Anyone watching television at the weekend would know that Ralph and Ray, along with others in Licola, suffered significant storm damage to their properties when a deluge of rain on severely burnt country washed tonnes of mud and debris down valleys and through buildings in their path. As a result, Ralph will probably lose his house, and the future of Ray and Mary's business is at severe risk. All this comes on top of the disastrous bushfires that have swept the Licola area in recent months.

I rang to tell them I was thinking of them and to offer any assistance that they needed. They informed me that they have had great help from organisations like the State Emergency Service, the Wellington shire, volunteers from a whole range of different service clubs who have been up to help, and also some Department of Sustainability and Environment staff who have been very helpful. What they were most disappointed in was the fact that they have never been contacted by anybody on the ministerial bushfire recovery task force. Neither the Premier nor the Treasurer, who chairs that task force, or indeed any member of the task force has had

the courtesy of even calling them on the telephone to see what their needs are in this time of crisis.

Today I call upon the Premier or indeed the Treasurer to make the effort to contact these unfortunate people who have been hit with a double whammy of bushfires and now mud slides.

The PRESIDENT — Order! The time for members statements is over.

WATER AMENDMENT (CRITICAL WATER INFRASTRUCTURE PROJECTS) BILL

Statement of compatibility

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

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act, I make this statement of compatibility with respect to the Water Amendment (Critical Water Infrastructure Projects) Bill 2006.

In my opinion, the Water Amendment (Critical Water Infrastructure Projects) Bill 2006, as introduced in the Legislative Council, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

This bill amends the Water Act 1989 and the Land Acquisition and Compensation Act 1986 to facilitate the construction and operation of critical water infrastructure projects.

Human rights issues

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

The bill does not raise any human rights issues.

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

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

Conclusion

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

JUSTIN MADDEN, MLC

Second reading

Ordered that second-reading speech be incorporated on motion of Hon. T. C. THEOPHANOUS (Minister for Industry and State Development).

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

That the bill be now read a second time.

Incorporated speech as follows:

The purpose of this bill is to facilitate the fast-tracking of critical water infrastructure projects.

Record low rainfall and inflows to Victoria's reservoirs over the past decade are threatening the security of the state's water supply. To improve this situation, a number of water infrastructure projects are in the implementation phase with major augmentation options for Melbourne and Geelong in the medium to long term also being developed. One of these projects is the goldfields super-pipe, which will connect Ballarat and Bendigo to the Goulburn system. This project was announced as part of the government's sustainable water strategy for the central region. This comprehensive plan sets out the actions that will be taken to secure water supplies for homes, farms, businesses, industry and the environment in the central region of Victoria for the next 50 years. Of course, as the sustainable water strategy makes clear, new infrastructure projects are one of many initiatives that are required.

The failure of winter and spring rains this year has significantly worsened the water situation with many country towns on severe water restrictions. If this trend of low rainfall and inflows continues through autumn and winter of next year, Victoria will be faced with extreme conditions and challenges with many storages running out of water. If this eventuates, it will be extremely important that there is certainty in critical water infrastructure projects being delivered in a timely manner. For this reason, the government made a pre-election commitment to legislate to fast-track approval of critical water infrastructure projects.

This bill will give the Premier the power to declare projects to be critical water infrastructure projects. The Premier will only be able to declare a project on the recommendation of the minister for water, after the minister has consulted the Treasurer and the Minister for Planning. The Premier will have broad discretion to determine which infrastructure projects are to be declared. This will give the Premier flexibility to declare infrastructure projects other than those that will simply improve the security of water supply. This could include environmental projects.

A declaration will have two important consequences. First, the Minister for Planning, rather than the local council, will make planning decisions in relation to a project area. This will mean that decisions relating to a project located within more than one municipal district will be made by one decision-maker in an integrated way.

Secondly, a water authority responsible for a critical water infrastructure project will be able to commence the formal process of acquiring land compulsorily without having to arrange for the relevant planning scheme to be amended to

apply the public acquisition overlay to that land. The bill will also ensure that water authorities have all the functions and powers necessary to deliver critical infrastructure projects.

Water authorities will still need to obtain the usual approvals concerning environment protection, native flora and fauna conservation, Aboriginal cultural heritage, forests, and national parks. Although no exemptions from approvals have been provided in this bill, the declaration of a declared water infrastructure project by the Premier will send a clear message that the consideration of any approval applications are to be given priority.

The government will undertake a review of current planning and environmental approval processes with the aim of expediting critical water infrastructure projects and the results of this review may require further legislative change.

Summary

This bill delivers on the government's pre-election commitment to legislate to fast-track important water infrastructure projects. This represents an important step in improving the security of Victoria's water supplies.

To enable the impacts of this bill to be felt as soon as possible, it will commence on the day after royal assent.

I commend this bill to the house.

Debate adjourned on motion of Ms LOVELL (Northern Victoria).

Debate adjourned until Tuesday, 6 March.

INTERPRETATION OF LEGISLATION AMENDMENT BILL

Second reading

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

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to rise this afternoon to speak on the Interpretation of Legislation Amendment Bill. This is the first of three machinery bills that will come before this Parliament over the next month in the area of responsibility of the Attorney-General. It is a matter that I would expect this house — certainly this side of the house — will deal with expeditiously, although I do note that it is only the second piece of legislation that this house has had to consider in what is now its third week of sitting since the commencement of this Parliament. It would not surprise me if we saw some long speeches from the government in order to fill the agenda this week, notwithstanding the fact that this legislation is minor and very much of a mechanical nature.

This bill makes a number of small changes with respect to the drafting of legislation. The first and most significant amendment this bill makes — it is interesting to talk about the significance of these individual provisions — is provision that in future a bill brought before this Parliament will be titled 'Bill'. In this instance the bill we are considering is currently titled 'Interpretation of Legislation Amendment Act 2006', and following the passage of this legislation the title will be Interpretation of Legislation Amendment Bill 2006 and it will be up to the Clerk at the time of royal assent to amend the title from 'Bill' to 'Act'.

The second provision of the bill is that which allows the date of royal assent of a bill to be omitted from official reprints by the government printer. This in some respects is a redundant provision because since the mid-1990s members of Parliament and members of the general public have had access to the document management system which was put in place by the previous government. Under that system the Department of Premier and Cabinet keeps electronic copies of statutory rules and acts of Parliament. They are updated at the time legislation receives royal assent and therefore are constantly up to date, unlike copies of legislation that are printed by the government printer. Therefore the recording of printing dates and dates of royal assent is far less significant now than it was when Parliament and the general public had access only to hard copy documents.

Clause 5 of the bill introduces minor style changes which are articulated in a new schedule to be inserted into the Interpretation of Legislation Act. The provision makes a number of minor amendments to how the legislation will apply to acts of Parliament. Most of these provisions relate to the simple removal of hyphens from certain phrases and the use of the word 'note' rather than 'notes' et cetera. That is the extent of the legislation.

I should like to make a couple of points as to the operation of this legislation. The first is that this legislation has been recommended to the Parliament by parliamentary counsel following a meeting of parliamentary counsel across various jurisdictions. I take this time to pick up on the role of parliamentary counsel. The chief parliamentary counsel is currently Eamonn Moran, QC. It was good to see Mr Moran and his predecessor, Rowena Armstrong, QC, at the ecumenical service for the opening of the 56th Parliament several weeks ago. The absence of any cabinet ministers at that service was also notable. It was disappointing given that that service was arranged by the archbishops and other heads of other churches in Victoria for parliamentarians. It was disappointing that

neither the Premier nor a single minister attended that service. Nonetheless it was good to see the chief parliamentary counsel, Mr Moran, and his predecessor at that ecumenical service.

Debate on this bill gives this chamber an opportunity to pause and consider the role that parliamentary counsel should play in this place. Parliamentary counsel traditionally have very much been a tool of government. If members in this place wish to introduce private members bills, be they government or non-government members, the capacity to have legislation drafted by parliamentary counsel is very much in the gift of government by the Premier. In some instances non-government members of previous parliaments have engaged outside counsel — in fact they have engaged the former chief parliamentary counsel — to draft private members bills to be presented to this Parliament. But it has always been at the discretion of the Premier as to whether non-government members have access to parliamentary counsel for the production of private members bills.

Given the new role this Parliament will play, and given the new structure of this Parliament with an increase in the number of non-government parties, it would seem appropriate at this time that the role of parliamentary counsel be reviewed with a view to making parliamentary counsel more widely available to members of Parliament who are not members of the government. As a result of the new make-up of this chamber we should look at whether parliamentary counsel could become an organ of the Parliament rather than an agency of the Department of Premier and Cabinet.

Clause 7 relates to the repeal of this amending legislation and provides that the measure will be repealed 12 months after it is first enacted. That is also a recommendation of parliamentary counsel, and it is a practice that will from now on be incorporated in all amending acts to ensure that in future we do not have redundant legislation on the books once the purpose of an amending act has come into force and the principal act has been amended. We on this side of the house welcome that change. It will ensure that from this point forward the statute book will be cleaner than it may have been in the past and there will not be a lot of redundant legislation sitting around. With those brief words on a brief bill, the Liberal Party will support the legislation and looks forward to more substantial legislation being introduced into this Parliament.

Mr HALL (Eastern Victoria) — This afternoon it is my honour to present the view of The Nationals on this bill, given the actual content of the document. This is a

bill to amend an act, but the bill will become an act in its own right when it has been debated, passed by both houses of the Parliament and receives royal assent. At that point it will be an amending act, but until then it remains a bill. This is despite the fact that the terms 'Bill' and 'Act' are both used frequently in the explanatory memorandum and in the bill itself — soon to become an act — but it will only be an act for 12 months and then both this bill and this future act will be repealed. Such is the fascination of legislation!

One of the reasons I made those comments is that often members of Parliament are confused or perplexed at certain times about the terminology used both in legislation itself and the process employed to bring about legislation. It is clear that we are told, or we should at least know, that the potential act we are debating in this place in the first instance is called a bill and it does not become an act until it receives the consent of both houses of this Parliament and royal assent through the Governor of Victoria.

This is an amendment bill to the Interpretation of Legislation Act 1984, an act which, according to the second-reading speech:

... makes provision for the construction, operation and the shortening of language used in acts of Parliament and subordinate instruments.

The Interpretation of Legislation Act is an interesting act for new members to look through, and I challenge people to understand it fully, but after a period of time you at least get the gist of how legislation works, how it operates and how it is formulated.

The second-reading speech tells us:

The bill has been recommended by chief parliamentary counsel ...

Parliamentary counsel are an important part of the whole legislative process in this Parliament. The Office of the Chief Parliamentary Counsel Victoria provides an invaluable service to members and the Parliament. Parliamentary counsel assist us greatly whenever we want to amend legislation before the house. They also assist us in developing private members bills with the permission of the government of the day. I wish to take this opportunity to formally acknowledge and thank parliamentary counsel and commend them for the assistance they provide to members of Parliament.

Over the years I have had the opportunity of formulating private members bills. I have also have the opportunity of constructing amendments. I have always found parliamentary counsel most courteous, helpful and understanding. They have certainly enabled me to

achieve the intent that I have wished to achieve with proposed amendments. I commend Eamonn and his team at the Office of the Chief Parliamentary Counsel Victoria for the work they do and thank them.

The bill itself, as Mr Rich-Phillips has outlined, is a rather small bill of just seven clauses. The first provisions are machinery clauses. Clause 3 attempts to clarify what we have before us today — a bill which is not to be referred to as an act until it has received royal assent. That is why I made my introductory remarks.

Clause 4 is also a relatively machinery type of clause. It uses new words to me such as 'indorsement' rather than 'endorsement'. This is what legislation is all about — it makes us run to the dictionary to check some of the terms that are used! Clause 5 is all about style changes. It gives parliamentary counsel the authority to incorporate style changes that are set out in new schedule 1 of the legislation and to apply them when an act or a statutory rule is being reprinted. That means that the chief parliamentary counsel has the ability to make those style changes as appropriate to an act, according to schedule 1. The minister in his second-reading speech told us that this will achieve some conformity with other jurisdictions across Australia — state laws and federal laws — and I agree that that is a desirable outcome. Clause 5 adopts this common-sense measure.

Clause 6 inserts new schedule 1 into the Interpretation of Legislation Act. It sets out the types of style changes that are permissible to be undertaken by the parliamentary counsel. If members are wanting an example of what those style changes look like, I refer them to the explanatory memorandum of this bill which contains excellent examples of the sorts of changes that will be forthcoming once this bill is enacted.

Finally, clause 7 repeals this legislation after it becomes an act — it will repeal itself — on the first anniversary of its commencement. Again, this is a sensible provision that has been recommended by the Scrutiny of Acts and Regulations Committee. We all know that the vast majority of legislation that comes before the chamber is amending legislation to existing acts of Parliament. It is common sense that, once those amendments to the acts have been effected, the amending act itself is no longer necessary. There is an automatic provision in this bill, which will become an act soon, for it to sunset in 12 months time, when it is anticipated that all of the effects of this amending bill will be completed. In the future all other amending acts will have a sunset period of 12 months after their commencement.

This is a piece of legislation for legislation purists. It is quite fascinating to look through the Interpretation of Legislation Act — it is as an important act which all members should have some knowledge or understanding of. This amending bill makes common-sense changes to the act itself. The Nationals have no hesitation about supporting it.

Ms MIKAKOS (Northern Metropolitan) — I am very pleased to be able to make a brief contribution in support of this bill. During the last state election campaign the Bracks government made a commitment to continue to reform our laws and to ensure that our legislation is modernised and written in clear English. This bill delivers on that promise.

The bill is fairly short and quite technical in nature, but it contains important amendments — for example, one clause relates to rectifying the current anomaly of referring to a bill coming through the Parliament as an act. Bills are not in fact acts of Parliament until they are given the royal assent. However, the introduction print of a bill, including this one, is referred to as an act in its title, which is not in conformity with our Westminster traditions. Chief parliamentary counsel has advised that until a bill receives the royal assent, the word ‘Bill’ should properly be used in the title rather than the word ‘Act’. This practice will be adopted with the passage of this particular bill. The bill provides that the Clerk of the Parliaments will substitute the word ‘Act’ for the word ‘Bill’ in the title of a bill after it has received passage from both houses of Parliament and before it is presented to the Governor for assent.

Section 69 of the Constitution Act 1975 requires that the Clerk of the Parliaments endorses the date of royal assent on every act of Parliament immediately after the title of the act. This endorsement is in fact regarded as being as part of the act. This bill clarifies that when reprinting an act the government printer, who is also the chief parliamentary counsel, may omit the date of assent. The reason for doing this is that there has been confusion about the date of assent and the date of the reprint when acts have been reprinted. It will be the date of the assent which will be printed on every act of Parliament in the future.

I am a person who has always been interested in substance over style, but I am prepared to concede that the style or the format of legislation is important in some cases. This bill seeks to make it easier for members of the public and also members of Parliament to read and understand legislation. For example, it inserts schedule 1 into the Interpretation of Legislation Act to include a number of stylistic changes which parliamentary counsel have recommended to us. For

example, it recommends that hyphens be removed from certain words — the word ‘subsection’ will now not have a hyphen. I understand this is in accordance with the modern usage of certain words and phrases, as evidenced by the *Macquarie*, *Oxford* and *Webster’s* dictionaries and also the *Butterworth’s Australian Legal Dictionary*.

Having examined a number of those dictionaries, I can advise the house that *Webster’s* third edition 1998, the *Australian Oxford* second edition 2004, the *Macquarie* fourth edition 2005 and *Butterworth’s Australian Legal Dictionary* 1987 spell the word ‘subdivision’ without a hyphen. We are moving with the times in introducing these corrections in our legislation to ensure that the way these words are referred to in legislation and also by the legal profession and the public in future will be in accordance with common usage.

Whilst it might appear that some of these stylistic changes are not particularly significant, it is important because we are trying to achieve national consistency as much as possible. There is a process that has been under way for a number of years now. The national Parliamentary Counsels Committee, which also includes our good friends from New Zealand, is seeking to achieve greater national consistency in our legislation. Some of these stylistic changes are putting in place that national uniformity.

The Standing Committee of Attorneys-General checks steps taken by the Parliamentary Counsels Committee and has agreed in principle to minimise policy differences when implementing national harmonisation projects. That is important, because increasingly legislation that comes before Parliament seeks to put in place a national scheme across all our jurisdictions. Usually the way these things operate is that one sponsoring jurisdiction will take upon itself the task of drafting the legislation, and unless we have uniformity about these stylistic matters, it makes it difficult when we have legislation comes before our Parliament that does not meet our stylistic requirements.

However, the bill deals with other significant matters. For example, it seeks to implement a recommendation by the Scrutiny of Acts and Regulations Committee (SARC) for the introduction of an automatic repeal of amending legislation after the first anniversary of its commencement. This is important, because many principal acts of Parliament are amended over the years and unless they are systematically repealed we end up having a lot of legislation on our statute books, which makes it more and more difficult for members of the public to find answers to their legal queries about the state of the law at any given point in time. It takes some

time before the government printer is able to play catch-up and reprint acts so that they incorporate all amending legislation that has been enacted.

Automatically repealing such amending legislation after it has commenced will remove some of the legislation that no longer needs to physically sit on our statute books. That will make it easier for people to access the law in the future.

This is an important piece of legislation. As I said at the outset, it is about making the law easier to read and understand, and making it more accessible, but also it implements some important changes to reflect Westminster traditions in our legislation. It will ensure we use the correct terminology in bills and acts of Parliament. I commend the bill to the house.

Mrs PEULICH (South Eastern Metropolitan) —

This is a very brief bill indeed. I would like to speak on this particular bill on two levels. The first level is what I think is an important symbolism about the government, and the second level is what the bill is actually about. We had a very intelligent and highly qualified young woman take a significant number of minutes to speak about a small, fairly minor and insignificant piece of legislation. We had an intelligent and well-qualified young man, Gordon Rich-Phillips, speak eloquently about this very small and insignificant bill. I am sure there will be a few others to follow.

This is happening at a time when we cannot secure water supplies for the state of Victoria. We cannot help small business and tourism operators who were affected or burnt out by the bushfires. We cannot fix up and connect the arterial flows of our roads around the city in particular or, President, in our joint South Eastern Metropolitan Region. There is a list of numerous issues critical to the wellbeing of the people of this state, yet here we are debating this bill. Can we calculate the sum total of the time that has been used to conceive, draft, prepare for and take part in the debate on this legislation by members of two chambers? It shows the flaws of the government. It is very much about fluff, spin, style and rhetoric rather than substance. I wish this bill were a significant piece of law reform.

I note that the bill is a response to recommendations of the Scrutiny of Acts and Regulations Committee (SARC); I commend the committee for that. In the absence of a rich and purposeful legislative agenda I guess this is how we spend our time. Obviously the opposition will not oppose what is essentially a nuts-and-bolts bill dealing with parliamentary practices — the revolutionary impact of whether you use a hyphen, a comma or italics. I am sure life will end

if we do not get this conformity of conventions across the states of Australia right!

This bill is about minor changes to drafting styles and conventions that apply to acts and statutory rules. It authorises the chief parliamentary counsel to make various changes of style in existing acts and statutory rules which are being reprinted and republished. Thank goodness this does not have to come back to us, because we would use more of the valuable time and resources of this state in further dealing with it. Authorisation of style changes, as set out in the bill, when acts of Parliament are reprinted is a very useful measure to ensure a greater consistency in the administration of law in this state.

As I mentioned earlier, it is great to see the different levels of government working together through the chief parliamentary counsel — I note that he is a well-respected individual indeed — as a consequence of discussions which have taken place at the higher level of the interjurisdictional Parliamentary Counsels Committee. We have the highest minds working on these important matters of state!

The changes will update aspects of acts and rules and result in greater consistency in drafting styles and agreed standards. Ms Mikakos researched well all the dictionaries available to us to make sure that in fact her argument stacked up and was substantial, making special mention of those important instruments of the English language: quotation marks, italics and hyphens. God forbid should we not have them. Regarding the drafting of titles — whether it is a bill or an act — it is a bit of a play on words, but it makes sense, I guess, that a bill stays a bill before it receives royal assent.

The clause which provides that legislation will be redundant 12 months after it has been implemented and merged with the principal act makes a lot of sense too. It expedites the business of this house.

I urge all government members to pressure their ministers, the Premier and cabinet to generate more substantial pieces of legislation which can consume our time and to which we can devote our service, which is why we have been elected, rather than filling out a legislative agenda with minor pieces of legislation such as the one we are debating today, which of course the opposition supports. To use any more time would be a contradiction of my main argument, so with those few words I will conclude.

Mr VINEY (Eastern Victoria) — After the contribution of the previous speaker I want to remind the house of the importance of this kind of

legislation — that is, the importance of the interpretation of legislation and having the processes of the drafting and presentation of legislation right when it comes to this place. In a very short contribution I want to make the point that there are ample opportunities to debate the matters Mrs Peulich suggested ought to be debated in this chamber. To suggest that the government's legislative program needs to be orientated around the issues that Mrs Peulich wants to debate is a little trite. Legislation is about the way the state is managed and run and the laws by which we govern.

Frankly, that is the principal function of what we do in this place. There are opportunities for members to debate some of the other issues Mrs Peulich wants to raise. Tomorrow we will have a debate on the sessional orders and the attempt by the opposition to have us spend all day Wednesdays debating those kinds of issues. We look forward to engaging in that debate.

The importance of legislation such as this — the Interpretation of Legislation Amendment Bill — is in ensuring that the procedures of this place and the laws governing the state are proper and in order.

Mr O'DONOHUE (Eastern Victoria) — This bill is useful in tidying up some minor discrepancies between the way Victorian legislation is drafted and the way legislation is drafted in other jurisdictions. It will also introduce, where appropriate, some minor model language and other changes. It should also be stated that a commonality of approach is desirable. Consistency between jurisdictions is something we should all strive to achieve, and I congratulate the Parliamentary Counsels Committee on its work in pushing this agenda.

The main changes that will be introduced by this bill include the Clerk of the Parliaments being able to change the word 'Bill' to the word 'Act' in a bill's title before submitting it for royal assent. This is a common-sense change which we support. It will also mean that the government printer is not required to include the date of passage of an act — that is, the date of royal assent — when an act is being reprinted. It also permits the chief parliamentary counsel to make minor changes to existing acts and statutory rules that are reprinted and to incorporate sunset provisions, an aspect which Mr Hall and Mr Rich-Phillips addressed in their contributions. That is a common-sense amendment which will reduce the volume of legislation on the statute book.

It should also be stated that the Interpretation of Legislation Act, which this bill will amend, is an

important piece of legislation in that it deals with issues such as the construction of acts and how legislative provisions are to be interpreted in the various arenas in which they have application. In other words, that act forms part of the jigsaw that provides the framework for the system we have, which Victorians and Australians are so fortunate to enjoy. Therefore this bill is an important piece of legislation.

The main issue, which was the second point I raised, relates to clause 4 — that is, the government printer is not required when reprinting an act to include the date of royal assent. The reason for this is unclear, and it may create confusion among legal practitioners and others who refer to the date on which a piece of legislation comes into operation. It is important that the endnotes continue to state both when royal assent was granted and also the date of commencement of the operation of a bill. As the house will appreciate, practitioners referring back to an act need to know when the bill was given royal assent and when the act came into operation. With those comments, we support the legislation.

The other issue I would like to touch on has not in my recollection been mentioned in the house during this Parliament. It concerns the statement of compatibility which is attached to this bill and will be attached to all bills as a consequence of the previous Parliament passing the charter of human rights legislation. That charter came into effect with the stated aim of increasing protection of Victorian rights, an aim I am sure we all support. Members will be pleased to know that, as reflected in the statement of compatibility, this bill does not infringe the Charter of Human Rights and Responsibilities. The charter lists those rights that are commonly respected in democratic countries, such as freedom of speech, freedom of movement and the right to privacy; not to mention cultural rights, which I am sure in time will require further judicial or legislative definition and interpretation.

I would like to make three brief points about the charter of human rights and the statement of compatibility. The first is that history shows that institutions, not words, protect rights. A charter of human rights was cold comfort for those stuck in the Soviet Union gulags, and a charter of human rights is cold comfort to those people living in developing countries under dictatorships. Institutions that preserve rights include the separation of powers between the Parliament and the judiciary, an independent bureaucracy and an incorruptible police force.

That takes me to my second point on this issue. This charter may in the future shift power from the elected

houses, the Legislative Assembly and this house, to the courts. We could take, for example, a piece of legislation that may impact on one of the freedoms listed in the charter.

Ms Mikakos — You're starting to sound like Bernie Finn. It's very disappointing for a lawyer.

The PRESIDENT — Order! The member, to continue!

Mr O'DONOHUE — Thank you, President. If the Supreme Court finds that a piece of legislation is inconsistent with the charter, the centre of debate will be moved from the Parliament to the courts, and in doing so it will move what is a political issue from the elected Parliament to the unelected courts.

The third point I want to make about the charter and specifically about the statement of compatibility is that it is another bureaucratic burden on the legislative process that has been introduced by this government. It is nonsense that the Minister for Planning had to complete a statement of compatibility for a piece of legislation which makes relatively minor amendments to an act that has nothing to do with rights or freedoms.

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 would like to thank the members of the house for their very speedy and careful consideration of the matters before them.

Motion agreed to.

Read third time.

Remaining stages

Passed remaining stages.

ADJOURNMENT

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

That the house do now adjourn.

Tertiary education and training: academic standards

Mrs KRONBERG (Eastern Metropolitan) — My adjournment question is directed to the Minister for Skills, Education Services and Employment in another place. For some time now our Victorian TAFEs have depended on the income derived from overseas students. We all know that educating overseas students provides many benefits to our local economy, to the student bodies and to our community. Many of these students eventually seek permanent residency and, ultimately, citizenship in Australia.

As a rule our TAFEs and higher education bodies operate in a very competitive milieu to secure the intake of overseas students. The tension this creates is understandable, as there are diminishing numbers of local enrolments. My concerns relate to the academic standards of the centres teaching professional courses within the TAFE system. These centres provide the much-sought-after skills for commerce and industry and provide pathways to higher education. In the clamour to secure student numbers, a climate of ever-reducing academic performance ensues.

I ask the minister to tell this Parliament what the Bracks government is doing to ensure that the academic standards of Victorian TAFEs are no longer being reduced to the lowest common denominator as a trade-off for a constant stream of high-fee-paying students.

Aged care: Eastern Metropolitan Region

Mr TEE (Eastern Metropolitan) — The issues I wish to raise are for the Minister for Community Services. I ask him to assist in dealing with the aged-care matters that I am about to raise by writing to the federal Minister for Health and Ageing to urge him to improve the delivery of aged-care services in my electorate. I also ask the state minister to pursue these matters through the home and community care agreements and address issues of aged care in the Victorian government's submission to the commonwealth government community care review.

My electorate has over 71 000 people aged over 65 years — the highest proportion in the Melbourne metropolitan region. This profile is expected to double in the next 20 years. Older members of our community have devoted their lives to raising and providing for their families, and they have built the communities from which we all now benefit. As they grow older they often need additional support to stay in their homes — a cherished objective for many. The support

is often basic yet vital services such as cleaning, transport and personal care. Unfortunately commonwealth community care packages have failed to keep pace with the cost of providing those services. This is concerning and very disappointing. Most disturbing is the fact that those most in need, such as people suffering from dementia, are the ones being left behind. They deserve better.

The commonwealth's response thus far, as found in a glossy brochure and press release, is inadequate. It lacks inputs from those at the coalface — the older members of my electorate, the families caring for them and the service providers. The federal aged care minister, Senator Santoro from Queensland, does not understand the needs of the eastern suburbs of Melbourne. With an ageing population it is critical that we remedy this situation immediately. Senator Santoro needs to take the trip from Queensland and hold a summit on the needs of the ageing in the eastern suburbs of Melbourne. He needs a full and frank discussion in my electorate with older residents, their families and service providers. I would be happy to facilitate the summit and show Senator Santoro around the electorate so that he can see firsthand how the commonwealth has failed to deliver for the older members of my electorate.

Ovarian cancer: education program

Ms HARTLAND (Western Metropolitan) — My adjournment matter is for the attention of the Minister for Health in the other place, Bronwyn Pike. This week is Ovarian Cancer Awareness Week. Each year over 800 Australian women die from ovarian cancer — that is one every 10 hours. In Victoria 400 women are diagnosed each year, 75 per cent of them with an advanced stage of the disease. This is because there is no reliable screening test for ovarian cancer. The other problem with ovarian cancer is that by the time you have symptoms, the cancer may have already spread, so your chances of survival are lower.

I understand this from a personal point of view. My sister Michelle died 10 days after being diagnosed with an aggressive form of lung cancer, which was thought to be ovarian in origin. Michelle had no symptoms that could be pinned down. She had been unwell for a few weeks with what her doctor thought was flu. Michelle left behind five children and a husband. I am one of 3000 volunteers in the ovarian cancer biomarker evaluation study. I heard about it when Terry Bracks was on the radio calling for women to give blood so that researchers could use it to test for protein markers for the disease. If it works it will aid in earlier diagnosis, which will lead to a higher survival rate,

because women diagnosed in the early stages of the disease have a 90 per cent survival rate.

A recent survey commissioned by the National Breast Cancer Centre has revealed that half of all Australian women are potentially putting their lives at risk by incorrectly assuming that a Pap smear will detect ovarian cancer. The study also reveals that 56 per cent of women are unable to correctly name any of the symptoms of ovarian cancer. My request of the health minister is that she put funding in place for awareness programs such as the OvCa program. This would empower women to ask their GPs if their symptoms could be generated from their ovaries. In the absence of a screening test, this is the best way to fast-track earlier diagnosis and successful treatment.

Family violence: hotline

Mrs COOTE (Southern Metropolitan) — My adjournment matter for the Minister for Community Services, Gavin Jennings, is to do with a 1800 care hotline. At the November state election I met with the then Liberal candidate, now the Liberal member for Bayswater in another place, Heidi Victoria, and the police in Ringwood. There had been a call from the local community for a more simplified method of dealing with emergency issues of domestic crisis. Members of the community who are in the midst of a crisis do not know which agency to contact in such an emergency. There are different agencies dealing with domestic violence, drug overdose or abuse, child abuse, falls by elderly people et cetera, as well as the other crisis situations that need a 000 response.

As anyone in this chamber would be aware, when there is a crisis of this nature, going to the computer or the *Yellow Pages* is just not an option because it takes up too much time and you are under too much stress. People want information immediately, they want accurate information and they want to be able to speak to a real person, not a telephone message. Also, crises do not happily fit into and do not often happen in a 9-to-5, Monday-to-Friday time frame, so it is important that there be a 24-hour, 7-day-a-week hotline.

One of the young policemen at the Ringwood police station recognised the need for a 1800 care hotline, and the Liberal Party made it one of its policies. It is a very good policy. Agencies across Maroondah, Knox and the Yarra Valley are applying to the Department of Human Services to fund a pilot for the 1800 care hotline. I ask the minister to support the pilot, to provide the funding for this much-needed program and to expand it across the state.

Animals: cruelty

Mr VOGELS (Western Victoria) — I raise an issue for the attention of Joe Helper, the Minister for Agriculture in the other place, concerning the enforcement of the Prevention of Cruelty to Animals Act. Victoria is in the grip of one of the worst droughts on record. Across the state there would be thousands of animals not being fed properly or not being watered properly. There is no room in the agricultural industry, the hobby farm industry, or whatever it is, for cruelty to animals. Many hobby farmers think it is great to have a 5, 10, or 20-acre lot somewhere that is well fenced off and to have a few sheep, horses or cows on it. This is great in normal seasons when the grass grows, the dams fill and there is water in abundance, and in the summertime you can make a few bales of hay which can get you through the autumn when it is a bit dryer.

But things have got to the stage where, as I travel around country Victoria, I see quite a few animals that I think are distressed. You can see their ribs sticking out; they are skinny. It should not be allowed. There is an issue at the moment between the Royal Society for the Prevention of Cruelty to Animals, which is saying it is a state responsibility, and the state agriculture department, saying it is an RSPCA responsibility. The animals out there do not care whose responsibility it is. They need to be looked at, and if people are breaking the law through not looking after their animals properly, they should be prosecuted.

The action I seek from the minister is to clear up who is responsible, and whether it be the RSPCA or the Department of Primary Industries the minister should tell it to do the job. He should get out there and sort out the guidelines so some action can be taken when we can clearly see that animals are being treated cruelly.

Agriculture: young farmers finance scheme

Mr KOCH (Western Victoria) — My adjournment matter is for the Treasurer and concerns the limited funding available under the young farmers finance scheme. The young farmers finance scheme administered through the Rural Finance Corporation supports suitably qualified young farmers with concessional finance for them to gain opportunities in farm ownership. Loans are available to purchase livestock, plant and equipment or land to achieve a commercially viable farming enterprise.

The terms of these loans is for up to eight years for the purchase of stock and equipment at the concessional interest rate of 2 per cent below the commercial rates of the Rural Finance Corporation, applicable for the first

three years. Loans for the purchase of land repayable over 15 years have a concessional interest rate also of 2 per cent below the RFC's commercial rates for the first five years. Then commercial rates apply for the remainder of the term of the loan.

The main purpose of the young farmers finance scheme is to encourage and assist young people who have demonstrated a strong interest in farming and who show some ability to farm to become established as farmers. This scheme has helped many young farmers in establishing themselves on the land in recent years, when the average age of Victoria's 37 000 farmers is over 50, with more than 15 per cent aged over 60.

In the 2005–06 financial year a total \$14.02 million was approved to support 81 young farmers. Since the inception of the scheme in 1981, 1510 loans totalling \$156.7 million have been made. Clearly the scheme has assisted and continues to assist young farmers reach their goal of farm ownership. But rising land prices are making it more and more difficult, if not putting it completely out of reach, for many to realise their dreams and goals. Currently the limit or maximum borrowing available under the scheme is \$300 000. At best this would allow for the purchase of a very small farm that in no way could be described as viable or stand alone.

While I appreciate that limiting the amount of borrowing might keep new-entry young farmers from going broke, the area of land that \$300 000 will secure is simply not enough to even make a meagre living while paying off the loan. A review of the government's guidelines is urgently needed to make available additional funding to support genuine young farmers purchase viable and productive land. The action I seek is for the Treasurer to provide adequate funding under the young farmers finance scheme that improves opportunities for young people to become the next generation of Victorian farmers.

Wallara Australia: Dandenong facility

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I raise a matter for the minister at the table in his capacity as Minister for Community Services. It relates to Wallara Australia Ltd at Dandenong and is a matter that I have corresponded with the minister on. For the edification of the house, Wallara at Dandenong is a service that provides disability assistance for people with varying levels of intellectual disability. It includes a service in employment — they are not programs because it is actually a commercial operation that employs people with disabilities in various forms, generally in process

work. They also have assisted accommodation and various day programs for disabled people.

The matter I wish to raise with the minister relates to a proposal to redevelop the assisted accommodation on the site. I understand from my meetings with Wallara that this came about following discussions with the Department of Human Services. However, subsequent to the discussions with the department and Wallara's decision to undertake this redevelopment, it has run into difficulties with the Office of Housing. There now appears to be a difference of view between the Office of Housing and the Department of Human Services as to how this redevelopment should proceed and where funding to assist in the redevelopment should come from.

I ask the minister — as I said, I have had correspondence with the minister on this — to use his best endeavours to ensure that what I understand is more an issue with the Office of Housing than the general Department of Human Services is resolved, so that this development can go forward and Wallara can continue to provide good services to the people of my electorate.

Water: safety education

Mr ATKINSON (Eastern Metropolitan) — My adjournment matter is for the Minister for Water, Environment and Climate Change in the other place. It has been of interest to me to note the impacts of the drought in a number of respects. Clearly there are the ones we have all been very familiar with in terms of water restrictions and the impact particularly on the farming community, and of course we have concerns about its impact on their lives.

Interestingly enough I have noted of late that some of the people dealing with mental health are also concerned about the impact on the psychological wellbeing of older residents, because they are losing the gardens they have tended and sought some refuge in over many years. Whilst that might not seem as important as the livestock, crops and so forth of the farmers, it nevertheless has a significant impact on people.

I have also noted of late that concerns have been raised in relation to safety issues surrounding the water problems. The Australian Physiotherapy Association is particularly concerned about aged people but also generally about people in the community who are lifting heavy buckets of water and running a risk to their health. An article in a recent edition of the *Diamond Valley Leader* dealt with concerns raised by

Sandra Cowen of Montmorency and Kidsafe Victoria about buckets and the potential for children to drown because people are storing water around their properties in inappropriate containers. In one incident raised with me by a constituent, which was referred to by Kidsafe as well, a child fell into a wheelie bin that had been filled with water. Luckily the parents were on site and able to get the child out, but there is little doubt that had there been nobody in attendance the child would not have been able to escape from the bin.

I seek the minister's consideration of the provision of broader educational material to deal with some of these issues, particularly the safe storage of water, to ensure that we do not have accidental drownings or other tragedies associated with what is already a significant community concern.

Responses

Mr JENNINGS (Minister for Community Services) — I welcome the opportunity to respond to the following members on the matters they raised, which I will draw to the attention of my ministerial colleagues.

Mrs Kronberg raised a matter for the attention of the Minister for Skills, Education Services and Employment in the other place dealing with the level of confidence that she and other members of the community have in the academic standards of the TAFE sector and the desire to avoid an erosion of those standards in the future.

Mr Tee raised a matter for me, and I have the good fortune now of having a number of members in the chamber acutely interested in matters that I am responsible for. Mr Tee raised the expectation that I will ensure, through the renegotiation of the home and community care program and the submission of the Victorian government to the community care review, that the commonwealth is mindful of the needs of older constituents in his electorate.

Ms Hartland raised a matter for the attention of the Minister for Health in the other place. She drew attention to the tragic circumstances in her family in relation to ovarian and other cancers and urged the support of the Minister for Health to ensure there is generally greater awareness of the issue and in particular awareness of and participation in programs for early detection of ovarian cancer within our community.

Mrs Coote raised a matter for my attention, urging me to view sympathetically a submission that is apparently

on its way from a number of agencies in the eastern suburbs about a 1800 care hotline. I note the legitimacy of the issue in terms of trying to ensure that care supports, whether they be through 000 or other forms of emergency support services and hotlines that may be available to the community, are easily accessible and are used effectively by members of the community. I will view this sympathetically without prejudging my capacity to deliver on the specific request.

Mr Vogels raised a matter for the attention of the Minister for Agriculture in the other place seeking his intervention to ensure that clarity is provided to those in the community who are concerned about the wellbeing of animals, particularly whether they are fed and watered properly, and the resolution of confusion about appropriate responsibilities in that regard.

Mr Koch raised a matter for the attention of the Treasurer. For a time I thought he was going to ask me to raise the eligibility age for members of our community seeking assistance through the young farmers finance program. He did not ask for an adjustment of the age but for an adjustment in relation to the size of loans that may be available through that program.

Mr Rich-Phillips raised a matter for my attention. If the Minister for Housing had been in this house, he might have asked for his assistance, but opportunity knocks and he took the opportunity to raise the matter with me. He knows that the matter he has raised, about the wellbeing of and redevelopment plans for the Wallara centre in his electorate — and indeed in my electorate — may be appropriately facilitated by collaboration between this important community provider and hopefully agencies within the Department of Human Services.

Mr Atkinson raised a matter for the attention of the Minister for Water, Environment and Climate Change in the other place seeking his support for education programs to assist with the occupational health and safety of people who may be storing, handling or carting water in circumstances of drought.

The PRESIDENT — Order! The house now stands adjourned.

House adjourned 4.38 p.m.

