

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

Tuesday, 11 March 2008

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Select Committee on Gaming Licensing — Mr Barber, Mr Drum, Mr Guy, Mr Kavanagh, Mr Pakula, Mr Rich-Phillips and Mr Viney.

Select Committee on Public Land Development — Mr D. Davis, Mr Hall, Mr Kavanagh, Mr O'Donohue, Ms Pennicuik, Mr Tee and Mr Thornley.

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

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Electoral Matters Committee — (*Council*): Ms Broad, Mr Hall and Mr Somyurek. (*Assembly*): Ms Campbell, Mr O'Brien, Mr Scott and Mr Thompson.

Environment and Natural Resources Committee — (*Council*): Mrs Petrovich and Mr Viney. (*Assembly*): Ms Duncan, Mrs Fyffe, Mr Ingram, Ms Lobato, Mr Pandazopoulos and Mr Walsh.

Family and Community Development Committee — (*Council*): Mr Finn, Mr Scheffer and Mr Somyurek. (*Assembly*): Ms Beattie, Mr Perera, Mrs Powell and Ms Wooldridge.

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Tuesday, 11 March 2008

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

ROYAL ASSENT

Message read advising royal assent on 4 March to:

**Children's Services and Education Legislation Amendment (Anaphylaxis Management) Act
Motor Car Traders Amendment Act.**

QUESTIONS WITHOUT NOTICE

Planning: land supply

Mr GUY (Northern Metropolitan) — My question is to the Minister for Planning. I refer to the government's panicked land supply announcement made last week, and I ask: can the minister inform the house how many of these 90 000 lots of land are in fact not already owned or optioned by developers?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Guy's questions in this area, because every time he explores the idea of new policy or the potential for new policy there is a chance that he might develop some himself. First of all, I thank him for the opportunity.

It is interesting that when it comes to the release of new land we have policies in this area, and we have extended those policies with the announcement by the Premier last week in relation to this. We note the contrast with some out there whose policy is to do away with the urban growth boundary. That is the only policy position they have: to do away with the urban growth boundary. That would contradict all those qualities that make Melbourne a great place to live, work and raise a family. It is all those qualities about the green wedges and having a green band around the city and about maintaining livability and sustainability that make Melbourne a great place to live, work and raise a family.

We have seen enormous growth in the population of Melbourne and Victoria. People want to come here, and they are voting with their feet. The critical aspect is that they vote with their feet and come here because we have the most affordable land on the eastern seaboard. When you compare it to the likes of Brisbane and Sydney, no wonder people want to come here. We commit to maintaining that competitive edge to make

sure that people want to vote with their feet and want to come here.

We know that the position of others in this chamber is to have a no-growth policy. That is the only way you can interpret it — a no-growth policy. We are happy to support growth, but you have to manage it. There are only two positions that those on the other side of the chamber could possibly have in contrast to ours: either no growth or unmanaged growth. Neither is acceptable. We will continue to make Victoria a great place to live, work and raise a family. We will continue to release land in the urban growth boundary. We will make sure that we keep that competitive edge that makes people want to come here in droves and enhances our reputation as a great place to live, work and raise a family.

Supplementary question

Mr GUY (Northern Metropolitan) — I thank the minister for his answer — a pathetic answer, but an answer — and his comments on the 90 000 lots of land that are owned, primarily, by developers, and I ask: can the minister now itemise how the various components of land cost will fall and by how much as a result of the government's panicked land supply announcement?

The PRESIDENT — Order! As the house obviously knows, I have a bit of concern about that particular question. I think it is quite borderline, but I will allow it.

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Guy's question. The intriguing aspect of this is that Mr Guy has probably had five days, and a long weekend to get his head in this space and to analyse and synthesise it and ask a question. He does not add any value to the argument around the policy that we announced last week.

The critical aspect of this is that what we have seen out in the community — whether it is because of developers, because of local governments or because of the mechanism or the process by which land comes to market — is that there have been hold-ups. We want to make sure we get that land onto the market as quickly as we can; hence the Premier's announcement last week.

Mr Guy — You tell us how it is going to fall.

Hon. J. M. MADDEN — If Mr Guy does not quite understand it, I am happy to take up his interjection. The Premier announced last week that in many instances it takes almost five years to get land from a greenfield site to having people walking in the front

door of their own homes. Five years is too long, so what we are doing — —

Honourable members interjecting.

The PRESIDENT — Order! I ask the minister to resume his seat. I put the house on notice that I will not have a repeat of the last sitting week, when there was nothing but continual interjection. Members know interjections are unparliamentary and disorderly, and the house is on notice that I will act accordingly.

Hon. J. M. MADDEN — Thank you very much, President, and thank you for the opportunity to answer the question. As the Premier announced last week, five years is too long. There are too many steps that are duplicated in the process currently, and what we want to see is a reduction in that duplication to streamline the process and get more land onto the market as quickly as possible. The critical component is that not only will it reduce the developers holding cost — and that has to be passed on to somebody, and at the end of the day in most instances it is passed on to the consumer — but also that there will be more competition if, by freeing it up, we bring more land onto the market.

I know Mr Guy is keen on competition, because he often talks about it in the chamber. The critical aspect of this is that we will see more land coming onto the market sooner, with more competition and more choice for people about the locations they can buy it in. That is critical to maintaining the competitive edge of being one of the most affordable cities for land and house packages. We want to maintain that so we can continue to make it an attractive option — the best option — and make Victoria a great place to live, work and raise a family.

The PRESIDENT — Order! Further to my previous statement I remind ministers that in giving their answers they are not able to overtly criticise the opposition or the asker of a question. The reason for that is that it automatically incites interjections and a response which contributes to the disorderly conduct of the house.

Planning: land supply

Mr THORNLEY (Southern Metropolitan) — My question is also to the Minister for Planning. Last week the Premier released the 2007 urban development program report, which outlines Melbourne's forecast supply of zoned land based on our growing population. Can the Minister update the house on what the government is doing to make Victoria the best place to

live, work and raise a family for a million more Melburnians?

Honourable members interjecting.

Hon. J. M. MADDEN (Minister for Planning) — President, I know that I might sometimes provoke opposition members, but they are unruly without my provoking them in this instance. I thank the member for his question — —

The PRESIDENT — Order! If the minister wants to provoke me, he is going about it the right way. I asked the minister for cooperation, and I ask him to accept and adhere to what I say.

Hon. J. M. MADDEN — We are committed to creating and supporting the growth and development of Victorian communities. As the Premier mentioned last week, with the release of the urban development program (UDP) we all know now that Victoria's population will hit 6.2 million in 2020 rather than in 2030 and that Melbourne's population will increase by a million a decade earlier than predicted. This will come about through a number of mechanisms.

I just want to refer some statistics to the house. Of the migrants coming into Australia, 27 per cent are choosing to settle here, as was mentioned, because it is affordable and it is a great place to live. It is also about providing livability. People see that livability and affordability and they want to be a part of it. It is also about planning by choice, not by chance. Twelve months ago the urban development program projected that Melbourne had 25 years of land supply. The development program report projects that we now have a 15-year supply. That change in total land supply projection from 25 years to 15 years is primarily due to the increase in population, as measured by the last census compared to the previous census, but that projection has also been expanded into the out years.

The 2006 UDP report estimated that Australia would take an average of 110 000 migrants a year after 2004. The reality is that Australia took 177 000 migrants last financial year and could take in excess of 200 000 per annum over the next few years. To put it simply: the faster we grow, the greater the demand for land supply, particularly in those out years.

As members know, we have a plan. We have announced it, we have pursued it and we continue to pursue it. That plan is Melbourne 2030. It is interesting that although there are those who would criticise that plan, the criticisms are contradictory on every front. Last week the Premier announced the introduction of the urban growth zone to deliver housing more

efficiently in our growth areas. This is the first instalment of measures to tackle housing affordability and reforms to the planning process. As mentioned, the urban growth zone will cut the time it takes to prepare land for development by more than 12 months. It will deliver housing more efficiently by rezoning all remaining developable greenfield land inside the urban growth boundary in the growth areas. It will streamline the process — and this is important — by stripping away the unnecessary delays and removing the overlaps that currently exist, including duplicated referral stages in the approval process. If we get it right the first time, we will not have to go back a number of times to do it.

As well as that, the Growth Areas Authority will take a stronger leadership role in the development of precinct structure plans. These are those master plans that really allocate where the infrastructure will be in all the new growth zones. The important thing is to make this a quick, easy and cost-effective process, rather than the protracted, long-winded negotiations that currently take place. The precinct structure plans will set out the mix of residential lots with community space and commercial and other uses to ensure the planning of neighbourhoods in step with community expectations. What we will do in this process is include the native vegetation issues so that they get tidied up at the very beginning of the process. As well as that we will make sure that the strategic planning is done well and done early — getting it right the first time.

I look forward to informing the house in the coming months of this new process for the precinct structure plans, with the increased role of the Growth Areas Authority making sure that this will continue to improve our planning system, increase the land getting onto the market and ensure that we make Victoria a great place to live, work and raise a family.

Community health centres: tax ruling

Ms HARTLAND (Western Metropolitan) — My question today is for the Treasurer. The Australian Taxation Office has ruled that community health centres will no longer be entitled to endorsement as tax concession charities and that this status will be revoked as of 31 March 2008. This will mean a reduction in wages of up to \$8000 per employee, and it needs to be pointed out that workers in community health centres are not highly paid now. What will the state government do to fund this shortfall and support the community health centres?

The PRESIDENT — Order! I remind the house that matters relating to the Australian Tax Office are nothing to do with the direct responsibility of a state

minister. However, having said that, I advise the minister that if he wants to, he can offer some response. If not, he is quite entitled not to.

Mr LENDERS (Treasurer) — I thank Ms Hartland for her question. This is obviously an issue that no Victorian in the sector she is referring to could but be paying attention to and watching with interest to see what will happen under the commonwealth. As the President has said, those issues are ones for the Australian Taxation Office, an independent statutory authority of the commonwealth, to make decisions about, and any direction on or involvement in dealing with those issues would come from the federal Minister for Revenue and Assistant Treasurer. But I can say to Ms Hartland that it is certainly something that my ministerial colleague in the other house, the Minister of Health minister, Daniel Andrews, is paying very close attention to. He will be putting to the commonwealth a case for Victoria. That is clearly the first step on these issues that this state will need to take.

The second issue to which Ms Hartland alluded was what this government may or may not do in the budget, depending on what the Australian Taxation Office may or may not do in response to a question or a response from a federal minister to a state minister. There is a range of hypotheticals there. What I can say to Ms Hartland is that this government has delivered more in health — in fact this government has boosted health expenditure by 90 per cent-plus since it came into government. We will continue to focus on targeted health delivery for Victorians. What is or is not in the budget is an issue that neither I nor any Treasurer in the 150-year history of this state has disclosed before budget day.

The PRESIDENT — Order! I advise Ms Hartland that any supplementary question she may wish to ask had better be very good.

Supplementary question

Ms HARTLAND (Western Metropolitan) — I understand the difficulties because this is a federal matter, but I think consideration needs to be given to people who currently work in community health centres. The viability of those health centres will be seriously affected by this. What reassurances can we have that the state government will make sure that the viability of community health centres is continued?

The PRESIDENT — Order! I think, in essence, the supplementary question is probably okay. The problem is that I do not think it has anything to do with the

Treasurer. On that basis I am going to rule it out of order.

Planning: Melbourne 2030

Mr PAKULA (Western Metropolitan) — My question is to the Minister for Planning. I ask the minister to advise the house what action the Brumby government has taken to support development outcomes and the implementation of Melbourne 2030.

Hon. J. M. MADDEN (Minister for Planning) — The Brumby government is committed to meeting the challenges of strong population growth. I welcome Mr Pakula's question, because I know he is interested in growth issues, particularly in his neck of the woods, where we are seeing an enormous amount of growth.

Over the last five years we have been implementing Melbourne 2030, our policy for managing growth. It is about managing growth in a sustainable and responsible way. That is why since the introduction of Melbourne 2030 we have legislated to protect Melbourne's precious green wedges. We have directed growth to activity centres and to our five growth corridors. We have instigated our five-point priority plan to make local policy stronger to assist local communities. We remain committed to streamlining the planning system. Underpinning the policy principles of Melbourne 2030 is that we are making sure people have choice. It is about giving people choice about where they live, about the size and form of accommodation that best suits their needs. It is also about giving people a choice of the housing they can afford.

Last week the Premier announced the creation of the new urban growth zone. That will assist, through the precinct structure plan, with the growth challenge that we face. There was some discussion about development on the urban fringes. As well as that, we are committed to growth across Melbourne. I recently announced a \$300 million project for the north-east corner around the Docklands stadium precinct. The project is called Lacrosse. This is a development that will see between 500 to 600 more people calling Docklands home. I also announced The Montage — I love the names some of these developers come up with for these proposals. There will be another 85 dwellings added to the 3000 dwellings or apartments already in the Docklands area.

As well as that, last week I approved an amendment to the Melbourne planning scheme to enable more housing, retailing and commercial choice on the former Carlton and United Breweries site in Carlton. This has been a difficult site for many developers. For a long

time it has been what would be called a bombsite. For too long it has been a significant location that has been underdeveloped. Now the planning framework is in place to make sure that it will be developed. I would expect that this will be a signature development on the part of the developer.

But it is not about just the growth areas or the inner city; there are challenges in other locations as well. Today I am delighted to announce to the house the outcomes of the priority development panel (PDP) report on work in relation to the Doncaster Hill activity centre. The PDP commended the Manningham council for its Doncaster Hill strategy. It found that its underlying policy assumptions for the activity centre are sound. The PDP recognised that it is timely to review the performance of the planning controls affecting the activity centre.

Can I also compliment Mr Tee, who I know has been actively engaged with the Manningham City Council in its deliberations on the Doncaster Hill strategy. I know he has been an active campaigner with the local community and the council, and he has been very good at reminding me to make sure that we do not overlook this because it is such an important project. It is bold and visionary, says the priority development panel. I would like also to commend the Manningham council for its work.

You can see where the growth is taking place right across Melbourne. Whether it is on the fringes in the growth areas or whether it is in the inner city in and around Docklands or the other areas, we need to concentrate on those activity centres throughout Melbourne. We are pleased to have that emphasis and we are pleased to see that growth occurring. We want to assist and work with councils to make sure that they recognise and accommodate the demand for growth.

Honourable members interjecting.

Hon. J. M. MADDEN — I take up the interjections of the members opposite. You can criticise the growth or you can embrace it. We embrace it. We want to give the people of Melbourne choices — choices in terms of housing and affordability — that make sure Victoria is an even better place to live, work and raise a family.

Housing: affordability

Mr GUY (Northern Metropolitan) — My question is to the Minister for Planning. Noting that the VicUrban *Futures 2* document, a report on the state government's land-holdings in outer urban growth corridors, states that government-owned VicUrban is

Victoria's largest land developer with a current share of 16 per cent of the residential market in new areas, I ask: why in places like Aurora has the government failed to fully release all of its land and thus been a major contributor to the acute land supply shortage for the last eight years?

Hon. J. M. MADDEN (Minister for Planning) — I thank Mr Guy for his question. I could spend a lot of time talking about VicUrban, because VicUrban is doing great things. I will give Mr Guy a bit of background in relation to the Aurora development. This is a \$2 billion development in North Epping that will allow for 25 000 residents and have a range of schools, employment and community facilities when completed. It will be the most sustainable development of its size in the country when completed. Aurora will have recycled water delivered to 8000 homes for use in toilets, gardens and parkland watering. Our sustainability and leading initiatives in VicUrban's development out there include: 6-star energy-rated homes; fibre-optic cabling as standard in every home, providing internet access 40 times faster than the norm in Australia; and gas-boosted solar hot water mandated in all homes. Twenty-two per cent of the development is dedicated to public park and conservation areas, 130 homes are currently under construction and 125 households have already moved in.

Mr Guy — Is this a hypothetical, because it's not a reality!

Hon. J. M. MADDEN — Mr Guy, let me inform you that 405 land sale contracts have already been exchanged.

Mr Guy — It's not a reality; it was meant to be there years ago.

The PRESIDENT — Order! Mr Guy is warned.

Hon. J. M. MADDEN — He asked a question, and I would ask him to listen to the answer. As well as that, let me give him a bit more information about VicUrban. VicUrban is instrumental in this because of its contribution to affordable housing. VicUrban is charged with contributing to the improvement of housing affordability in Victoria, and no doubt it is. Let me give just a few statistics here, because I know Mr Guy will be excited about them. They include delivering 40 per cent of VicUrban's allotments in the lowest quartile price range for local markets. Currently it is delivering more than 50 per cent of all lots in the lowest quartile, and 15 per cent of house and land packages are affordable to median-income households, being in the price range between \$250 000 and \$270 000.

I could go on for quite some time. As well as that —

Mr Finn interjected.

Hon. J. M. MADDEN — Thank you very much, Mr Finn. Mr Finn is asking for more. I will give him more. VicUrban's Ownhome affordable housing pilot was launched in 2007 to assist more households achieve home ownership. In partnership with Burbank Homes, Ownhome offers buyers a good value home-land package with no hidden additional purchase costs. Of the total 52 house and land packages released to the market, 49 have now been sold. One in every 10 of these homes will be offered by ballot for purchase at 75 per cent of the market price by eligible first home buyers, and VicUrban will retain a 25 per cent equity share in the home through a second mortgage.

Whichever way you look at it, VicUrban is doing a fair job out there. Whether it is on the urban frontiers or whether it is in regional areas — I know Ms Lovell would be interested in that, and maybe she could even ask me a question about VicUrban in regional areas — it is doing great things. In every sense — whether it is sustainability, whether it is affordability or whether it is choice — VicUrban is making its contribution to making Victoria a better place to live, work and raise a family.

Supplementary question

Mr GUY (Northern Metropolitan) — I thank the minister for his amusing answer, which was slavishly read, and ask if he could now inform the house when he will —

Mr Viney — On a point of order, President, I raise this because it is a continual approach of Mr Guy to breach what I believe is standing order 8.02(1)(c), which says that questions should not contain argument or opinion. I put to you, President, that each time Mr Guy asks a supplementary question he adds in an argumentative or opinionative comment rather than immediately going to the supplementary question.

The PRESIDENT — Order! Strictly speaking, Mr Viney is correct. However, this is question time, and whilst I like to run a tight ship, I also give a little bit of latitude to people, even as far as interjections are concerned. A little bit of frivolity or a bit of wit — we have not heard much of that lately — is not something that I am opposed to. However, I remind Mr Guy that Mr Viney's point is correct. Mr Guy's lead-ins to his supplementaries almost invariably give rise to sarcastic responses. They are, I think, always provocative and not necessarily helpful —

Mr Guy interjected.

The PRESIDENT — Order! I remind Mr Guy that when I am on my feet he should remain silent, just like everyone else. I ask him to reflect on what I am saying and contain his rage until some other time when he gets the opportunity to interject.

Mr GUY — Thank you, President. I thank the minister for his answer and ask if he could now inform the house when he will direct VicUrban to lead by example and reduce the cost of a block of land at its failed, only-200-home Aurora development, Officer development and Riverwalk development by \$10 000 as promised by the Premier in the government's panicked land release announcement last week?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Guy's question again. I always welcome his questions, and I welcome them even when there is a bit of angst in them.

What is important for Mr Guy to appreciate here is the way we have committed to ensuring that we get more land onto the market quicker, and that is for all developers, remembering that what we see is VicUrban working in the same context as many other developers. We want to see land released sooner rather than later. VicUrban has to deal with the local hurdles that might be there, and it also needs to respond to the market in the same way as other developers do. We will continue to encourage them to offer a range of products in a range of ways to make it more attractive for purchasers to take up that option.

I also take up Mr Guy's comment about the \$10 000, because I know that his leader last week suggested that, rather than allowing the money to go back to the prospective purchaser, we should hold onto it. In a media interview he suggested that we should hold onto that money rather than offering it back to the purchaser. I suggest that Mr Guy should go and read Reham in relation to this, because what it says to me is that, while we are quite clear about what we want to do, there are mixed messages coming from the opposition.

This is very much an issue about working within the environment out there in a way that ensures competition and ensures that we get land onto the market as quickly as possible. We are committed to doing that, and we will remain committed to doing it. We will give clear policy direction in relation to that to make Victoria, particularly in those growth areas, a better place to live, work and raise a family.

Economy: performance

Mr EIDEH (Western Metropolitan) — My question is to the Treasurer, John Lenders. Have there been any recent Australian Bureau of Statistics announcements that confirm that the Brumby Labor government is making Victoria the best place to live, work and raise a family?

Mr LENDERS (Treasurer) — I thank Mr Eideh for his question and his interest in statistics from the Australian Bureau of Statistics, because they are a measure which the states and citizens can look at to see how the policies of individual state governments are reflected in actual objective data.

Figures on building approvals were released last week by the Australian Bureau of Statistics. I am pleased to inform Mr Eideh and the house about them, because they showed that Victoria had, in the month of January, the highest ever building approvals figure of \$2.64 billion. Often we need to be a bit cautious about monthly figures because a large project can come in or out on a monthly figure, but if we look at the figures from January to January, an entire year's figures, we see that not only did Victoria have a consistent pattern of strong building construction investment but that it was larger than Queensland, which has the benefit of the resources boom, and it was larger than New South Wales, which has a state that is one-third of the population of the country compared to our 24.8 per cent. And if you look at the last month in percentage terms, you see it was three times the national growth.

What we see from these figures from the Australian Bureau of Statistics is that investment continues to be strong in the state of Victoria, which has a diversified economy to which this Labor government continues to pay significant attention as a driver for growth, because a growing construction sector and a growing economy mean jobs for individual Victorians — jobs for Victorians in Mr Eideh's electorate and jobs for Victorians in all our electorates. A legacy of a Labor government is to have delivered jobs, because they are a critical ingredient to assist all Victorians, no matter where they live, to enhance their future and to make the state a better place to live, work and raise a family.

What we are seeing also is that this growth is not just limited to Melbourne, it is growth across the whole of the state of Victoria. In the last year we saw more than \$4 billion in construction in regional Victoria. Part of this comes from the work of this state Labor government. It is our doubling in real terms of infrastructure investment. Part of it comes from this; part of it also comes from the private sector. The

significant part comes from the private sector, which is willing to invest in construction in this diversified state. What we see is strong growth that is spread across the state. What we see in last month's figures is stronger growth in non-residential than in residential areas.

That was before the announcement that the Premier and my colleague the Minister for Planning, Mr Madden made on freeing up land so we can have stronger growth in residential land. These are the building blocks for an economy that provides jobs for the next generation of Victorians and for the current generation, and these statistics show that Victoria is an even better place to live, work and raise a family.

Housing: stamp duty

Mr D. DAVIS (Southern Metropolitan) — My question is to the Treasurer: how much stamp duty will he gouge from Melbourne's homebuyers from the rezoned 90 000 lots in Melbourne's growth areas outlined by the Premier last week?

Mr LENDERS (Treasurer) — David Davis uses the term 'how much stamp duty will this government gouge'. There are two things. This state has a budget where approximately 10 per cent of the revenue comes from stamp duty. I would invite anybody who talks of gouging money through stamp duty to also, on the counter side of the balance sheet, talk about what savings they are going to gouge out of police, hospitals, ambulance, regional development, human services and infrastructure in growth areas. If the opening remarks are straight from a press release accusing us of gouging and playing divisive politics, I suggest the counter should be: where are services going to be gouged?

What I say to Mr Davis is that this government has doubled as a percentage of the budget the amount of money that goes into infrastructure in this state and into servicing communities, including regional communities, through money from the Regional Infrastructure Development Fund, which did not receive bipartisan support in this Parliament. It was supported by the government and only on the second attempt did it get through. Through the RIDF we are seeing a delivery of infrastructure in regional Victoria. We are also seeing a delivery of infrastructure in the outer suburbs to service those very blocks of land that Mr Davis refers to.

What I would say to the house and to Mr Davis is that this government will continue to have a balanced budget which will provide capacity for delivering infrastructure to where it matters in Victoria, whether it be regional Victoria, which was abandoned in the past,

or the outer suburbs, which were totally forgotten in the past, or the inner suburbs of Melbourne. This government will govern for the whole state. This government has also brought in tax relief for homebuyers in a number of areas that were never even dreamed of by its predecessor government, which Mr Davis was a member of. This government got rid of mortgage duty for all homebuyers. Mr Davis talks about gouging, but what this government has done is got rid of mortgage duty for homebuyers. This government also has reduced the conveyancing duty on principal places of residence valued at under half a million dollars. It has reduced the conveyancing duty from the level it inherited from the previous government. This government also has extended the first homebuyers grant not once but twice and is the only state to maintain an exemption for off-the-plan house purchases.

This government has sought a balanced approach to taxation. This government knows that a simplistic, populist, Hansonite message of being all things to all people does not work in Victoria. What Victorians want is a government that balances taxation with services delivery. We are not Hansonites on this side of the house. This government balances taxation with service delivery. I would welcome a debate at any time about adjustments to a tax scale, provided, if it is to be a balanced debate, it shows what services will be slashed, what services will be cut. Our taxation policies are designed to make Victoria a better place to live, work and raise a family. That includes the whole state — including the growth corridors and including regional Victoria.

Supplementary question

Mr D. DAVIS (Southern Metropolitan) — Will the Treasurer confirm that Treasury coffers will receive an amount of \$600 million in stamp duty from the 90 000 lots, calculated at a modest property price of \$200 000, and on top of this he will take \$720 million from the developer contribution charge?

Mr LENDERS (Treasurer) — Question time is not about hypotheticals, but I will say two things to David Davis. Firstly, 90 000 housing lots require a substantial investment from the state of Victoria into the infrastructure services required for those areas. Secondly, David Davis has a colleague who sits to his right in this house who, for example, periodically calls for funding of a South Morang rail line.

Honourable members interjecting.

Mr LENDERS — and there is cacophony coming from the other side about every infrastructure project known to man, woman or child in this state. They call out as one that they should all be funded.

What I say to David Davis is that this government will continue to govern for the whole state. We will continue to balance the competing demands. We will continue to look at the infrastructure that is required to service all Victorian areas. What I also say to David Davis is that the government can with confidence predict only income it has received to date, because all things in the future are matters that we need to model and make an assessment of. Any income that this government receives, whether it be through taxes, charges or federal revenue, will always be invested back into Victoria for targeted service delivery and targeted infrastructure investment. They are the drivers to make Victoria grow and to create jobs for the next generation of Victorians, which we on this side of the house particularly care about because jobs are a critical ingredient in making Victoria an even better place to live, to work and to raise a family.

Environment: light globe recycling

Mr LEANE (Eastern Metropolitan) — My question is for the Minister for Environment and Climate Change. Having previously spent a period of time making a living out of changing light globes, I am keen to ask the minister if he could inform the house how the Brumby Labor government is helping Victoria to become more resource efficient by supporting the development of an industry for recycling compact fluorescent light globes.

Mr JENNINGS (Minister for Environment and Climate Change) — I thank Mr Leane for his desire to help me change light globes in the state of Victoria and provide some encouragement to Victorians to change their light globes.

Members of this chamber will be aware that about a month ago the Premier and I embarked upon an exercise where we collectively changed a light globe and encouraged Victorians to change 500 000 light globes in the state of Victoria. The Victorian government, in partnership with the *Herald Sun*, Bunnings and others, provided Victorian households with 500 000 compact fluorescent tubes. These lights, in their own right, will save the equivalent of 300 000 tonnes of CO₂ emissions. On average they will each have a life of 8000 hours. They will cumulatively save the equivalent of 240 000 megawatts of power, which Mr Leane knows is enough to supply power to 25 houses in the state of Victoria for a year.

That one initiative being undertaken by our government will support Victorian households to cumulatively save of the order of \$40 million in terms of money in their pockets and also make a significant difference to greenhouse gas emissions in Victoria in the next few years.

However, some people who are interested in installing compact fluorescent lights are worried because the globes contain small amounts of mercury, and there may be some community anxiety about the degree of mercury in those light globes. People might have a subsequent concern about the ability of the industry to effectively recycle them in a safe and efficient fashion. I am very pleased to say that as recently as last Friday I had the good fortune to travel to Campbellfield to officially open Australia's first Environment Protection Authority-licensed recycling facility for compact fluorescent lights. Indeed all fluorescent lights throughout the nation will be able to be processed through this state-of-the-art facility. It draws upon technology from Scandinavia, and the Swedish designer and manufacturer of the equipment was in Campbellfield to congratulate CMA Ecocycle on the installation of this technology.

But this company is not alone. There is a home-grown product, manufactured in Victoria, that provides mobile recycling capacity. It is very important that we recycle this material safely. I am pleased to say that the technology at hand can simply and elegantly contain the mercury once it is released so that it is not released into the environment. It produces a recycled product that may well end up in the mouths of many Victorians, because in fact it contributes to an amalgam product. I am a bit sorry to share with the house that I have probably contributed too much to the amalgam demand in the state of Victoria through poor dental health as a child; there is probably proportionally too much of it in my mouth. I am sorry for providing that information. I am pleased that CMA Ecocycle provides an opportunity to recycle that mercury.

The old-fashioned fluorescent tubes have something of the order of 20 to 70 milligrams of mercury in them. Whilst the new compact fluorescent tubes are far more efficient and environmentally friendly, there are a lot of globes out there that need to be recycled once they reach the end of their useful life. Something of the order of 100 000 across this nation will be generated and can be recycled through this facility. It is an extraordinary breakthrough in terms of technology. Close to 1000 tonnes of this material can be processed in the course of the year. I congratulate CMA Ecocycle for establishing Victoria's and Australia's first recycling facility which will improve the quality of our

environment and reduce the amount of this material that goes into landfill.

**Victorian Funds Management Corporation:
investments**

Mr RICH-PHILLIPS (South Eastern Metropolitan) — My question is to the Treasurer. Will the Treasurer assure the house that the Victorian Funds Management Corporation does not engage in the practice of share lending?

Mr LENDERS (Treasurer) — I thank Mr Rich-Phillips for his question and his interest in the VFMC (Victorian Funds Management Corporation), which we know is a great Victorian institution that invests on behalf of government, particularly the Victorian WorkCover Authority, the Transport Accident Commission, Emergency Services Super, VMIA (Victorian Managed Insurance Authority) and a number of other bodies.

The VFMC has a prudential guideline, which is set by me as Treasurer, for it to operate within. Within the parameters of that prudential guideline, the VFMC makes investment decisions. From time to time those issues will be reviewed and reflected upon year by year as we go through how the VFMC operates. Under that prudential guideline, in the past five-year period the VFMC has seen average returns for the Victorian WorkCover Authority, the Transport Accident Commission, Emergency Services Super and all the other key Victorian bodies of the order of just over 13 per cent per annum. That is a very impressive set of numbers considering how volatile the share market—both the Australian and international equities markets—has been over the time since late July last year.

I am confident that the VFMC operates under a good set of prudential guidelines, but we will always continue to review those prudential guidelines over time as the need arises.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the Treasurer for his answer, but of course the question was not about the prudential guidelines, it was about the trading practices of the Victorian Funds Management Corporation. Hundreds of millions of dollars have been lost from VFMC-managed portfolios in the last couple of months. Will the Treasurer assure the house that the VFMC has not exacerbated this situation by engaging in either share lending or short selling?

Mr LENDERS (Treasurer) — Mr Rich-Phillips says hundreds of millions of dollars have been lost from the Victorian Funds Management Corporation portfolio over the last several months. I understand it is very easy for oppositions to throw those figures around.

Mr D. Davis — It's also true.

Mr LENDERS — David Davis says, 'Oh so true'.

Mr D. Davis — I said, 'It's also true'.

Mr LENDERS — I ask the house to put a perspective on this. For a victim of road injury, to use but one example of a client of the VFMC, the Transport Accident Commission (TAC) is required to put money away to deal not just with the immediate recovery and medical bills but also the lifetime care of such a person. It requires that money to deal with that injury be put aside for the long term. In some cases that can be 60 or 70 years, though often it is a lot less. Similarly for a public sector employee in a defined benefit superannuation scheme money is put aside from the employee and also from the government, the employer, into a specific fund. The return on the fund needs to be over the long term and not just about someone cruising through a computer looking at how shares go up or down over a given period of time. The entire foundation of the VFMC is to actually have a long-term investment that deals with the needs of its major clients. The TAC's profile will be different from the emergency services superannuation fund and the Victorian WorkCover Authority, because each of those bodies will set objectives for the VFMC to achieve.

The premise of Mr Rich-Phillips's question is that somewhere along the line there needs to be an instantaneous response. His comment is that the VFMC has lost money. That is why in my response to his substantial question I said the VFMC over a five-year period has been achieving returns of the order of 13-plus per cent. Given that most superannuation funds aspire to returns of the order of 4, 5 or 6 per cent plus CPI (consumer price index), depending on what the fund is and the like, this is actually achieving the target the government has set it. If Mr Rich-Phillips is suggesting — and I am sure he would not be — that I as Treasurer micro-manage share portfolios on a daily basis, then I think he is out there by himself. The rest of the developed world and the emerging economies would sit there somewhat surprised.

We will continue to set up the best prudential guidelines for the Victorian Funds Management Corporation. We will continue to monitor how the VFMC is operating, and we will continue through

reports from the Auditor-General and the Public Accounts and Estimates Committee to respond to questions on what is the most appropriate way for it to go forward, meeting those long-term objectives for its principal clients.

Planning: land supply

Mr HALL (Eastern Victoria) — My question without notice is directed to the Minister for Planning. I refer to the government's announcement last week that it would fast-track planning scheme amendments within the urban growth boundary. Given that the Premier has promised that residential land prices in Melbourne will fall by 10 per cent per allotment, what commitments will the minister give to lowering the cost of residential lots in Geelong, Ballarat, Bendigo, Seymour, Maryborough, Ararat, Gisborne and the Latrobe Valley, as well as other towns in country Victoria?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Hall's question on a number of fronts. First of all, isn't it great to see the growth in regional Victoria? Isn't it fantastic to see that growth? That is in stark contrast to eight or nine years ago, when we did not see that sort of growth, when there was not that growth and where were not huge increases in job figures. That is one of the great things about what we are seeing in the economy. I know my colleague the Treasurer mentioned the great position we are in in terms of Victorian growth. For example, regional job growth is a key contributor towards making regional Victoria an attractive place to live. Then of course you get the demand for housing. On regional job growth, over the year to the January quarter, regional Victoria recorded a 4.3 per cent job growth rate — —

Mr Hall — What's this got to do with the question?

Hon. J. M. MADDEN — I take up the interjection. This is important, Mr Hall, because it is a stark contrast — and this will lead to my point in a moment. Regional Victoria recorded a 4.3 per cent job growth rate, behind only regional Western Australia, and it was so strong in regional Western Australia because of mining. The current participation rate in regional Victoria is, I understand, 63.8 per cent, which is not far behind the highest rate ever recorded, being 64.1 per cent in the December quarter.

First of all, Mr Hall, that sets the scene for why housing is in such great demand in regional Victoria. I could go through the details one at a time, but I will not. What I will tell you, Mr Hall, is that this government is committed to growth in regional Victoria and to making

sure that, in conjunction with local government, it facilitates access to land. We are very committed to that and we will retain that commitment. Hence my recent decision on the Traralgon bypass, so that the council could move on that, rather than putting it in limbo, where it had been for 30 years.

I take up Mr Hall's point on Geelong. If he has not heard about the Armstrong Creek development in Geelong, I suggest that he make himself acquainted with it. I also make this point about what is going on in regional Victoria: four of Victoria's regional cities sit at the top of regional city growth. I will name a few of them. Mildura is one of them; we are seeing enormous growth in Mildura. People are asking for land to be freed up and zoned differently, and we are happy to work with council around that.

Mr Hall is from the same party that wants to retain agricultural land. You are the same person who came in here when we were talking about South Gippsland shire — —

Ms Lovell — Through the Chair!

Hon. J. M. MADDEN — You can interject all you want, but I am making the point, and I want to make it very clear. You mentioned South Gippsland shire, Mr Hall — —

Honourable members interjecting.

The PRESIDENT — Order! I remind the house that question time is for questions and answers, not debate. Minister, through the Chair.

Hon. J. M. MADDEN — This is the same person who contradicts himself at every opportunity. First of all he wants us to free up as much land in regional Victoria as possible, but at the same time he wants us to retain as much agricultural land as possible. You cannot have it both ways and give clarity and certainty to the market.

Mr Finn — On a point of order, President, having heard your ruling just a moment ago, the minister has completely ignored it and gone on from where he left off. I ask you to bring him to order.

The PRESIDENT — Order! I was listening to the minister, and I think he did take note of what I said. Whilst I appreciate Mr Finn's attempts to assist me, I am sure we have the house under control.

Hon. J. M. MADDEN — As I keep saying, you cannot have it both ways — wanting to keep as much agricultural land as possible but freeing up as much

land as possible for housing. I just make that point. I suggest, Mr Hall, that you have a good look at your own party's policy and the policy of the Liberal Party, because I suspect that the policies in relation to this matter are contradictory on both fronts. I will give you a bit of information as well that might help you along: this is about VicUrban and regional Victoria. I was hoping Wendy Lovell might ask this question, but she did not.

Mr Atkinson — On a point of order, President, the minister has deliberately attacked the opposition in his answer. He has strayed from your ruling. He has been trying to draw comparisons between respective parties in this chamber and is naming other members of the opposition in pursuing his answer, which is not relevant to the question he was asked.

The PRESIDENT — Order! I have to say that the minister is tending to go on a bit now. I would like him to reflect on that and contain his answer to being relevant to the supplementary question.

Hon. J. M. MADDEN — I will give a few examples of what is happening in regional Victoria with the likes of VicUrban. I suggest that Mr Hall go to the Tower Hill estate in Swan Hill, where we have seen enormous growth. Stage 4 was released on 25 September 2007, and 26 of 52 lots have already been sold. As well as that, we have seen with offices —

Mr Hall interjected.

Hon. J. M. MADDEN — This helps land prices in country Victoria, Mr Hall. Funnily enough, you do not want to hear about VicUrban. Other questions were about VicUrban, and they both related to housing affordability and land release. With offices in Ballarat and Wangaratta, we can make sure that VicUrban can lead the market into spaces they will not go — that is, in regional Victoria.

We want to make sure that we continue to release land in regional Victoria. We have consistent policy on this front; we have consistent commitment on this front. The contradictions I hear in this chamber when it comes to land release astound me. We will remain committed to making sure there is housing, whether it is in metropolitan Melbourne, inner Melbourne, outer Melbourne, middle Melbourne or across the regions, where we are seeing phenomenal growth, particularly in relation to jobs. In many ways it is a good challenge to have, in contrast to eight years ago. There is so much growth in regional Victoria that there is not enough housing in many locations, and we want to make sure

we get that housing so we can continue that growth. We retain that commitment to regional Victoria.

The likes of the regional fast rail have accelerated the demand in regional centres. We know that the parties on the other side of this chamber did not support that. We remain committed to regional Victoria, and we are committed to making regional Victoria a better place to live, work and raise a family.

The PRESIDENT — Order! Mr Hall might like to reiterate the supplementary question that I pre-empted.

Supplementary question

Mr HALL (Eastern Victoria) — I would love to ask a supplementary question, President. I refer to the minister's comments about the Traralgon bypass in his answer to my original question. It is pertinent, because I want to ask a supplementary question in regard to that particular project. Did the minister realise that by choosing the bypass route he selected for Traralgon he actually prevented a 3000-lot residential subdivision from proceeding, and as a result actually increased land prices in the Latrobe Valley by \$10 000 per allotment? I therefore ask the minister why he has demonstrated such callous disregard for the needs of Latrobe Valley residents compared to what he is offering Melburnians.

Hon. J. M. MADDEN (Minister for Planning) — Through you, President, I just make the point to Mr Hall that he would have us rule out the mining industry down in the valley. Is that what Mr Hall wants? This goes to show the contradictory position we have got here in relation to mining. That decision was made because for 30 years nobody could make a decision on this matter and because there was very much a choice between land use around housing and around road use and around mining. One of the prime employers in the Latrobe Valley is mining.

I make this point to Mr Hall, and I make it very clearly: that is the difference between this government and the former government. We are for jobs. We will make a choice about jobs, and that is probably why Mr Hall saw land prices going up in the Latrobe Valley. It is not negative growth like it was under the Kennett government, when the land prices went down. You could not give houses away in the Latrobe Valley when the Kennett government was in power.

The PRESIDENT — Order! The minister is clearly debating. I ask him to stick to a relevant answer or to resume his seat. It is one or the other.

Hon. J. M. MADDEN — Again I make the point that the clear delineation here is that we are a

government for jobs in the Latrobe Valley. That is the clear difference. That is probably why Mr Hall has seen house prices going up, because we know now that there will be more jobs in the Latrobe Valley because of that decision.

The PRESIDENT — Order! The minister is clearly unable to understand my ruling. I ask him to resume his seat. The time for questions is over.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Treasurer) — I have answers to the following questions on notice: 482, 802, 804, 984, 1018–20, 1048–50, 1081, 1102, 1157, 1212–28, 1230–40, 1243, 1245, 1247–54, 1260, 1261, 1269, 1291–9, 1331, 1334, 1345, 1347, 1351, 1352, 1355, 1371, 1373, 1374, 1378, 1388, 1390–6, 1406, 1407, 1543, 1603, 1605–8, 1610, 1611, 1613, 1637, 1638, 1733.

The PRESIDENT — Order! Ms Hartland has written to me seeking my ruling in relation to the answer to question on notice no. 1068. I am of the opinion that parts (1) to (6) of that question have not been answered, and I therefore direct that those parts of that question be reinstated to the notice paper.

PETITION

Following petition presented to house:

Gaming: Cardinia

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council that the residents of Officer and Beaconsfield strongly reject any move to bring and install electronic gaming machines ('pokies') into their community.

The Shire of Cardinia has received applications to install over 200 gaming machines at three separate locations in the townships of Beaconsfield and Officer. If these applications are successful, these townships will have a concentration of electronic gaming machines that is significantly higher than the community desires.

The petitioners request that the state government of Victoria recognise without delay the effect their gaming policies are having on local communities. The petitioners request that the flawed state government gaming policies, which allow the proliferation of gambling, be changed so that local communities such as Beaconsfield and Officer can remain free of electronic gaming machines ('pokies').

By Mr O'DONOHUE (Eastern Victoria)
(590 signatures)

Laid on table.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 3

Mr EIDEH (Western Metropolitan) presented *Alert Digest No. 3 of 2008, including appendices.*

Laid on table.

Ordered to be printed.

BUDGET UPDATE

Mid-year report 2007–08

The Clerk, pursuant to Financial Management Act, presented report.

PAPERS

Laid on table by Clerk:

Border Groundwaters Agreement Review Committee — Report, 2006–07.

Falls Creek Alpine Resort Management Board — Report for the year ended 31 October 2007.

Lake Mountain Alpine Resort Management Board — Minister's report of receipt of report for the year ended 31 October 2007.

Mount Baw Baw Alpine Resort Management Board — Report for the year ended 31 October 2007.

Mount Buller and Mount Stirling Alpine Resort Management Board — Report for the year ended 31 October 2007.

Mount Hotham Alpine Resort Management Board — Report for the year ended 31 October 2007.

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

Casey Planning Scheme — Amendment C95.

Frankston Planning Scheme — Amendment C47.

Greater Bendigo Planning Scheme — Amendment C96.

Greater Dandenong Planning Scheme — Amendment C89.

Greater Geelong Planning Scheme — Amendments C78 and C134.

Indigo Planning Scheme — Amendment C41.
 Knox Planning Scheme — Amendment C69.
 Manningham Planning Scheme — Amendment C68.
 Mornington Planning Scheme — Amendment C97.
 Whitehorse Planning Scheme — Amendment C79.
 Yarra Ranges Scheme — Amendment C68.

Statutory Rules under the following Acts of Parliament:

Adoption Act 1984 — No. 10.
 Children, Youth and Families Act 2005 — No. 11.
 Supreme Court Act 1986 — Crimes Act 1958 —
 Sentencing Act 1991 — Interpretation of Legislation
 Act 1984 — No. 12.

Subordinate Legislation Act 1994 — Minister's exception
 certificates under section 8(4) in respect of Statutory Rule
 Nos. 11 and 12.

Proclamation of the Governor in Council fixing
 operative dates in respect of the following act:

Transport Legislation Amendment Act 2007 —
 section 65 — 15 March 2008 — sections 10, 12 and
 21 — 31 March 2008 — sections 54(3) and 57 — 1 July
 2008 (*Gazette No. G9, 28 February 2008*).

BUSINESS OF THE HOUSE

General business

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

That general business on Wednesday, 12 March 2008, be
 taken in the following order:

- (1) notice of motion no. 30 standing in the name of
 Ms Hartland relating to the chemical incident at
 Tottenham; and
- (2) notice of motion given this day by Mr Guy relating to
 housing affordability.

Motion agreed to.

MEMBERS STATEMENTS

Housing: disruptive tenants

Ms LOVELL (Northern Victoria) — Recent reports
 in the *Heidelberg Leader* have indicated that local
 Office of Housing properties are beginning to resemble
 rubbish dumps, and Victoria's Minister for Housing in
 the other place is unwilling to step in to ensure the
 properties are kept in an acceptable state.

According to one recent media report, noise and
 littering at one particular housing estate have become 'a
 nightmare' for residents. Banyule council is forced to
 regularly send crews to the streets to clean up litter and
 rubbish from Office of Housing tenants, and the council
 is fed up with it. Behaviour observed by a Heidelberg
 resident of 44 years included abuse of parking
 regulations, dumping of hard rubbish and newspapers
 on the footpath, overflowing rubbish bins and general
 littering. Other concerns were drug use, speeding, foul
 language and regular visits from the police.

The media report indicated that a Department of
 Human Services northern and western metropolitan
 region housing officer told Banyule council she was not
 sure that writing a letter to the minister would provide
 an outcome to the problem — in other words, the
 minister does not care, and his own housing officer has
 little faith in his ability or willingness to ensure Office
 of Housing properties are kept free from filth and
 rubbish.

This is something I have known for some time, given
 the number of inquiries my office receives regarding
 'tenants from hell', who do things such as leave
 syringes on neighbours' lawns, smash windows, leave
 excessive amounts of rubbish outside properties, and
 even throw human excrement into neighbours' yards.
 The minister needs to take responsibility for this
 problem and solve it rather than leaving it up to
 councils and residents to pick up after Office of
 Housing tenants.

Federal government: carers bonus

Ms HARTLAND (Western Metropolitan) — My
 members statement today has been written for me by
 Matthew and Penny Potocnik.

Our son Levi is six years old and is affected by the genetic
 condition Angelman syndrome, a severe intellectual and
 physical disability.

For Levi this means that he is totally dependent on others for
 every aspect of his life —

and he needs significant support services.

Neither Matthew nor I could continue to work in our former
 capacities, and hence we sought the carer payment
 entitlement.

The carer bonus recognised the value of our role as carers and
 the additional lump sum financial assistance gave us a choice —

what they could best do and what they could purchase
 for Levi.

This year this would have helped to meet costs associated with modifications to our bathroom.

As parents, our biggest concern for Levi is to be able to plan for his future health, accommodation and support needs.

...

We are so pleased to have the support —

of the community on the issue of the bonus —

and we would urge governments to reinstate this lump sum payment, and to seriously address the urgent need for adequate supports —

for people like Levi. That is from Matthew and Penny Potocnik.

I would suggest the federal government can easily fund more resources to carers and their families by not giving the promised tax cuts to high-income earners.

Darebin: Community and Kite Festival

Mr ELASMAR (Northern Metropolitan) — I rise to speak about the city of Darebin festival I attended on Sunday, 2 March 2008. Darebin council organised its annual kite flying spectacle at All Nations Park in Northcote. I was amazed when I was told by council organisers that about 40 000 people attended. It was great to see families and people of all ages and nationalities enjoying themselves. The kites on display were, again, truly amazing; they were extremely colourful. It takes great skill to fly one successfully. I am still trying to master the art.

Food stalls and arts and craft stalls abounded and because the temperature was over 30 degrees, the stalls selling hand-held silk fans and colourful parasols did a roaring trade. I really enjoyed myself meeting people who share with me a genuine community spirit.

Darebin: transport strategy

Mr ELASMAR — On another matter, I attended the launch of the Darebin Transport Strategy, which was jointly hosted by the Minister for Public Transport in the other house, Lynne Kosky, and the mayor of the City of Darebin, Cr Peter Stephenson. Together with other members from both houses of this Parliament, the transport strategy was formulated in consultation with a wide community of stakeholders. The objective of this innovative transport plan is to make Northcote roads safer places for children and the elderly in our community to walk and cycle on. If this plan is successful, it has the potential to be a blueprint for the future of sustainable travel in the city of Melbourne and perhaps for all Victorians.

Bushfires: prevention

Mr P. DAVIS (Eastern Victoria) — Last Thursday I had the pleasure of accompanying the Environment and Natural Resources Committee of the Parliament on a visit to Cann River in East Gippsland. The visit was hosted by the East Gippsland Wildfire Task Force, in particular John Mulligan, the chairman.

Following several hours of forest inspections, including a lot of area which was totally burnt in 1983, what we clearly established is that there is a huge conflict between the objectives of the Department of Sustainability and Environment and VicForests. There is totally inadequate fuel reduction or preventive burning being undertaken by DSE because in the short term VicForests aspires to maximise its commercial return from wood sales and is looking at this 25-year regrowth as a great opportunity. The only problem is we are likely to lose the lot because there has been inadequate fuel reduction burning over a long period. In fact if there is a significant fire in that area in the next summer period — because of course this summer was remarkably wet — we will lose the resource.

I draw the attention of the Minister for Environment and Climate Change to this conflict. He needs to sort out a proper policy position for DSE to ensure that our forests are properly managed and that there is in fact adequate fuel reduction burning into the future.

Consumer affairs: credit contracts

Mr HALL (Eastern Victoria) — I was pleased to read in the business section of the *Age* of 29 February an article titled 'Couple face \$3 million civil suits after failed appeal'. It was a report on a recent court case where Consumer Affairs Victoria took a couple to court, accusing them of illegally putting home buyers on credit contracts. It mentioned the names of the couple, which I will not refer to. This couple was accused of what is called mortgage wrapping, where people buy a property at a small price with a low mortgage interest rate from a bank and then on-sell it at a much higher price and a much higher interest rate.

The article cites the example of a Morwell property they bought for \$54 000 in 2002 on a mortgage of 5.72 per cent a year, and on-sold to somebody for \$82 000 at vendor terms of an outrageous 14.69 per cent per year. Of course the particularly lady lost her money in the house.

The pursuit of justice in this particular matter, which I raised in Parliament several years ago, led to a most ethical real estate agent from Heyfield, Mr Moss

Mahoney, meeting with the then Minister for Consumer Affairs in this place, John Lenders, and Consumer Affairs Victoria. Mr Mahoney was able to provide Consumer Affairs Victoria with much evidence that was used to pursue this case through the courts. I want to thank my constituent Moss Mahoney and also Consumer Affairs Victoria for their pursuit of justice on this matter. I am sure their good work is going to ensure that consumers are protected in future.

Our Lady of Lebanon Maronite Church

Ms MIKAKOS (Northern Metropolitan) — I recently had the opportunity to attend a number of local events that reflect Victoria's rich multicultural community. On 8 March I had the great honour of being invited to attend the opening and consecration of Our Lady of Lebanon Maronite Church in Thornbury. I note that there were about a dozen members of Parliament there, which is clearly a reflection of the esteem in which that community is held. Around 10 000 members of the Maronite community reside in Melbourne, predominantly in the northern suburbs, and come from Lebanese, Syrian, Egyptian and Palestinian backgrounds. An estimated 8000 people attended the opening event on Saturday.

In a show of faith, strength and unity, the church was built through worshippers buying 21 000 bricks at \$50 each, raising \$6 million to date. I congratulate the Maronite community on this major achievement, in particular members of the parish committee; parish priest Monsignor Joseph Takchi; and His Grace, Ad Abikaram, Maronite Bishop of Australia. I wish the parishioners of the church all the best in the future.

Apokries carnival, Northcote

Ms MIKAKOS — On 10 March 2008 I had the pleasure of attending another local event, the Apokries carnival in Northcote. In orthodox tradition Apokries marks the preparation for Lent. It literally means 'goodbye meat'. It was a family day, open for all members of the local community to experience some Greek culture through food and dancing. Children were provided with free kites, and prizes were awarded to the best kites and costumes on the day. I congratulate the Thessaloniki Association, The White Tower, in organising a successful event, which saw proceeds raised for two local soccer clubs that support youth in the area.

Office of the Health Services Commissioner: 20th anniversary

Mrs COOTE (Southern Metropolitan) — I wish to congratulate the health services commissioner, Beth Wilson, together with Robyne Schwarz, the president of the health services review council, on 20 years of operation of the Office of the Health Services Commissioner. This is a wonderful organisation. At one stage I had the privilege of being the president of the health services review council. I remind the house of its initial charter. It was established in Victoria in 1988 by the Health Services (Conciliation and Review) Act. The commissioner's role is to receive, investigate and resolve complaints from users of the health services, to support health-care services in providing quality of care service and resolving complaints. The legislation also requires that information gained from complaints should be used to improve the standards of health care and prevent breaches of these standards.

Twenty years in operation is an excellent record. The Office of the Health Services Commissioner has done some quite extraordinary things. I particularly commend Beth Wilson, who has done an excellent job as the health services commissioner. Looking at the charter and the work that has been achieved over these last 20 years, it is important to understand that the basic thrust is that this a conciliatory body, not a punitive body. That has been its major success. It could be used as the model for many such organisations. The government would do well to look at this model, particularly in the area of aged care and carers.

Women: *Morphed* — *The Dance of Life*

Ms TIERNEY (Western Victoria) — On Saturday, 1 March 2008, I had the pleasure of representing the Minister for Mental Health in the other place, Lisa Neville, at the premiere and launch of *Morphed* — *The Dance of Life* at the Warrnambool entertainment centre. It is a community arts program about the lives of women in our community. The performance was a combination of several months of hard work by over 200 people, mostly women, from towns and small rural communities across south-western Victoria.

Morphed has probably been one of the biggest women's health events ever to be organised in south-west Victoria. It is a demonstration that art — and in this case, performance art — can be a powerful tool for engagement, building community skills, identifying issues and activating empowerment. Congratulations to the women of the south-west who inspired the stories, the performers, the crew members and the wonderful team of Noelle Taylor, Jane

Hammond, Julianne O'Brien and Rochelle Campbell. I take this opportunity to thank them for creating an event that was skilful and heart-rending, taking the audience on a journey that was nothing short of an emotional roller-coaster. I will certainly treasure the experience and consider it to be a highlight since my election to this place. I am delighted to be part of a government that knows the importance of bringing people together through art, and so building stronger and healthier communities.

Rail: level crossing safety

Mr ATKINSON (Eastern Metropolitan) — Sadly, yesterday there was another railway crossing accident in the city of Whitehorse, on this occasion at Rooks Road railway crossing, which sits between Mitcham Road and Springvale Road. It highlights yet again the failure of the state government to address the issue of railway crossings, and particularly to address the issue of eliminating grade crossings throughout the metropolitan area.

The City of Whitehorse has undertaken a study of opportunities to eliminate all the grade crossings throughout the municipality from Laburnum to Heatherdale. The federal government had placed on the table \$80 million towards a solution at the Springvale Road railway crossing. It was matched by the current government. I trust that that commitment will not be one of the commitments that is wiped as part of the budget cutting process.

It is high time this state government committed to a program of eliminating railway crossings throughout the metropolitan area, as well as addressing the issue of country railway crossings, which have been the sites of some horrific tragedies of late. The Royal Automobile Club of Victoria, the Public Transport Users Association and all the citizens of Whitehorse believe this Springvale Road railway crossing and the others on the Belgrave and Lilydale lines ought to be addressed as a matter of urgency.

Sunraysia Skills Store: opening

Ms BROAD (Northern Victoria) — Last week it was my very great pleasure, representing the Minister for Skills and Workforce Participation in the other place, Jacinta Allan, to officially open the Sunraysia Skills Store in Mildura. People across the Mildura region, including farm and off-farm workers, affected by the drought will find it easier to gain qualifications for skills learnt on the job as a result of this initiative by the Brumby Labor government. The Sunraysia Skills Store is one of 13 skills stores being established state

wide by the Brumby government, with nine in regional Victoria.

This initiative delivers on a \$23 million Labor election promise to encourage Victorians to undertake further education and training, to recognise existing skills and to help employers meet emerging skills needs. The idea behind the skills stores initiative is to take the message of retraining, and especially the importance of recognising prior learning, directly to the people. People can literally walk off the street into a skills store and get free expert advice. The skills stores will also help businesses identify training needs and solutions for their workforce and assist schools careers advisers. Like the rest of Australia, Victoria's economy faces two major skills challenges. By encouraging older Victorians to upgrade their skills and re-enter the workforce, skills stores will help address both these challenges. I wish to congratulate everyone who worked to deliver this Labor election commitment a year ahead of schedule, especially the Sunraysia Institute of TAFE, which is the operator of the Sunraysia Skills Store.

Athletics Victoria: relocation

Mrs PEULICH (South Eastern Metropolitan) — Following recent reports that Athletics Victoria may be removed from its iconic base at Melbourne's Olympic Park, located in Victoria's sporting precinct, having been the mother of an athlete for some 18 years I am concerned that athletics in Victoria is going to reach a dead end in the recently renamed Olympic Boulevard. Athletics Victoria has been part of Olympic Park for more than 50 years, but there has been minimal support from the state government to update facilities and ensure that Victoria continues to produce world-class track and field athletes, such as Tamsyn Lewis, who won the 800 metres yesterday at the indoor world championships, and of course many others in whose glory we are more than prepared to share as a nation. Based on this and a very strong voluntary sector that is comprised of Little Athletics and senior athletics clubs as well as schools, Victoria has a strong reputation for being the world's sporting capital, but when it comes time for capital investment in this sporting field, this state government has been left at the starting blocks.

Olympic Park is important in the Melbourne sporting precinct and it is arguably the world's highest profile sporting precinct. I call on the Brumby Labor government to give athletics and Athletics Victoria some certainty about its future. The careers of many track and field athletes have commenced in Olympic Park. This iconic venue has great significance to many Victorians, and I will certainly be contacting all my

Little Athletics clubs and senior clubs to find out their views about the future of athletics in Victoria.

Myrtleford Festival

Ms DARVENIZA (Northern Victoria) — Last Friday evening I was very pleased to have the opportunity to officially open the 48th festival at Myrtleford. It was a terrific event and many people turned out from Myrtleford and the surrounding areas. The festival offers a great opportunity for the local community to showcase Myrtleford to a whole range of visitors. The Myrtleford township itself looked absolutely fantastic as you drove through it. All the businesses, or most of them, participated in decorating their establishments in the festival colours.

This year is the first time the festival has had its new name of the Myrtleford Festival. That is because the people of Myrtleford are recognising the changing times in which we live. The festival has become much more than a celebration of the three traditional industries on which Myrtleford was based. The focus for this year's festival and future festivals was and will be on a celebration of Myrtleford's cultural diversity, its tourism strength and opportunities, and of course its terrific energy. I want to congratulate the Alpine Shire Council, the planning committee and the many festival supporters and sponsors who made this event possible and who worked so hard to make it happen.

Federal government: carers bonus

Mr O'DONOHUE (Eastern Victoria) — Carers in our community are the silent heroes who care for many of the most vulnerable people in our society. Often these carers are parents or close relatives who care for their children. It was pleasing that during the last sitting week the motion moved by the opposition in this place requiring the Family and Community Development Committee to consider and report on the state government's provision of supported accommodation for Victorians with a disability or a mental illness was agreed to.

This issue is not only a matter of quality of life for carers and those for whom they care, but also an important issue for the Treasurer. It is estimated that 92 per cent of all carer accommodation in this state is provided by unpaid family carers. For those 92 per cent of carers the \$1600 carers bonus paid by the previous federal government was a way of providing them with some support and some additional funds which they could use for respite, modifications to their homes or to help pay the bills. I was absolutely shocked to hear that Kevin Rudd's so-called razor gang is planning to cut

the carers bonus from the forthcoming budget. This is not only an attack on some of the most vulnerable in our community and those heroes who provide the care, but it does not make economic sense. I call on the Prime Minister to reconsider this attack on the vulnerable and commit to funding the carers bonus in the 2008–09 budget. I also call on the state Labor government to provide adequate funding to our carers and to provide them with certainty about how their children will be cared for when they are gone. It could start by funding a facility that is proposed at 47 Marine Parade, Hastings.

Federal government: carers bonus

Mr D. DAVIS (Southern Metropolitan) — I want to reiterate the points made by my colleague Mr O'Donohue about the attack launched by the federal Rudd government on carers. Victorians and Australians will be very concerned about the lack of clarity that Mr Rudd has responded with. It is not clear —

Mr Leane — They have not done it yet.

Mr D. DAVIS — Mr Leane may well say, 'They have not done it yet', but I think the point here is that Labor at a federal level has announced that it is going to be cutting funding for carers. It is not quite clear what and how much — it is not quite clear how savage it will be. Vulnerable people and the people who care for them deserve certainty and predictability. They deserve to have their financial status confirmed. They deserve to have the appropriate recognition from the community.

I have to compliment Mr O'Donohue for making the points he made. I do not believe there is a person in this house who does not know that what Mr Rudd and his government are up to is wrong. It is morally wrong and cruel and it is focused on unnecessary cost-cutting in an area in which it is ultimately counterproductive. If you cut funds to carers, it will generate greater costs for federal, state and local governments. It is a dumb cut and it is a cruel cut. I ask Mr Rudd to back off and give certainty and security to carers.

Rail: level crossing safety

Mrs KRONBERG (Eastern Metropolitan) — Yesterday morning there was carnage at the Rooks Road level crossing on the railway line just up from the notorious Springvale Road crossing at Nunawading. I arrived at the scene after the collision between the Ford sedan and the Connex train. Many of the 100 shocked passengers were travelling to Moomba for a happy day out. According to reports, Connex was completely unprepared for such an incident, and it fumbled for over

an hour to shuttle passengers in buses from Nunawading station — in the heat — to allow them to complete their journeys. The Belgrave and Lilydale lines were closed for 3½ hours. No doubt the image of a car on the train line is one that all train drivers dread. My thoughts go out to not only the family of the deceased car driver but also to the train driver himself. Police at the scene assured me that the train driver would be receiving counselling.

Now we have to ask: just how much longer is this government going to avoid the issue of funding grade separations around this state, and especially along the Belgrave and Lilydale lines? The Minister for Public Transport has previously told me that grade separations are not a priority along the line linking the east, because the government hopes the EastLink tollway will take care of traffic congestion in the area, thus reducing such incidents. What a policy position, what a disgrace and what a rampant neglect of people in Melbourne's east!

CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES) (ENFORCEMENT) AMENDMENT BILL

Second reading

Debate resumed from 28 February; motion of Mr JENNINGS (Minister for Environment and Climate Change).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to rise this afternoon to speak on the Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill. This is a bill that the Liberal Party will support. It is a bill that is quite brief in what it sets out to achieve and consequently my own comments will be relatively brief.

The bill arises from an agreement made at a forum of the Standing Committee of Attorneys-General in relation to the classification of films and other materials, and it is consequential on commonwealth legislation that was passed by the previous government in the previous Parliament with respect to the management of classified publications, films and computer games. Accordingly, this legislation that results from that process is designed to implement certain agreements that were made by the SCAG.

The key provisions of the bill are to introduce a provision that clarifies that, where material — a film or publication — is already classified and minor changes are made to it by way of subtitling or captioning or

changes of that nature, it is not necessary for a new classification to be sought. The material is regarded as having the same classification where those types of minor changes are made to it.

The second provision is to allow authorised industry assessors to make classification recommendations to the classification board about films that contain additional content, and the third provision is to confer responsibility for determining classification outcomes — markings — to the commonwealth minister after consultation with the relevant state minister, obviously, in each of the respective jurisdictions.

It is the view of the Liberal Party that these changes, as far as they go, are consistent with the agreement by the attorneys-general and the commonwealth legislation and therefore they are supported by the Liberal Party. Our concerns, though, are about the bill not going far enough, the issue of how the government is managing the classification regime, what is being done through that regime and what is being ignored.

Our concern is at the failure of the government to enforce the existing classification regime. We have heard from the Attorney-General from time to time as to this government's commitment to being tough on crime, et cetera, yet there is now substantial anecdotal evidence in the area of classification and X-rated material that either has not been classified or has been declined classification, and that the current regime is not being enforced by Victoria Police or by the Victorian government.

There was an extensive article on this matter in the *Sunday Age* of 17 February this year that went into some detail as to exactly what is happening with the classification regime in this state and its enforcement. The reporter in that article quoted a number of retailers of classified material who indicated that they had had no contact and no oversight by Victoria Police or even Consumer Affairs Victoria about whether the regime was being enforced. The same article went on to quote the chairman of the Victorian Law Reform Commission effectively saying that the law as it stands has not kept up with public expectation, and I would place on the record that it is certainly the Liberal Party's view that it is the role of the government and of Victoria Police to enforce the current regime surrounding classified material, whether it is the government's view that it has kept up with community expectations or not. If it is the government's view and Victoria Police's view that the regime is out of step with what the community expects, it is up to the government to introduce legislation to make the

necessity amendments to the regime, but while the current regime is in place it is incumbent upon the government to ensure that it is enforced.

The examples identified in that article are clearly a matter of concern to the community in that the current regime has not been enforced. It is fine for the government to bring forward these amendments today which pick up on those agreements from the Standing Committee of Attorneys-General, but they go no way towards giving the community the assurance it seeks with respect to the handling of classified material. This is an area that we would expect to see the government take a clear position on — either enforcing the current regime or changing it.

With those few words I note that the Liberal Party will support these changes, but in doing so note the failure of the government in enforcing the current regime with respect to classified material.

Mr HALL (Eastern Victoria) — I, too, share the view of the Liberal Party in terms of supporting this legislation and I am pleased to give that indication to the house this afternoon.

There is a federal act of Parliament called the Classification (Publications, Films and Computer Games) Act of 1995, which is the principal act which deals with the classifications of certain publications, films and computer games nationally, and I think it is appropriate that we have a national system to look after these areas. However, it is the role of the states to enforce that legislation, and consequently I understand that each of the states has complementary legislation to that of the commonwealth which gives the states the power to enforce decisions made by that act of federal Parliament.

Essentially that is what we are doing here this afternoon with this amendment to the Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill of 2007 and, as Mr Rich-Phillips pointed out, principally we are making amendments in three areas which have been described as more administrative amendments than anything else. Simply, in those areas what the legislation will do is, firstly, clarify that additions to already classified films of descriptions or translations such as subtitling or captioning are not considered a modification requiring classification, and that certainly makes sense to me.

Secondly, it will allow authorised industry assessors to make classification recommendations and consumer advice about films containing additional content, and the third area of amendment confers responsibility for

determining classification markings and the manner of display on the commonwealth minister after consultation with participating ministers. As I said, these are administrative amendments that reflect the decision taken by the Standing Committee of Attorneys-General which looks into these matters.

It is appropriate that we have classification done on a national basis and I think the current classification categories that have been developed for publications, films and computer games are pretty well known to the public and enable viewers or, in the case of computer games, players, to make informed decisions. I must say, having had a look at this particular bill and noticing that the classification system applies to computer games, the extent of my knowledge of computer games extends to an occasional game of solitaire on my computer and not to some of the rather extensive computer games that I have seen my nephews and others in a younger age bracket being involved with. Having had some brief exposure to the games played by young people on computers, I can understand that the violence and some of the other things portrayed in those games might well lend themselves to being classified too. Indeed, I am happy to support the classification of all those categories of media.

While some would disagree with the classification of particular films or publications, and I suppose computer games as well, others in our community seem to object to the classifications assigned by the Classification Board, but I for one think the board is pretty much right, and I do not receive a lot of complaints through my office about the classifications assigned to films. As I said before, the categories the board uses are well known, and people make an informed choice as to the type of material they will be watching or, in the case of computer games, playing.

I also think it is important that politicians do not get involved in the process of making judgements about materials that have been classified. That would interfere with the independence of an organisation set up specifically to do that job, and which, as I said, generally speaking gets it right. If it did not, I am sure we would receive many more complaints through our respective offices and the issues would be canvassed more broadly in the media.

I understand there is concern about the availability of X-rated material in Victoria. Mr Rich-Phillips made mention of that, and I concur with those views. The complaints I have received about film availability are more centred upon the inappropriate availability of some X-rated materials, and that is an issue this state government needs to do more to address.

The bill makes what I believe to be some sensible amendments to the Victorian legislation regarding this matter, and I am again pleased to indicate the support of The Nationals for this bill.

Ms HARTLAND (Western Metropolitan) — I will speak only very briefly because the two previous speakers have outlined the technical details of the bill. The Greens will be supporting the bill, but one thing I note is that the Greens have some concern that the Standing Committee of Attorneys-General has agreed to the abolition of the Office of Film and Literature Classification and its functions are now performed by the federal Attorney-General's department. I echo Mr Hall's comments that this should be done by an independent body and politicians should not involve themselves in classification. With those comments, I conclude my contribution.

Mr TEE (Eastern Metropolitan) — I rise to speak in favour of the bill, which builds on the existing commonwealth-state classification regime. It is a regime which has worked reasonably well, despite a sometimes antagonistic approach by the previous commonwealth government. It was a commonwealth approach that saw a number of unilateral decisions being made without consultation with the states or their agreement. I am confident that with the new commonwealth government we will see a more cooperative approach, and I look forward to better outcomes in the future.

The changes made by this bill will make it easier for those who make and distribute DVDs in particular. The changes are carefully tailored so that they do not in any way compromise the protections that are in place for individuals and their families. Essentially the overriding concern is to make sure that the information consumers need to make an informed decision about what they watch is on the packaging.

I raise a number of examples of the types of changes brought about by this bill. Currently where subtitles are introduced to a DVD of a movie, that movie has to be resubmitted for classification. That will no longer be the case under the provisions in this bill. Where two or more classified movies are put on the same DVD, which is an increasingly common practice, currently the DVD containing the two movies has to be reclassified, but again under this bill the DVD will not have to be reclassified. Similarly the inclusion of menus, deleted scenes and directors cuts will not necessarily mean that the product has to be resubmitted for classification, provided that the content category of the DVD does not change.

Another example is that the bill provides for a boxed set of two or three DVDs with different classifications. Where there are a number of DVDs with different classifications, the boxed set has to be classified as the highest level of classification. Provided that occurs, again there will be no need for the DVDs to be reclassified.

The bottom line is that new technology means that we need to have a classification regime which is relevant and flexible and which protects Victorians. This bill achieves those outcomes, and I commend the bill to the house.

Mr ATKINSON (Eastern Metropolitan) — I support the bill, as do my colleagues, as indicated to the house by Mr Rich-Phillips. I certainly believe this bill is an appropriate piece of legislation, because it moves towards a more consistent approach to classification nationally. There is little doubt, when it comes to things such as games and DVDs, that we live in a national, indeed global, market to a large extent with these sorts of materials, and a classification system and the integrity of that system are very important.

I rise, though, to make some comments to the effect that whilst this legislation is appropriate as far as it goes, it obviously falls well short of addressing what this community expects from the government in terms of the classification system for materials that we have in Australia. Members would be aware that for quite a number of months over the last Parliament and indeed during this Parliament I have had on the notice paper a notice of motion to the effect that we should refer to the Victorian Law Reform Commission an investigation of the censorship laws and the classification regime that apply in this state, because the inconsistencies across Australia with regard to materials, and particularly pornographic materials, show that the system is broke and we need to fix it.

Most of what the legislation before the house addresses is issues related to violence, although there is little doubt that some pornographic depictions might well be considered as part of this classification as well. In terms of the way materials are marketed and packaged, there is no doubt that people certainly rely very strongly on classifications, particularly with regard to computer games and so forth. Parents rely very heavily on the packaging and classification systems that are in place to ensure that the sorts of materials that their children are going to be using are appropriate to an age group, a maturity and an emotional capability so they can use those games appropriately and perhaps understand the material they are playing with.

When I look at this legislation I note rather interestingly and perhaps ironically, that one of the reasons it is before the house is that we want some sort of consistency nationally, and this will enforce in Victoria a regime for classification that follows changes made at the commonwealth level. That fascinates me, because when it comes to pornography we have in place an agreement between all states, territories and the federal government as to a way forward in terms of a classification system and what we ought to be doing in regulating pornography, and yet only the federal and territory governments have pursued putting that agreement in place. All the states have refused to make any adjustments to their laws going forward.

The really interesting thing about that is that the principal act that deals with pornography in this state is over 20 years old. It was effectively in place before the internet — certainly the internet as we know it today — and before the availability of quite a number of the technologies that are now being used to copy and distribute material, including the sorts of games that are covered by this legislation. The reality is that our principal legislation on the classification of materials is out of date. Whilst I have advocated that we ought to address this, and have done so after extensive discussions with the Victorian Council of Churches and other community groups, the reality is that all most of us can do is snigger about the classification system and pornography. Most of us just ignore it, put our heads in the sand and pretend it will just go away. It is all too hard.

We ought to go back and address the principal acts in Victoria that apply to the classification system, because the integrity of even this legislation and the ability of people to rely on this legislation as far as the classifications go is undermined by the fact that the overall system is just not working. The fact is that out in the community there are many materials, including games that are not classified — games that have X-rated content, as Mr Rich-Phillips has referred to, games that are totally inappropriate for the age groups of young people who are likely to confront this material — and are being distributed illegally. In some cases, I am told, and I am sure other members in this house have been told, they are being distributed by organised crime syndicates, because the reality is that it is easier and safer and the penalties are far less onerous if you happen to get caught for counterfeiting inappropriate materials than for most other criminal activities. So it is easy money, and there is this involvement of criminal elements.

The issues of enforcement have to be addressed across the classification system that we have in place, because

at this stage most members of the police force regard chasing up materials that are inappropriate as a bit of a joke, not really a very serious crime and not something to be worried about. We have in place laws that anticipate that they will be enforced, but in fact they are not being enforced. In the case of pornography, we have in place laws in this country that make it illegal to sell certain pornographic material, but it is not illegal to own it. It is not even illegal to buy it. It is only illegal to sell it. The inconsistencies between the laws in different jurisdictions are ridiculous. There are materials that are illegal to sell in Queensland that are quite legitimately able to be sold in Victoria. Conversely — and this refers particularly to magazines and films — a magazine could be legal in Queensland and a film illegal, and in Victoria it might well be the reverse position. I welcome the fact that in this legislation there is some attempt to achieve some consistency with games. But I hope that this house, and particularly this government and this Attorney-General, will address this problem of the inconsistencies in the classification system and go back and rework the entire laws that are in place to cover classified materials, because at the moment, as I said, they are not working. They are out of date, they do not recognise the technology, they are so far behind the technology of, for instance, DVD copying and so forth, and they do not recognise the internet as a purveyor of materials, if you like.

We really do need to address those sorts of issues, as well as enforcement, community attitudes, consistency, counterfeit materials and materials that are sold but not even classified. One of the points Mr Rich-Phillips made is very important in terms of this particular legislation, let alone the broader aspects of classification that I am referring to, and that is the fact that so often material is sold that does not even go anywhere near the board or the censor to be classified. It just gets out into the community and is circulated, and nobody really seems to follow up most of that material.

I am concerned about the fact that the previous federal government dismantled the board, which was the independent authority looking at these issues, because I think that having an independent board was an appropriate way to go. I do not think that it is a comfortable fit for it to be within the justice department in terms of classification at a federal level. Apart from anything else, I am not sure that people in that department necessarily have a contemporary view and an ability to move quickly in an area which is impacted on very significantly by technology changes.

We need to address these issues in a broader sense, and I hope that with this bill, rather than it being simply

another patch-up of the classification system in this state similar to the one we did last year to this same legislation, we bite the bullet and tackle the broader issue of classification and try to get some of our laws right, particularly with regard to pornography.

Mr ELASMAR (Northern Metropolitan) — I also rise to speak on and support the Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill. The main focus of this bill is to improve the operation of the national classification scheme and respond to the changing technological environment for entertainment media.

In today's world of whizzbang technology it is virtually impossible for any government to control the content and accessibility of the World Wide Web. Internet access and surfing the net is a way of life, particularly for the X and Y generations. Movies and computer games today can be too graphic and explicit, and as a parent of growing children I shudder to think what the children of the next generation will be watching or reading. However, having said that, this bill is designed to ensure that films and games that have already been classified do not need to go through the classification process again if they are recompiled or placed on a DVD disk, say, instead of a VHS tape. It will no longer be an offence for a film which has been altered to then be screened publicly — this usually occurs in licensed venues — if that film has already been through the correct classification process.

In order for the commonwealth Classification Board and the Classification Review Board to be effective in their classification decisions, the states and territories have the responsibility to enforce the provisions of the act. There needs to be national consistency in the implementation and enforcement provisions across the commonwealth, and these amendments provide that consistency. It is also important to note that these amendments have been agreed to by censorship ministers through the Standing Committee of Attorneys-General censorship forum. I commend the bill to the house.

Mr EIDEH (Western Metropolitan) — The Brumby Labor government is absolutely dedicated to working with the national Rudd Labor government and all other Labor governments, which cover each and every territory and state. One example of that is within the jurisdiction of this bill, the Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill.

The parent act allowed for the creation of a board that classifies publications, films and computer games so

that our citizens have a better idea about what they are buying, particularly when it concerns their children. This bill simply seeks to bring Victorian law into line with changes enacted at the commonwealth level late last year. They are procedural more than anything else. The bill takes into consideration how technology has changed and how all the areas within the classification jurisdiction can now be displayed and stored using a range of technological forms.

It also makes the work of the board far easier by reducing some of its workload through common-sense reforms. One such example is removing the need to reclassify a film which has already been classified when minor changes are made to its content so that it can be shown on television or over the internet. I have no doubt that as technology soars to new heights we will return to make further changes to the parent act. I commend the bill to the house.

Motion agreed to.

Read second time.

Third reading

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

That the bill be now read a third time.

In doing so I thank members of the chamber for their contributions.

Motion agreed to.

Read third time.

LEGISLATION REFORM (REPEALS No. 1) BILL

Second reading

Debate resumed from 6 December 2007; motion of Mr JENNINGS (Minister for Environment and Climate Change).

Ms LOVELL (Northern Victoria) — I rise to speak on the Legislation Reform (Repeals No. 1) Bill and in doing so state that the Liberal Party supports this bill. The purpose of this legislation is to repeal 15 spent or redundant acts on the Victorian statute book. As the second-reading speech states, it is a matter of good housekeeping for the Parliament to regularly remove redundant legislation from the Victorian statute book. Legislation that has no ongoing function, serves no purpose and should be deleted.

And so it should, but there are normal processes that we go through when we delete spent or redundant acts from the statute book. Normally the first step is to refer the legislation to the Scrutiny of Acts and Regulations Committee (SARC). That is one step that the government purposely or accidentally sought to omit when it introduced this piece of legislation into the lower house. We will of course give the government the benefit of the doubt that it was just an accident. When it was pointed out by the opposition that this particular piece of legislation had not been to the Scrutiny of Acts and Regulations Committee, it was then referred to SARC for that scrutiny.

The Legislation Reform (Repeals No. 1) Bill is the first in the government program to have all departments review legislation and report on which pieces of legislation can be removed from the statute book. This piece of legislation will repeal 15 acts of Parliament. They include the Ballarat Free Library (Borrowing) Act 1938, the Heatherton Sanatorium Act 1944, the Victorian Relief Committee Act 1958, the Hairdressers Registration (Repeal) Act 1985, the State Relief Committee Act 1986, the Food (Amendment) Act 1991, the Health and Community Services (Further Amendment) Act 1993, the Food (Amendment) Act 1994, the Children and Young Persons (Miscellaneous Amendments) Act 1994, the Local Government (Amendment) Act 1995, the Health Acts (Amendment) Act 1995, the Housing (Amendment) Act 1996, the Children and Young Persons (Miscellaneous Amendments) Act 1996, the Local Government (Darebin City Council) Act 1998 and Local Government (Nillumbik Shire Council) Act 1998.

The first act to be repealed is the Ballarat Free Library (Borrowing) Act 1938. This act has become redundant; it dates back to 1938, but I would say in today's society free libraries are just as important to the community as they were in 1938. Free libraries today are used by 90 per cent of the population and are the most frequented buildings in Victoria with almost 30 million visitations. They are invaluable educational and cultural institutions that foster economic and social cohesion and lifelong learning in our community. Unfortunately between 1999 and 2002 we saw that library service points fell by 177 service points under Labor. We now have 428 service sites in Victoria, and often these are in more isolated areas where people need to access this type of information.

Under Labor libraries have been significantly underfunded — we hear this from our local councils all the time. Part of the cost shifting that this government is doing is in library services. At the moment we see a small percentage of funding going to local government.

In fact in 2006 Labor's grants to public libraries averaged \$5.65 per head of population, which the councils tell us is unsustainable. They are now looking for additional funding.

The Liberal Party took a very good policy to the last state election. The government would be welcome to adopt it along with some 40 other Liberal policies which it has already adopted. It was to increase funding to our libraries by 2010 to an average of \$9 per head of population. The state government should take up the offer to pick up that policy. Local government would be very appreciative.

Two further bills that will be repealed are the Victorian Relief Committee Act 1958 and the State Relief Committee Act 1986. I believe the State Relief Committee Act was just an amending act and that those amendments have taken effect. That is why it can now be removed from the statute book. The Victorian Relief Committee Act 1958 was legislation that we dealt with in the 55th Parliament when VicRelief was created by the Victorian government. The Victorian Relief Committee was created by the Victorian government many years ago during the Depression of the 1930s to assist those who were in economic hardship. It distributed clothing and other domestic needs to families who were really suffering during those years of the Depression. Of course we all know it went on to be chaired by Dame Phyllis Frost for 25 years. Her work through the Victorian Relief Committee and other charitable organisations is well known to this Parliament and the Victorian community.

Last year the government combined VicRelief with Foodbank Victoria. A lot of concern was raised during the debate on the creation of that new body that it would now charge for the distribution of food to agencies. This philosophy is far removed from the philosophy of the original Victorian Relief Committee; it is something that still causes great concern within the community.

Relief organisations are currently playing an enormous role in assisting country communities to survive the horrendous drought of the last 10 years. I would like to refer to an article in the *Shepparton News* of 1 February that refers to a new foodbank that has been set up in North Shepparton at the North Shepparton community learning centre. The food-share coordinator is Diane Broom, who said they fed over 500 hungry people in the centre's first six weeks of operation. She is reported as saying:

... there was a 'glaring need' for the service in the area for those still struggling with the ongoing effects of the drought.

...

People were struggling to pay their bills and then finding they had nothing left to buy food and we weren't able to offer them anything.

This is why they set up the foodbank. She is also reported as saying:

It wasn't good to send people away who needed to eat, particularly those with children.

You can imagine if you were working in a charitable organisation, and people were there with their children wanting food, how heart-wrenching that would be.

The North Shepparton foodbank is staffed entirely by volunteers. They receive about 300 boxes of food from VicRelief in Melbourne every week, including such things as pasta, pasta sauces, cereals, baby food and formula. But Goulburn Valley businesses have also got behind the foodbank by donating things like fruit from orchardists to assist with the distribution of good food to these families.

Diane Broom went on to say:

We've had people crying and thanking us; it's just not nice when people have to get food.

The article refers to a lot of farmers coming to the organisation. They are very proud and try to reassure the centre that everything is fine. People are in tears because they are proud and they do not like to go and ask for food. An outreach worker is quoted as saying:

Many have had to borrow quite heavily to maintain their herds.

It is the daily expenses like food that these organisations are able to help with so that people on the land can survive the drought.

I thank all the organisations that assist those in need, and particularly those that are assisting people in my electorate to get through this horrendous time we are facing. We look forward to much better times.

Another initiative that was taken in the Goulburn Valley over a number of years was the SPC Ardmona Share a Can Day. Unfortunately over the past two years this has not operated, because people are finding it difficult to keep donating when they are suffering themselves. The day was an initiative of the cannery. Growers donated their fruit; suppliers donated things like sugar, tomato paste et cetera; management and permanent and seasonal staff donated their time to man

the lines at the cannery; and some politicians even donated their time to pack at the cannery. This assisted the foodbank organisation quite significantly, because most of this food went to it. As I said, it has not happened over the past two years due to the drought. I hope this wonderful initiative will return when better times come to the Goulburn Valley.

The last piece of legislation amended by this bill that I will touch on is the Housing (Amendment) Act 1996, which removed the power of the director to make a declaration in relation to standards of housing. Under the Bracks and Brumby governments we have seen public housing standards fall. Two reports, one by the Auditor-General and the other by the Productivity Commission, have revealed that there are tremendous maintenance problems in Victorian public housing, and that problem is only getting worse. In fact the Auditor-General's follow-up report to his original 2003-04 public housing report showed that the condition of public housing has continued to deteriorate in Victoria. We have seen the percentage of properties assessed as being in a good condition fall by 3 per cent, with only 69 per cent of properties achieving this rating.

The follow-up report shows that the maintenance backlog on public housing properties increased from \$177 million in 2002-03 to almost \$190 million in 2005-06. It was very disappointing for us to see that the public housing maintenance list was continuing to grow. The report states that almost one-third of public housing tenants live in properties that need more than \$5000 in repairs, and it shows that in many cases the contractors had failed to meet the targets for urgent works. In fact, in 140 out of 154 cases they had failed to meet the targets for urgent work, in 46 out of 154 cases they had failed to meet the targets for priority work and in 33 out of 154 cases they had failed to meet the targets for normal work. It was the urgent work — fixing things like electricity outages, water problems et cetera — that was the main problem.

We have also seen the waiting lists for public housing continue to grow in this state. The government is failing to do anything to make inroads into these lists. Almost 35 000 Victorian families are on a public housing waiting list. Some of these families are at risk of homelessness or are coping with disabilities or special housing needs. The government needs to do far more to address the problems of those who are waiting for public housing.

A reply to a question I put a notice last year showed that in the most urgent of all categories, early housing, people in the eastern area of Melbourne were waiting an average of 8.5 months, people in the northern

metropolitan area were waiting an average of 6.9 months and people in the southern metropolitan area were waiting an average of 9 months. These are averages, so some of them have been waiting much longer. These are people who are at risk of recurring homelessness, have special medical needs or are coping with a disability. It is far too long for these people to be waiting. Many people have reported to us that they have been on the ordinary wait-turn list for public housing in this state for up to 20 years. It is very difficult to verify these reports, but some of these people have been regular visitors to or have had regular contact with our office and keep saying the same thing.

In summary I say this is basically a housekeeping bill. There will be many more of these bills to come. We already see the Legislation Reform (Repeals No. 2) Bill on the lower house's notice paper to be debated this week. The Liberal Party supports the process of removing spent and redundant legislation from the Victorian statute book.

Mr HALL (Eastern Victoria) — The Nationals also support the Legislation Reform (Repeals No. 1) Bill 2007. As Ms Lovell has just said, this is essentially a housekeeping bill. It repeals 15 acts of Parliament, each of which is described by the minister in the second-reading speech as either spent or redundant.

I looked at the 15 acts that are being repealed. Seven of them appear to be principal acts and eight of them appear to be amendment acts. It is of interest to note that now when an amendment act goes through the Parliament an automatic repeal provision is built in so the task of government departments in having to review all the acts under their areas of responsibility will no longer be so onerous. The amendment acts will automatically be repealed by provisions included when the acts are first passed by the Parliament. That leaves seven principal acts to be repealed by the bill in front of us.

It is interesting to look through the content of each of the acts to be repealed. I found one of the most useful pieces of information to be the explanatory memorandum of the schedule, which is a bit unusual. The explanatory memorandum addresses each of the 15 acts and explains why they are spent or redundant and exactly what those acts provided for. Of equal interest to me is that when I looked through the 15 acts I found that the last 10 were acts of Parliament dealt with during the time I have been a member of this house. I can recall debating things like the Food (Amendment) Act 1991 and others. Indeed, I think I probably supported the implementation of the majority

of them at the time. They served a very worthwhile purpose.

Ms Lovell mentioned some of the acts in particular. I want to note that a couple of these are very historic in their nature, the first being the Ballarat Free Library (Borrowing) Act 1938 and the Heatherton Sanatorium Act 1944. It is very interesting to read what those acts were all about and to note that they are no longer required. I also note with interest the Victorian Relief Committee Act and endorse the remarks made by Ms Lovell that the Victorian Relief Committee served a most worthwhile purpose over the years it was in operation. It has now been superseded by VicRelief+Foodbank Ltd, a non-profit organisation which basically continues the good work of the Victorian Relief Committee. Over the years many thousands of schoolchildren have benefited from the fine work undertaken by the Victorian Relief Committee in terms of it being able, in some instances, to provide support for uniforms and equipment to enable those children from less advantaged backgrounds to continue in education.

One could go through and comment on a lot of the 15 acts that are being repealed here. It is not my intention to do so other than to say that this is a housekeeping bill, and The Nationals acknowledge that from time to time there is a need for various government departments to look through their list to see what is required and what is not required to remain on the Victorian legislation books. This afternoon we are happy to support the repeal of the 15 acts as described in the schedule to this bill.

Ms HARTLAND (Western Metropolitan) — As the previous two speakers have detailed the bill, I will not repeat those details except to say that the Greens will support it. Obviously these kinds of repeal bills are necessary.

Mr SCHEFFER (Eastern Victoria) — As has been said by previous speakers, the purpose of the bill is to repeal redundant legislation that relates to local government, health, housing and community services. The schedule contained in the bill lists 15 acts that need to be repealed. As Mr Hall said, the oldest of these is the Ballarat Free Library (Borrowing) Act 1938 and the most recent is the Local Government (Nillumbik Shire Council) Act 1998.

The explanatory memorandum to the bill provides details relating to each of the acts to be repealed and the reasons for removing them from the statute book. Those reasons are fairly obvious. The memorandum explains that in each case the provisions contained in

the particular act have either taken effect or the functions that the act assigned to an agency are no longer required because they have been transferred to another more appropriate body and are therefore redundant. The Parliament has an ongoing responsibility to ensure that redundant legislation is removed from the statute book and the bill does that.

The statement of compatibility with the Charter of Human Rights and Responsibilities Act indicates that the bill does not raise any human rights issues because the listed acts no longer have a continuing effect. I commend the bill to the house.

Mr O'DONOHUE (Eastern Victoria) — I am pleased also to rise in support of this bill. It is important that the Parliament keeps on top of legislation in Victoria. The fewer redundant bills that are on the statute book the better. As Mr Hall said, the practice has now been adopted whereby procedural bills are self-repealing at the appropriate time and that will reduce the need for these types of bills in the future, although I imagine we will still need legislative reform bills for some time.

The issue I wish to raise is that of the process that sees this bill before the Parliament today. Ms Lovell touched on this in her contribution. She gave the government the benefit of the doubt and I am sure that is appropriate. Just to go back a step, this bill was introduced into the Legislative Assembly by the government without referring it to the Scrutiny of Acts and Regulations Committee. There is a well-worn procedure whereby before bills are brought before the Parliament they are referred to that committee for review against its terms of reference. This is particularly important now that they include the charter of human rights that the government has forced onto the people of Victoria. The government chose to introduce this bill without referring it to the Scrutiny of Acts and Regulations Committee. Even if one accepts that this was a mistake by the government, it is gross incompetence for a government not to follow the proper procedures of the Parliament — that is, its own procedures. Of course, if one were not to give the government the benefit of the doubt —

Mr Finn — Which we should not.

Mr O'DONOHUE — Which perhaps we should reflect upon, Mr Finn. It is possible to conclude that the government has wilfully ignored the usual processes for the passage of legislation. Either way, it is a very poor reflection on the government, and I am pleased that after political pressure from the opposition the bill was withdrawn from the Assembly and referred to the

Scrutiny of Acts and Regulations Committee. Subsequently the proper processes and procedures were satisfied: the bill was duly considered by the committee which heard from chief parliamentary counsel and it satisfied itself that the bill was in order. I hope this type of situation does not arise again. It is very untidy for the orderly management of the passage of bills through the Parliament. Also, it does not comply with the proper procedures for the introduction of bills into the Parliament.

With those few words, I note that the bill repeals a number of acts that are now redundant and on that basis the opposition will support the bill.

Mrs KRONBERG (Eastern Metropolitan) — I rise to support the Legislation Reform (Repeals No. 1) Bill. Such legislation is welcome in that it repeals spent and redundant legislation. There are 15 acts listed in the bill.

One would have expected such legislation to have had a smooth passage through the Legislative Assembly, but not so. By not referring the bill to the Scrutiny of Acts and Regulations Committee for it to scrutinise and report on, the former Premier brought its passage to a shuddering halt — a bit like his own career, I would venture to say. Once again it was the opposition that saved the day. Informed by members of the Scrutiny of Acts and Regulations Committee, who include my colleague Mr O'Donohue, our own member for Kew in the other place, Mr McIntosh, was able to finesse the situation. Working with the government, he ensured the bill was finally referred to Scrutiny of Acts and Regulations Committee.

Of the 15 acts, the Local Government (Nillumbik Shire Council) Act 1998 is my area of special focus. This act came into effect in November 1998 and resulted from years of extremely poor conduct by the former councillors of the Nillumbik shire. The unworkable situation which led to the suspension of councillors and the appointment of Merv Whelan as the interim administrator is a strident example of years of internecine conduct, feuding and tension, largely driven by self-interest and the preservation of personal agendas. The prevailing climate was poisonous. The governance by the council on behalf of the ratepayers was abysmal. There was an all-pervasive stench of conflict of interest. The Kennett government had no choice but to respond to recommendations prepared by Commissioner David Abraham in August 1998.

In his interim report of May 1998 Mr Abraham outlined what were 'desired outcomes'. These were: firstly, that a consultant establish procedures and processes for the management of council business, recognising the

requirements of the act and good governance; secondly, that council revoke resolutions of January 1998 and February 1998 designed to restrict the role of the chief executive officer (CEO) and the staff in the management of the council administration; and thirdly, that council meetings comply with local laws. These are strange recommendations and instructions, because they refer to what you would imagine would have been the normal conduct of council business. Not so in Nillumbik.

Unlike those recollections of the member for Eltham in another place, Steve Herbert, my recollections of this period of local government misconduct are as follows. Some of the councillors who were returned after the 1994 creation of the amalgamated local government body, since then known as the Nillumbik Shire Council, were in a feeding frenzy. When the Kennett government appointed three commissioners to guide this local government entity through the amalgamation process, many councillors had their plans put on hold. Don Cordell was appointed as chief commissioner and Jean Austin and Kevin Abbott as commissioners. These commissioners, along with the chief executive officer, endured a sustained campaign to destabilise them as they executed the reference provided by the state government.

From 1994 onwards the chief executive himself was subjected to a continual onslaught of personal attack from former councillors and a host of representatives from the local community with very intensely held views. Testimony to this highly politicised campaign against the chief executive officer and the commissioners can be found in the local newspapers of the time. I personally recall libellous personal attacks on this officer, the savagery of which can only be described as unbridled and fuelled by a strategy of obstruction to derail the amalgamation process.

I raise these issues in order to put into context the poisonous environment that prevailed in 1998, when the councillors had been returned. I raise these issues in the memory of the outstanding, diligent and thoroughly proper conduct of Chief Commissioner Don Cordell especially, whose rapid decline in health and ultimate death was due to the stress brought about by the excesses of the vexatious groups, whose agendas, as I said previously, had been put on hold.

Steve Herbert, the member for Eltham, has a selective memory of the problems of what is now the Nillumbik Shire Council. In one way I do not blame Steve Herbert for having to draw upon this chapter selectively. It was a time of outrageous conduct, and close examination of the facts — —

Mr Viney — On a point of order, Acting President, I am struggling to understand the relevance of this attack on the member for Eltham in another place. Some history about Nillumbik and the bill before the house is appropriate, but if the member wants to make criticisms of a member in the other place then she has the opportunity to do it by substantive motion. I do not think it is appropriate to be doing that in the debate on this bill.

Mr Finn — On the point of order, Acting President, after listening to Mrs Kronberg, I think relevance is to the forefront. She is outlining the history of the legislation, the repeal of which we are voting on today. It was a very important piece of legislation at the time and I think it is important that the house realises why the legislation was introduced and why it is no longer necessary. I recall speaking on this particular bill when it was introduced in another place way back in 1998. I think Mrs Kronberg is relevant, extremely relevant in fact, to this particular point. It is crucially important that members of this house understand why the legislation was introduced, the circumstances surrounding the introduction of the legislation, and why this legislation is now no longer necessary.

The ACTING PRESIDENT (Ms Pennicuik) — Order! I thank Mr Viney and Mr Finn for their points of order. The Nillumbik legislation is one of the measures dealt with in this repeal bill, so Mrs Kronberg can refer to it, but I remind her that she should not take that as an opportunity to reflect on another member of Parliament, and she should be mindful of not doing that in her contribution.

Mrs KRONBERG — If we look closely at the facts, we see that they only serve to embarrass many people who have conveniently and thoughtlessly adopted a holier-than-thou attitude and have attempted to rewrite history. I would like to read a couple of points from an important document, which is actually the Nillumbik Shire Council commission of inquiry report of August 1998 by Commissioner David Abraham. On page 7 it states:

The group managers at Nillumbik consider the opportunity provided to council has been frittered away because of personal agendas of councillors that have frustrated the implementation of your recommendations. The reasons provided by the group managers to me and my interpretation of the current position is:

The constant onslaught on the CEO's position by the councillors, vexatious community representatives and to some extent 'advice', seen by some to be conflicting, from the Office of Local Government has resulted in an organisation without an effective CEO.

These problems and tensions predate the amalgamation process, were maintained during the amalgamation process and were manifest in the events and the blatant moves to drive personal agendas and thwart good governance, and they cost the ratepayers of Nillumbik shire a lot of money as the management teams attempted to perform their duties under veritable siege.

I must say that this bill allows for closure on a sorry chapter in local government history. I suggest those who question my views on this subject refer to the comments of David Abraham himself in his report to the Nillumbik Shire Council commission of inquiry. It is worth quoting his comments over and over. These are some of the reasons why the Nillumbik Shire Council had to be suspended.

Ms TIERNEY (Western Victoria) — It gives me great pleasure to rise to speak on this matter. Clearly it is a matter of housekeeping that we are removing obsolete legislation from the statute book. It is important to go through each of the acts that are being repealed, because referring to it just as housekeeping does not really identify the true nature of the exercise for someone who has not been able to read the documentation.

For example, there is a long and chequered history to the Ballarat Free Library (Borrowing) Act 1938. An Order in Council dated 5 December 1881 permanently reserved parcels of land at Ballarat as a site for a library, and a number of things happened subsequently. The remaining land is no longer used as a public library and was surrendered to the Crown in 2003, and under the Libraries Act 1988 freed of all interests. Essentially it means that the 1938 act can be repealed. That is just a small example of the reasons we are today repealing a number of acts.

This bill repeals the Heatherton Sanatorium Act 1944, the Victorian Relief Committee Act 1958, the Hairdressers Registration (Repeal) Act 1985, the State Relief Committee Act 1986, the Food (Amendment) Act 1991, the Health and Community Services (Further Amendment) Act 1993, the Food (Amendment) Act 1994, the Children and Young Persons (Miscellaneous Amendments) Act 1994, the Local Government (Amendment) Act 1994, the Health Acts (Amendment) Act 1995, the Housing (Amendment) Act 1996, the Children and Young Persons (Miscellaneous Amendments) Act 1996, the Local Government (Darebin City Council) Act 1998 and the Local Government (Nillumbik Shire Council) Act 1998.

It covers a whole range of areas in which this Parliament has authority, ranging from local

government, housing, children and young persons, health, food, state relief and health and community services to the relief committee act and course the registration of hairdressers. The legislation has gone through a number of committees. As I understand it, there is broad support across all political parties that the removal of the raft of acts repealed by this bill will streamline the administration of these areas, including some aspects of local government. I find the comments of the previous speaker quite laughable in some respects, given what the Kennett government did to local government.

All in all, I wish to commend to the house the changes that are being proposed by the government. I request that all political parties continue to support this proposal.

Mr VOGELS (Western Victoria) — The Legislation Reform (Repeals No. 1) Bill 2007 removes some 15 pieces of redundant or spent legislation from the statute book, as the minister remarked in her second-reading speech. The minister said:

It is a matter of good housekeeping for the Parliament to regularly remove redundant legislation from the Victorian statute book. Legislation that has no ongoing function serves no purpose, and should be deleted.

I fully support that, and all previous speakers have supported it.

I want to confine my remarks on this bill to library funding and local government. It concerns me that many of our free libraries are in trouble. Only three weeks ago the Auditor-General reported to this house that the state's 12 regional library corporations are in trouble. Five are working with negative capital, with another two in danger of joining them. I want to read from an article by Mary Alexander that appeared in the *Warrnambool Standard* of 20 February. It says:

Small library branches in the south-west are under threat as the Corangamite service struggles to survive.

The Auditor-General recently found the Corangamite Regional Library Corporation (CRLC) was under severe financial pressure and at 'high risk of short-term and immediate viability concerns'.

The service recorded a \$104 000 deficit for the last financial year, which was \$80 000 more than budgeted, mainly due to increased salaries and redundancies from the closure of the mobile book service.

...

Long-time chairman and Colac-Otway shire councillor Peter Mercer —

a great guy —

said the state government contributed only one-third of the corporation's funding with the four district councils — Colac-Otway, Corangamite, Warrnambool and Moyne — providing the remainder.

'When the regional library was set up, the government contributed 75 per cent and municipalities 25 per cent, so it's almost the reverse now'.

That explains why our regional library corporation is in such big trouble. It is because the state is slowly withdrawing its funding, councils are having to tip in more and more, using ratepayer funds. Many are finding they are not able to do it. I call on the government to have a good look at how our library services are provided. They are an essential part of rural and regional Victoria. I hope the government can find its way clear to putting more money into these libraries.

The Local Government (Amendment) Act 1994, the Local Government (Darebin City Council) Act 1998 and the Local Government (Nillumbik Shire Council) 1998 are also being repealed. We often hear debate in this chamber from the Labor benches — and we heard it again this afternoon — about council restructuring under the Kennett government and how undemocratic it was. I find that interesting, because I can also remember going to many meetings when the Cain and Kirner governments had decided to reform and restructure local government, but they did not have the ability or the guts to go through with the changes. They actually got talked out of it and failed to implement any changes.

We also hear about the terrible Kennett government that sacked councils, but the Labor government we have enjoyed since 1999 has sacked two councils since I have been here. The Melbourne City Council was sacked by Bob Cameron, a former Minister for Local Government, and Ms Broad sacked the Glen Eira council when she was the Minister for Local Government, so those opposite should not tell me that that the Kennett government was the only government to intervene when councils did not do their job properly.

Mr Finn — That is our responsibility.

Mr VOGELS — Exactly right, Mr Finn. It is our responsibility. As I said before, the Auditor-General's report, which was tabled a couple of weeks ago, states that of Victoria's 79 councils there are three shires that are at high risk financially, with another 18 councils at moderate risk. The report states that last year:

... the local government sector collected \$5.7 billion in operating revenue... an increase of \$448 million, or 9.4 per cent ...

That is approximately three times the rate of inflation. This increase came from developer contributions, which soared by 36 per cent; rates and charges, which were up by 7.8 per cent; and user fees, which were up by 6.3 per cent. The interesting statistic in this report is that grant revenues from this Labor government remain neutral — that is, with no increases at all. That once again paints a big picture of how local government is struggling. Unless the Brumby government is prepared to share some of the \$34 billion it collects in revenue each year, we will find more and more councils, especially those in rural Victoria, struggling to survive.

I commend the bill to the house.

Motion agreed to.

Read second time.

Third reading

Mr JENNINGS (Minister for Environment and Climate Change) — By leave, I move:

That the bill be now read a third time.

I thank members for their contributions to the debate.

Motion agreed to.

Read third time.

INFRINGEMENTS AND OTHER ACTS AMENDMENT BILL

Second reading

Debate resumed from 7 February; motion of Hon. T. C. THEOPHANOUS (Minister for Industry and Trade).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to rise to speak on the Infringements and Other Acts Amendment Bill and to say that the Liberal Party will not oppose the bill. What we have in this bill is a further approach by the government to streamline the operation of the legal system. In recent months we have had several bills in that vein come before this Parliament, one of which is to be considered further by this house today — that is, the Criminal Procedure Legislation Amendment Bill, which has at its heart the intention of increasing the speed at which matters can be dealt with by the legal system. The Infringements and Other Acts Amendment Bill has a similar purpose. It makes amendments to the Liquor Control Reform Act, the Summary Offences Act and the Crimes Act with respect to certain offences

in order to make their handling by the legal system more expedient.

In 2006 the Parliament passed the Infringements Act, which updated the framework around which the infringement system in Victoria operates, that being the mechanism by which various officers — often, but not only, police — are able to issue infringement notices to people who have committed certain offences rather than proceeding down a path of initiating proceedings that have to go to and be dealt with by the Magistrates Court. A person being issued with an infringement notice and then paying a fine is not taken to have made an admission of guilt. It is a way that matters can be dealt with far more expeditiously than if matters had to be prosecuted through the Magistrates Court.

The bill before the house extends that regime to certain offences under the Liquor Control Reform Act, the Summary Offences Act and the Crimes Act. Under the Liquor Control Reform Act the regime extends to an offence to behave offensively, to be drunk, violent or quarrelsome, and to fail or refuse to leave a licensed premises. Under the Summary Offences Act it includes wilful damage, indecent or obscene language and offensive behaviour and, under the Crimes Act, it extends to the offence of shop theft or shop stealing. This bill is to operate as a trial, which will conclude on 30 June 2011. Those are the key provisions of the legislation before the house.

The bill also introduces a number of procedural matters in the operation of the Infringements Act, such as excluding people under the age of 18 years from being served with infringement notices. With respect to matters which are pursued by the sheriff, it extends the time available for an enforcement agency to proceed against a person who defaults on a payment plan — that is, an arrangement that has been put in place for the payment of a penalty when a person has defaulted. It also authorises the sheriff and her officers to restrain any person who hinders the execution of a civil warrant, so it boosts the power of the Sheriff's Office. It authorises the court to make an order for imprisonment in default of payment when ordering the partial discharge of a fine. It allows an agency to grant more time to an applicant to provide supporting material for an internal review against the issuing of an infringement, and it allows the infringements registrar to reduce the cost and fees payable where no special circumstances are identified but where the registrar considers it appropriate to do so. In other words, it provides the registrar with flexibility in such matters.

As I have said, the second group of matters I have outlined are procedural. The main provision of the bill

extends an infringement regime to those offences outlined in the Liquor Control Reform Act, the Summary Offences Act and the Crimes Act. It is the view of the Liberal Party that we will support any extension to the infringements regime that is sensible. Given that this is a trial, we are willing not to oppose these provisions in this bill. However, we note that that is not entirely without some concerns, and I will put those in two categories.

Firstly, there is the practical impact of the issuing of infringement notices and the question of whether the officer — in the case of a police officer — issuing an infringement notice will have that option available to them as a soft penalty. Is it going to be easier for a police officer simply to issue an infringement notice and therefore allow a person who has committed one of the offences picked up in this legislation an easier penalty than if the offender were charged or prosecuted through the Magistrates Court?

As I said earlier, this is not the first piece of legislation to come to this house that has the effect of reducing the number of matters that will go through a court or be dealt with in full by a court. However, the downside of that is that there is a potential to use such a measure as an easy way of disposing of matters without having to undertake full prosecutions, and that will come at the expense of people getting lower penalties than they otherwise would — in effect, being soft on crime — because it is easier to do so rather than properly pursue prosecutions where they otherwise would have been pursued. We have some concern that this type of legislation could lead to that outcome. In a sense, it is a similar concern to that expressed about the criminal procedure legislation, which provides an option of giving indicative sentences with a view to having matters disposed of through guilty pleas rather than full court proceedings. That provision could also lead to a lessening of penalties imposed by having matters simply disposed of expeditiously by the legal system.

The other area of concern relates to the way in which the infringement regime will work. Again, in a practical sense, if a police officer stops a person because they are in breach of one of the new offences that will come under the infringements regime, we have concerns about the way in which they will obtain the identity of the person they are issuing the infringement against.

Obviously there is growing concern in the community about identity theft and the prevalence of fake IDs, particularly among young people. There are obvious concerns that, where these offences occur, a person will be able to use a fraudulent or stolen identification when an infringement is issued and therefore avoid the

penalty that is imposed under the infringement, and equally, the person from whom the identification has been stolen will find themselves receiving an infringement notice of which they have no knowledge. If the apprehending officers believe or are not sufficiently of the view that the identification they are being given is accurate, and if they cannot assure themselves of that, they will have no option but to pursue the existing course of action with arrest and charge and conventional proceedings, which raises the question of the point of this legislation. We are concerned about some practical applications of the legislation, but note that those are matters that will be dealt with or can be reconsidered at the expiration of the trial in 2011.

The other area on which we will seek further clarification — and my colleague Mr Dalla-Riva will seek from the minister an explanation of this matter in the committee stage of this bill — is confirmation that matters dealt with under the infringements regime will continue to be reported in crimes statistics as they are currently reported. It will be unacceptable for matters covered by the infringement regime to slip through the current reporting of crime statistics. That is something on which we will be seeking an assurance from the minister at the table when this bill comes into the committee stage following the second reading.

With these few words, I record that the Liberal Party does not oppose the bill and will support any sensible extension of the infringements regime. However, we are concerned that this may lead to a soft-on-crime approach because it is easier and more expedient to issue a lower penalty infringement than to pursue a Magistrates Court prosecution. We place on record that we are concerned about a trend towards this type of legislation in order to clear the courts rather than the government tackling the issue head-on and properly resourcing the courts. With those few words, we do not oppose the bill.

Mr DRUM (Northern Victoria) — The Nationals will also not be opposing this legislation. We think it is ultimately going to help free up police resources and enable our police to make discretionary judgements about many offences, especially those that occur around nightclubs and on the streets with Victorians who have had a bit too much to drink and who have sometimes caused harm to themselves or to the community. The police will have the ability to issue a PIN (penalty infringement notice) to people who are simply making a nuisance of themselves. That is possibly more in keeping with community expectations than what is the case at the moment. We will have to be extremely careful that we do not soften up our stance on the

current penalties for these offences. The sunseting of this trial in 2011 will give the government and the police the opportunity to make a judgement on the effectiveness of these new penalties.

The principal act was introduced back in 2007 to provide a framework for the trial expansion of the system and the issuing of PIN notices to deal with these minor but also more complex offences. This bill will expand that trial period and include another seven offences, predominantly based around, as I said earlier, the drunken and somewhat loutish behaviour that can sometimes cause young men and woman to fall foul of the law.

I had an experience last Sunday night when I was out later than I should have been. I was called over by a chap who had had a bit too much to drink and could not get into the establishment whose hospitality I was enjoying. I was trying to convince this young chap, who was — —

Mr Dalla-Riva interjected.

Mr DRUM — No, it was not Kevin Rudd! I was trying to convince this young chap that he should go home and do both himself and the establishment a favour. The establishment clearly was not going to let him in because he had had too much to drink — and I had a lot of empathy with this young man because I had been in his position on numerous occasions when I was younger. I simply could not convince him to go home. He was not causing anybody any trouble; he simply wanted to get into this establishment. It was great to see the way security handled the issue, time and again, very carefully and very well. They were able to stop the young man from entering the hotel. Eventually they called the police, and the police also handled themselves very well; in fact they went over and above their duty in offering to take this chap home rather than take him down to the station.

What I gained from that firsthand experience was that on most occasions these incidents are defused. The police treat those who have had too much to drink with an enormous amount of sensitivity and are able to defuse these potentially volatile situations very well. But the framework needs to be simplified for them so that when the stage is reached and they can no longer lessen the effect of the situation, they need to be able to step up their enforcement powers and be able to hand over the penalty, which is going to be able to be streamlined as a result of this legislation.

It is not just the offences for drunken and loutish behaviour that will be covered. The bill is also going to

touch on a specific new offence of shoplifting or shop theft for amounts less than \$600, and this will be done with an amendment to the Crimes Act 1958. I am sure retail facilities and the police will be extremely pleased that they are going to be able to deal with many offences in this area with a minimum of red tape.

Another aspect which has also been caught up in this bill is that of traffic offences. A PIN notice will be offered for infringements for traffic offences which are largely based around dangerous and reckless driving. It is going to mean that those people who have breached the Summary Offences Act will not have a criminal conviction and will be able to fight the charge if they deem it to be over the top and outside the penalties which they are happy to accept. The option is still available for them to take their cases to court. They can still have their day in court if they think it is necessary.

The police will be issuing these PIN notices. They will have the operation of this system, which will free up time not only for the police but also for the courts. We think it will also have the outcome of creating some balance in a system that does not need to have people clogging up the court system and police hours with some of these offences. In that respect it will be welcomed.

The big question will be in relation to the current trends going the other way. This bill in some respects could be construed as lightening up on the penalties associated with drunken and loutish behaviour and the violence that in many instances accompanies such behaviour. Those trends appear to be going exactly the wrong way. The incident I witnessed firsthand on Sunday evening is at the very light end of what is going on out there. Everybody in the general community is a little bit scared about where this trend is going. Everyone is nervous about what is happening with our youth and the circumstances surrounding binge drinking and the violent behaviour that goes with those excessive drinking episodes. In the midst of that trend, which is spiralling out of control, the Prime Minister is putting \$40 million towards an advertising campaign. It is possible to aim some real criticism at the Brumby government for not being prepared to tackle the youth binge-drinking issues which are so apparent at the moment. We need to see this state government take some really strong action in providing education and being very clear in the way it treats the problems of youth drinking, as well as addressing the ease with which our young people are able to gain access to alcohol, which is in itself of real concern.

There are two contrasting aspects to this issue, and whilst this bill has the support of The Nationals, we

urge the government to be very vigilant and to watch the trends in youth drinking and the associated violence that is causing everybody concern. The way young people now view excessive drinking episodes as normal shows that they are very blasé. They treat these risky and dangerous practices as simply common activities that all kids take part in when they get the opportunity at parties and when they go out. Many of them are under age but are not at all put off by the fact that they are drinking to excess.

It is a sobering thought — pardon the pun — and we need to be very vigilant to ensure that in no way will this bill ever be construed as this state taking a soft stance in relation to drunken and loutish behaviour and the excessive binge drinking currently taking place amongst so many of our young people. We hope the right balance is struck. The Nationals are very keen to ensure that the right balance is struck with all these offences, from shop theft through to traffic offences, as well as offences involving alcohol-related behaviour and the subsequent violence. We hope once that balance is struck the police will be better able to utilise their time by dealing with these offences swiftly and will then be able to spend a greater proportion of their time working on the issues that create deeper concern within the community in relation to some of the more dangerous and violent crimes that are taking place.

The Nationals will not be opposing this legislation. We hope it has the direct and desired effect. We will be watching very carefully as this bill becomes law and through to the trial's 2011 sunset date.

Ms PENNICUIK (Southern Metropolitan) — The Infringements and Other Acts Amendment Bill 2007 is effectively a trial expansion of the infringement system that already exists under the principal act. The bill proposes to allow infringement notices to be issued for certain offences — for example, under the Summary Offences Act for indecent language or offensive behaviour, which could be regarded as minor offences. I will return to some of the implications of those offences later in my contribution.

The bill also proposes infringement notices for offences under the Liquor Control Act, including being drunk, violent or quarrelsome, and refusing to leave a licensed premises. In his second-reading speech the minister said that the reason for those provisions was to address 'concerns that have emerged as a high priority in ... efforts to build safe communities' — that is, the increasing prevalence of offensive and disorderly conduct in public places, especially entertainment precincts, and violence fuelled by alcohol. Previous

speakers, particularly Mr Drum, have referred to that in their contributions.

While the Greens agree that that is an issue and a problem in the community, the most effective ways to deal with the issue of binge and problem drinking are well known in international and national research and go to the issues of the number and location of licensed premises, the availability of alcohol, the hours of trading and the cost of alcohol in terms of taxation.

There seems to be a reluctance on the part of all governments to address those issues. They instead refer to law-and-order types of responses. I note that the federal government turned to education campaigns, which are not a problem and not a bad thing in and of themselves, but they are not backed up with other concrete measures that are well documented in international and national evidence as the appropriate ways to go if you want to deal with the issue of alcohol harm in the community. Unless you are going to pair up your campaigns with those concrete measures, they are not going to be very effective. There is plenty of evidence around to support what needs to be done in the area of alcohol harm in the community.

Proposed to be included under this regime is the offence of shop theft of items valued under \$600, and I understand that is because police statistics show that that is where the majority of those minor offences occur — with items valued under \$600. Also included under the Summary Offences Act will be the offences of wilful damage and careless driving, but not for L-plate or P-plate drivers. The minister also said in his speech that offences that have a subjective nature — offensive behaviour, indecent language or wilful damage — will have operational guidelines, so police operational procedures will assist police in making a decision as to whether something is offensive, wilful or indecent. That will be very useful. Under this regime it has the potential, in theory, to be a good move in the justice area, but it is not without its concerns, which I will refer to.

I want to make one more comment about penalties. The penalties are set according to the Attorney-General's guidelines, which state that they should be no more than 20 or 25 per cent of the maximum penalty for the said offence if it had gone to court, and lower than the average of fines for that offence imposed by the court. That is a good thing, because the ombudsman's report on the New South Wales trial of a similar regime found that fixed offences were not a good idea and that it is better to have some flexibility.

I notice that the New South Wales ombudsman's report talks about New South Wales trialling the offence of common assault under a similar regime. The ombudsman says that is not a good idea. Some of the offences that people were given infringement notices for included someone punching a person several times in the head and other acts of violence like that, which I think everyone would agree would not be appropriate for an infringement regime.

I note that monitoring and evaluation will commence after six months and will look at the impact of infringement notices on resourcing implications, case length and case flow; the impact of the trial on vulnerable defendants, which is an area of concern to us; and the effects, if any, on sentencing outcomes of this trial for offence matters that are determined by the court. I notice that there is an infringements standing advisory committee, which comprises representatives of enforcement agencies, community advocacy groups and other infringement system stakeholders. They will be looking at the trial and in particular whether it has resulted in net widening, which is one of the concerns about the bill that we have had raised with us by stakeholders.

We have asked how the bill is going to deal with disadvantaged members of the community — that is, people who are homeless or people who may have an intellectual disability or drug abuse problem — who are issued with an infringement notice. We have been assured that the infringements standing advisory committee will be looking at all of these things during the monitoring and evaluation. From the Greens' point of view these are the most important things for that group to be looking at, because our legal system should be concerning itself with justice for vulnerable members of the community and not just with whether this is going to free up time in the courts, make jobs easier for police or make any other administrative improvement. Whether this infringement regime will have detrimental effects on the most vulnerable people in the community needs to be where the focus of this evaluation and monitoring of the infringement trial should be, and I might add that it goes for quite a long time.

We note that the Law Institute of Victoria has supported this bill on the grounds that it will remove low-level offenders from the criminal justice system and reduce discrimination that would occur in employment, as offenders could avoid a criminal record for relatively minor offences because the issuing of an infringement notice will not result in a criminal record. However, it should be noted that there are other ways of reducing low-level criminal behaviour, such as public

education campaigns and specific programs aimed at particular offenders.

We note that the Federation of Community Legal Centres (FCLC) is not supportive of the expansion of the infringement system, and that is of concern to us because community legal centres are the legal centres in our community that deal with disadvantaged groups. The federation has said that the expansion of this infringement regime will have a disproportionate impact on the people it deals with — particularly people with poor economic support. People with no financial capacity are unlikely to contest a fine due to the time and stress involved in going to court. The FCLC also anticipates that the ease of issuing a notice means that increasing the scope of the infringement system will widen the net of behaviour that police formally respond to and the number of people who are brought into the criminal justice system.

It argues that if the government is serious about addressing the stigma of a court record for minor offences, it should regulate the disclosure, expiration and use of criminal records and convictions. This would include the establishment of a spent convictions scheme that distinguishes between convictions and non-convictions and provides adequate discrimination protections. The Greens agree with that sentiment and say that notwithstanding, or with or without, this particular bill the government should be looking at that issue.

The FCLC also says that if the system is expanded, legal aid funding should be increased. Legal aid is not currently available to contest infringement notices unless the client has a mental disorder, intellectual impairment, brain injury or dementia, is liable to pay multiple infringements exceeding \$1000 and there is a strong likelihood that legal assistance will result in infringement penalties imposed being substantially discharged or converted to a community order rather than a term of imprisonment. That is according to the legal aid handbook. The community legal centres say this is a serious caseload issue for them already and that they cannot meet the need for advice and representation in this area.

The bill and the minister's second-reading speech state that the infringement notices are not supposed to target repeat offenders; however, the law institute has raised what I think are legitimate concerns: that the police may have trouble, for example, identifying repeat shoplifters. They have said that the legislation is unclear on whether infringement notices will be recorded and how repeat offenders will be recognised. Perhaps the

government speakers could address that in their contributions.

We asked this question of the department, and the answer we received did not really enlighten us too much on the types of statistics the police keep. It is an issue as to how they are going to keep track of things. If the police are not going to be issuing infringement notices to repeat offenders, how are they going to know whether people have offended before or not?

One of the areas of concern to me, and it was raised during the briefing by the department, is about people who may be on the borderline in terms of an intellectual disability or homeless or partly homeless or having other troubles in their lives actually knowing what to do. The bill allows for a review. If you are issued with an infringement notice, you can apply for review, and that is written on the notice, but that assumes that the person receiving the notice has the wherewithal at that point in time to know how to proceed with the review.

People who have carers can have their carers do this on their behalf, but if they do not have a carer and they are in a troubled situation, they may not know that they can have the issue reviewed. Those people will still be subject to the infringement notice. The bill recognises special circumstances, but I would be pleased if government speakers could tell us how it makes provision for people who may not be easily recognised as having special circumstances who are caught up unexpectedly in this regime and find themselves in a situation where they may have a number of infringements outstanding.

The Public Interest Law Clearing House (PILCH) also wrote to us and commented that from its point of view the bill will be detrimental to homeless people or people at risk of homelessness. It felt that for various reasons homeless people are more likely to commit offences such as shoplifting or using obscene language. These reasons could include poverty, mental health, and alcohol and drug problems. It raised the issue that issuing a ticket is much easier than issuing a charge and summons, so more fines will probably be issued.

PILCH's position is that the proposed guidelines to agencies, which require that no infringement be issued unless the matter would otherwise have been dealt with by charge or summons, are insufficient to protect against net widening. It points out the problem with the statistics that will be collected: firstly, they do not detail the number of informal cautions or warnings that have been issued under the current system, and, secondly, they do not indicate the proportions of fines and penalties that have been imposed on people

experiencing homelessness. PILCH has concerns, as does the FCLC, that the proposal will increase the burden on pro bono legal service providers.

While the intentions behind this bill are good, it may have some unforeseen consequences. For example, FCLC pointed out in its submission to the discussion paper that in its experience the people who have the financial capacity to do so — perhaps people in this chamber — will elect to pay a fine regardless of whether they agree they have committed an offence, merely to save the time and stress of going to court. It says that the majority of its clients do not have the financial and other resources to do this and would be disadvantaged by any further expansion of the infringement system. What the federation is saying is that this bill and its proposed expansion of the infringement system needs to take into account the needs of all citizens — and the Greens say that applies particularly to the most vulnerable people in our community.

The federation also raised the issue — and I mentioned it briefly earlier — that at the moment there is the discretion for police to issue warnings, but it says that in its experience, for example, the formal caution available to adults for minor shop thefts through the police operating manual is not often utilised by police. It says that access to the criminal justice diversion scheme for minor offences also relies on police discretion and is almost never utilised beyond a first offence. Net widening, which I raised earlier, is also an issue.

These are the issues that the stakeholder advisory committee should be focusing its attention on. I would also say that the effect of this legislation needs to be closely monitored to ensure that vulnerable groups in the community are not being disadvantaged. For example, after the scheme has been operating for a year or so, it could become apparent that it is having a detrimental effect on vulnerable sections of the community — and this could include Aboriginal and Torres Strait Islanders, for example; the New South Wales ombudsman's report found that even though they were only 2 per cent of the population in New South Wales they were incurring 5 per cent of the infringement notices in that jurisdiction when it introduced similar legislation. Notwithstanding that this bill has the potential to work well, we need to ensure that the operational procedures and everything that underpins them work well, and that this is not just a bill that basically has the effect of imposing infringement notices upon people in the community who are vulnerable and usually would not have the capacity to pay the fine that may be imposed.

With those remarks I indicate that the Greens will not oppose the bill, but we do have concerns about its possible impacts on disadvantaged sections of the community. This has been raised with us most forcefully by sections of the legal profession who deal with them on a daily basis.

Mr TEE (Eastern Metropolitan) — This bill builds on the government's impressive record of reforms of the infringement system. The bill follows a consultation paper that was put out in March 2007 and which canvassed options for the expansion of the infringement system. The bill provides for an expansion of the infringement regime by way of a trial, the intention being to ensure that it can deal with a broader range of more complex offences. There are seven offences covered by the trial: careless driving, shop theft, wilful damage, indecent or obscene language, offensive behaviour, consuming or supplying alcohol on unlicensed premises, and failure to leave licensed premises when requested.

The trial is about giving police an extra tool or option. It is about ensuring that police have an expanded armoury to effectively deal with illegal and antisocial behaviour. Currently, in dealing with behaviour of this type, police have very limited options. They need to proceed by laying charges and taking the matter to court or, in the case of shop theft, issuing a caution. This is the limited armoury the police have currently. In this trial police will have an additional tool — they will be able to issue an infringement notice. This will provide a fast and efficient way of dealing with relatively minor offending and in so doing will provide a better outcome for the offender, witnesses and the police.

Guidelines have been issued that will help police decide whether to issue an infringement notice. When making a decision whether to proceed by way of infringement notice or via court, or indeed not to proceed at all, police will consider the offender's age and prior conduct and the seriousness of the breach. When the accused has prior convictions or when there are aggravating factors involved in the offence, then proceedings should be commenced by charge or summons.

Ms Pennicuik asked how police will know whether a person has received an infringement notice, because that person, as you would expect, will of course not have a criminal record. The infringement is not recorded on a person's criminal record but police keep an administrative record of infringement histories which they will be able to access. This is similar to the arrangement currently in place with cautions. Currently when police issue a notice or caution to first-time

offenders, those cautions are not included in the person's criminal record, but they are recorded. Members of Victoria Police have access to the information about previously issued cautions to assist them in deciding what action, if any, they should take in relation to repeat offenders.

Of course there are the usual protections in place for those who are not guilty, and Ms Pennicuik touched on this. As with other infringements, there is a right to an internal agency review and the accused can elect to have the matter heard in court. These rights will be set out in the infringement notice, as are the rights for individuals who are in special circumstances, including homelessness and drug addiction, where by virtue of those special circumstances the accused cannot control or indeed understand their offending.

To answer Ms Pennicuik's question, there are three or indeed four techniques employed by this bill to ensure that those disadvantaged who are in those circumstances are not in essence overly affected by the bill. Firstly, when issuing an infringement notice police will have discretion and can take into account the special circumstances of an individual. Then there is the agency review, which will be conducted under strict guidelines and will allow for a review based on the special circumstances of an individual. Finally, the issue can either be referred by the agency to the courts or be referred to the courts if the fine is unpaid. The courts are required to take into account the special circumstances of an individual, which might be a bundle of circumstances including homelessness, mental condition and drug addiction. There are a number of protections in place for the most disadvantaged.

Ms Pennicuik raised also the issue of the monitoring of the regime. That will be effective and focused on trying to identify if there is a disproportionate impact on vulnerable groups including people affected by homelessness and disability. I am sure that with that explanation Ms Pennicuik will be appreciative and supportive of the protections that are in place. They will indeed be captured by the review.

As I indicated, the bill is another reform to our justice system. It ensures that the system meets the needs and expectations of the community. In making our system more effective, the bill sends a clear message that offenders will be reported, caught and, most likely, fined. Having an easier, simpler and more effective approach means that there is a greater likelihood of offences being reported and offenders being dealt with. I commend the bill to the house.

Mr DALLA-RIVA (Eastern Metropolitan) — I rise on behalf of the Liberal Party to make a contribution to the debate on the Infringements and Other Acts Amendment Bill. I do not oppose the bill as it stands. I will cut to the chase in terms of where we are going with this bill, and I look forward to some further clarification in the committee stage.

Before I move on, Mr Tee used the term 'careless driving' as an infringement notice offence under this bill. I was not sure whether he was referring to infringement notices being applied to careless driving under this bill or elsewhere. I wrote down the words 'careless driving', but I did not see the expression in the bill. Maybe careless driving currently exists as an infringement notice offence in the law as it stands. I might get some clarity on that in the committee stage — —

An honourable member interjected.

Mr DALLA-RIVA — Or I might not, as is rightly pointed out.

The bill makes a few amendments to various acts, as was outlined by many previous speakers. I want to raise with the house the issue of part 2 of the bill, trial expansion of enforcement by infringement notice, and how it will affect various offences.

It is interesting to note that the sunset for the trial is no later than 30 July 2011, which just happens to be six or seven months after the state election. It is important to put on the record the offences to which the infringement regime will apply. I draw on my experience as one of the few in this chamber to have the opportunity to issue an infringement notice for various offences. I can certainly say that in years gone by infringement notices were mainly for what I would class as minor offences.

I was somewhat surprised by the statement made by Mr Tee about minor offences under the Crimes Act 1958 when he mentioned theft. That seems to be a minor offence. How we have progressed under this government! You can steal another person's property, and the Parliamentary Secretary for Justice considers that to be a minor offence.

In terms of other offences being brought into play, clause 9 of the bill amends the Summary Offences Act so that an infringement notice may be served when a person has committed an offence. While I think of it, I think the issue was raised earlier about the fact that these infringement notices can obviously only be served where the identity of the offender is clear. I refer back to my old policing days. When the offence is not

continuing you might not know the identity of the offender. I do not think there will be the concern that I think was raised by one of the other members about ensuring that the person identified on the infringement notice is that person.

As I said, clause 9 amends the Summary Offences Act 1966 to provide that infringement notices with a penalty of 2 penalty units may be issued for wilful damage under the value of \$500; indecent, abusive or obscene language; and offensive behaviour.

It is interesting to note that clause 5(3), on page 5 of the bill, amends the Liquor Control Reform Act 1998 to provide that a person who is drunk, violent or quarrelsome must not refuse or fail to leave licensed premises when asked to do so by the licensee or permittee or their employee or agent or a member of the police force, with a penalty of 20 penalty units. I think Mr Drum mentioned this earlier. Compare this to clause 10, as outlined on pages 8 and 9 of the bill, which inserts into section 74 of the Crimes Act provisions relating those who commit theft from a shop — and it has been rebadged as ‘shop theft’. I quote from the clause:

- (3) The infringement penalty for an offence for which an infringement notice may be served under this section is 2 penalty units.

So somebody who commits an indictable offence under the Crimes Act gets 2 penalty units, and someone who stands outside licensed premises, happens to be quarrelsome and is asked to leave but refuses or fails to do so, gets 20 penalty units. This is the hard-on-crime government! You can be a thief in this government’s eyes and only attract 2 penalty units under the infringement notice, but if you stand out the front of licensed premises and decide you want to have a mouthful at the coppers or at the premises because you were not allowed in, you get 20 penalty units. I think that was the issue that Ms Pennicuik raised earlier: there seems to be an issue regarding our attitude to alcohol and related behaviour. We deal with it in a very hard way, when clearly there are some other issues that need to be dealt with, such as the need for additional support. I agree with Ms Pennicuik in one way, but I struggle in terms of other areas regarding offences under the Crimes Act. Obviously the Crimes Act covers all offences that are indictable or serious offences and should therefore attract those types of penalties.

I will be seeking clarification of clause 10 during the committee stage. There is a footnote to this clause that states:

The Infringements Act 2006 provides that, subject to that Act and any other Act, a person who pays an infringement penalty and any prescribed cost within the time required under that Act expiates the offence by that payment. Section 33 of that Act provides that, generally, expiation means that no further proceedings may be taken against the person for that offence and no conviction is taken to have been recorded against the person for that offence.

I am somewhat perplexed that a person who purposely walks into a shop with the intent to steal — although I suppose if they have the intent to steal it is burglary — and steals an item worth \$598 — —

Mrs Peulich interjected.

Mr DALLA-RIVA — Obviously they have to give the product back, Mrs Peulich — —

Mrs Peulich — If they are caught.

Mr DALLA-RIVA — We assume they are caught. So long as they pay the 2 penalty units, the recording of the offence — according to my understanding of clause 10 — is dealt with. The offence is expiated by that payment. It also means that no further proceedings may be taken against the person for that offence and no conviction is taken to have been recorded against the person for that offence. I am somewhat perplexed about how the government proposes to deal with that.

We know this is a government that is hell-bent on changing figures to suit itself, and we know the government has a — —

Mrs Peulich — Fudging the figures.

Mr DALLA-RIVA — Indeed, Mrs Peulich, it is renowned for fudging the figures if anything seems smelly or appears negative to the government’s spin doctors, and there are tens of thousands of them under this government. To see that we need only look at Victoria Police, which has over 100 spin doctors or media advisers, as opposed to the number of Victorian police officers out on the street.

We have some concerns about the bill, and earlier I raised the issue of why the trial for this infringement system expires no later than 30 June 2011. There would be nothing better when going to an election than for a government to say, ‘We are successful because we have solved the problem of the crime rate in this state’. What better way to solve it than for the government to say, ‘We have reduced the number of serious indictable offences in this state’. That does not take into account offensive behaviour and other issues that I have outlined for which infringement notices can be issued, but is in the sense of indictable offences and in particular a section 74 offence of theft. In new

section 74A the bill adds a definition of shop theft. It seems to me that now we have two areas of theft.

By way of background, I have some statistics. In the 2002–03 period the number of offences of theft — shop steal — recorded was 20 131; in 2003–04 it was 20 579; in 2004–05 the figure was 18 588; in 2005–06 the figure was 15 995; and in 2006–07 the number of shop steal offences defined as theft was 16 089. Let us look at the clearance rates. It stands to reason that if they are theft from a shop it is most likely the offender was apprehended at the scene. If we take one example, in 2005–06 the number cleared was 12 449, so there was a 78.2 per cent clearance rate. Clearly the offender was seen, apprehended and taken to the appropriate area. But if you look at the real offences — for example the theft of a motor vehicle — in the same year, 2005–06, there were 19 578 thefts and the clearance rate was only 20 per cent. Obviously it is pretty hard once an offender has left a car. But I digress slightly.

If we look at last year, 2006–07, the number of offences of theft from a shop, as defined by Victoria Police, was 16 089, for which the clearance rate was 13 222 or 82.2 per cent. Taking last year as an example, 376 200 offences were reported, including crimes against the person, crimes against property, drugs, and other crime. What would that figure be if you could reduce the number of offences of thefts from shops by 16 000 or 15 000? The vast majority of those offences were thefts of items below the \$600 threshold. It makes your crime statistics look infinitely better.

That is what I think is being put forward with this legislation. On one hand it appears to be for the good of the community, but I suggest we will find that the government will come out in the subsequent year and say, ‘Aren’t we wonderful? We have dropped the offences substantially — by thousands’. I think that will be primarily because we will see the offence of shop theft being recorded under infringement notices and not as a crime against property, as listed in the act.

Nowhere in the provided statistics does it say ‘Infringement notices’. You need look only at other crime, including the offence categorised as behaviour in public. For example, last year there were 3347 such offences. Those offences will be taken out of the crime statistics because they will now become infringement notices under clause 9 of the bill, which deals with the Summary Offences Act. If we look at last year’s figures, there were 16 089 offences of stealing from a shop and 3347 offences of behaviour in public. You can see there will be a significant drop in the crime statistics in the next year. We will just wait to see because I think that is where this legislation is heading. As I said, I am

not a conspiracy theorist, but it is amazing that the sunset of this bill will occur after the next state election.

Those are my concerns about the bill. I know other parts of it have broad support. Certainly I am not going to go through those, because they have already been dealt with. I look forward to some of my concerns being clarified in the committee stage.

Mrs PEULICH (South Eastern Metropolitan) — Acting Speaker, I will make a few brief comments — President, sorry. It has been a long weekend!

Mr Pakula — A long 15 months!

Mrs PEULICH — Yes. I want to make a few comments on the Infringements and Other Acts Amendment Bill 2007, the purpose of which is to amend the principal act and a number of other acts to allow notices to be issued for certain offences on a trial basis. Presumably this has been born out of a discussion paper that was delivered in May 2007. As Mr Dalla-Riva pointed out, the trial will end in June 2011, which is a convenient six or seven months after the next state election.

Mr Dalla-Riva said that he was not into conspiracy theory. Unfortunately I have been around for a little bit longer, and I am — especially when it comes to dealing with this government and knowing the importance it places on fudging the figures and spin in sailing its way through elections but really doing very little to address the genuine problems facing our communities. Of course in the area of law and order there are very significant problems, certainly in the South Eastern Metropolitan Region. The areas that jump to my mind immediately are places like Frankston where we have a very significant problem particularly in relation to what are generally perceived as minor crimes or minor offences. There is also the well-publicised problem of hooning around Dandenong and Springvale, and there are a number of other problems in the area of Noble Park, and of course across other regions as well.

I wish I could believe that this is a reform that was intended to reduce criminal behaviour and that it will lead to a better justice system, but I am afraid that I am not convinced at all. Although the opposition is not opposing this legislation, I certainly have a number of concerns about the regime that is being put in place through it.

As a former schoolteacher, particularly in the secondary school system, and as the mother of a 23-year-old, of course I think that young people who find themselves inadvertently in conflict with the law always deserve a

chance — so long as it is not a career chance, and so long as these laws are not intended to generate some political benefit rather than addressing those problems. The political benefit is clearly that this is going to be part of Police Commissioner Christine Nixon's crime-busting plan. This is part of her plan, because it is going to wipe out the 16 000 shop steals that Mr Dalla-Riva was talking about from those crime statistics. Mr Tee obfuscated when the question of whether these infringements would be reflected in the crime statistics was asked. If they were going to be included in the crime stats, he would have been unequivocal.

Sometimes there are good reasons for moving to a softer regime. For example, under the Kennett administration we introduced a first-offender regime for marijuana offences by young people. If that had been implemented properly and continued to be implemented, with appropriate counselling, support and referral services, that would have been a good regime, because we want to keep young people out of a career of involvement in the justice system. But what happens? Because there is never a notation with first offenders involved in, say, marijuana smoking — every time a policeman comes across someone smoking a bong in the park, he grabs it, empties it out and throws it away — it is always the first offence, so unfortunately these people are not necessarily getting the sort of help the initial concept intended.

I am concerned about the message this bill is going to send to the community. I am concerned about the message to the victims as well as to the perpetrators. I will cite one very brief example. My son and our next-door neighbour went off to the 7-Eleven some time ago and the next-door neighbour was assaulted by a person who was obviously as high as a kite, either through inebriation or, more likely, drugs. These boys are good kids; they were not looking for trouble, and he was assaulted. The police came down very promptly, took details and went off to investigate. They reported subsequently that they could not proceed with the matter because the closed-circuit television did not reveal the licence number of the car! It revealed the face of the offender but not the licence number of the car. The boys were never entitled to make a statement; they were never given the opportunity of making a statement — because that is how this government fudges the figures. The impact that has had on a very law-abiding 19-year-old — I am not talking about my son — is that he has lost faith in our police officers. He did not get the justice he deserved, and he came away with less respect for the police than should have been the case.

My concern is that this legislation is going to be seen as going soft on crime for the wrong reasons. If it meant directing people who committed alcohol-related offences, through binge drinking or whatever, to certain services, as a former schoolteacher I would think that was a good thing. But I have grave concerns about whether in actual fact this is intended to unclog the courts. Like Ms Pennicuik, I believe those who are vulnerable will not be in a position to pay the fines. We have a huge unpaid-fine backlog already, and it is obviously set to continue to grow. As has been pointed out, some of these crimes are not minor — the use of fake IDs, for instance. It will be interesting to see how that impacts on the implementation of this legislation. I think security at nightclubs is going to be made more difficult with the system of fines than is currently the case, and I am glad this is only a trial, because I think we will be winding back on some of these initiatives at some future point in time.

With the house very keen to wind up and go on to its next item of business, let me say that I will be very closely monitoring the operation of this legislation. I am not sure that it is going to deliver the sorts of reforms in justice that we want to see. It is a very convenient way for the government to produce an outcome on the crime statistics. With those few words I will support the opposition's position.

Motion agreed to.

Read second time.

Committed.

Committee

Clauses 1 to 9 agreed to.

Clause 10

Mr DALLA-RIVA (Eastern Metropolitan) — I obviously do not have an amendment, but I seek some clarification, which is the reason for the committee stage. As I outlined in the main debate, the opposition has some concerns about the recording of infringement notices for shop theft under the new section 74A, which is inserted by clause 10 into the Crimes Act. I outlined earlier for the clarity of the minister the following example: last year the crimes against the person statistics recorded by Victoria Police showed the category 'shop steal theft' as 16 089, with a clearance rate of 13 222 or 82.2 per cent.

In the sense that the infringement notice system will now proceed as proposed under this new section, what I am seeking clarification on is whether, where an

infringement notice has been issued for the offence of shop theft and the penalty has been paid, then pursuant to the note in proposed section 74A(4), which then expiates the offence, no further proceedings will be taken and no conviction will be recorded. I seek from the minister clarification on whether under the infringement notice provisions offences of shop theft will now be recorded in the Victoria Police crime statistics under crimes against the person or whether they will fall under a separate regime in the infringement notices component — for example, as a speeding offence or the like does.

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Dalla-Riva's question, which is obviously quite pertinent in relation to his position. I am advised that these matters will be recorded as criminal offences on the LEAP (law enforcement assistance program) database, but on the individual's record they will be recorded as an infringement. The reporting, as the member mentioned there — which of course he has a keen interest in — will remain consistent with the new regime which is being trialled, as it is consistent with the old regime.

Mr DALLA-RIVA (Eastern Metropolitan) — Very simply, I ask the minister if it will be part of the crime statistics to the Victoria Police report each year — yes or no?

Hon. J. M. MADDEN (Minister for Planning) — I am advised the answer is yes.

Clause agreed to; clauses 11 to 46 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

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

That the bill be now read a third time.

I wish to thank respective members of the chamber for their contributions.

Motion agreed to.

Read third time.

ADJOURNMENT

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

That the house do now adjourn.

Bendigo Hospital: emergency department

Ms LOVELL (Northern Victoria) — My adjournment matter tonight is for the attention of the Minister for Health in the other place. It regards the need for a complete redevelopment of the Bendigo Hospital and the desperate need for the first stage of this project, the expansion of the emergency ward, to begin as soon as possible. The action I seek from the minister is a commitment in the 2008–09 budget to enable Bendigo Health to immediately expand the emergency department of the Bendigo Hospital and to plan for the complete redevelopment of the Bendigo Hospital.

The need for improved health services in Bendigo is well documented. The community and the government are aware that the hospital is well overdue for a complete redevelopment. The Bendigo community's patience is running out with the current state government when it comes to waiting for a commitment for a new hospital. Unfortunately the current emergency department facilities will not see the community through until such time as the new hospital is planned and built. The growing challenges facing Bendigo Hospital's emergency department are also well documented in the Bendigo media. It is an issue of grave concern to the entire central Victorian community.

Demand on the emergency department is increasing rapidly. In March 2007 the hospital revealed its emergency department had experienced its busiest period on record with an average of 113 patients seen per day in February 2007. The figure leapt to 118 per day in the last week of February. This was up from an average of 109 patients per day in January 2007, with the overall number of urgent cases doubling in the last six years.

An interim solution is needed to upgrade the emergency department so that Bendigo Hospital can continue to provide quality health care and appropriate response times until such time as the new hospital is planned and built. Bendigo Hospital has a plan which it calls 'Stage zero', which provides this interim solution to its emergency department crisis. The plan involves providing additional floor space to the emergency department and moving administrative areas to a new upper level to make room for much-needed patient

cubicles. This would enable the expansion of the emergency work areas and patient cubicles, increasing available floor space by 40 per cent. It is going to take years to redevelop the entire Bendigo Hospital, but this interim solution would help ease Bendigo Hospital's emergency department congestion in a much shorter time frame.

Bendigo Hospital was visited by the Minister for Health, Daniel Andrews, in December 2007, and by the Premier, John Brumby, this January. As yet, neither the minister nor the Premier has committed any funding to the hospital redevelopment, and their visits came only after the shadow Minister for Health in the other house, Helen Shardey, and I met with doctors and staff at the hospital to discuss this growing crisis. The funding needed to expand Bendigo Hospital's emergency department is a sliver of the hundreds of millions needed to rebuild the entire hospital, but it would enable the hospital to improve its emergency department and the quality of care provided to members of the Bendigo community.

I call on the minister to ensure that funding for both the upgrade to the emergency department and the redevelopment of the Bendigo Hospital is included in the 2008–09 state budget. I also call on Jacinta Allan and Bob Cameron, the local members in the other house, and on the former federal member for Bendigo, now the Premier, to support this proposal.

Community health centres: tax ruling

Ms HARTLAND (Western Metropolitan) — I raise a matter for the attention of the Minister for Health in the other place, Mr Daniel Andrews. The matter concerns a ruling by the Australian Tax Office for people who work in community health centres. As of 31 March they will not be able to package their salaries, whereas formerly they were able to put up to 30 per cent of their salary into a package that was tax free. This money was used to pay for such things as mortgages, loans, and child care. It needs to be clearly outlined that staff in community health centres are fairly poorly paid now, but the loss of being able to salary package will put them behind greatly. I am talking about such staff as podiatrists, nurses, physiotherapists and mental health teams. People are out there doing amazing work with local communities. As someone who has worked in a community health centre, I know just how much this tax exemption means. When I was a shop steward at the Western Region Health Centre there was an implicit understanding that you did not go after the big pay rises because you had this tax exemption.

The action I ask of Minister Andrews is to support community health centres by making sure that the shortfall that will result — and for some community health centres this is going to be up to \$300 000 — will be made up by the state government.

Police: Orbost

Mr HALL (Eastern Victoria) — I raise a matter for the attention of the Minister for Police and Emergency Services in the other place. It concerns police numbers in Orbost and far East Gippsland. Last week I visited Orbost, and during my visit I had the opportunity to speak with a number of local people about issues of concern to them. Chief among their concerns was the lack of police numbers at the Orbost police station. I believe, and the local chamber of commerce believes, that only three of the eight positions at Orbost are filled currently, and that situation is expected to worsen in the near future. Indeed I noted public comments from the Police Association quoted in this week's local paper which suggest that there are seven vacancies at the Orbost police station. In order to provide services current officers are working extremely long hours, officers from other stations are called in when times are desperate, and proactive policing is unable to be practised to the level that police officers themselves would desire and indeed the community would expect.

The sharing of resources between police stations is a common and usual practice for the police, to ensure the numbers are appropriately spread and shifts are covered, but when nearby police stations are also threadbare in the number of officer positions filled, then there are simply not enough officers to go around.

Since then I have also learnt that the traffic operations group at Orbost has not been fully staffed for at least three years. I am also of the understanding that Lakes Entrance is to become a 24-hour station, which is great news, but without even the resources to properly provide the current 16-hour service that it is designated to provide. Also, there are just two officers at Cann River, who are expected to provide a 16-hour service. The situation is causing great community outrage, and it seems that this government is doing precious little to address the problem.

If Victoria is such a great place to live, to work and to raise a family, I call on the Minister for Police and Emergency Services and invite the government to explain how it is going to provide Victoria Police with the resources necessary to enable it to deliver adequate policing services to the communities of Orbost and East Gippsland.

Planning: residential zones

Mr PAKULA (Western Metropolitan) — I raise a matter for the attention of the Minister for Planning. It relates to last week's announcement by the Premier of the establishment of the urban growth zone. It is now acknowledged that our population is likely to grow by a million people by 2020 rather than by 2030, as previously believed. That will be the result of a number of factors, including a growing birth rate, net interstate migration — people voting with their feet and moving to Victoria — and overseas migration. On the whole it is good for this state that people choose to live here, but it also means that as a government we need to adapt and refine the plan for land development and bring it forward.

As the Premier announced and as the Minister for Planning reiterated during question time, part of the way the government is dealing with that response is to rezone farmland and accelerate the development of more than 90 000 blocks. It is expected to save more than 12 months and thousands of dollars in development costs, but it is raising a range of questions in the areas which the media reports say are affected by the decision.

I am sure other members have received emails in the way that I have, but I have received one email in particular that I want to mention. It is from Carmen and Jim Bonello of Ballan Road, Wyndham Vale, which as you, Acting President, would know, is right on the border of the Western Metropolitan Region and the Western Victoria Region. From their email Mr and Mrs Bonello seem to be very excited by the announcement. They live adjacent to the President Park estate and across the road from the Wyndham Green estate, and they are paying their rates to the local government, but their land is zoned rural 1. They want to sell the land as residential so that, in accordance with the plan outlined by the Premier, it can be subdivided and provided for housing.

The action I seek from the minister is to respond to the questions which I have been asked by the Bonellos. I think in responding to their questions he will also be responding to the questions that many other land-holders in this region would have in their minds. Those specific questions relate to whether the land in Ballan Road, Wyndham Vale is subject to the urban growth zone announcement and, if so, when will the Bonellos and other land-holders like them be able to rezone their land.

Police: Lexton

Mr KOCH (Western Victoria) — I raise a matter for the attention of the Minister for Police and Emergency Services in the other place regarding the appointment of a police officer to service the Lexton community. This matter was brought to the minister's attention early last year following concerns in the Lexton community that a proposal was being considered to rationalise or close the local police station, even though more than \$350 000 was spent in 2002 to build a new station and residence.

The minister responded by letter, stating that under the former Bracks government the Victorian police force had been increased by over 1400 officers, funding had been provided to construct or refurbish over 140 police stations across the state, Victoria's crime rate was down 22 per cent since 2000–01 and that there would be a further increase of 350 police by 2010, plus additional equipment, including an extra 100 police cars. The minister also wrote that in small rural towns such as Lexton police play a vital role not only in crime prevention and control but also in maintaining and building strong community networks and relationships in an endeavour to create social cohesion.

In meeting this goal Victoria Police developed a local priority policing strategy to underpin the work of all officers working in the Victorian community. The focus of this strategy is on local safety and security and allows active participation by the community in shaping police service priorities. So, with the retirement of Lexton's Senior Constable Nelson in September 2006, Victoria Police focused on the community's policing needs.

After consultation with local government, the Police Association and the Lexton community, it was decided to advertise to fill the vacant position at Lexton. The community was assured that the successful police member would reside in the Lexton police residence and the officer would operate from both Beaufort and Lexton police stations and be required to service Lexton at least two days a week. Despite assurances that a permanent police officer would reside in Lexton, 12 months later the police residence remains vacant and poorly maintained, even though Senior Constable Richard Henderson was appointed to the vacant position in July last year. As he is seldom seen in Lexton, the local community feels there is no real police presence in their town or the community.

The contradiction of the minister's boast of recruiting record numbers of police and not discriminating against the safety and security of small rural towns such as

Lexton is not only remarkable but is a further blatant deception. My request is for the minister to make good on his earlier commitment to house the appointed police officer at Lexton.

Agriculture: genetically modified crops

Mr ATKINSON (Eastern Metropolitan) — I wish to direct a matter to the Premier. It is in relation to GM (genetically modified) or GE (genetically engineered) crops and the lifting of the moratorium on GM canola in Victoria.

I like a number of members on the government and indeed the opposition side and in the broader community have been quite concerned about the lack of debate on this decision which followed a review by a committee and was not referred back to the Parliament. Interestingly enough, the review was undertaken by Sir Gustav Nossal, who is an Australian of some distinction but, in the context of his appointment to the GM review, it is rather unfortunate that he had a previous involvement in the technology which I think led him to a predisposition to the decision that was arrived at.

What I am concerned about in terms of the lack of debate are issues such as segregation — —

Hon. T. C. Theophanous — On a point of order, Acting President, I draw your attention to the fact that the member has sought to raise a matter with the Premier. However, the matter he wishes to raise falls within the jurisdiction of the Minister for Agriculture, and in accordance with previous rulings from the Chair on this matter where — in order to avoid every single question during the adjournment debate being asked simply of the Premier when the responsibility clearly falls within a particular minister's portfolio — the Chair has ruled that where a minister has responsibility in a particular issue the question should be directed to that minister. I ask that you rule that the member direct his question to the Minister for Agriculture.

Mr ATKINSON — On the point of order, Acting President, the matter I wish to raise with the Premier is not within the jurisdiction of the Minister for Agriculture. I am aware of the previous rulings and of the need to direct a matter to the most appropriate person within government and, at the conclusion of my adjournment item, it will be seen that the question I have to raise is with the Premier.

The ACTING PRESIDENT (Mr Finn) — Order! There is no point of order. I will give Mr Atkinson the benefit of the doubt until he concludes his matter.

Mr ATKINSON — Some of the issues that I am concerned about in regard to the question of GM crops include the difficulty in segregating those crops and the possibility of contamination and the lack of a decision on compensation payable to farmers whose crops are affected by an invasion, as it were, of GM crops as a result of nature. I am concerned about the regime of monitoring that might be applied and indeed the identification of crops. I also share with organisations like Woolworths, interestingly enough, the view that there is a need for crops or products that have any GM ingredients to be adequately labelled, and at this point in time that opportunity is not there.

In terms of directing this matter to the Premier, one of the reasons I have chosen the Premier is that he has also had a very strong involvement with innovation and technology going forward and was involved in setting up the inquiry that came in with GM. But my question to the Premier in respect of the interests of transparency and accountability is: would he be prepared to provide details of any meetings that he or his ministers have had with representatives or lobbyists on behalf of Monsanto and Bayer and — I recognise that this is outside the purview of government — and is he also, in the interests of transparency, prepared to detail any campaign contributions made by Monsanto or Bayer to the Labor Party either directly or through involvement with Progressive Business?

Hon. T. C. Theophanous — On a point of order, Acting President, I believe this question is totally out of order. First of all, the responsibility for the GM program is with the Minister for Agriculture. There is a clear ministerial responsibility with that minister for this program, so to suggest that somehow the question should not be directed to that minister is incorrect. Secondly, the member when he finished his matter was asking questions about contributions to the Labor Party from one of the companies involved in GM food production.

The question of contributions to the Labor Party is not within the responsibility of either the Premier or any minister. It is a matter for political parties and it is not a question which can be asked in the adjournment, so I ask that you rule this adjournment matter out of order.

Mr ATKINSON — On the point of order, Acting President, I have been very specific in requesting information of meetings that the Premier and his ministers have had with either Monsanto or Bayer or their representatives or lobbyists, and that is within government administration. It is true that I then went on to suggest that in the interests of transparency the Premier might also provide details of any campaign

fundraising contributions. It is for the Premier to decide whether he wishes to divulge that information, and that is not the substance of my adjournment item. It is simply a matter that ought to be on the table as a matter of transparency.

Hon. T. C. Theophanous — Further on the point of order, Acting President — —

The ACTING PRESIDENT (Mr Finn) — Order! The minister has spoken on that particular point of order. The minister's point of order is to a degree a technical one, but one that I believe has some merit to it, in that the matter raised by Mr Atkinson should originally have been directed to the Minister for Agriculture. But on a more important matter, Mr Atkinson has not asked for action from the Premier in the way that traditionally one would or should ask for action in the adjournment — what used to be the adjournment debate — so at this stage I will have to rule the matter out of order.

Mr ATKINSON — On the point of order, Acting President, there are indeed many instances where in fact members raise matters with a minister seeking information, and the provision of that information is in itself an action. There are occasions where members have sought further details of government programs and how programs will operate in their particular electorate. I refer to a number of items raised throughout the adjournment debate by Ms Darveniza — —

The ACTING PRESIDENT (Mr Finn) — Order! The guidelines clearly state that seeking information that is very similar to a question without notice is inadmissible, and I will have to rule on this occasion that Mr Atkinson has gone extremely close to overstepping — indeed has overstepped — that guideline.

Buses: western suburbs

Mr EIDEH (Western Metropolitan) — I raise a matter with the Minister for Public Transport in the other place with respect to SmartBus services in the western suburbs. I ask that the minister inform me of progress in the delivery of the Red Orbital SmartBus route.

I have seen reports recently of work to add a bus lane to Buckley Street in East Keilor. This bus lane, 1100 metres long, will be of great benefit in the western suburbs. Not only will it cater for the Red Orbital SmartBus route but it will also improve the operation of the existing route 465 for Keilor Park–Essendon, and

route 475 for Moonee Ponds–East Keilor via Niddrie. These are exactly the types of initiatives we need for public transport.

The Red Orbital SmartBus already runs from Mordialloc to Box Hill. When that bus is delivered and it connects Altona with Sunshine, Essendon, Northland, Preston and all the way on to Mordialloc, it will provide great opportunities in the west for people to access education, employment and recreation. And of course we will invite people to catch the bus the other way to come and see all the west has to offer.

I am very keen to welcome the Red Orbital SmartBus and I ask that the minister inform me of progress in the project.

The DEPUTY PRESIDENT — Order! The action requested of the minister is to inform the member of the project. I ask the Clerk how that differs from the previous item on the adjournment debate.

Hon. T. C. Theophanous — There is a different person in the chair.

The DEPUTY PRESIDENT — Order! No. The action required is to provide information; which is exactly the same as what was sought on the previous adjournment item. I rule the matter out.

Alcohol: late-night licences

Mrs COOTE (Southern Metropolitan) — My adjournment matter this evening is for the Minister for Planning in relation to binge drinking and all-day, all-night nightclubs, particularly those in my electorate in the city of Stonnington.

There is an epidemic, not only in Victoria but worldwide, of binge drinking that leads to dire personal and community consequences. A recent study in the United Kingdom by the British Medical Association Board of Science found conclusive evidence that communities saturated with late-night licensed venues are strongly connected with crime and antisocial behaviour. The report, entitled *Alcohol Misuse — Tackling the UK Epidemic*, said, in part:

There is strong evidence that increased opening hours are associated with increased alcohol consumption and alcohol-related problems.

The report also states — which is extremely worrying for those of us here in Victoria — that a high density of licensed venues is associated with violence and other alcohol-related problems. Further, the report noted Victoria as an example of a place where increased hours of alcohol sales had resulted in increases in road

deaths, road injuries and/or violence. This is in an international report where Victoria is singled out as one of those places in which this is occurring. It is not good enough.

Premier Brumby has said:

Alcohol is now the biggest social issue facing Victoria, and I think it's one of the biggest threats to —

young Victorians.

There are thousands of cases now where young people are showing up in emergency departments so that puts them at risk.

Premier Brumby might be good on the rhetoric, but the reality is that in Toorak there are plans to establish in a residential area another all-day, all-night nightclub where up to 1000 patrons will be allowed to stay until 5 o'clock in the morning. It is absolutely not good enough, and in fact we have seen from this report that alcohol and violence are related, and this is an appalling situation. I therefore ask the Minister for Planning to ensure that there is a moratorium on any new nightclubs of over 100 patrons in the city of Stonnington until the issue of binge drinking is properly addressed.

Aireys Inlet tennis club: facilities

Ms TIERNEY (Western Victoria) — I raise a matter for the Minister for Sport, Recreation and Youth Affairs in the other place. It is in relation to the Aireys Inlet tennis club, which has a proposal for the expansion of two bitumen tennis courts at Anderson Roadknight Reserve by installing sand-filled synthetic grass courts, and for the illumination of those courts.

The tennis club is a critical community attribute that encourages fitness and activity for people of a wide range of ages and abilities throughout the year. It provides an opportunity for social interaction, companionship and camaraderie to the older members of the Aireys Inlet community who may otherwise be isolated. The tennis club is used not only by people living in Aireys Inlet but also those living in Fairhaven, Eastern View and Moggs Creek, who would also utilise the proposed improvements.

Smaller coastal communities that deal with massive population influxes during summer need to have facilities that they can use throughout the year. The successful development of this project, if it goes ahead, will provide the region with a community facility that will enhance essential infrastructure, directly benefiting local tennis and the broader community. I urge the minister to seriously consider the application and to support the funding for this very worthwhile project

which is about making sure that smaller coastal settlements are important communities supported by the Brumby government.

Mr O'Donohue — On a point of order, Deputy President, the action sought by the member is to seriously consider a funding application that is already before the minister. Consistent with the two previous rulings, I seek your advice as to whether that is out of order.

Hon. T. C. Theophanous — On the point of order, Deputy President, the member is clearly seeking an action from the minister in this instance, the action being that she would like him to make a decision in a particular way. The member wants the minister to support this development in Aireys Inlet. That is a specific action the member is seeking from the minister, and I do not think there is any doubt about it.

Mr O'Donohue — On the point of order, is the minister suggesting that without the political lobbying by the member, the guidelines which would regulate the application that is before the minister would not be successful?

Ms Tierney — On a further point of order, Deputy President, the application is before the minister and there are guidelines, but that does not, I believe, restrain a member from being able to lobby a minister on behalf of her constituents.

The DEPUTY PRESIDENT — Order! On the point of order I rule that the member is entitled to pursue the matter she has raised and seek the minister's consideration. There would be some concerns if a member were working in the area of government financing and programs subject to funding guidelines, but the member on this occasion was careful in the crafting of the action she seeks, and I think that is acceptable.

National parks: management

Mr P. DAVIS (Eastern Victoria) — I raise a matter for the attention of the Minister for Environment and Climate Change concerning national parks. I note that I have not yet received a response concerning the Alpine National Park weed infestation on the Wonnangatta River, but I raise further matters relating to the management of national parks.

On Sunday, 2 March, I walked up the Mitchell River walking track from the Den of Nargun in the Mitchell River National Park. The plan was to complete the walk at Billy Goat Bend and return. Billy Goat Bend was the site of a proposed dam on the Mitchell some years ago.

However, the river walking track disappeared about halfway, with vegetation totally obscuring the track. Signs are not maintained. The Den of Nargun toilet facility has been relocated, but not the signs, causing undoubted confusion to visitors to that site. I met two Israeli visitors who were carving their own track out of the wilderness because the track had disappeared. They were very pleased to show me their Parks Victoria map, which I now have a copy of, showing the missing track and the toilet where they no longer existed.

Last Saturday, 8 March, I walked from Howitt Plains via Macalister Springs to Mount Howitt and the West Peak and return. Again I found Parks Victoria signs in a sorry state of repair. Several signs were misdirected and/or falling down. While bushwalkers need to be adaptable, their enjoyment would be much enhanced if Parks Victoria was not setting out to confuse them. I therefore ask the minister to ensure that Parks Victoria reinstates the track signage required for the safety of visitors to the Alpine and Mitchell River national parks.

Gaming: Cardinia

Mr O'DONOHUE (Eastern Victoria) — My matter this evening is for the Minister for Gaming in the other place and concerns three applications for a cumulative total of in excess of 200 poker machines to be installed in the strip between Beaconsfield and Officer. Currently there are only 4.4 electronic gaming machines per 1000 adults in the Shire of Cardinia, which is well under the government's maximum of 10 per 1000. The proponents have obviously seen an opportunity to introduce gaming machines into what is still a predominantly rural area. If these applications were successful, the township of Officer would have in excess of 70 electronic gaming machines per 1000 residents — an obscene number of machines for such a small town and such a small operation.

The communities of Beaconsfield and Officer met last Thursday when 150 people attended a public meeting. At that public meeting three resolutions were passed unanimously by all those present, and two of them impact on the state government. They are: that the people of Officer and Beaconsfield reject the state government regulations that allow 10 electronic gaming machines per 1000 residents in Cardinia; and that the local communities of Officer and Beaconsfield condemn the Brumby government laws which ignore the decision-making process of local communities and thereby allow the introduction of electronic gaming machines.

Of course the minister has the discretion to intervene when he thinks intervention is required and to place a

cap on a discrete part of a local government area. I ask the minister to listen to the resolutions that have been passed by the communities of Officer and Beaconsfield, to listen to the concerns of the residents, to act by introducing a cap that will ensure that the township of Officer does not have 70 electronic gaming machines per 1000 residents and to consider an appropriate cap of something like 10 machines per 1000 residents for the growth corridor from Beaconsfield to Pakenham.

Anglesea: riverbank facilities

Mr VOGELS (Western Victoria) — I raise an issue for the Minister for Regional and Rural Development in the other place, and it concerns the Anglesea riverbank community hub and toilet block. It is well known that in June 2006 the Bracks government, through what was then the state and regional development portfolio, made an amount of \$250 000 available from the Small Towns Development Fund for this project. Obviously this grant was made available on information supplied by the Surf Coast Shire Council, but it now appears that the project does not have community support. Anglesea residents do not believe they were properly consulted about the details of the project. They have written many letters and emails and presented petitions to Surf Coast council suggesting alternative locations for these facilities which would deliver the same outcome for the proponents without destroying the present riverbank setting.

When 900-odd objectors in a small community like Anglesea want an inquiry before any building or associated works commence, their concerns need to be addressed. The action I seek from the minister is to ensure that her department consults with the Anglesea community. As outlined to me, there is enormous community outrage in Anglesea at the moment, with direct correspondence having been sent by local representatives to the Premier, Minister Madden, Minister Wynne in the other place, and the chief executive officer of the Surf Coast council. We need to go back to the drawing board and start again. There is a fantastic opportunity, with funding of \$250 000 from the Small Towns Development Fund topped up by \$345 000 from the federal government's regional partnerships program, to deliver a project supported by the whole community rather than constructing a facility that divides the community.

Housing: dependent persons unit

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I wish to raise a matter for the attention of the Minister for Housing in the other place. It relates to the location of dependent persons units

which are provided by the Office of Housing to households that require a facility to enable a family member to reside with them. The units are typically located in backyards of existing houses. For those who are not familiar with them, they are large, relocatable, semipermanent caravan-type constructions, and uniquely their placement is not governed by ordinary planning policies. As a consequence the Office of Housing is able to locate them anywhere it chooses to locate them.

I have had an issue raised with me by a constituent in Narre Warren South regarding one of these units which has been located over their back fence. Jacked up roughly 800 millimetres above ground level, it overlooks all the neighbours to the rear of the property where it is located. It is a large construction that blocks out all views and obviously creates oversight issues. The Office of Housing has been able to locate this dwelling there because it is not restrained by the normal planning policies put in place by the City of Casey. This has caused great concern to the residents affected by this unit in Narre Warren South.

I am quite happy to give the minister the address details to see if there is any action he can take, but what I am particularly seeking from the minister is for him to develop and publish guidelines for the Office of Housing on how these units are to be located so that they are dealt with consistently and as any other development would be under a local government planning scheme.

Sunbury Road, Bulla: traffic management

Mr FINN (Western Metropolitan) — I wish to raise a matter for the attention of the Minister for Roads and Ports in the other place. I should apologise to Ms Lovell and Mrs Petrovich, because the matter I wish to raise impinges ever so slightly on their electorate of Northern Victoria Region. The matter I wish to raise this evening I first raised in the other place over a decade ago. I am sure the minister has a list of roads that are constricted by gridlock, and I have a new one for him this evening. It is the Melbourne road between Melbourne Airport and Sunbury. The township of Bulla — and I must declare my interest in this, as I am a resident of that town — is strangled twice daily by trucks, cars, buses and vehicles of varying sizes and in great numbers in the morning peak hour and again as people make their way home in the evening.

There is a particular need for a Bulla bypass. This matter has been raised for some 20 years, and I congratulate Cr Jack Ogilvie of Hume council, who has been pursuing this issue relentlessly for a very long

time. Cr Ogilvie represents the township of Bulla, and a very good representative he is indeed.

The road I speak of is the main route between the Macedon Ranges, Sunbury and Melbourne Airport, and it carries a large number of airport employees. The airport has grown quite extraordinarily over recent years, particularly since privatisation. It has blown out in terms of employment, and the road carries huge numbers of people who are travelling to and from work at various times of the night and day, but particularly at peak hours. Added to that is the increase in population — for example, Sunbury's population is now I think somewhere around 40 000. The Macedon Ranges population has blown out as well, and that is also a major route into the city of Melbourne.

The government has constructed a roundabout at the bottom of the airport, but a roundabout is nowhere near enough. What we need to do is bring Melbourne Road between Sunbury and Melbourne Airport into the 21st century. I ask the minister to develop as a matter of urgency a traffic management plan for this road and particularly to give consideration to a bypass for the township of Bulla and to duplication of the entire road between Sunbury and the airport. I am talking about right to the end of the Tullamarine Freeway. I assure the minister that this would be a great relief to thousands of people.

Freeways: maintenance

Mrs KRONBERG (Eastern Metropolitan) — My adjournment matter this evening is directed to the Minister for Roads and Ports in the other place. The matter is pivotal on the fact that the government is very good at proclaiming projects and announcing new things but not at maintaining anything that exists. From my viewpoint and that of many people right throughout the eastern suburbs, especially those who use the Eastern Freeway, this government has presided over kilometre after kilometre of ruin and general deterioration along our freeways.

New roads under construction are the focus of this government's attention whilst existing roads are neglected. The contrast between the former coalition government's presentation and its commitment to a full-bodied maintenance program along the Eastern Freeway and what this government has allowed to happen over the past eight years is frankly very stark. The coalition invested in visually appealing sound attenuation barriers that were regarded as world-class installations. In fact I remember travelling along the Eastern Freeway with friends from — —

Hon. T. C. Theophanous — On a point of order, Deputy President, I have been listening to the member so far, and her contribution has consisted of criticising the current government and referring to the ruination of our roads, and she has just gone through a diatribe about what the previous Liberal government did on roads. I understand that in the adjournment debate you are allowed a bit of time to develop the issue that you want to address, but that does not give you licence simply to come in and make political comments about the government and the opposition's policies or programs. I do not even know what issue the member is raising because she has not even specified any issue. I ask that you call her back to order and ask her to address an issue.

Mrs KRONBERG — On the point of order, Deputy President, I would like to say that this is merely background information, and I will be coming to the point very directly. I was looking at the clock before I was interrupted and I knew I had 1 minute and 50 seconds left. I felt that the material which will be evidenced when I finally complete what I was about to say will be succinctly wrapped up, and I will be coming to the point very rapidly.

The DEPUTY PRESIDENT — Order! I advise the minister that there is no point of order. The provision on set speeches has been deleted from the adjournment debate rules. Provided the member does come to raising an issue then the matter will be in order. She does have time — she is only halfway through her adjournment matter. I accept that it is perhaps a rather long preamble and perhaps longer than usual, but the member assures us she is going to get to that point. I am sure that the minister will have a matter to respond to.

Mrs KRONBERG — When one examines the extension of the freeway past Springvale Road, one sees that the sound attenuation barriers now look cheap and nasty and are already in a state of dilapidation. One in three trees along the Eastern Freeway have died and they are left strewn all over the place, contributing to an overall Third World appearance. Even while travelling to the airport one sees that the Tullamarine Freeway is blighted by an entire hillside covered with prickly pear and noxious weeds. I now ask the minister to report back to the house with his strategy for ensuring that measures to improve the visual appearance of existing freeways are included in the forthcoming state budget.

The DEPUTY PRESIDENT — Order! There is no provision in the adjournment debate for a member to request a report back to this house as such. The minister is not required to do that. Could the member reword the last part of her adjournment item along the lines of

obtaining a strategy in regard to the matter she has raised, certainly not requesting that the minister report back to the house?

Mrs KRONBERG — I thank the Deputy President. I would like to rephrase my question, if I may. I now ask the minister to develop a plan to ensure that measures to improve the visual appearance of existing freeways are included in the forthcoming state budget.

Responses

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — In keeping with the way adjournment debates have been handled by ministers recently, I intend to indicate when I am disposing of an issue. The test I will be using in disposing of an issue will be whether in my judgement there was not really a request for an action of any substance, but rather an opportunity was sought by the member to make political comments, in which case I will give a political response.

In relation to Ms Lovell's question about the redevelopment of the Bendigo Hospital emergency department, it was clearly a political set of comments about — —

Ms Lovell interjected.

Hon. T. C. THEOPHANOUS — The issue has been raised, as the member has indicated, by the *Bendigo Advertiser*. The minister is quite capable of reading the *Bendigo Advertiser*. This issue, amongst others, is being addressed by the minister along with the entire health portfolio. I am sure the minister is aware of this particular issue, and despite the attempts of Ms Lovell to paint the current government as not being interested in health, it is prepared to stand on its record. I am happy to dispose of her set of political comments.

Ms Hartland asked a question for the Minister for Health in the other place. This question was asked in a similar way during question time and in fact relates to an ATO (Australian Taxation Office) ruling. I do not believe it is in the minister's responsibility and I intend to dispose of that question as well.

The DEPUTY PRESIDENT — Order! I advise the minister that as I recall the matter Ms Hartland put to the government, it was asking if the minister was prepared to in fact make up the shortfall in funds from the state budget — in other words, the matter she raised was not in regard to any jurisdiction of the Australian Taxation Office, but was about the Minister for Health supplementing the funds. I am not sure the minister has captured the request exactly in his response.

Hon. T. C. THEOPHANOUS — I thank the Deputy President for his assistance, but as minister at the table it is my decision as to whether I dispose of a matter or not. In this case it is appropriate for Ms Hartland to write to the federal government because this ATO ruling comes under the federal government's responsibility. I would urge her to write to the federal government if she has a concern about that particular issue.

In relation to Mr Hall's matter, which is for the attention of the Minister for Police and Emergency Services in the other place, about police numbers in Orbost and his suggestion — I think these were the words he used — that we were doing 'precious little' in this area, I reject that political comment from the member. As he well knows, there are more police than ever under the current government, and that includes more police in regional Victoria — in fact I think there are 1400 more police than there were under the government that he was a member of. I reject the notions underlying his comment and dispose of that issue.

Mr Hall — On a point of order, Deputy President, the whole issue of the adjournment debate is that members who raise matters seek a response from the minister concerned. The matter I raised was for the attention of the Minister for Police and Emergency Services in the other place, and I would expect a response from the Minister for Police and Emergency Services with respect to the adjournment item I raised. The minister, by the way he is handling these responses, is making a complete farce of the adjournment debate. If this is the way in which this government proposes to show its contempt for the procedures of the Legislative Council, then it stands condemned for it. I expect a response from the Minister for Police and Emergency Services. I do not believe the minister is able under the rules and practices of the adjournment debate to dispose of my matter in the way he has. Deputy President, I ask you to call the minister to order and pass on my request to the Minister for Police and Emergency Services, which I put in good faith to this Parliament tonight.

Hon. T. C. THEOPHANOUS — On the point of order, Deputy President, I refer you to the fact that the President has made rulings in relation to this matter, and that under the standing orders the minister at the table has an option to answer the question and thereby dispose of the question, or he may refer the question. I agree with the member that the adjournment debate has become a farce, and it has become a farce because members of the opposition — —

The DEPUTY PRESIDENT — Order! I say to the minister that I do not need a debate. I need him to comment on the point of order.

Hon. T. C. THEOPHANOUS — The view of the government is that members of the opposition parties should not just make political comments during the adjournment. If members want to make political comment, the minister at the table is able to respond in a political way and dispose of the question. If members want to ask legitimate questions — for example, as Mr Rich-Phillips did — then I will refer — —

The DEPUTY PRESIDENT — Order! The minister is still debating the point.

Mr D. Davis — On the point of order, Deputy President, I understand the longstanding practice that ministers can dispose of matters in the adjournment debate, but I equally understand Mr Hall's clear point that this matter is not being taken seriously. I put it to you, Deputy President, that it is not possible for the minister to fully dispose of a matter. He may, for example, put a matter of government policy; he may state the government's view; he may state the minister's view as he knows it, but in some cases the minister may have a different view. It is not for him to prejudice something that has been put in good faith by a member of this house. The minister may well take a view which is divergent from the view Mr Theophanous has taken.

The DEPUTY PRESIDENT — Order! I propose to rule on the point of order raised by Mr Hall and contributed to by both the minister and Mr Davis. I am aware in making my ruling tonight that the President also made a ruling on this in a previous sitting week. I understand the aggravation of some members of the house in regard to the manner in which the government has decided to deal with certain matters raised on the adjournment.

I re-emphasise that there have been many rulings over an extended period — in fact the first one I have here, from *Rulings from the Chair*, the guidelines that are available to acting presidents and presiding officers, dates back to 31 May 1996 — by President Chamberlain and President Gould, as well as the more recent ruling by President Smith in the last sitting week, as I said. In each case the substance of the ruling has been that the adjournment debate is similar to question time, with ministers free to respond to matters raised in the manner they deem appropriate. The minister's response disposes of the matter; that has been the substance of the rulings.

I understand that part of the aggravation that members feel in regard to this ruling, if you like, is the fact that there has never been a clear definition of how a matter is disposed of. Members who have been in the house for an extended period would know that the convention was that once the matter was raised on the adjournment the appropriate minister's staff would address that matter and there would be a response.

The minister at the table, the Minister for Industry and Trade, and some of his colleagues have in recent sitting weeks decided to dispose of matters directly and inform members of the house where those matters are considered effectively closed. I suggest that while members of the opposition may not like it, the minister is within his rights to do so under the conventions or previous rulings of the house. I thus cannot allow the point of order. I suggest that if the house is aggrieved by this matter, it is within its power to consider the adjournment debate and whether there ought to be changes to the definitions or practices that apply regarding what constitutes the disposal of a matter.

Hon. T. C. THEOPHANOUS — Thank you for your ruling, Deputy President.

Mr Hall — Are you proud of yourself now, Minister? You are trashing the processes of the Parliament.

Hon. T. C. THEOPHANOUS — Ask the questions in an appropriate way, and you will get them answered.

Mr Pakula raised a matter in relation to the rezoning of blocks. Whilst the general question is a matter for the Minister for Planning and is not one I need to pass on to him, I will pass on the specific part of the matter relating to Mr Bonello for his consideration.

Mr Koch raised a matter in relation to police in his local area. He used the words 'the deception of the government' and 'the contradiction in the government'. I reject both of those descriptions. The government has not been deceptive in relation to police numbers. The facts are that there are 1400 extra police in Victoria and that the crime rate has gone down. We stand by our record in that regard. I reject Mr Koch's assertions and dispose of that question.

Mr Atkinson was ruled out of order.

Mr Eideh was ruled out of order.

Mrs Coote raised a matter for the Minister for Planning in relation to late-night venues. She sought a moratorium on late-night menus — —

Mrs Coote — Late-night venues, not menus.

Hon. T. C. THEOPHANOUS — Yes, venues not menus. I will pass that matter on for the response of the Minister for Planning.

Ms Tierney raised a matter with the Minister for Sport, Recreation and Youth Affairs in the other place asking for consideration to be given for a development at the Aireys Inlet tennis club. I will pass that on for the minister's consideration.

Philip Davis raised a matter about signs in a national park. In relation to the specific parts of the question about the Mitchell River, I will pass that on for the minister's consideration. I do not believe the minister needs to respond to his general comment about the nature of Parks Victoria.

In relation to Mr O'Donohue's highly charged and highly political matter about gaming, the Victorian Gaming Commission undertakes an independent process in regard to poker machines. We do not play favourites between areas or between groups. As a consequence, the appropriate place for the consideration of those issues is the gaming commission itself. I believe that disposes of that question.

Mr Vogels raised a matter in relation to Anglesea. He said that the government seeks to divide the community — they were the words he used.

Mr Vogels — Not at all.

Hon. T. C. THEOPHANOUS — That is what Mr Vogels said.

Mr Vogels — I actually congratulated you on giving it some money.

Hon. T. C. THEOPHANOUS — Mr Vogels was making a point that he could easily have made by saying that the government should consider an alternative proposal. I would encourage Mr Vogels not to use highly emotional comments like 'the government is seeking to divide the community' in future. We are not, but since he insists on the issue I will pass on his request for consideration and response by the Minister for Regional and Rural Development in the other house.

Mr Rich-Phillips asked a question about elderly occupancy units. I think it is a legitimate question. It was about units at the back of houses and how they get shifted across, and the need for some guidelines. I will pass that on to the Minister for Housing, who is in the other house, for consideration.

Mr Finn asked a question, and from what I gathered I think he wants a new road built up to his house in Bulla. If that is the case, I am happy to pass on his request for a new road to his house to the Minister for Roads and Ports in the other place to consider.

Mr Finn — On a point of order, Deputy President, the minister is clearly reflecting upon my motives with regard to raising this matter. It is offensive, and I ask him to withdraw.

Hon. T. C. THEOPHANOUS — I certainly was not reflecting on Mr Finn's motives — —

Mr Finn — Withdraw!

Hon. T. C. THEOPHANOUS — If the member thinks I am reflecting on — —

The DEPUTY PRESIDENT — Order! The minister has been asked to withdraw.

Hon. T. C. THEOPHANOUS — Do you, Deputy President, ask me to withdraw?

The DEPUTY PRESIDENT — Order! I do indeed ask the minister to withdraw. In fact, had Mr Finn not raised it, I was very close to calling the minister to order because I believe it offended against standing orders in that it was an imputation against a member. I accept that it was put in a rather jocular fashion, but nevertheless it was an imputation against the member, and I ask the minister to withdraw.

Hon. T. C. THEOPHANOUS — If you think it — —

The DEPUTY PRESIDENT — Order! I just asked the minister to withdraw.

Hon. T. C. THEOPHANOUS — If you think it is objectionable, Deputy President, then I will withdraw. I do not think it is, but — —

The DEPUTY PRESIDENT — Order! Minister!

Hon. T. C. THEOPHANOUS — I have withdrawn.

The DEPUTY PRESIDENT — Order! Do not reflect on the Chair by continuing to debate it.

Hon. T. C. THEOPHANOUS — I would indicate therefore that the member has asked for a road to be built to Bulla — —

Mr Finn — Upgraded.

Hon. T. C. THEOPHANOUS — An upgraded road to Bulla so traffic can travel more freely on that road, which — —

Mr Finn — Through Bulla.

Hon. T. C. THEOPHANOUS — Through Bulla, up to Bulla and past Bulla. Presumably that road would also be used by the member — —

Mr Finn — Quite possibly.

Hon. T. C. THEOPHANOUS — Quite possibly. But of course that has absolutely nothing to do with his asking the question. Nevertheless I will pass on his request to the Minister for Roads and Ports.

Mrs Kronberg asked a question of the Minister for Roads and Ports, who is in the other house. She spent the majority of her time in the adjournment simply bagging the government with continuous criticism. Her entire adjournment matter was in relation to underspending on roads, which I reject on the part of the government. We are spending a record amount on roads compared to the previous government, and any analysis would show that. It was clearly a political adjournment matter, and I therefore dispose of it.

The DEPUTY PRESIDENT — Order! I indicate that, in circumstances where the government chooses to dispose of matters in the manner that the minister has outlined this evening, I think it is incumbent upon ministers not to reflect on the motives of members generally and also not to editorialise or add their descriptors to the questions that have been put by members. In other words, members have limited opportunity to respond to a minister's comments given that the minister disposes of the matter before the house. Therefore ministers will need to be circumspect in dealing with those questions in future and in making editorial comment on them.

The house stands adjourned.

House adjourned 7.24 p.m.

