PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Tuesday, 27 May 2008

(Extract from book 7)

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

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Legislative Council committees

Legislation Committee — Mr Atkinson, Ms Broad, Mrs Coote, Mr Drum, Ms Mikakos, Ms Pennicuik and Ms Pulford.

Privileges Committee — Ms Darveniza, Mr D. Davis, Mr Drum, Mr Jennings, Ms Mikakos, Ms Pennicuik and Mr Rich-Phillips.

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 Committee on Finance and Public Administration — Mr Barber, Ms Broad, Mr Guy, Mr Hall, Mr Kavanagh, Mr Rich-Phillips and Mr Viney.

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

Joint committees

Dispute Resolution Committee — (*Council*): Mr P. Davis, Mr Hall, Mr Jennings, Mr Lenders and Ms Pennicuik. (*Assembly)*: Mr Batchelor, Mr Cameron, Mr Clark, Mr Holding, Mr McIntosh, Mr Robinson and Mr Walsh.

Drugs and Crime Prevention Committee — (*Council*): Mr Leane and Ms Mikakos. (*Assembly)*: Mr Delahunty, Mr Haermeyer, Mr McIntosh, Mrs Maddigan and Mr Morris.

Economic Development and Infrastructure Committee — (*Council*) Mr Atkinson, Mr D. Davis, Mr Tee and Mr Thornley. (*Assembly*) Ms Campbell, Mr Crisp and Ms Thomson (Footscray)

Education and Training Committee — (*Council*): Mr Elasmar and Mr Hall. (*Assembly*): Mr Dixon, Dr Harkness, Mr Herbert, Mr Howard and Mr Kotsiras.

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*): Mr Noonan, Mr Perera, Mrs Powell and Ms Wooldridge.

House Committee — (*Council*): The President (*ex officio*), Mr Atkinson, Ms Darveniza, Mr Drum, Mr Eideh and Ms Hartland. (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Mr Delahunty, Mr Howard, Mr Kotsiras, Mr Scott and Mr K. Smith.

Law Reform Committee — (*Council*): Mrs Kronberg, Mr O'Donohue and Mr Scheffer. (*Assembly*): Mr Brooks, Mr Clark, Mr Donnellan and Mr Foley.

Outer Suburban/Interface Services and Development Committee — (*Council*): Mr Elasmar, Mr Guy and Ms Hartland. (*Assembly*): Ms Green, Mr Hodgett, Mr Nardella, Mr Seitz and Mr K. Smith.

Public Accounts and Estimates Committee — (*Council*): Mr Barber, Mr Dalla-Riva, Mr Pakula and Mr Rich-Phillips. (*Assembly*): Ms Munt, Mr Noonan, Mr Scott, Mr Stensholt, Dr Sykes and Mr Wells.

Road Safety Committee — (*Council*): Mr Koch and Mr Leane. (*Assembly*): Mr Eren, Mr Langdon, Mr Mulder, Mr Trezise and Mr Weller.

Rural and Regional Committee — (*Council*) Ms Darveniza, Mr Drum, Ms Lovell, Ms Tierney and Mr Vogels. (*Assembly*) Ms Marshall and Mr Northe.

Scrutiny of Acts and Regulations Committee — (*Council*): Mr Eideh, Mr O'Donohue, Mrs Peulich and Ms Pulford. (*Assembly*): Mr Brooks, Mr Carli, Mr Jasper, Mr Languiller and Mr R. Smith.

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Dr S. O'Kane

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FIFTY-SIXTH PARLIAMENT — FIRST SESSION

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Barber, Mr Gregory John	Northern Metropolitan	Greens	Lovell, Ms Wendy Ann	Northern Victoria	LP
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Coote, Mrs Andrea	Southern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
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Davis, Mr Philip Rivers	Eastern Victoria	LP	Petrovich, Mrs Donna-Lee	Northern Victoria	LP
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Elasmar, Mr Nazih	Northern Metropolitan	ALP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Scheffer, Mr Johan Emiel	Eastern Victoria	ALP
Guy, Mr Matthew Jason	Northern Metropolitan	LP	Smith, Hon. Robert Frederick	South Eastern Metropolitan	ALP
Hall, Mr Peter Ronald	Eastern Victoria	Nats	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Theophanous, Hon. Theo Charles	Northern Metropolitan	ALP
Kavanagh, Mr Peter Damian	Western Victoria	DLP	Thornley, Mr Evan William	Southern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Vogels, Mr John Adrian	Western Victoria	LP

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TUESDAY, 27 MAY 2008

Tuesday, 27 May 2008

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

CONDOLENCES

China earthquake and Burma cyclone

The PRESIDENT — Order! In May 2008 a severe earthquake in the Sichuan province of China resulted in a tragic loss of life and massive devastation throughout the region and nearby countries. A cyclone also caused significant damage and loss of lives in Burma.

This house extends its deepest sympathy to all people from the affected countries and the many families who lost loved ones and wishes a speedy recovery to the injured.

In memory of those who lost their lives in these tragedies I ask all members to stand in silence for one minute.

Honourable members stood in their places.

ROYAL ASSENT

Message read advising royal assent to:

13 May

Drugs, Poisons and Controlled Substances Amendment Act
Justice Legislation Amendment (Sex Offences Procedure) Act

20 May

Education and Training Reform Amendment Act
Environment Protection Amendment (Landfill Levies) Act.

QUESTIONS WITHOUT NOTICE

Planning: development assessment committees

Mr GUY (Northern Metropolitan) — My question is to the Minister for Planning. Noting that the government has announced the creation of unelected committees to replace local councils as responsible planning authorities in activity areas, I ask: can the minister advise the house what the total set-up, ongoing and salary costs of the new development assessment committees will be to the forward estimates?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Guy's interest in these matters, because they are not only significant initiatives, they are also significant in relation to policy. I am pleased to hear Mr Guy show some interest in policy. First of all, I will say that his question is ill informed because, if I recall the question correctly, he said that the committees will take away planning powers from councils. We will not take away those powers. What is important here is the delineation between the decision-making process and the ability to form and implement policy. Councils will still have the ability to form and implement policy and the controls within those zones. They still have that strategic role and the ability to decide what those controls are. Let us not lose sight of that point — that councils will still have the ability to form the strategic vision.

What we are doing, though, is entering into a partnership approach with those councils —

Mr D. Davis — One-sided partnerships!

Hon. J. M. MADDEN — for the decision-making process. And I take up David Davis's interjection. I will say this, and I am sure I will have to say it again and again and again: this is a partnership approach.

Mr D. Davis interjected.

Hon. J. M. MADDEN — It is a partnership approach where the development assessment committee will be made up of five people, with two from state government, two from local government — and I have made it very clear that those representatives from local government can be either officers or councillors and that can be determined by those respective councils — and an independent chair.

Honourable members interjecting.

Hon. J. M. MADDEN — It is interesting, isn't it, that the level of scepticism on the other side of the chamber comes from the same coalition that stripped the councils of their responsibility and put commissioners in place. They have the sceptical — —

Mr D. Davis interjected.

Hon. J. M. MADDEN — I take up David Davis's ill-informed interjection. They restored — —

Mr D. Davis interjected.

Hon. J. M. MADDEN — What was that, Mr Davis: you restored democracy in local government? That will be quoted back to you time and again. This is the

difference: ours is a partnership, and the position of Mr Davis's party is to call democracy taking away all authority, all powers and all controls by putting in a commissioner instead of a council.

Mr Guy — On a point of order, President, I know there is a bit of banter in the chamber, but I asked the minister about cost, and after 3 minutes and 18 seconds he is yet to refer to the word 'cost'. I ask you to bring him back to the question.

The PRESIDENT — Order! Mr Guy's point of order has no validity. As he well knows, as do all members of the house, there is no time limit on the minister's ability to answer the question. I think the minister's answer is in fact on message; it is relevant to the question asked. I remind the house that whilst members asking questions may not be particularly happy or satisfied with the answer they are getting, that really is irrelevant as long as the minister's answer is relevant in my opinion.

Hon. J. M. MADDEN — We will enter into a partnership and take a balanced approach in terms of the decision making through development assessment committees. That is in contrast to what we have seen, where others have unilaterally called in matters and made those decisions without advice from the department, without accountability and without the mechanisms to be accountable.

Mr GUY — And the cost?

Hon. J. M. MADDEN — Mr Guy is particularly interested in the cost. What I say to Mr Guy is: look in the budget papers and look at the allocation to the planning portfolio for the array of initiatives — not specific, but the array of, initiatives — through 2030 commitments, and you will see those figures. I am happy to articulate those in more detail throughout the course of today's questioning, which I am sure I will receive either from the other side of the chamber or this side of the chamber.

Supplementary question

Mr GUY (Northern Metropolitan) — I thank the minister for his answer — whatever it was — but I ask if the minister could advise the house of the timing of the full rollout of the DAC (development assessment committee) policy, which he referred to, to all other 22 activity areas, or has that critical detail also not been worked out?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Guy's interest in matters of policy in particular, because it shows that there is some interest, some fledgling interest, in policy on the other side of the chamber. I welcome that, but an interest is not sufficient. There has to be a plan and there has to be a policy. We have a policy, we have a plan and we have a commitment to the implementation. As announced recently, we have made a commitment to the first stage of bringing together the development assessment committees and the principal activity zone in five designated principal activity centres. We look forward to focusing on those five, seeing the rollout and seeing what is most important: an increase in housing opportunity in those locations.

With that effort, we will then determine how and when we will roll out the rest. Particularly important is the level of consultation that will be undertaken with the implementation of the first five and the rest of those principal activity centres. The basis for the announcement of those five principal activity centres is the level of market readiness and the level of market interest in these particular principal activity centres. I believe as we see this turn into more housing opportunities we will see heightened interest by other local governments. We will see heightened interest by the development community and the housing providers. We will see a great opportunity to roll this out in other locations. We will consult broadly. We will look at the readiness and the preparedness of those locations by the work that has been done at the local government level.

Once again, the difference that is clearly articulated by this decision and clearly articulated by the announcement around the audit is that we have a plan, we have a policy and we have a proposition, and that stands in stark contrast to others who have nothing to offer.

Housing: affordability

Ms PULFORD (Western Victoria) — My question is also to the Minister for Planning. Housing affordability continues to be an important issue to all Victorians, and urban planning is increasingly being recognised as an important contributor to the cost of buying a home. Can the minister advise the house on recent initiatives the Brumby Labor government is taking towards improving housing affordability, and in particular what initiatives the 2008 state budget delivers towards housing affordability over the next financial year and beyond?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Ms Pulford's interest not only in general housing affordability but in housing affordability across regional Victoria and in particular in her region. Last week there was a lot of activity, but some of the activity

related to the release by the Housing Industry Association and the Commonwealth Bank of their affordability index for the March quarter. This research confirms that housing affordability in Victoria is in relatively good shape. It shows that Melbourne continues to be the most affordable capital city on the eastern seaboard, and it shows regional Victoria to be the most affordable country region for first home buyers in Australia. Again this shows our commitment to growing the whole of the state.

Victoria's relative affordability is something that does not just happen by accident. Whilst not absolutely instrumental, planning affects and plays a significant role in maintaining land supply and housing diversity, while ensuring that the overall planning system does not obstruct or delay development. We are aware that the holding costs of many of those developments are passed on to the consumer at the end of the day.

It is timely that on the same day the affordability index was released, the Premier and I released the findings of the *Melbourne 2030 Audit*, and the findings confirm that Melbourne 2030 is — and I reinforce this — more relevant than ever. I will say it again, because it might be lost on the opposition. As opposed to the opposition, which is not relevant, 2030 is more relevant than ever, and particularly in light of housing affordability and sustainability. The response is to ensure that we continue not only the rollout but the reforms to ensure affordability and livability remain at the front and centre of that program.

In the 2008 budget the Brumby Labor government has backed this up with $119 million towards planning reforms and urban renewal projects that will improve livability and affordability for Victorians. This includes $15.1 million over four years to work with the three tiers of government to release land faster and at less cost, for policy development across state departments and to improve monitoring, evaluation and deliverability of the measures we announced.

This work will enable us to provide councils with information and policy advice about housing trends and data on housing affordability. As well as that, we will be able to develop effective options for improving diversity and affordability, not only in terms of housing purchase but also rental housing availability. We will also work with the commonwealth government to complement the work it is currently undertaking. Much of this work will complement the initiatives outlined in our government's response to the *Melbourne 2030 Audit*; initiatives such as the setting of clear requirements for the amount and diversity of housing growth in each municipality and simplifying the planning controls in activity centres. Again this stands in stark contrast to the opposition. We are committed. We are working hard on all these fronts, again in stark contrast to the opposition.

The *Melbourne 2030 Audit* and our response to it are backed up by the 2008 budget. We will build on this to make sure that Victoria remains one of the most affordable places to live, work and raise a family.

Climate change: budget forecasts

Ms PENNICUIK (Southern Metropolitan) — My question is for the Treasurer. At the budget briefing on 8 May, in answer to a question from me regarding climate change, the Secretary of the Department of Treasury and Finance said that the budget forecasts are based on a return to normal rainfall. What is the government's definition of normal rainfall, and what is the government's estimate of rainfall in the next 12 months?

The PRESIDENT — Order! Just to satisfy me, would the member care to rephrase the second part of her question about the projected rainfall over the next 12 months?

Ms PENNICUIK — I ask the Treasurer: what are the budgetary assumptions based on rainfall for the next 12 months?

Mr LENDERS (Treasurer) — I looked at the Melbourne Water website this morning and noted that there was not a lot of rain over the Thomson catchment. Ms Pennicuik's question reminds me a little bit of when I was growing up on a farm in Gippsland. We used to tune in to the ABC every day to hear Lennox Walker somewhere on the Darling Downs predicting the rainfall for the next few months or years. He did that for many years.

The question Ms Pennicuik's asked is about what assumptions the government makes. The government does not make assumptions as to rainfall for a given day, month or year. But what we do is make an assumption about a return to the long-term average. That is what is in our economic forecasting. We make our assumptions based on scientific advice to government from the CSIRO or the Bureau of Meteorology or others. The legitimate issue, which I think Ms Pennicuik will come to in her supplementary question when she asks about the effects of climate change on this, is that scientists advise government and government operates on the basis of the forward estimates periods, which are this year we are seeking appropriation for and the next three years into the

future. If the scientists start advising us, through the Bureau of Meteorology, the CSIRO and others, as to any change over the forward estimates periods, we will obviously factor that in.

We operate on an assumption that is made for the forward estimates period based on the current scientific advice that is given to us about a return to the norm. With climate change scenarios coming into play, we look at long-term planning. Clearly, Australia is on a reduced rainfall trajectory at the moment; I do not think anyone disputes that. When the scientists give us that information, we will bring it into budget forecasts.

It is worth noting that we are assuming the gross state product will in effect improve by 0.3 per cent this year. That is based on the scientific advice that we are getting on a return to the norm in some of those areas. I do not claim to be an expert on the weather, but what Treasury will do — and I will put those forecasts forward — is based on a return to the long-term average, and that will be adjusted by the scientists. When the scientists do that the government will follow.

Supplementary question

Ms PENNICUIK (Southern Metropolitan) — Given the Treasurer said he is basing his assumptions on a return to normal rainfall, I ask whether that is the same assumption the government used to justify the construction of a desalination plant and the north–south pipeline?

Mr LENDERS (Treasurer) — I thank Ms Pennicuik for her supplementary question, and 'Good try' is all I can say. What I say to Ms Pennicuik is that the government has a long-term plan for water. I am being quite distinct here, because we are talking about the forward estimates. If we are talking of the forward estimates, we are talking about the sensitivity analysis in budget paper 4 and a range of scenarios in the forward estimates. If we are talking of the Sugarloaf interconnector, as an example, we are talking of water being accessed in the year 2010; if we are talking of the desalination plant, we are talking of 2011–12. That one is already starting to get to the end of the forward estimates. These are, of course, long-term plans. There is nothing inconsistent about my answer to the supplementary question and my answer to the original question.

If we want to go into climate change scenarios, no-one is disputing — I certainly am not because I am not a climate change sceptic — that climate change is happening. We can look to four equivalent decades since European settlement where there has been low precipitation in Victoria, but this one is the most extreme, and scientific evidence tells us that we need to take heed. That is why the state water plan was put into place, to take heed for the long-term planning.

Issues like the food bowl are all about using the resource we have, which is water, more effectively. We have 3000 gigalitres of water in the Goulburn system on average, and we know that 800 of those 3000 gigalitres of water are lost through evaporation and seepage. What we are seeking to do is, by our capital infrastructure programs, more effectively use the existing resource we have, and in the case of the food bowl that is, between the commonwealth and the state initiatives, to save almost 400 gigalitres of water, which is equal to the entire domestic use of water in the state of Victoria.

Ms Pennicuik asked about long-term plans. The water plan is for the long term. Ms Pennicuik asked about the short-term features in the budget. We rely during the forward estimates period on what the Bureau of Meteorology tells us. It has not adjusted for the forward estimates period. We are planning for the long term, hence the Victorian water plan, hence the infrastructure to make this state as resilient as it can be in the time of climate change.

Planning: Melbourne 2030

Ms MIKAKOS (Northern Metropolitan) — My question is to the Minister for Planning. Eleven months ago the minister announced the appointment of a four-member independent expert group to assist with the audit of Melbourne 2030. I ask him to inform the house of the findings of the audit expert group and of any new initiatives arising from the audit that will assist in the implementation of Melbourne 2030.

Hon. J. M. MADDEN (Minister for Planning) — I thank Ms Mikakos for her question, and I welcome the question. I am also very grateful to Ms Mikakos in her role as Parliamentary Secretary for Planning and for the work she is able to do with so many initiatives around Melbourne 2030 and working with various stakeholders on these matters.

As you would be aware, President, from questions already asked, from discussion across the community and from the interjections from the opposition, last week was an important week in the history of *Melbourne 2030* as a policy document. It was the week when the Premier and I concluded the first five-yearly audit of Melbourne 2030 by releasing the report of the audit expert group together with the government's response.

This government agrees with the conclusion of the audit expert group that now, more than ever, Melbourne 2030 is a relevant and important framework for making decisions affecting the future of Melbourne and its residents. The audit reinforced everything that this government is and has been committed to in ensuring that we protect our green wedges, that we maintain our livability and that we continue to build up activity centres as the focus for employment, housing, retailing and other opportunities.

We are committed to ensuring we have enough housing for the population and the demographic trends we are facing in the future so that people will have a genuine choice about how and where they live and how they work and interact with each other. Unlike others — and we know who those others are, because they are those who do not have a plan — we are getting on with the job.

Mr Lenders — Those who stand for nothing!

Hon. J. M. MADDEN — Those who stand for nothing and those who do not have a plan are one and the same. We are getting on with the job of planning for all of Melbourne. Last week we announced a range of initiatives that respond to the findings of the 2030 audit — initiatives that are supported by the 2008 budget, which allocates $24.2 million over four years specifically for 2030 projects.

One of these initiatives is the new planning partnership between state and local government through the establishment of development assessment committees. As well as that the development assessment committees are intended to offer independent decision making for principal activity centres and for other areas and matters of metropolitan significance.

The concept of partnership is fundamental to the initiative, because it will enable state and local governments to make decisions together in areas of metropolitan significance. But the partnership is a concept that is foreign to others. We know there are others in this chamber who formed previous governments who took pride in sacking councils, calling in permit applications with no good explanation and making decisions in the absence of any local government input. They call it democracy — don't you, Mr Davis? We will consult with the local government sector on the mechanics and operation of development assessment committees before they are established.

We are committed to making sure that we work harder on the implementation of 2030 to establish housing growth requirements for each municipality and introduce the new activity centre zones to reduce the complexity surrounding the current plethora of activity centre controls, overlays, zones and policies. We are working on developing the new zones immediately, and we look forward to making sure that in response to the audit and the release of our document called *Planning for All of Melbourne* we work even harder to maintain the livability and sustainability of Melbourne to make sure Melbourne is one of the best places in the world, or the best place in the world, to live, work and raise a family.

Planning: development assessment committees

Mr GUY (Northern Metropolitan) — My question is to the Minister for Planning. Does the minister stand by the comments of his departmental executive director, Mr Julian Hill, where at a last-minute briefing for mayors he said that the two local representatives on the new development assessment committees (DACs) will not change from council to council but rather will be selected to represent each broader region and make decisions on behalf of every council in each DAC area?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Guy's question in relation to this policy announcement around the development assessment committees and again compliment Mr Guy on taking an interest in matters of policy. It certainly heartens me to see that there is an interest from the opposition in relation to matters of policy around planning.

As I have made clear on a number of occasions, the development assessment committees will be made up of five people: two representatives from state government, two from local government, and one independent chair.

Mr Barber — Which local government?

Hon. J. M. MADDEN — And the two representatives from local government will be specific representatives from the local government area in which the proposal occurs. So if it were in relation to Boroondara, it would be two representatives from Boroondara; if it were in relation to Manningham, it would be two specific local government representatives from Manningham; if it were from Geelong, it would be two specific local government representatives from Geelong. Those two representatives can be — and I have announced this on a number of occasions through the media — councillors or a councillor or officers or an officer. You can have a combination — whoever that specific council wishes to nominate to those positions. They might want to have a combination of a councillor and an officer.

Mr Jennings interjected.

Hon. J. M. MADDEN — I am just making this patently clear for opposition members, because no doubt they will be very interested in this. The two representatives from state government I expect will be experts in the planning field, and already we have many experts very eager to take up these positions, and we have had people expressing interest on this front. I expect they will be either officers from within the Department of Planning and Community Development or experts in their respective fields nominated by the state government. The independent chair will be agreed to between the parties and overseen, in a sense, by the Municipal Association of Victoria.

I look forward again to working in partnership. This is not a decision the planning minister makes about a proposal, it is not a decision the council will make about the proposal — it is a shared and partnership decision to make sure that we continue to make objective decisions in relation to these propositions within principal activity centre zones. I look forward to making sure that we provide housing where housing is needed going into the future to complement the enormous growth that we have seen. It reflects the views of the audit expert group, which made its recommendations to make sure that we work even harder on implementing Melbourne 2030, which is important to ensuring that we make Victoria the best place to live, work and raise a family.

Supplementary question

Mr GUY (Northern Metropolitan) — I am glad that the minister referred to the independent chair in his answer, and I ask if the minister could now guarantee that every planning decision taken by each of the three metropolitan DACs will contain a majority of local representatives from the municipality in which a planning application is being considered?

Hon. J. M. MADDEN (Minister for Planning) — I do not think Mr Guy was listening to my last answer, so I recommend that Mr Guy read through *Daily Hansard* later this afternoon and reflect on the answer I gave previously.

Manufacturing: inductees

Mr EIDEH (Western Metropolitan) — My question is to the Minister for Industry and Trade. Can the minister inform the house of any recent awards that recognise excellence in Victorian manufacturing?

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — I thank the member for his question and for his ongoing interest in manufacturing in the state. Last week I had the pleasure of presenting the awards at what has become the premier event for manufacturing in Victoria, the manufacturing hall of fame dinner. This dinner has gone from strength to strength. I can report to the house that at this year's dinner there were in excess of 900 people present, so it has become a very significant dinner in the timetable. This dinner is sponsored by the government, but there are some other sponsors as well. I can tell the house that many manufacturers are very interested in being inducted into this important hall of fame.

I want to mention the inductees, because it is important that they be recognised in this house as well. For 2008, 11 companies were inducted into the hall of fame, three people were added to the honour roll and the young manufacturer of the year was also announced. The companies inducted for 2008 were Aerostaff Australia, Aisin Australia, Armstrong World Industries, Basell Australia, Ecotech, FMP Group, Hilton Manufacturing, Injectronics Australia, Lumen Australia, SGE Analytical Science and the Schiavello group of companies. In addition, Peter Carthew, Douglas Maxwell and Alistair Murray were recognised on the hall of fame honour roll. Of course, in what has become an very important annual event— and there was a great deal of interest in this — we honour the Young Manufacturer of the Year. That award went to 27-year-old Luke Dwyer, the general manager of OzPress in Ballarat. I am especially pleased to see that the Young Manufacturer of the Year award went to someone from regional Victoria who has grown that business in Ballarat and has made it very successful, and at such a young age.

I think it is important for governments in particular but for us all to recognise the contribution that is made by manufacturing to the economy of this state. Perhaps it puts it into perspective if people understand that in this state manufacturing contributes nearly $30 billion of economic activity and employs nearly 330 000 Victorians. That is a lot of jobs and a lot of families that rely on manufacturing for their livelihood. Most important — and this is an indication of the future of manufacturing and the way we are moving forward in Victoria on the basis of what I and many others now describe as our human capital — is the fact that manufacturing now accounts for 50 per cent of all business expenditure on research and development. That is because in order to stay ahead of the game in manufacturing you have to be ahead of the game in terms of research and development — of product development but also process development — to be able to keep ahead in what is an incredibly competitive area.

An indication of just how well Victoria is doing is that Access Economics recently described Victoria's relative performance among the states, including the resource-rich states, as 'probably the most impressive of them all'. It went on to say that, 'By and large, higher commodity prices are bad news for Victoria and the south-eastern states, but Victoria has outperformed the rest, and we expect that to continue'. That is an indication of just how important our manufacturers are and how much they are doing in order to maintain Victoria and the Victorian economy in a competitive state and to deliver the jobs that Victorians require.

Werribee Open Range Zoo: theme park

Mr D. DAVIS (Southern Metropolitan) — My question is to the Minister for Environment and Climate Change. Will the minister confirm to the house that the Brumby government has been negotiating with a private theme park developer in relation to the future of Werribee Open Range Zoo, and will he provide to the house the names of the members of the secret interdepartmental committee actively considering the alienation of zoo land without a formal process?

Mr JENNINGS (Minister for Environment and Climate Change) — Mr Davis has demonstrated, not for the first time, that he is an assiduous reader of newspapers, because the matter he referred to in his question has been referred to on any number of occasions in the last couple of months. The government has made no secret of the fact that there is an interdepartmental committee currently comprising representatives of the central agencies — the Department of Premier and Cabinet, Treasury, the Department of Innovation, Industry and Regional Development and the Department of Sustainability and Environment.

Mr D. Davis — Who are they?

Mr JENNINGS — I do not think it is a reasonable expectation of ministers that they name individual departmental officers who may be involved in internal considerations of government. That is not a very healthy precedent that Mr Davis is calling upon me to set, so I am not going to set it. Members should have no doubt about that; I am not going to set it. I am not going to provide Mr Davis, any member of this chamber or any member of the community with the opportunity to scapegoat or vilify individual officers who work for the public good and in the interests of the people of Victoria through their work with a Victorian government department.

I have indicated that there is a committee. We are not shying away from the fact that there is a committee appraising the relative merits of embarking upon the development of a theme park in the Werribee precinct. If that committee determines there is merit in pursuing that proposal further, a recommendation would come to government. At this time a recommendation has not been formed. The interdepartmental committee is charged with the responsibility of scoping the benefits and costs that would derive from any such proposal. Once it has made a determination it will then form some recommendations about the way in which government would assess those and deal with them accordingly.

Supplementary question

Mr D. DAVIS (Southern Metropolitan) — In light of the minister's failure to provide us with the names, we will find them another way. I therefore ask: will the minister rule out the partitioning of any land or the transfer of long-term leasehold land to private interests at Werribee Open Range Zoo?

Mr JENNINGS (Minister for Environment and Climate Change) — President, as an assiduous listener to my answers, you know from the way in which I described this issue that in fact it is premature to make any decisions or speculation about the way in which the government would deal with this matter. All matters of public policy considerations, including the ones in Mr Davis's supplementary question, are being considered. Recommendation will come to government about the way in which we proceed with those matters, if we so choose.

Victorian Centre for Functional Genomics: opening

Mr TEE (Eastern Metropolitan) — My question is for the Minister for Innovation. Could the minister outline for the house any recent developments that have led to a further strengthening of Victoria's position as a global centre for medical research?

Mr JENNINGS (Minister for Innovation) — I thank Mr Tee for the opportunity to talk about a fantastic research facility at the Peter MacCallum hospital in East Melbourne that I had the good fortune to officially open last week. The hospital provides the location for the Victorian Centre for Functional Genomics, a fantastic facility that will add to our community's capability to deal with not only cancer but some of the most bedevilling medical issues that our community and the international community confront.

I was very happy to be in the company of absolutely outstanding scientists and medical practitioners from the state of Victoria, who included Professor David Bowtell, who is the head of the research division at the Peter MacCallum clinic; Dr Ricky Johnstone, who is the head of the cancer immunology section of the Victorian Centre for Functional Genomics; and Dr David Thomas, who is an oncologist working within the hospital. They outlined to the people who assembled to celebrate the opening of this fantastic facility the research that underpins the breakthrough in terms of applying technology that is as recent as 2006 in terms of its ability to assess the genetics and make-up of illness and disease patterns within our community. It is a research capability that in 2006 won the Nobel Prize for medicine. This capacity, the RNA (ribonucleic acid) interference technology, is a world-leading technology. I know that Mr Pakula is particularly interested in this issue and the scientific endeavour in this community. I know he is very interested, along with other members of the community, to know that we do have their great capacity in Victoria.

Mrs Coote — He is not even listening to you!

Mr JENNINGS — I thank Mrs Coote for the opportunity to share with her how important this piece of research is. The scientists I have referred to have analysed, thanks to information that has been available through the Victorian Cancer Biobank and data that has actually been gathered at the Peter MacCallum clinic, the genetic connection between various forms of cancer and have started to implement a regime of treatment that addresses the genetic make-up of the patients in question. Already they have demonstrated in a very short period of time an extraordinary result of actually reversing the prevalence and intensity of certain cancers.

We were very fortunate and humbled to be in the company of one of those patients, Mr Ibrahim Memic, who had sufficient generosity of spirit to come to this event and share with us his experience of this treatment regime. Mr Memic has had a cancer of the bone which has bedevilled him in terms of the quality of his life. It has caused him much pain and restriction of movement from his hip. Thanks to the treatment that has been homing in on the genetic make-up of his condition, that cancer has reduced in intensity and prevalence. Mr Memic was at this event and was able to demonstrate the extraordinary capacity of our scientific research and endeavour to make a tangible difference to his quality of life and that of his family. Potentially it is technology that could be used to benefit millions of people around the globe. It was extremely moving to be in the company of Mr Memic and his clinicians, Dr Thomas in particular.

It actually shows the benefit of wise decisions such as investing in this centre for functional genomics — a $483 000 commitment by the Brumby government to support a partnership with the Australasian Microarray and Associated Technologies Association, which provided matching funding to create this centre. The applied benefit of this research at the Peter Mac centre, to be able to put into practice in a very timely and appropriate way to support the quality of life of Victorian citizens, is extremely moving. It is a fantastic result already from the benefits of this wise investment. I look forward to the potential for this centre to make a major difference to the quality of life of millions of people around this state and around the world, and I look forward to the development of the comprehensive cancer centre, which hopefully will bring together the critical disciplines of research and scientific endeavour — the best science and research around the globe. Melbourne has the capacity to develop that now and into the future and to see it in clinical application to support our citizens.

Fuel: prices

Mr RICH-PHILLIPS (South Eastern Metropolitan) — My question is to the Treasurer. I refer to the effect on the Victorian budget — and the budgets of working families — of the removal of GST on fuel excise. Is it state government policy to support this tax proposal?

Mr LENDERS (Treasurer) — I thank Mr Rich-Phillips for his question — —

An honourable member — And compliment him on his — —

Mr LENDERS — I thank him for his question and compliment him on understanding budget papers better than his shadow Treasurer. The issue he raises, though, essentially is one of federal revenue policy, whether or not — —

Honourable members interjecting.

Mr D. Davis interjected.

Mr LENDERS — Through you, President, I can answer Mr Rich-Phillips's questions without the help of David Davis, who I am sure wishes me well in his endeavour to help me answer questions, but I think I can stand on my own two feet and answer Mr Rich-Phillips's question without Mr Davis's help.

Mr Rich-Phillips asked the question: does the Victorian government have a view on the GST on fuel excise or not? The commonwealth has set up a review on taxation that is chaired by Dr Ken Henry, the secretary of the federal Treasury. That review will be reporting back to the commonwealth on a range of taxation measures. Clearly this state government will look at what comes out of that review, as we always do, in a collaborative manner with the commonwealth. We will always look at that, but I think fundamentally, whatever Mr Rich-Phillips is proposing either for or against this measure, the issue from the state's perspective is that any changes in those areas affect the state budget. Clearly if we are talking of $158 million or so coming out of state budget on one of the proposals being mooted — another one involves over $600 million in the proposals mooted in the media — we obviously would have a significant issue with what schools we had to close, hospitals we had to close and police stations we had to close to deal with that sort of effect on our revenue.

We will watch with interest the Henry review into taxation, where these matters are dealt with. With any change to taxation we obviously, from a state perspective, would want to see Victorian working families not disadvantaged, whether it be for their hospitals, their schools or their community safety. We obviously welcome any discussion with the commonwealth, but I think what Mr Rich-Phillips is asking is actually verging on a hypothetical at this stage, because there is no concrete proposal from the commonwealth on this particular area to affect state revenue.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I pick up the Treasurer's reference to a figure of $600 million and ask: what compensation would be required from the commonwealth to remove GST in all instances where it is imposed as a tax on a tax?

Mr LENDERS (Treasurer) — As Mr Rich-Phillips knows, I can give him a figure of $158 million, which is approximately it, but everything in this is an approximation. If he talks of GST as a tax on a tax, and if he is defining excise as a tax — and I am sure we could have a long and detailed debate, as the High Court has had a debate, on whether excise is a tax or not. That is certainly one area where we could have a long and esoteric debate. Like St Thomas Aquinas, we could have a debate about how many angels can dance on the head of a pin. We can have those sorts of debates, if we wish to, on that.

Clearly the issue on any of these matters is about changing federal arrangements on how GST revenue is apportioned to the states. I actually had dinner last night with members of the Commonwealth Grants Commission. They make the determination that 22.67 per cent of GST revenue goes to the state of Victoria, whereas Victoria has 24.8 per cent of the population. There are issues like how the grants commission applies its formulas. There are issues like the specific purpose payment and how the commonwealth applies its formulas. There are multiple issues that affect the revenue to the state of Victoria, so all of those have to go into any particular mix. I would suggest to anybody who is trying to address commonwealth-state financial relations in a simplistic manner — as Dr Nelson has done federally — that they do themselves and the community a disservice. What this nation needs after 108 years is a serious discussion between the commonwealth and the states where we deal with vertical fiscal imbalance issues, where we deal with those issues which have been at the forefront of debates since the High Court's original decision on income tax during World War II.

These are the types of issues that will need to be addressed by any review of taxation. Victoria will be part of that debate. That is the sort of debate we need to have in Victoria, because ultimately the revenue that comes to this state is what is used to deal with the things that matter to Victorian working families — whether it be access to a hospital, access to a school, safety in the streets, the infrastructure required to get a decent trip on a train, or indeed to have the train, the infrastructure that is required for roads or the infrastructure that is required for long-term water supply. They are the issues we need to address. I welcome a debate with Mr Rich-Phillips over time on this. That is what we need to address to get this federation right after 108 years.

Your Water Your Say: legal costs

Mr HALL (Eastern Victoria) — My question this afternoon is directed to the Minister for Planning. I refer the minister to the planning process associated with the government's proposed desalination plant in Bass Coast shire. Local action group Your Water Your Say challenged the actions of the state and federal governments in allowing a pilot desalination plant to proceed before any inquiry was held into the environmental effects. The court has heard this matter. My question to the minister is: why is the Victorian government intent on pursuing costs against the local community group Your Water Your Say?

Hon. J. M. MADDEN (Minister for Planning) — I am not sure Mr Hall understands the planning process. I might be the relevant authority in matters of state significance, but I am not necessarily the proponent. It is very rare for me as planning minister to be the proponent for any particular or specific project, so what I would say in relation to Mr Hall's question is that it appears to me that this is a question that should be asked of the proponent minister, who may or may not be trying to pursue costs in relation to any objectors or court proceedings that might take place around the specific proposal. It is not normally the case that the planning minister would be taking initiatives in relation to that, but I am happy to clarify those matters and get the detail for Mr Hall in relation to who is seeking the respective costs. I am happy to clarify it.

Mr Hall might find that the proponent minister — who in this instance, I understand, is the Minister for Water — might be the minister who might feel that the costs associated with defending the proposal might be eating into the budget for building the proposal. I would expect that those costs might be pursued by the proponent minister. But, in saying that, I am happy to clarify the matter and provide Mr Hall with information as to who is the relevant minister whose department might be seeking costs in relation to this matter.

Supplementary question

Mr HALL (Eastern Victoria) — I appreciate the minister is going to get back to me and provide me with some more details on this, but I say by way of supplementary that, by pursuing costs against this group, the government is effectively intimidating every community group that dares to challenge a government planning decision.

The PRESIDENT — Order! Mr Hall — —

Mr HALL — I ask, by way of supplementary: is the pursuit of costs against community groups to become a common practice by the Brumby government, which seems obsessed — —

The PRESIDENT — Order! Mr Hall is asking a supplementary question; he is not making a statement.

Mr HALL — I just said, President, my question is this — and I was halfway through the question — —

The PRESIDENT — Order! After Mr Hall's statement.

Mr HALL — Is the pursuit of costs against community groups to become a common practice by the Brumby government, which seems obsessed with bludgeoning anyone who dares to hold an opposing view?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Hall's interest in this matter. There is no doubt that there is a varying range of opinion right across the community and also across business as to what is a reasonable entitlement to third-party appeal rights in any form and, beyond that, appeal rights that extend in relation to matters of process through the courts. No doubt they will continue to be matters for discussion and debate. In matters like this there is no doubt that getting the balance is always going to be an important issue. It is also an important issue as to what is or what is not a legitimate entitlement. The contrast might be that a planning minister or a planning authority could, as we have seen in past practice, make a unilateral decision, outside of policy context, without any guidelines and without any reporting mechanism. If I remember rightly, that was the process that was often undertaken by previous coalition governments.

But in this circumstance we have been and are going through a process in relation to an environment effects statement, and even before the process of the environment effects statement — —

Mr D. Davis interjected.

Hon. J. M. MADDEN — We have initiated out there in the community, Mr Davis, the ability for the community to have a say on the scope of what the environment effects statement (EES) might be. No doubt when that scope is determined the community will still also have a say on the environment effects statement through that process. They are mechanisms that have been set up, and there will always be opportunities for community groups to take whatever concerns they might have, whether they are matters of process or other matters, to the courts. No doubt these are legitimate entitlements.

Mr Hall — So why are you suing them for costs?

Hon. J. M. MADDEN — Mr Hall should let me answer. I am trying to answer his question and do justice to his question.

It is worth bearing in mind — and this is a matter of conjecture out there in the community; this is not me saying it, this is the business community saying it — that the business community is saying that, where there is a significant disadvantage with a proposal, it has a direct impact not only on their operations but also on their client base at the end of the operations. That is what is happening out in the commercial world in relation to projects that are not necessarily stopped but

are delayed for long periods of time. It is what is known — and I have referred to it on many occasions — as the holding cost for any particular development. Where the holding is extended or prolonged, the cost is passed on, and often the cost is passed on to a consumer. As I have said in relation to streamlining the planning process, the greatest impact that can have is getting a proposal — whatever that proposal might be — to the market sooner rather than later, and resolved.

Honourable members interjecting.

Mr Hall — That is a separate issue.

Hon. J. M. MADDEN — No, I advise Mr Hall that it is not a separate issue, because if you have groups whose only concern is to delay any project for as long as they possibly can, then there is no doubt that that fundamentally undermines not only the process but also any proposed project. There are mechanisms for appeal, there are mechanisms for objection and there are mechanisms for input from the community. I would advise, as I always advise, members of the community to have their say through the appropriate mechanisms, and if they decide to go beyond that, then of course they are strategic decisions that those individuals make after due consideration. Of course they need to make those considerations appropriately in terms of the impact they have not only on others but also on themselves.

I am not advocating a position one way or the other, but it is important that we allow for these mechanisms and that we do not interfere in the court process. It is also important that people who are making or pursuing objections understand the implications for whatever the proposition might be and also understand the proposition for themselves.

The best thing Mr Hall could do is to explain the options to any of these groups who go to him and the risks associated with the various options. I would expect that they would be matters that these groups would consider. I also recommend for any people who do not support the project to use the mechanisms they are entitled to use and to pursue those mechanisms, but to do that in full consideration of the merits of their objections and the merits of the proposal.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Treasurer) — I have answers to the following questions on notice: 70, 670, 1408, 1413, 1423–78, 1550–3, 1568, 1578, 1579, 1598, 1639, 1640, 1652–6, 1739, 1757, 1763, 1775–84, 1789–91, 1799, 1818, 1824–6, 1838–61, 1879, 1883, 1885–7, 1948, 1950–7, 1962, 1964, 1979, 2010, 2044–53, 2057, 2060, 2061, 2063, 2065, 2066, 2068, 2085, 2160–2, 2184, 2189, 2191, 2192, 2198, 2199, 2202, 2206, 2209, 2216, 2219, 2230, 2232, 2234, 2235, 2239, 2265–7, 2270, 2310, 2312, 2319, 2343, 2344, 2347, 2359, 2386, 2394, 2395, 2399, 2412–8, 2421, 2422, 2425, 2426, 2749.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 6

Mr EIDEH (Western Metropolitan) presented *Alert Digest* No. 6 of 2008, including appendices.

Laid on table.

Ordered to be printed.

Legislation Reform (Repeals No. 3) Bill

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

Laid on table.

Ordered to be printed.

Ordered that Council take note of report on motion of Mr EIDEH (Western Metropolitan).

PAPERS

Laid on table by Clerk:

Anti-Cancer Council of Victoria — Report for the year ended 31 December 2007.

Crown Land (Reserves) Act 1978 — Minister's Order of 7 May 2008 giving approval to the granting of a lease at Red Cliffs Court House Historic Purposes Reserve.

Parliamentary Committees Act 2003 — Government Response to the Education and Training Committee's Report on School Uniforms.

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

Bass Coast Planning Scheme — Amendment C46 Part 1.

Baw Baw Planning Scheme — Amendment C47 Part 1.

Brimbank Planning Scheme — Amendments C83, C84 Part 1 and C102.

Buloke Planning Scheme — Amendment C17.

Cardinia Planning Scheme — Amendment C107.

Colac Otway Planning Scheme — Amendment C27 Part 1.

East Gippsland Planning Scheme — Amendment C60.

Frankston Planning Scheme — Amendment C44.

Gannawarra Planning Scheme — Amendments C19 and C20.

Greater Bendigo Planning Scheme — Amendment C88.

Greater Dandenong Planning Scheme — Amendment C92.

Greater Shepparton Planning Scheme — Amendment C97.

Hume Planning Scheme — Amendments C71, C88 and C102.

Knox Planning Scheme — Amendments C55 and C73.

Loddon Planning Scheme — Amendment C22.

Macedon Ranges Planning Scheme — Amendments C47 and C63.

Maribyrnong Planning Scheme — Amendment C62.

Moonee Valley Planning Scheme — Amendment C68.

Northern Grampians Planning Scheme — Amendment C28.

Stonnington Planning Scheme — Amendment C57.

Whitehorse Planning Scheme — Amendments C73 and C89.

Whittlesea Planning Scheme — Amendments C39 and C95.

Wodonga Planning Scheme — Amendment C59.

Yarra Ranges Planning Scheme — Amendment C75.

Professional Standards Act 2003 — Victorian Bar Incorporated Scheme.

Psychologists Registration Board of Victoria —

Minister's report of failure to submit report for the year ended 31 December 2007 to the Minister within the prescribed period and the reasons therefor.

Minister's report of receipt of report for the year ended 31 December 2007.

Statutory Rules under the following Acts of Parliament:

Parliamentary Salaries and Superannuation Act 1968 — No. 36.

Road Safety Act 1986 — No. 37.

Subordinate Legislation Act 1994 — No. 35.

Subordinate Legislation Act 1994 —

Minister's exception certificate under section 8(4) in respect of Statutory Rule No. 35.

Ministers' exemption certificate under section 9(6) in respect of Statutory Rule No. 36.

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

Fair Trading and Consumer Acts Further Amendment Act 2008 — Sections 4, 11 and 53 — 1 July 2008 (*Gazette No. G21, 22 May 2008*).

Liquor Control Reform Amendment Act 2007 — remaining provisions — 22 May 2008 (*Gazette No. S134, 21 May 2008*).

BUSINESS OF THE HOUSE

General business

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

That precedence be given to the following general business on Wednesday, 28 May 2008:

(1) notice of motion no. 4 standing in the name of Ms Pennicuik relating to the introduction of the Port Services Amendment (Disposal of Material) Bill 2008;

(2) notice of motion given this day by Ms Hartland relating to the introduction of the Medical Treatment (Physician Assisted Dying) Bill 2008;

(3) notice of motion no. 27 standing in the name of Mr D. M. Davis relating to the production of certain documents; and

(4) notice of motion given this day by Mr Guy relating to the government's proposed changes to the Victorian planning system.

Leave refused.

MEMBERS STATEMENTS

Werribee Open Range Zoo: theme park

Mr D. DAVIS (Southern Metropolitan) — The government has a proposal which is in deep activity, by the sound of it, to undertake a number of activities at the Werribee Open Range Zoo. It is clear that a theme park operator has been in communication with the government. Nobody has any problem with the role of theme parks — in fact they are very important for tourism — but I want to put on record in the chamber today my concern to ensure that there are proper protections in place for what is precious about our zoos. The Werribee Open Range Zoo is one of those very important zoos in Victoria that families and communities have huge respect for and, what is more, that a number of educational institutions in particular rely on.

This government is proceeding with a secret plan about which it has not been forthcoming with the details. There has been no public process and no public

consultation for this proposal to sell, alienate or make other such changes to the operation and control of the important Werribee Open Range Zoo. That institution undertakes serious and important research that has an important role for not only species protection but also the production of leaves for koalas and a whole series of different important resourcing activities that are required — —

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

Anzac Day: Western Metropolitan Region

Ms HARTLAND (Western Metropolitan) — I had the opportunity to attend a number of Anzac Day commemorations. These commemorations always make you realise the terrible sacrifice that young men and women make in times of war and the utter respect with which their efforts must be treated. One of these services was organised by Val Noone and Nic Maclellan. This service commemorated not only the efforts of the soldiers but also the efforts of people involved in the peace movement over the past 100 years. We were reminded of the huge campaigns against conscription during the First World War run by trade unions, churches and the community at large. We remembered the treatment that those who fought in the Second World War received when they returned — the lack of services and the appalling non-acknowledgement of the trauma that they had suffered. There were both Vietnam draft resisters and veterans there, and they spoke about the uncertainty and the trauma. I spoke to a number of Vietnam veterans who talked about the importance of the time when their role in the armed forces was finally acknowledged in the welcome-home parades.

One of the most poignant things said to me by a man at another function was that as an 18-year-old he could be a soldier in Vietnam, but he was not allowed to vote. This is someone who is now an RSL welfare officer and is doing great work to help other veterans. When we think of Anzac Day we must also remember the pain and the suffering and, hopefully, the lesson that war does not resolve anything.

Jewish Community Council of Victoria: Yom Hashoa commemoration

Ms MIKAKOS (Northern Metropolitan) — On 30 April 2008 I had the honour of attending with other parliamentarians a very moving Yom Hashoa commemoration organised by the Jewish Community Council of Victoria. The commemoration honoured the memory of the 6 million Jewish people who were murdered by the Nazis in the Holocaust during the Second World War. Candles were lit in remembrance by six survivors and their families.

The theme of this year's commemoration was 'Afraid to remember. Afraid to forget'. The most moving part of the evening's proceedings was the verbal testimony of a number of Holocaust survivors. Their powerful and courageous testimonies reminded all of us present of the immense human suffering experienced not only by those people who perished but also by the survivors and even their children. The speakers focused on the importance of ensuring that the message of the Holocaust is not lost to future generations, and I think it is essential that young people are educated about acts of genocide.

One of my strongest memories of my school years is of my visit as a secondary school student to the Jewish Holocaust Museum and Research Centre, which I also had the opportunity to visit again two years ago. In 2000 I visited the former Dachau concentration camp outside Munich, Germany. It was a moving memorial to the cruelty that humanity is capable of and to the thousands of lives that were lost there. The Nazis established the camp in 1933, and all other concentration camps set up by the Nazi regime were later modelled on it. Before Dachau was liberated by the US Army in April 1945 over 30 000 people are known to have died there.

Humanity needs to be vigilant and ensure that what occurred during the Holocaust is not repeated. I note in this respect that only this morning Melbourne's Sudanese community gathered on the steps of Parliament to remind us of the genocide occurring in Darfur.

I congratulate the Jewish Community Council of Victoria and the volunteers who organised this year's Yom Hashoa commemoration.

Fuel: prices

Mr VOGELS (Western Victoria) — Just six months after his election and after promising to bring down petrol prices, grocery prices and interest rates, Prime Minister Kevin Rudd has given up on helping Australian families. At his press conference on 22 May 2008 Mr Rudd said:

> We have done as much as we physically can to provide additional help to the family budget.

On the way to Melbourne for Parliament this week, I saw that petrol at the bowser is around $1.60 per litre, with diesel around $1.80 per litre. Unfortunately the

price of fuel in Australia depends primarily on the price of oil internationally but governments can make a difference. The former federal coalition government reduced the tax on petrol and diesel with a 6.7-cent-per-litre cut in excise in 2000 and a further 1.5 cents in 2001, as well as abolishing indexation introduced by the Hawke and Keating Labor governments. Under Labor's policy of automatic excise indexation, petrol excise increased from 6.2 cents per litre to 34.2 cents per litre — over a 500 per cent increase. Without that coalition policy, excise would now be around 60 cents per litre instead of 38 cents.

Let us also remember that the Labor government collects the GST that is applied to fuel. Unlike the Queensland government, which subsidises fuel by 8.4 cents per litre out of its GST revenue, the Brumby Labor government happily pockets, at today's prices, 16 cents a litre for petrol and 18 cents a litre for diesel. As the federal Leader of the Opposition, Brendan Nelson, said:

> Australians may not have expected a silver bullet when it came to petrol, but they deserve a lot more than a government that is firing blanks.

Electricity: billing practices

Mr TEE (Eastern Metropolitan) — Today I want to raise the issue of power companies using estimates to bill residents rather than getting an actual reading from a resident's meter. Companies estimate the power used by a resident when the resident is not around to give access so the meter can be read, and if a consumer wants to dispute the estimate, then they have to pay for the company to come and take an actual reading. Today I want to implore power companies to be more flexible as to when they take readings. It is not enough to demand that consumers and customers stay at home between 7.00 a.m. and 5.00 p.m. as this is often not possible for working families.

For many residents excessive bills can place a huge stress on the family budget, and working families should not have the additional burden of being slugged with inaccurate readings and unfair company practices. So I urge the companies to deliver some compassion and common sense, particularly as we head into winter when families rely most on power generation. I also urge residents who are concerned about unfair billing practices to contact the Energy and Water Ombudsman of Victoria. They can investigate wrongful estimating practices caused by electricity companies acting unethically.

Rail: Frankston line

Mrs PEULICH (South Eastern Metropolitan) — The state Labor government has now had nine years to plan and to move towards the elimination of dangerous level crossings throughout South Eastern Metropolitan Region and in particular the city of Kingston, which covers the lower house seats of Mordialloc and Carrum. Between Mordialloc and Frankston stations, four crossings, including Station Street, Carrum, and Swanpool Avenue, Chelsea, are listed in the top 50 level crossings that need upgrading, with most of the other level crossings between these two stations filling significant positions in the top 100.

Premier Brumby and public transport minister Lynne Kosky failed to provide any funding for level crossing upgrades in the May state budget, and the Labor government's Meeting Our Transport Challenges policy fails to identify any level crossing upgrades for the city of Kingston. The high-rise and high-density housing policies which will be advanced by the state Labor government will further increase the number of pedestrian and vehicular movements across these crossings, yet Labor continues to do nothing about funding crossing improvements and grade separations. Local Labor MPs have been noticeably silent on these issues, failing to raise the matter of dangerous level crossings in Parliament.

The state Labor government and local Labor MPs need to be held accountable as they continue to fail in planning for improvements to our public transport system. The ironic twist, of course, is that the absence of any new services on the Frankston line, with train services regularly being cancelled, means that these boom gates are not operating as frequently as they should be, yet the crossings continue to be a problem.

Queen Victoria Women's Centre: Shilling Wall

Mr LEANE (Eastern Metropolitan) — I was pleased to be present when the Minister for Women's Affairs, Maxine Morand, officially opened the Shilling Wall at the Queen Victoria Women's Centre only recently. The Shilling Wall is a glass wall inscribed with the names of incredible women celebrating their roles as mothers, grandmothers, sisters, friends and colleagues, and community contributors. This wall also commemorates the founding of the Queen Victoria Hospital, which established the Shilling Fund in the late 19th century to set up the hospital. This fund raised over 63 000 shillings in contributions from Victoria women — that is over $2.5 million in today's currency. It was a fantastic effort.

Aurora School: achievements

Mr LEANE — On another matter, I would like to commend Sue Izard and the staff at the Aurora School, which specialises in early intervention and early education programs for deaf and deaf-blind children in the Eastern Metropolitan Region but also services most of Victoria. I was very pleased to go out there recently and see the great work they do and the special programs they provide for these children and also for their parents in this special situation.

Energy: rebates

Mr KOCH (Western Victoria) — Recently the Minister for Energy and Resources and the Minister for Environment and Climate Change jointly announced the scrapping of the network tariff rebate. This scheme has provided an $8 rebate quarterly to rural and regional electricity customers for over five years and has helped relieve the higher costs of power in rural and remote areas of the state.

All country Victorians, particularly low-income families and pensioners who struggle to pay their power bills, are now the target of this thoughtless government decision. The minister has proudly boasted that the network tariff rebate is being replaced by a solar hot water rebate scheme for regional Victorians. I know regional families who are eligible to benefit from this practical rebate will not be in a position to rush out and install a $6000 solar hot water system just so they can claim a rebate of $2500.

The Brumby government's decision to scrap this scheme, which it claims has provided more than $300 million to over 1 million non-metropolitan households and small businesses, is going to put more pressure on those who can least afford it. With the ever-rising cost of filling the car and buying groceries, and exorbitant increases well above the consumer price index in water and government charges, people on limited means are calling on the government to be more sympathetic and not to scrap this most worthwhile rebate.

LeadWest: launch

Mr PAKULA (Western Metropolitan) — Last Wednesday I attended the launch of LeadWest at the Sunshine Convention Centre, along with Minister Madden and the member for Melton in the other place. As members may be aware, LeadWest has risen from the ashes of the Western Region Economic Development Organisation, otherwise known as WREDO. Its aim is to foster and undertake activities to support the sustainable development of the west. LeadWest has been heavily supported by the cities of Brimbank, Maribyrnong, Moonee Valley, Melton and Wyndham. It has recently released a strategic plan for Melbourne's west entitled *Western Agenda*. The plan goes to six areas: education and skills; economic development and jobs; transport and infrastructure; health and community development; environment, planning and image; and tourism, arts, culture and recreation.

It is a substantial document which is designed to alleviate many of the problems that bedevil Melbourne's west. I want to congratulate the LeadWest team, particularly the chief executive officer, Tony Mayer, and the chairman, Ralph Willis, and I wish them all the best with their endeavours.

Public transport: Getting There and Back program

Ms TIERNEY (Western Victoria) — On 15 May I had the pleasure of representing the Minister for Community Development in the other place to officially launch new public transport services for Timboon, Cobden and Camperdown. The Brumby Labor government's Getting There and Back program has improved the local public transport timetables in Timboon, Cobden and Camperdown which will help young people, senior citizens, people with a disability and others without access to a car to more easily access community facilities, essential services, education, employment and social activities.

The funding for the Getting There and Back program comes from the Brumby government's $18.3 million Transport Connections program, which I have often mentioned in this house, as I am an avid fan of the program. It helps communities across all rural, regional and interface areas develop local solutions for areas where public transport is lacking. As well as helping people to get around locally, this newly expanded service meets all Melbourne and Warrnambool-bound passenger train services in Camperdown, as well as providing extra connections between Cobden and Timboon. Corangamite shire's transport connections facilitator, Garry Moorfield, said in a recent newspaper article that during the first two months of the service the patronage had doubled.

I would also like to acknowledge the involvement in the consultation on the new timetable of Progressing Cobden and Timboon Action, as well as community organisations like Probus, Rotary, the Country Women's Association, local schools, health services

and the football netball clubs. I particularly thank Garry Moorfield for his dedication.

Banyule: Aboriginal flag

Mr ELASMAR (Northern Metropolitan) — I rise to speak about the Banyule Aboriginal flag-raising ceremony which I attended on 26 May, held at the Ivanhoe Service Centre. The city was commemorating National Sorry Day and the commencement of National Reconciliation Week. The mayor, Cr Phillips, and his fellow councillors officiated. I was moved by this simple ceremony that means so much us and to our indigenous brothers and sisters. The flag will now fly proudly for one week. I congratulate the mayor and the organisers associated with the ceremony.

Fairfield and Preston: speed zones

Mr ELASMAR — Another matter relates to representations from me and from my parliamentary colleagues in my electorate in the interests of pedestrian safety, because it is very important to me that the safety of the people comes first. After a trial the Station Street shopping strip in Fairfield from Railway Place to Mitchell Street will now have a permanent 40-kilometre-per-hour speed zone following on from the recent trial. Preston's High Street from Dundas Street to Queen Street was part of the same trial, and a 40-kilometre-per-hour zone will now become permanent from 7.00 a.m. to 7.00 p.m., Monday to Saturday.

Budget: Western Metropolitan Region

Mr EIDEH (Western Metropolitan) — I rise to congratulate the Treasurer on addressing the other house to hand down the 2008 budget, a budget that will go down in history as one with a great vision for the future and concern for the growing population of Victoria. It is one of the most financially responsible documents in our history. I wish to congratulate the Treasurer on preparing a budget that cares for all sectors of Victoria's diverse communities, but in particular I wish to thank him for paying attention to the needs of the people of Western Metropolitan Region, which has a number of growth corridors that the Treasurer has recognised, such as Craigieburn, where over $30 million will go towards an additional railway track to improve public transport.

In Melton, which is working hard to become the growth centre of Victoria, the Bacchus Marsh Primary School will receive $6 million to completely upgrade the whole school. In Sunbury, some $14 million will go towards a day hospital. In Sunshine, $73.5 million dollars has been committed on top of the $20 million committed last year to further develop the local hospital. This will mean so much to the people in the west who will benefit from having a very modern hospital where service delivery is an important priority.

This budget takes into consideration what Victorians need and what we can achieve together. It is a budget that will further strengthen Victoria's position as the leading state in the nation. I commend the Labor government and the Treasurer.

CONSTITUTION AMENDMENT (JUDICIAL PENSIONS) BILL

Second reading

Debate resumed from 8 May; motion of Mr LENDERS (Treasurer).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — The Constitution Amendment (Judicial Pensions) Bill makes some important changes to the way in which judicial pensions operate in Victoria. By judicial pensions I refer to what are known as pensions for constitutionally protected officers, which includes judges of the court, masters of the court, the Governor, the solicitor-general, the chief magistrate, the chief Crown prosecutor and senior Crown prosecutors. The way in which pensions are provided for those constitutionally protected officers is fairly unusual by virtue of the Constitution Act for the Governor and others, and the County Court Act and the Supreme Court Act for other recipients of such pensions.

In essence the bill has two purposes. The first is to expand the entitlements for partners of constitutionally protected officers to receive a pension benefit in the event of the death of the principal office-holder. Currently the legislative provisions in the various acts provide simply that a reversionary pension — a part pension — is payable to the spouse of a deceased constitutionally protected officer, and a spouse is taken to be a husband or a wife. The bill will expand the definition of 'partner', to use that term, who is eligible to receive a reversionary pension in the event of the death of the principal recipient.

The bill also updates the provisions with respect to a settlement, typically a divorce settlement, and the handling of a pension under the various acts which create these pension benefits. This is consistent with what has been done with accumulation funds and what has been done with other defined benefits schemes

where, following commonwealth reforms and the Superannuation Acts (Family Law) Act 2003, superannuation was able to be split between divorcing parties and orders were able to be made with respect to defined benefit pensions for divorcing parties. The second provision of this bill will allow decisions to be made with respect to splitting of pension entitlements for constitutionally protected officers consistent with the Superannuation Acts (Family Law) Act provisions as they apply to defined benefit schemes and accumulation funds.

We are dealing with an unusual situation here because, unlike most superannuation schemes that apply in the general community — the typical accumulation funds that apply in the general community and the defined benefit schemes that apply to certain public servants and certain members of Parliament — the provisions this bill seeks to address are not traditional superannuation funds. In fact for the constitutionally protected officers referred to in this bill there is no fund. The entitlements for these officers to receive a pension upon their retirement, and subsequently for the officer's spouse and certain children to receive the pension following their death, exists purely in statute, so there is no fund that is contributed to, there is no accrual of benefits and there is no contribution to a fund by the particular office-holders. It is a unique situation that there is no accumulation of entitlement in a specific designated fund under a specific trustee. When these pensions become payable they are payable from the Consolidated Fund on an as-demanded basis according to the number of judicial officers, the protected officers, who are drawing pensions.

This is anachronistic because it does not provide the officers who receive these pensions with any particular entitlement to a pension above and beyond that laid out in statute. Obviously the particular statutes are subject to change by this Parliament. At least with a defined benefit scheme where an office-holder makes a contribution and it is administered by a trustee, there is an entitlement to an account and a benefit flowing from that account. That simply does not exist with pensions under these provisions.

My view is that in 2008 it is a very unusual situation to have pensions that are not provided for in the sense of being funded, or in the sense of being contributed to by the office-holder, being drawn simply from the Consolidated Fund. That has implications for the way in which this legislation will operate in terms of the key provisions it seeks to implement.

I would say in passing that in 2008 it is probably time to look at whether the structure of these pensions should be changed, not to remove or reduce entitlements but to put the allocation of pensions on a more consistent footing with those available to other members of the community by setting up a proper defined benefit scheme for the pension recipients and providing them with the opportunity to make an appropriate contribution to that defined benefit scheme, obviously with an adjustment to their remuneration to recognise that. The funds could be put under the control of an appropriate trustee so there is a clear entitlement to a pension from a clear superannuation fund, rather than merely drawing on the Consolidated Fund via the various provisions of the separate acts.

The bill seeks to extend, by its main provision, the entitlement of the partners of constitutionally protected officers, and certain children of those officers, to pensions. Currently the entitlement to a reversionary pension on the death of an officer, for example, is limited to a spouse — the husband or wife of the deceased person. The bill will expand that entitlement to a pension to a de facto spouse of a constitutionally protected officer in the example where that officer is already entitled to a pension and subsequently dies, or, in the example where someone is not entitled to a pension before the commencement of this bill, the entitlement for their partner to receive a pension in the event of their death will extend to both a de facto spouse as well as a registered same-sex partner. This is consistent with what has been undertaken in a number of other legislative reforms to pension entitlements. It is appropriate and warrants support.

The Liberal Party, in formulating its position on this legislation, has elected to give its members a free vote, primarily arising out of the issues which arose from the Relationships Bill that was dealt with by the Parliament earlier this year. Many of the issues arising out of the Relationships Bill, particularly with respect to registered relationships, impact on this legislation with respect to the categories of party to which a reversionary pension can be made available, and accordingly the members of the Liberal Party and The Nationals will exercise a free vote in consideration of this legislation.

My view is that, where a person has a partner who is other than a tightly defined spouse — a husband or wife — and they are in a legitimate relationship with that person, either a de facto opposite-sex relationship or a same-sex relationship, it is appropriate that that person, being a legitimate partner, be entitled to receive the pension benefit that is payable to a partner on the death of the principal office-holder. That is something I welcome with this legislation.

However, there is a matter of concern about how this legislation has been drafted. On consideration of the legislation it would appear that the bill gives rise to the possibility that taxpayer-funded pensions from the Consolidated Fund may be payable to more than one partner of any given office-holder. A particular example is where somebody has a spouse who is entitled to a pension upon the death of the office-holder and they have subsequently had a partner — either a de facto opposite-sex partner or same-sex partner — and they are not in a registered relationship. The person's marriage has broken down but has not been formally dissolved, so the spouse — the husband or wife — is entitled to a pension and then the person subsequently takes another partner, who also becomes eligible for a pension under these provisions. It is a matter of concern that it is not clear in the bill that only one pension will be payable with respect to each office-holder in the event that that office-holder subsequently has more than one partner, such as a continuing spousal relationship that has not been formally dissolved as well as a new de facto relationship.

Another anomaly that arises from the bill is the apparent distinction between parties who are eligible for a pension now and those who will be eligible for a pension after the commencement of the bill. In the example of those who are eligible for a pension now, the entitlement to a pension for their partner will be extended only to an opposite-sex partner. It is currently a spouse and after the passage of this legislation it will be extended to a spouse or an opposite-sex partner. It would appear to be the case that only where an officer becomes entitled to a pension after the passage of this legislation will the entitlement for their partner extend to an opposite-sex partner. From the legislation it is not clear why there is that distinction between those officers who are entitled to a pension now versus those entitled after the passage of this legislation.

The other concerns I have with this bill relate to the role played by the responsible minister. In the determination of the payment of a pension to a partner other than a married spouse, total weight is given to the view of the minister about who is the partner to whom the reversionary pension should be paid. It will come to the judgement of the Attorney-General as to whether a partner other than a spouse — other than a registered partner in a registered relationship — was a bona fide partner of the principal officer who was the recipient of the pension.

It is of concern to me and to other members on this side of the house that that gives the Attorney-General considerable influence, real or perceived, over judicial officers when it comes to the carrying out of their judicial offices. It is a principle of our system of government that there should be separation between the judiciary and the executive so that members of the judiciary, in undertaking their role as judicial officers, can make decisions impartially — without influence and without pressure from the executive branch of government. If, as this legislation appears to provide for, the capacity for a pension to be paid to a partner of a judicial officer is in the hands of the Attorney-General and it is based on the judgement of the Attorney-General as to whether someone will be determined as being a bona fide partner, that puts an enormous amount of influence in the hands of the Attorney-General with respect to particular judicial officers. Whether that is a real or perceived degree of influence, that the Attorney-General will have the capacity to make those decisions with respect to pensions for partners of deceased judicial officers, is a moot point. The perception will certainly exist that if someone has a partner who is not a registered partner or spouse, then it will be determined by the minister whether that person is a legitimate spouse for the purposes of paying a pension.

In my view it is inappropriate for the Attorney-General to have that type of influence over these decisions for retired judicial officers. It goes back to my earlier point about the need, in 2008, for these pensions to be taken away from being paid merely from the Consolidated Fund and to be put on a proper basis, consistent with the way other defined benefit pensions are managed with respect to members of the public service — to be managed by an independent trustee and not be under the control of the Attorney-General.

Members of the Liberal Party have a free vote on this legislation this afternoon. It is certainly my view that extending the reversionary pension entitlements to all legitimate partners of constitutionally protected officers is appropriate. It is a provision that is consistent with what has been done with other superannuation and pension entitlement legislation and, as such, it should be welcomed. However, while I do not oppose the bill I note a number of concerns about the inconsistency between the treatment of current pensionable officers and future pensionable officers, and about the role the Attorney-General will play in determining which partners are eligible to receive reversionary pensions.

Ms PENNICUIK (Southern Metropolitan) — I am pleased to rise to speak on the Constitution Amendment (Judicial Pensions) Bill. This bill amends the Constitution Act 1975, the County Court Act 1958, the Supreme Court Act 1986, the Attorney-General and Solicitor-General Act 1972, the Magistrates' Court Act 1989 and the Public Prosecutions Act 1994, and it will

also reflect consequential changes in the Relationships Act 2008, the Constitution Act 1975 and the County Court Act 1958.

Essentially the bill incorporates changes made to the treatment of superannuation in divorce property settlements by the commonwealth Family Law Legislation Amendment (Superannuation) Act 2001 and regulations. It follows the provisions of the Victorian Superannuation Acts (Family Law) Act 2003, which applies to public sector defined benefit schemes, and it incorporates changes consequent on the passing of the Relationships Act 2008.

The bill is applicable to the superannuation interests and pensions of Victorian judicial and other constitutionally protected officers — such as judges, court officers and chief and deputy Crown prosecutors — and their partners where those interests are subject to divorce proceedings under the Family Law Act 1975 and the 2001 amendments and regulations.

Eligibility for reversionary pensions, which are pensions payable on death to a spouse, has been expanded to include de facto and same-sex relationships by the substitution of the term 'spouse' with the term 'partner'. An entitlement to a reversionary pension ceases upon the remarriage or commencement of a new relationship of the partner of the deceased pensioner or entitlement holder, and is partially determined by ministerial determination on advice, which is customary.

Mr Rich-Phillips and others have queried the involvement of the Attorney-General in determining whether a person is the de facto partner of a judge or other protected officer. Even though this is the custom and the Attorney-General has stated that he, or a future Attorney-General, would take the advice of the relevant head of jurisdiction, there is the potential to infringe on judicial independence. The Attorney-General has responded to this concern by saying he does not think this is the case, but I suggest the government look at having an independent panel or something similar involved in those determinations, rather than just the head of the jurisdiction and the Attorney-General, who is in fact a minister of the Crown and therefore could be seen as interfering in a determination regarding a judicial officer, which perhaps should be avoided.

The bill adopts the separate interest method of calculating the partner's interest or entitlement under the family law superannuation regulation. This model has been recommended by an independent actuary, and is preferred on the grounds that it provides greater certainty by placing a point-in-time actual value on the entitlement. It also allows the payment of a lump sum at the time of a property settlement. This provision was flagged with us by the Department of Justice earlier this year.

Mr Rich-Phillips queried whether the bill provides for more than one partner to claim a benefit. I believe the Attorney-General has made it clear that that is not the case — only one partner would be entitled to receive a pension or superannuation benefit.

The Greens have consulted with the Victorian Bar Council and others on this bill and have not heard any adverse feedback. We are supportive of this bill in that it removes discriminatory provisions from Victorian law and will mean that all judicial and constitutionally protected officers will enjoy equal rights with regard to their partners' superannuation and pension entitlements.

Mr TEE (Eastern Metropolitan) — I am very pleased to speak on the Constitution Amendment (Judicial Pensions) Bill. The bill builds on the reforms commenced by the government, which started in 2001, when some 57 acts of Parliament were amended to remove discrimination against same-sex and unmarried couples. The bill applies to constitutionally protected officers, including the Governor, the chief justice, justices and masters of the Supreme and County courts, the solicitor-general, the Director of Public Prosecutions, the chief Crown prosecutor, senior Crown prosecutors and the chief magistrate. The individuals who are chosen to fill these positions are our best and brightest; they are the most respected in their field. Having shown exceptional ability in their careers, they are then asked to serve the law and the community by becoming judicial officers. When they retire they are entitled to a pension and if they die, their spouse is entitled to a reversionary pension. However, these pensions are not currently available to same-sex partners. The current provisions discriminate against people who are in same-sex relationships. The current provisions treat those who have spent a lifetime serving our courts as inferior or second-class citizens in retirement just because they happen to be in same-sex relationships. In my view this is not the way we should reward those who have devoted their careers to upholding our judicial system. After all, the judicial system is the cornerstone of our democracy. It is what stands between us and tyranny and lawlessness. These individuals should, in their retirement, be treated with respect and compassion. They should not be discriminated against; they should not have to suffer financial discrimination.

The laws of this country should not place value judgements on the decisions that individuals make about with whom they share their lives. We are a nation premised upon equality. I congratulate the government on its record in presenting to the house bills such as these, which end discrimination in every sector of the community. The bill honours the promise, found in the Charter of Human Rights and Responsibilities, to promote the values of equality, respect and dignity inherent in human rights.

In his contribution, Mr Rich-Phillips questioned whether more than one individual can be entitled to a pension. I think the bill is clear that only one person can be entitled to the reversionary pension in relation to an officer who has retired. The other issue Mr Rich-Phillips, and indeed Ms Pennicuik, raised was the role of the Attorney-General in determining whether a judge's domestic partner is covered.

In delivering on this, the Attorney-General will be guided by the advice of the relevant head of the jurisdiction. The Attorney-General already makes a range of decisions in relation to the administration of the judicial pensions scheme — for example he makes the decision in a case where a judge seeks early retirement on the grounds of permanent incapacity. This is not a new role for the Attorney-General. It is consistent with other roles he has in relation to the administration of the scheme, and it is consistent with the way legislation like this operates in other jurisdictions.

In summary, the bill is about delivering on the values enshrined in the Charter of Human Rights and Responsibilities. I support the bill, which ensures once and for all that married, de facto and same-sex partners are equal before the law.

Mr LEANE (Eastern Metropolitan) — I am pleased to rise to speak in favour of this bill. It reflects clearly the expectations of the majority of people on how same-sex partners of deceased judicial officers should be treated in regard to any pension entitlement that is available. This is in line with the flow-on of entitlements under any act or any award to the partner of a person in any profession, whether they be in a same-sex relationship, a de facto relationship or not. This was reflected in the Relationships Bill which recently passed this house. This bill also covers very important areas.

In my contribution to the debate on the Relationships Bill I said I believed that society had changed the way it views these things. There was a rebuttal to my statement in the contribution from another member of the house who said that society has changed but has changed for the worse. I dispute that. I do not believe society has changed for the worst; I believe it is more honest and is not in denial about the different groups that make up our society and that they should be treated equally.

I know that members of the opposition will have the opportunity to have a conscience vote on this bill, and that is up to them. I said to Ms Pennicuik earlier that I was a bit disappointed that she made a contribution to this bill, even though it was an excellent contribution and I agreed with everything she said. Recently in this house there was a similar debate and a conscience vote on the Relationships Bill. Philip Davis made a long speech, which went for about 10 minutes and was basically in support of the bill. He then said that he was not going to vote for the bill because after Ms Pennicuik's contribution he thought she had introduced the thin edge of the wedge on gay marriages. At the time she acknowledged that it was something for a different jurisdiction and that it was a bit strange.

On that note I advise that I am in favour of this bill.

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.

In doing so I thank the Parliament for the expeditious way in which this bill has been dealt with.

The ACTING PRESIDENT (Mr Finn) — Order! I am of the opinion that the third reading of this bill requires to be passed by an absolute majority and a special majority. I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

The PRESIDENT — Order! In order that I may determine whether the required majorities have been obtained I ask those members who are in favour of the question to stand where they are.

Required number of members having risen:

Motion agreed to by absolute and special majorities.

Read third time.

COURTS LEGISLATION AMENDMENT (ASSOCIATE JUDGES) BILL

Second reading

Debate resumed from 17 April; motion of Hon. J. M. MADDEN (Minister for Planning).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — The Courts Legislation Amendment (Associate Judges) Bill is one of the more straightforward pieces of judicial legislation to come before this place. In essence the bill renames 'masters of the court' as 'associate judges', and it renames what are currently known as 'judges' as 'judges of the court' with respect to the County Court and the Supreme Court. The bill contains a number of amendments to a wide range of acts of the Parliament simply by making those changes — substituting the words 'associate judge' for 'master' and inserting the term 'judge of the court' where appropriate in reference to what has traditionally been known simply as a 'judge' of either the County Court or Supreme Court.

The bill further lays out with respect to the Supreme Court Act and the County Court Act specific restrictions on powers that are available to associate judges. In essence the default position is that an associate judge has all the powers of a full judge of the court with respect to judicial matters, save and except for those matters that are dealt with specifically in this legislation. The bill lays out that an appeal can be made from the judgement of an associate judge to a judge of the court — a full judge — unless an act or rules of the court determine otherwise or to the Court of Appeal, if the rules provide.

The bill provides that certain matters may be heard only by a judge of the court, a full judge. These are: habeas corpus applications, vexatious litigant applications, applications to make minors wards of the court, and challenges to the validity of by-laws. All those matters must be heard by a judge of the court rather than an associate judge. It excludes associate judges from the power to make rules of the court. It provides that no new office may be created in the either the Supreme Court or the County Court by the Governor in Council unless the chief justice of the court has certified that a majority of judges of the court agree to the creation of the new office. It makes certain provisions with respect to the employment of registrars, deputy registrars and other employees of the Supreme Court. It provides that the chief justice has responsibility for the administrative functions of associate judges, and it makes consequential amendments to a number of provisions in other acts.

In essence, this is a very simple piece of legislation. It is about renaming 'masters' as 'associate judges'. From the bill it is not entirely clear what the government's objective is in undertaking this change other than that we have now seen a number of pieces of legislation come before this Parliament aimed at addressing the backlog that now exists in the Supreme Court and the County Court. It is clear from this bill that the new associate judges will be able to take on some of that caseload that has been handled by full judges, to use that term, currently.

It will lead to a number of matters needing to be resolved within the courts with respect to how associate judges versus judges of the court actually operate. Certainly in the short term the reference to 'associate judge' has the potential to create confusion in the operation of the court, particularly when it is allied with the need to use 'judge of the court' to denote a full judge.

A number of issues around the adoption of the new labelling of masters will have the potential for confusion as this legislation goes forward. The opposition has taken a position of not opposing this change. We do not see it as a significant change to the operation of the court. In essence anything that will improve the operation of the court and deal with the ever-growing backlog of cases in the Supreme and County courts is welcome. Whether this change will actually have that effect or it is yet another form of window-dressing remains to be seen. Other than concerns over the confusion that this will create, the Liberal Party has no opposition to this legislation, creating the new office of associate judge, going forward.

Ms PENNICUIK (Southern Metropolitan) — I will speak briefly on the Courts Legislation Amendment (Associate Judges) Bill, which basically defines the office of associate judge and repeals the former office of master in the Supreme and County courts.

The bill arises from a report by Crown Counsel in 2007 that recommended reforms to the office of master in the Supreme and County courts. The new title of 'associate judge' has been adopted to reflect the increasingly judicial nature of that office. Historically the office was created to oversee court administration and to perform some quasi-judicial functions. Various clauses in the bill exclude associate judges from hearing certain matters, including awarding writs of habeas corpus, vexatious litigant applications, making minors wards of the courts, challenges to the validity of by-laws and matters under other acts or rules that specifically

require that they be dealt with by the Court of Appeal or a judge of that court.

The bill is designed to modernise the former office of master and it reflects current functions and status, which include the role of court-directed mediation in civil list cases and the provision of front-end management of civil appeals to reduce delays. Associate judges will be subject to rules and the general direction of the chief justice. The bill gives associate judges of the Supreme and County courts jurisdiction in the trial division. It is part of an ongoing process to streamline case management and improve efficiency in the court system. That is the rationale for the bill, and on that basis the Greens are happy to support it and the expanded functions of associate judges. However, I make the comment that the current waiting times for matters to be heard in the County Court in particular are too long, and the government should move to fund extra associate judges to this court to reduce the current list of cases.

I also take this opportunity to state that the Greens have been concerned about the recent move by the government to appoint temporary judges. In our view, if there is a need for a judge, there is a need for a judge, so a judge and not a temporary judge should be appointed. The appointment of temporary judges — without any reflection on those individuals, who are obviously worthy individuals — is an interference in the independence of the judiciary and is an unwelcome and unwise move on the part of the government. Nevertheless, the Greens are supportive of the creation of associate judges.

Mr TEE (Eastern Metropolitan) — I am pleased to speak on the Courts Legislation Amendment (Associate Judges) Bill, which provides further welcome reforms to our legal system, this time by focusing on the role of masters. Masters have been part of the machinery of the Supreme Court since the 19th century, and they have increasingly played an important role in helping streamline the courts by helping courts manage claims. They often do this through directions hearings that ensure that the preliminary steps in court processes occur expeditiously.

Significantly the bill changes the term ‘master’ to ‘associate judge’. Obviously this is more than a symbolic change. The term ‘master’ is simply not helpful in describing to the public the role and function of a master. The inappropriate description is a disservice both to the position and to the public. The term ‘associate judge’ better explains to the public the support that masters are increasingly providing in the delivery of court proceedings. Using language that better conveys the nature of positions such as these is important to help the public understand how our courts operate, and in doing so makes the courts more accessible and user friendly.

Another feature of the bill is the enhancement of the roles played by associate judges in mediation. This is an important innovation, because in many ways our traditional adversarial system has failed. We have a legal system that is burdened by technical procedural processes that can be expensive, can involve long delays and can clog up the court system. As Ms Pennicuik has indicated, there are delays in the courts. This mediation is one way to cut through some of those delays, because, as we know, justice delayed can be justice denied, and the costs of civil proceedings can be too prohibitive for most Victorians.

Mediation has a proven record of successfully settling cases and can involve outcomes — such as apologies or explanations — that are not available through court judgements. The participants in mediations have a greater control over the outcome of their cases. Mediations save time and money and help unclog court backlogs, so I welcome this initiative that enshrines the role of associate judges as mediators. It will mean that the courts are literally accessible to Victorians, so I commend the bill to the house.

Mr O’DONOHUE (Eastern Victoria) — I am pleased to rise and make a brief contribution to the debate on the Courts Legislation Amendment (Associate Judges) Bill, and reiterate the comment made by Mr Rich-Phillips that the opposition does not oppose it. I am pleased to have heard the contribution to the debate made by Mr Tee, because in part he has answered the question asked by Mr Rich-Phillips — that is, what does this bill do besides change a name? Mr Tee spoke about mediation and the enhanced role that associate judges will have and the problems with interlocutory disputes and the like, which is interesting, given that masters in their current capacity generally deal with interlocutory disputes already. I do not understand how the change of name from ‘master’ to ‘associate judge’ will actually speed up the process of dealing with interlocutory disputes.

Mr Tee spoke also about the benefits of mediation. I think we all agree that mediation and alternative dispute resolution are important parts of the modern legal system — indeed, they can be an effective way of achieving appropriate and agreed outcomes between parties in dispute — but that should not be seen as a way of sidestepping the fundamental underlying issue here, which is the lack of resources that have been provided to the legal system.

The legal system is in severe stress. The courts do not have the resources to deal with matters that come before them in a time-effective fashion. The Supreme Court in particular does not have the capacity to deal with matters of a complex nature, whether they involve terrorism or are serious criminal trials, such as murder trials, which currently are being heard in the County Court. The County Court is acting as a supreme court, which in itself demonstrates that the Supreme Court does not have the resources or the logistical capacity to handle those complex matters, does not have the capacity to properly separate witnesses from the accused and does not have the capacity to deal with very large and complex commercial matters.

I hope that the government is not using the associate judges as a way of expanding temporary appointments. The issue that has surrounded the five-year contract and appointment of Judge Cotterell is most concerning. Justice must not only be done; it must be seen to be done, and appointing judges on short-term contracts by not providing them with security of tenure undermines the very basis of our legal system. It undermines the very separation of powers, and undermines the concept that the judiciary acts without fear or favour from the executive or anyone else. If a judge, or indeed an associate judge, is appointed on, let us say, a five-year contract, and four years and nine months into that contract the judge is hearing a dispute which includes, as one of the parties, the state of Victoria, there is at the very minimum a perception that the court may be unduly influenced by the fact that the judge's contract is about to expire. It is critical that judges and associate judges, if they are to have expanded powers, as Mr Tee has asserted, are given security of tenure so that they can operate without concern about interference from the executive and without fear of interference from any other party.

I will just go back to the issue of resourcing of the courts. Whilst mediation is an important part of making the courts more efficient, we need to understand the economic cost to Victoria where parties to large commercial contracts can nominate the jurisdiction of their choice when the contract in question goes across multiple jurisdictions. We have seen in Victoria that large pieces of commercial litigation have by and large left Victoria for New South Wales because of concerns about the delays in our court system. This has eroded the capacity of the Victorian bar to be involved with significant pieces of commercial litigation. That in turn has affected the growth and development of the bar and more generally has impacted on the Victorian economy. The resourcing of the legal system and the provision of certainty of tenure to judges, and now associate judges, are very important for Victoria's economy and, more importantly, for the independence and integrity of our legal system. With those few words, I reiterate that the opposition will not oppose this bill.

Mr ELASMAR (Northern Metropolitan) — I rise to support this bill. Master of the Supreme Court is a title that goes back to the mid-19th century. Interestingly, masters were traditionally employed by the public service proper, and were to all intents and purposes employees of the Crown, not the judiciary. Over the last 150 years the position has evolved dramatically to incorporate the powers and functions of judicial officers. The current mechanisms for allocating functions and powers to masters do not reflect their evolved status as judicial officers. This bill seeks to recognise the changes that have occurred in the functions of this role and proposes powers and responsibilities that are more in tune with the 21st century. It reflects in real terms the mediation and administrative aspects of the role. The new title of associate judge is definitely more appropriate and more modern, and of course, under the provisions of this bill associate judges will be subject to the rules and the general direction of the chief justice. The allocation of functions to associate judges would naturally be an internal matter for the courts.

The office of County Court master was created in 1985, over 100 years after the creation of the Supreme Court master. The principal functions of the masters are to assist in the general business of the two courts. The streamlining of cases and the introduction of directed mediation of disputes by the masters has seen the workloads decrease significantly in both courts. The new associate judges would still carry out some of the traditional functions of the masters but an overarching focus is the capacity of associate judges to resolve civil disputes by mediation. The bill builds on the initiative of the Supreme Court in recent years in allowing litigants to utilise the masters of the court to mediate disputes. It is a system that litigants and their legal representatives have embraced. In 2007, Parliament amended section 75A of the Constitution Act 1975 to allow for the Court of Appeal to be constituted by a master for the purposes of making orders and giving directions of a procedural nature in civil appeals.

The delays inherent in our old system have seen some litigants actually die before their cases have been finalised. The bill is seeking to reduce delays and reduce the cost of expensive litigation. Modernising the title to associate judge will also demystify the role and function of the masters for the general public. A primary purpose of this bill is to reduce delays and improve the operation of the Court of Appeal.

Importantly the Supreme Court's initiative has been embraced both by litigants and by the legal profession. In line with the recommendations of the review, the bill retains the current requirement that the Chief Justice provide a certificate to the Attorney-General before a new office is created within the court. The bill provides for the replacement of the office of master in the County Court with the office of associate judge.

The civil jurisdiction of the County Court increased significantly in 2007. The bill gives associate judges the jurisdiction of the trial division of the Supreme Court and that of the County Court.

Finally, the bill recognises the initiatives of the courts which have been introduced and which have evolved over the years to ensure the delivery of a timely, affordable justice system for the people of Victoria, because, as we all know, justice delayed is justice denied. I commend the bill to the house.

Motion agreed to.

Read second time; by leave, proceeded to third reading.

Third reading

The ACTING PRESIDENT (Mr Finn) — Order! I am of the opinion that the third reading of this bill requires to be passed by an absolute majority and a special majority. I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

The PRESIDENT — Order! In order that I may determine whether the required majorities have been obtained, I ask those members who are in favour of the motion to stand where they are.

Required number of members having risen:

Motion agreed to by absolute and special majorities.

Read third time.

LAND (REVOCATION OF RESERVATIONS) BILL

Second reading

Debate resumed from 17 April; motion of Mr LENDERS (Treasurer).

Ms LOVELL (Northern Victoria) — I propose to make a few brief comments on this bill. The purpose of the bill is to revoke permanent reservations of certain lands in this state, and three pieces of land in this bill happen to fall within my electorate. There is the piece of land at Boorhaman, which is a very small piece of land of only about 105 square metres, and also one at Brimin, which is also a small parcel of land of only 106 square metres. These pieces of land are adjacent to the Murray Valley Highway and Parolas Bridge, where it crosses the Ovens River. These are both, as I said, very small parcels of land. They are areas where houses have inadvertently been built over the abutting Crown land reserves, and for many years these pieces of land have been a problem. The houses that are built there have been bought and sold many times, and I know that the local member for Murray Valley in the other place, Ken Jasper, has for a long time made representations to have these small parcels of land released to allow for corrective action to occur. He has made these representations over many years, and finally these parcels of land will be released and the properties that are built on them will have certainty over that land.

The main piece of land affected by this legislation that I want to refer to is the land on which the police residence at Yarrawonga is built. This piece of land is important to Yarrawonga because it is the preferred site for the approach to the new river crossing that needs to be built at Yarrawonga. Therefore, it is most important that this land is reserved for the purposes of a road reserve. In the meantime the opposition would like to see this land retained for the police residence up until such time as it is actually needed for that road reserve.

The opposition has been very strong in its support of maintaining police residences in country Victoria. As we know, it is far easier to attract police officers to a town where there is a police residence. This government has moved to decommission some 45 police residences throughout country Victoria, and we believe that is detrimental to attracting police officers to many of those towns.

We would like to see the residence on this piece of land continue as a police residence until such time as that land is needed for the construction of the road and the new bridge in Yarrawonga, which will not be for some years. But we would like to go a little bit further than that: when this particular police residence needs to be demolished in order for a new road and bridge to be constructed, we would like the government of the time — hopefully a Liberal-National coalition government by that time — to construct another police residence in Yarrawonga to assist with maintaining a police presence in Yarrawonga. I believe David Davis

will be seeking further assurances from the government that the residence on this piece of land will be maintained until such time as the land is needed for the construction of the road and the new bridge in Yarrawonga.

Ms BROAD (Northern Victoria) — I am pleased to speak on the Land (Revocation of Reservations) Bill 2008. This bill revokes the permanent reservations over six portions of Crown land: three in my electorate of Northern Victoria Region, two in Western Victoria Region, and one in Eastern Victoria Region. The revocation of these permanent reservations will enable the government to sell surplus Crown land and to reinvest the funds in new assets as well as updating the legal status of land to bring it into line with current usage. These revocations are widely supported, including by local councils and by communities. Importantly, no public open space is taken away by this bill.

I now propose to refer to the land parcels affected by the revocations. Firstly, the revocations of the three parcels of land at Marlo, Boorhaman and Brimin will allow the government to sell small areas of surplus land to the owners of adjacent privately owned land, and that will tidy up boundaries and ensure the most appropriate and efficient use of that land. Secondly, the Mount Duneed revocation will allow the purpose of that land to be updated to reflect what is, in fact, its current use as a primary school. Thirdly, in relation to the land occupied by the Talbot Free Library, this was permanently reserved in 1889 as a site for providing free library services and granted to trustees. Those trustees are now all deceased, not surprisingly. The library is currently used as a community hall and the community wishes to select suitable members of the community who could be appointed as a committee of management under the Crown Land Reserves Act 1978. Removing the permanent reservation and Crown grant will enable the status of this land to be updated, and it is intended that the land will be temporarily reserved for the purposes for which it is currently used — that is, as a community facility — and a suitable committee of management will be appointed.

I would just like to make some additional remarks about this piece of land and the action which is proposed by this bill. The original free libraries and mechanics institutes were very important initiatives in the 19th century to provide access to education for working families who were otherwise denied this opportunity. Keeping that heritage alive by finding uses for the structures that are valued by today's community is very important, and I certainly expect that the original trustees would very much have approved of this updating of the status of the land.

Let me now turn to the land at Yarrawonga. It has been the subject of a lot of discussion, certainly more discussion than the other parcels of land contained in this bill, including in meetings with the local community, council and ministers that I and other members of Parliament have attended. I wish to clearly set out what is proposed in relation to this parcel of land in my electorate of Northern Victoria Region. The land at Yarrawonga is currently occupied by a police residence, which is adjacent to a police station. For members who are not familiar with the lie of the land, in this case it is worth explaining how these parcels of land relate to each other.

The Brumby Labor government has funded the replacement of the current police station with a larger police station in Yarrawonga that is capable of operating at a 24-hour level. The current station is too small to support a 24-hour operation. The new station is currently under construction, as we speak, at a cost of around $2 million. This initiative will make sure that Victoria Police have the modern facilities that they need to uphold community safety and the modern facilities that they very much deserve. In 2005 the police residence was given a 'no requirement to occupy' status by Victoria Police when the occupant of the residence left, and has been considered surplus to Victoria Police requirements since that time. Currently the residence is occupied on a monthly arrangement to ensure ongoing maintenance and security.

The cost of the new 24-hour police station is being funded in part by the sale of the old police station and residence. In order to fund the $2 million cost of the new station by selling the old station and residence, the permanent reservation must be revoked as provided for in this bill.

As well as these imperatives, some members of Parliament will also be aware that there is another very important imperative for the Yarrawonga and Mulwala communities to be taken into consideration in revoking the permanent reservations, and that imperative is the need for a new bridge to link Yarrawonga and Mulwala. The Brumby Labor government has committed to delivering — —

Ms Lovell interjected.

The ACTING PRESIDENT (Mr Finn) — Order! If the President was in the Chair he may have said something about Ms Lovell's reference to Ms Broad,

but as I am not able to act as the President would, I warn her to be careful.

Ms BROAD — The Brumby Labor government has committed to delivering a new bridge linking Yarrawonga and Mulwala by 2020. The government and councils agree that planning for any new bridge needs to start now. The land currently occupied by the existing police station and residence has been identified as a possible route for a new bridge. Accordingly, the protection of this land, which may be required in the future, is a priority for the government, for councils and for the local community.

The government has agreed that the two imperatives — being the protection of the land and funding for the new police station — can both be achieved by the purchase and retention by VicRoads of the land presently occupied by the existing police station and residence until such time as it is determined that it is required or is not required for the alignment of a new bridge. However, in order for both imperatives to be met the permanent reservation must be revoked as provided for in the bill. Accordingly, I urge members to support the bill before the house.

Mr KOCH (Western Victoria) — The Land (Revocation of Reservations) Bill 2008 is principally a mechanical bill in that many reviews of Crown land leases and their occupants take place from time to time. The land referred to in the bill covers a wide spectrum of uses, many of which have varied over time from the originally intended purposes, and this is demonstrated again today, albeit some of the land in this bill has never been used as initially gazetted.

Of concern are statements made by the minister in the second-reading speech, where he indicated that it may also be an opportunity to sell off these small parcels of Crown land. It has been intimated that where this may be the case it has been discussed with local user groups and certainly with local government bodies. That is a welcome change, as on many occasions over recent months the government has fallen short on consulting or indicating to local communities what it has in mind. This was again demonstrated last week when the government saw fit to strip planning powers from local government bodies, not only in the metropolitan area but in Geelong of all places, again under the cover of darkness for fear of getting another backlash from those communities which are becoming intolerant of this dictatorship-like behaviour.

The bill includes many schedules. Schedule 1 gives a description of the current use of the mentioned Crown allotments, and schedules 2 to 6 describe all the land within those titles with the exception of the Marlo land. The lands shown in schedule 1 are at Yarrawonga, Talbot, Marlo, Boorhaman, Brimin and Mount Duneed. Both Talbot and Mount Duneed fall within the Western Victoria Region and are certainly of interest to me. As I am sure everyone is aware, Talbot is a small community south of Maryborough, and Mount Duneed is also a small community beyond Geelong on the Surf Coast Highway towards Torquay.

The land at Yarrawonga refers to a parcel of land containing a police residence that serviced the former Mulwala police station. With the new Yarrawonga police station being built, it is now seen to be redundant, although I am not aware of any new police dwelling being built at Yarrawonga; indeed to the contrary. Police houses have a big bearing on the ability to attract police to rural areas. I am aware that this government has already floated the idea of selling off some 45 police residences statewide. There are eight such sites within the Western Victoria Region at Portarlington, Trentham, Halls Gap, Heywood, Ballan, Buninyong, Dimboola and Daylesford. Obviously if that were the case, it would make it difficult to attract serving police officers to smaller regional communities where they make up such an important part of our social fabric due to their professional contributions to small communities, especially serving on school committees, sporting bodies, local government, service clubs like Rotary and Lions and in other organisations within those small communities.

Real premiers like Henry Bolte, Rupert Hamer, Lindsay Thompson and more recently Jeff Kennett would never have thought along those lines. Unlike the Premier, John Brumby, they recognised the importance of community policing and the contribution these officers make in small communities, both academically and from their own employment offering law enforcement and the security which that brings to these smaller communities.

The Talbot Free Library, which is referred to on page 9 of the bill, is located on Camp Street. It has not been used for that purpose in over a century, and as indicated in the second-reading speech, all the trustees and beneficiaries of this library have long passed. Its alternative use as a community hall should therefore be recognised and supported.

Adjoining land-holders to the reservations at Marlo, Boorhaman and Brimin will now be offered the opportunity to purchase those small parcels of land, which will rectify minor boundary anomalies which have existed over a very long time.

The reservation at Mount Duneed Primary School is referred to on page 12 of the bill. It is located on Williams Road, Mount Duneed. Historically it has been gazetted as a recreational reserve. It was always under the management of the South Barwon Shire Council and its successors, being South Barwon city and more recently of course the Greater Geelong City Council. This primary school has a fine record, having taught students for many decades both at this site and earlier on the corner of the Surf Coast Highway and Mount Duneed Road. This school has a fine history. It also records much of the local community history, as Mount Duneed cemetery is on its southern boundary. As we know, this cemetery is the resting place of many of Mount Duneed's pioneer families. The school and its staff have been long respected, and the students have always taken a keen interest in this important farming area and its environmental conservation. I congratulate the students at Mount Duneed Primary School for the things they have taken on in the local community. The staff at the school are very productive in relation to the things students undertake, and their academic record is a credit to them.

There is some thought that at a later date, when the new residential area of Armstrong Creek is created, the Mount Duneed school may be consumed by the new population and closed at that stage. I hope that will not be the situation, because I strongly believe these smaller community schools go a long way towards retaining the local identity of their communities, and of course Mount Duneed school fits that description. With those few comments I indicate that the opposition will be supporting this bill, and like all those on this side of the house I wish it a speedy passage.

Mr VOGELS (Western Victoria) — I am pleased to say a few words on the Land (Revocation of Reservations) Bill. As has been said before, the opposition supports the bill. The impact of the revocation of the reservation desired by the Brumby government would be to allow it to sell off Yarrawonga's police residence. The Yarrawonga police residence is sited on the land described in schedule 2 of the bill. I had the opportunity to read the contribution to the debate by the member for Murray Valley in the other place, who provided a concise historical overview of the current Yarrawonga police residence, which was built on land adjacent to Lake Mulwala in 1983. Here we are some 25 years later, in 2008, and now a new police station is being built in Yarrawonga and the government has claimed that the old residence will no longer be needed. I understand the land reserved may also be a potential site for a future road bridging Lake Mulwala and the government is contemplating selling the reservation to VicRoads.

Members in this house will remember that not long ago there was a plan to close some 45 country police residences across Victoria. I have publicly expressed concern about the fate of some of those 45 stations which are situated in the Western District. I raised concerns especially about the threat to sell off the police residence in Timboon. We were pleased to be able to assist local community members whose voices became loud and strong in anger at the idea that the police residence in Timboon would be sold. It was bought by the then Bracks government only some two or three years ago. It is a beautiful house that cost about $300 000 to $400 000, so the idea of selling it off angered the local community. We were successful, and the government has since decided that the Timboon police house will remain.

I note also that the Halls Gap community was very active in defending its police residence. Mr Randall Bacon of Pomonal has established the 'Save our local police' petition and managed to collect 995 signatures over four weeks in favour of saving the Halls Gap police residence from being sold off by the Brumby government.

Country Victorians have been mentioned a few times on this side of the house. They understand that providing an attractive police residence can be instrumental in attracting a quality senior police officer to live in a town. It is very important to have a local police officer who is part of the town and who knows the people and the issues. Usually they get very involved in football teams and other activities that happen in and around the community. They make a huge contribution to the feeling of community safety.

The Liberal Party has supported rural communities that wish to retain their local police residences, and by proposing this amendment we are supporting the Yarrawonga community in its attempt to retain its police residence. The government's decision to provide a new police station is not a justification to sell off the town's police residence.

The reason I wanted to contribute to the debate on the bill is that it concerns me. I have some sort of feeling that this government does not understand the importance of police residences in small country towns. I commend the government for rebuilding many police stations, which it has done in country Victoria, as did the Kennett government before it. I listened to Labor Party members saying that only this government ever built new police stations, but I know that under the Kennett government new police stations were built in my community at Port Campbell, Cressy, Lismore et cetera. All governments help to build new police

stations and police residences — as they should. That is why taxes are collected: to make sure that we have in the community the protection that country Victorians deserve. With those few words, I do not oppose the bill.

Motion agreed to.

Read second time.

Committed.

Committee

The DEPUTY PRESIDENT — Order! I understand some questions might be forthcoming during the committee stage. If there are questions in relation to the total ambit of the bill, they should be asked in discussion of clause 1. If they are specific to a particular property that is mentioned in the bill or a revocation that is in the bill, then they should be dealt with under that clause as a question. That is consistent with the ruling I made on the last occasion the committee sat.

Clauses 1 to 11 agreed to.

Schedule 1

Mr D. DAVIS (Southern Metropolitan) — I am interested to seek a generous assurance from the minister regarding item 1 in schedule 1, the Yarrawonga land. As I laid out in my contribution to the second-reading debate, this is an important piece of land; it currently has on it an important police residence. The government seeks the change in the land arrangements to ensure that bridgeworks and roadworks can go ahead at a future point. My understanding is that it may be a number of years before they go ahead. I would seek from the minister some indication that during that period in the lead-up to any formal works commencing, the police residence would remain available for use by police officers employed in the town. In doing so I make the point that a new police building — not a residence but a police station — is being built, and the presence of this residence complements that.

Mr JENNINGS (Minister for Environment and Climate Change) — It is an interesting turn of phrase Mr Davis uses, 'it complements it', because it is the intention to sell the house property to in part pay for the police station. There is a connection; there is no doubt about that. I will not be able to provide any comfort beyond the time which might be available prior to the sale proceeding, which would enable Victoria Police to pay for that part of the contribution to the police station and would not prevent the appropriate consideration of the transfer of land to VicRoads and the appropriate preparation and ultimately delivery of the roadway linking to the bridge. Despite the fact that this has drawn some attention to itself over time, and both parties in the alliance that is now the opposition in Victoria have probably tripped over themselves in their enthusiasm to take the higher moral ground in relation to this property, I think for some time there has been a recognition that the comfort sought is not going to be provided. My colleague Candy Broad outlined to the house in her second-reading contribution the process by which the government will proceed with this matter.

Schedule agreed to; schedules 2 to 6 agreed to.

Reported to house without amendment.

Third reading

Motion agreed to.

Read third time.

CHILDREN'S LEGISLATION AMENDMENT BILL

Second reading

Debate resumed from 9 May; motion of Mr LENDERS (Treasurer).

Ms LOVELL (Northern Victoria) — It is a pleasure to rise to speak on the Children's Legislation Amendment Bill 2008. In doing so I would like to thank the minister's office, particularly her adviser Luke Hatton and also the departmental officers Michael White, Connie Forbes and Susan MacDonald for the briefing the opposition received on this bill. In that briefing we put them through quite a grilling, and it has resulted in the government moving amendments to the bill. We thank them for their time in giving us that briefing and for their consideration of the issues that we raised during it.

Nothing in this world is more important to Victorian parents than the safety of their children. Therefore, it is vital that Victoria has a safe and well-regulated child-care system. The purpose of this bill is to amend the Children's Services Act 1996 to further provide for the licensing and regulation of children's services, including the enforcement of minimum standards across all children's services. It also amends the Child Wellbeing and Safety Act to include a kindergarten principle for children.

It is important to note the history of the Children's Services Act and the regulation. The bill was introduced in 1996 by the then Minister for Youth and Community Services, Denis Napthine, the member for South West Coast in the other place. It provided for safety within children's services and raised standards when it came to the safety of our children. At the time the bill had the support of the ministerial advisory council, but there was a lot of opposition in the community. I commend Denis for his foresight in bringing this bill before the Parliament in 1996. It is a bill that has served Victoria well and has provided for the safety of all our children within children's services. But we are now 12 years down the track, and there is a need for further revision of all legislation as time goes on.

The main provisions of this bill are that it will amend the Children's Services Act 1996 by amending the definition of 'children's service' so that family day care and outside-school-hours care will also fall within that definition. It also inserts new definitions to provide for the licensing and regulation of family day care. There are more than 75 000 children who access these services, so it is important that they are well regulated. It will regulate the 84 family day care schemes rather than individual carers' homes — and I believe there are about 3000 individual carers who provide family day care in the state. There are also 900 providers of outside-school-hours care, which will now fall within the definition of a children's service.

The bill provides for significant increases in penalties for breaches of the act. In fact, it increases all but three penalties that are imposed by the act. The bill substitutes a new part 3 of the act, which deals with the licensing of children's services. In particular, it will separate the approval of premises for a children's service from the licensing of a person to operate the service. The bill also provides that a person must pass a fit and proper person test in order to operate a children's service, and allows for operators to appoint a nominee, who is responsible in the absence of a licensee.

The bill provides for family day care schemes to be licensed, as I mentioned before, rather than individual carers' homes. As we know, family day care schemes are run by municipal councils and other operators. The bill provides for the licensing of a scheme which may involve multiple carers delivering services within their homes. The bill will also extend the term of children's services licences from three years to five years. The bill will insert a new section 26B, which elevates programming from the regulations to the act. In particular, this will require all children's services, including family day care, to provide an educational and recreational program to enhance each child's development. This elevates what was previously thought of as childminding to an educational environment. That is admirable. We all know that children benefit very much from the stimulation they receive in early childhood educational programs. We want our children to receive the best possible programs to enhance their development.

The bill inserts new sections 29A to 29C and a replacement section 30. They move from the regulations to the act provisions that deal with children-to-staff ratios, authorisation to administer medication, the requirement for notification of a serious incident and the requirement for a licensee or nominee to be present at all times. The bill also inserts new sections 32A and 32B, which deal with administrative arrangements.

Part 5 of the Children's Services Act, which is the part that deals with enforcement, is amended by the bill to allow authorised officers to enter a family day carer's residence during the hours that family day care is being provided. These amendments extend the powers of the officers and the secretary to obtain information, documents and evidence.

The bill inserts new sections 53A to 53C, which will provide that the secretary must keep a register of family day carers and that the secretary may publish on the department's internet site details of a service, including information regarding compliance with the act and actions taken by the department against the service for breaches of the act. These sections have created anxiety in the children's services community, which I will discuss later in my contribution. The bill also provides for the disclosure of information to other authorities for purposes relating to the health, safety and wellbeing of children or the operation of children's services.

The bill amends the Child Wellbeing and Safety Act to insert a new principle that every child should be able to enrol in the kindergarten program at an early childhood education and care centre, which again places importance on children receiving early childhood education rather than just child care. That is also to be commended, although, as we know, the principles in the Child Wellbeing and Safety Act are only guidelines — they are not enforceable.

The issues that have been raised with the opposition in our consultation on the bill are varied. There was no consistent issue that cropped up from all stakeholders, but rather a whole variety of issues from different stakeholders. I will go through a few of those. The

Community Child Care Association was concerned about in-venue family day care — that is, family day care that is not provided in a family day carer's home, but rather in a community facility, such as an old kindergarten, church hall or community centre — being included in the act. I can understand why the organisation sees this as not being family day care — because family day care is supposed to be about providing day care in a home environment — but for many rural communities in-venue family day care is absolutely vital, as without it there would be no child-care services available. It is also often a safer environment in which to provide family day care, as it is away from the operation of machinery et cetera that may exist on some farms. The opposition recognises the importance of in-venue family day care being allowed for rural communities that would have no other avenue for child care if it were not allowed.

The Australian Education Union raised concerns about the increased responsibilities for nominated staff under this act. The Child Care Centres Association of Victoria was concerned about the publication of information regarding breaches on the department's website. This is something on which I will seek assurances. In the bill briefing the opposition was told that only breaches of the act would be published on the website, not just investigations. However, the association is very concerned about this issue, and I would like it if in the summing up the minister could assure me that this will only occur regarding proven breaches when someone is charged with an offence under the act, rather than just reporting the investigation of an incident.

In its letter the Child Care Centres Association of Victoria puts it this way:

> What if the service provider was the victim of a disgruntled parent who owes fees or someone making vexatious allegations? The proposed legislation will 'hang the accused' before being tried, but she may be released after being found 'not guilty'; but by then she is dead!

What it means is that if a complaint is published on the website and a parent who reads it takes it at face value as being a problem at that centre, even if it is not proven, it may affect the centre's viability. I see that as a genuine concern. I agree with any serious breaches of the act being published so that parents have an avenue for seeing whether a centre has a good record, but I would hate to see published every little complaint or a complaint that is not found to be proven, as it may affect a person's livelihood and their business.

A family day carer, who is a friend of mine from Mooroopna, raised a concern with me about the reduction from five to four in the number of preschoolers who can be cared for in family day care. She also raised concerns about the number of children under six she was allowed to have in her care at any time. This is a point on which we put departmental officers through some grilling at a briefing on the bill. They assured me that, if the child were enrolled in a school, that would not count in the family day care numbers relating to children under six. My friend cares for three children under five on a full-time basis, and a child who is enrolled in prep but has not yet turned six comes after school.

The way the bill was written, it did not appear that she could continue to care for the child who came on a part-time basis after school. I was assured in the briefing that that was fine because the child was enrolled in a school, and she could continue to care for that child. I went back to my office and reread the legislation. I could not see how that could possibly be right, so I asked the minister's office for confirmation in writing. It was at that point, when the bill was looked at more clearly to put something in writing, that they realised that that was not the case. Therefore at 5.30 on the afternoon that the bill was to be debated — it was to come on for debate in the lower house at 8 o'clock, straight after dinner — the minister circulated amendments to this legislation that provided for that situation to continue. I thank the minister and her office for recognising that that was an important issue for family day carers in Victoria. I thank her also for recognising that the government had got it wrong in the original legislation and for being big enough to move government amendments to correct that mistake in the bill.

This bill at least doubles nearly all the penalties under the act. As I said before, there are only three exceptions. One of the penalties that is doubled under clause 9 of the bill, which amends section 26A of the act, was passed by Parliament only on 26 February as part of the anaphylaxis bill — it has not even been enacted as a law in this state. On 26 February the government thought that 30 penalty units was a fair and reasonable fine for a breach of that section of the act but now, only 10 weeks after the bill was given royal assent and 12 weeks after it was debated in the Legislative Council, before that legislation has even been enacted, the government has felt the need to double that fine. What has changed in the last couple of months? Why is it that when this bill was debated in the house 12 weeks ago, 30 penalty units was considered a fair and reasonable fine for a breach of that section of the act, but a few weeks later the government has felt the need to double that fine before it has even enacted that legislation to see how people will comply with the act? It just shows that perhaps the doubling of all these fines

is more about revenue raising than the safety of children.

The question needs to be asked: what makes people comply with the act? Is it the size of the penalties or is it a genuine desire by service providers to deliver a safe and good service in this state? I would say that for the majority of service providers it is about wanting to do the right thing. It is about wanting to comply with the act and the regulations and wanting to provide a safe service to the children they care for. It is not really about the size of the penalties.

Victoria is the last state in Australia to regulate family day care. There is a particular concern about the increase in costs that will be incurred by family day care providers because of this regulation. The government itself has acknowledged that in its budget and the child-care sector has acknowledged that there will be increased costs due to this legislation. In an article in the *Age* about the federal budget which talked about the federal government's increase in child-care rebates, Barbara Romeril from Community Child Care Victoria spoke about the impact of this legislation and the new regulations on child-care services in Victoria. The article states:

> Ms Romeril tipped that the new state government regulations, now being developed, would increase the standards of care, including a higher ratio of staff to children, which would increase out-of-pocket expenses for parents.

Although the federal government has increased the child-care rebate, Ms Romeril is reported in the same article as saying that she expected parents would pay more for child care in Victoria after the review leading to new regulations under the Children's Services Act.

The state government also acknowledged the increased costs in its state budget. The minister's press release entitled 'Young families the winners in early childhood boost' announced $49.9 million in an early childhood package as part of the 2008–09 state budget. But $16.5 million of this, a third of the actual $49.9 million that was announced for early childhood, was announced to underpin the Brumby Labor government's new Children's Services Bill, which will regulate family day care and outside-school-hours care for the first time. It is an acknowledgement that the regulation of these services will come at a large cost.

As part of that $16.5 million the government is also providing capital grants of up to $1000 to ensure services can comply with the act. There is an acknowledgement by the sector and also by the state government that this legislation will impact negatively on the cost of family day care and outside-school-hours care in this state. I am particularly concerned about what that will mean for the future of family day care, which is an excellent service. We do not want to see these services put outside the reach of the average family. Yes, we want safe, well-regulated child-care provision, but as legislators we always have to weigh up the balance between safety and increased levels of remuneration, increased qualification levels of staff and the cost. You can have the safest system in the world, but if people cannot afford it, it is not going to provide a service to the community. We want a good balance. We want a safe system and we want people who want to be working in this sector and who are good with children, but we also need to make it affordable for families. Perhaps this is going to mean that the state government will need to provide more in subsidies towards families or towards the services in order to keep these within the cost of the average Victorian family.

We need to look at the history of Labor's promises on the regulation of family day care and outside-school-hours care. The second-reading speech says that this goes back to August 2005, but if we look back much further than that, to 1999, we see that the *Labor — New Solutions* platform and community services policy document promised to legislate for the regulation of outside-school-hours care services and family day care. In 2002 Labor's 'Listens then acts' platform again promised the development of regulatory provision for outside-school-hours care and family day care. In June 2006 *A Fairer Victoria — Progress and Next Steps* promised to develop new regulations for outside-school-hours care and family day care.

In November 2006 Labor's election platform and policy documents were strangely silent on the issue, probably out of embarrassment that it had been promising it since 1999 but had not delivered. For eight and a half years Labor had been promising to regulate these services but had failed to act, creating an environment where children in these services may have been vulnerable — there may not have been vulnerability; I guess we will never know that. Labor's promises were eight and a half years in the making.

Labor has also known that the Children's Services Regulations 1998 were going to sunset on 31 May this year. Did Labor do the work to ensure that those new regulations were in place by 31 May? No, it failed the children of Victoria. It did not do its homework. Despite Premier John Brumby on his first day as Premier saying that education, including early childhood development, was his no. 1 priority, his minister failed to do the work to ensure those new regulations would be in place by 31 May this year. She made a statement to a journalist virtually on Christmas

Eve that the government was going to extend the regulations, and then during the summer period she snuck into the *Government Gazette* an extension of one year for the current regulations until 31 May 2009. We are still going through a review of those regulations, which now needs to be completed so new regulations will be available on 31 May 2009.

Much of this legislation is enabling legislation. Much of the detail of the legislation will be in the regulations; things like the cost of licensing fees et cetera will be in the regulations. We will wait to see what the final impact of those costs will be. As I said, the Children's Services Act is a particularly important act. It is an act that was introduced by a Liberal government because it recognised the need to provide a safe and secure environment for our children. Children are our future and the most important concern of Victorian parents. We want to see safe, well-regulated services, but we also need to ensure that there is a balance so that these services are not placed outside the reach of the average family.

Ms HARTLAND (Western Metropolitan) — I am happy to contribute to the debate on the Children's Legislation Amendment Bill. As Ms Lovell has outlined much of the technical detail, I will keep my contribution brief.

The Victorian Greens believe education is a human right and a public good. We believe a quality education system promotes equity, social justice and economic wellbeing, and that it is the responsibility of the state to provide a fully funded and resourced public education system, including preschool education. The Greens education policy emphasises the importance of preschool education. If I wanted to be cheeky, I could be saying it was definitely one of the policies we took to the election. I am glad that other people think it is a good policy and have adopted it as well. Transferring responsibility of preschools from the Department of Human Services to the Department of Education and Early Childhood Development is a logical thing to do.

During the election campaign I spoke to primary schools in Dallas. There are kindergartens in primary schools in Dallas, and the schools have found that the rate of children from that area who were going to kindergarten had increased because parents had the idea that kindergartens were part of the school system. That was important, especially for disadvantaged children or those children who were newly arrived to the area.

Obviously we are all aware that there is an absolute baby boom going on in Victoria, and we need to make sure that child-care services are well provided. As we also know, the cost of living has escalated and now involves petrol debt, mortgage debt et cetera, so it is a very rare household where both parents do not have to work. We need high-quality child care and safety factors in that child care. The Greens support this bill because we think its drafting has taken into account all kinds of child care, especially family day care, which is a service that many people have to use. I was very pleased to see provisions enabling inspectors to go into the homes of people who are providing family day care to make sure that that care is of a good standard, because unfortunately there have been some cases where the standard has not been as high as it should be. The Greens support the bill and actively encourage the government to continue in this line.

Mr SCHEFFER (Eastern Victoria) — The Children's Legislation Amendment Bill amends the Children's Services Act and the Child Wellbeing and Safety Act with the objective of ensuring that minimum standards apply to family day care and outside-school-hours child-care services. The amendments will simplify the licensing process so as to reduce the regulatory burden on operators of these child-care services and to clarify and improve the enforcement powers of the state. Provisions in the bill will also serve to improve the quality of the programs to benefit children's development and will provide powers to release information and include a principle for guidance on access to universal kindergarten for all children.

Women — especially working women — have always needed to have their children cared for by others. Until recently children have been minded informally by relatives, friends and neighbours. This informal care inevitably placed and places considerable stress on the women who need regular and extended child care. Ultimately they were reliant upon the goodwill and patience of relatives and friends, and where they paid for the service there was rarely peace of mind, because mothers were often concerned about the suitability of people who did the childminding and of the environments in which the children were being looked after. I dare say these circumstances will be familiar to many of us who are the children of working mothers.

Kindergartens, which go back to 1830s Germany, never saw themselves as providing child care. They were about educating infants, not childminding. In Australia free kindergartens began at the turn of the 20th century and offered educational programs for what were then known as slum children and the children of the working class more generally, aiming to improve them. Kindergartens were institutions dedicated to helping lift the working class out of its poverty. Kindergartens

aimed to retrain working-class children in middle-class values and behaviours. The middle-class providers of kindergartens were not primarily concerned with the pressing needs of many working women to have their children cared for while they went out to work. The struggle for child-care services for women who work was hard fought, and the present bill is a further step on the road.

Centre-based child care that provided long day care and occasional care was gradually co-located with kindergarten services, but family day care and outside-school-hours programs were always the poor cousins in terms of funding and quality and have until now remained less regulated, even though standards have been in place for some years now. A growing number of families in which both parents work — working families — use family day care and outside-school-hours care. As the need to balance work, life and family commitments increases, families need more flexible, accessible child care. There has been a significant increase in the use of services that provide care that is not regulated under current legislation. In fact 41 per cent of known child-care places fall outside regulation.

Child-care workers have been amongst our least remuneratively valued workers, despite the fact that they perform such critically important work and we place our children in their care. Amongst child-care workers, those in outside-school-hours care and family day care have been the least valued. Besides low pay, child-care workers and outside-school-hours carers and family day care workers also had the least access to training and professional development, and their working conditions were poor. Also, workers in these services have long struggled for optimal child-staff ratios. Without government regulation of standards it has always been very difficult for parents to have confidence that the service that provides the care for their children is of good quality and that their children are safe and are having positive experiences, so bringing outside-school-hours child care and family day care into the regulatory framework, as provided under these amendments, is a very good thing. The quality of these children's services will be improved through compliance with provisions for children's programs, staff qualifications, child-staff ratios and compliance with state standards.

As the minister points out in her second-reading speech, Victorian families are under great pressure to balance the competing demands of work and family responsibilities, and the need for flexible and accessible child care is increasing. The demand for family day care and outside-school-hours child-care services is also increasing, and therefore the problem of these services not being regulated becomes more of a problem. There are standards, but they are ultimately not enforceable, and they should be.

However, the bill is not without some contentious issues. It contains amendments to enable investigation of both present and past acts of non-compliance. The amendments extend currently existing powers to ask questions and obtain information when inspections are under way and extend the sanctions against services that fail to comply. The amendments clarify the regulator's role in monitoring and inspecting children's services and its role in imposing sanctions when an operator fails to comply with the legislation.

The bill contains a new provision that enables certain information to be released. The provision permits the department to release compliance information about the operation of individual children's services. The purpose of releasing compliance information is to provide parents with information to enable them to make informed choices about their child's care. Of course personal information will not be included, and I believe the privacy commissioner has indicated that this provision should not cause any concern at all.

The amendment always enables the department to share information with other government authorities to ensure that the health, safety, wellbeing and developmental needs of children are being met. The department can also share information where it believes that a service has contravened another act, or where the disclosure of the contravention would go to protecting the health, safety or wellbeing of children in the particular service. For example, the department will be able to disclose information relating to a breach of food safety legislation to the relevant department. The rider on such a disclosure is that it has to be necessary for the protection of the children, for their safety, wellbeing or health. As I said, the extent of the release of information under these amendments should not cause concern, because such release will always need to comply with privacy provisions and because a review process will be available to manage disputed compliance decisions.

In developing these important amendments the government consulted very widely on the basis of a consultation paper that was issued to child-care services and user stakeholders. While there was some criticism that the time lines were too tight, overall there was broad support for the intention of the bill and for the regulations that will follow. Local governments and the Municipal Association of Victoria gave clear support for extending regulation to family day care and

outside-school-hours child care. There was also support for extending the compliance framework to family day care and for the licensing of services, rather than individual carers, on the condition that some of the additional compliance responsibilities had to be accepted by individual family day carers, because in the end these individual carers are of course contractors.

The children's services sector was also consulted. The sector wanted an extended time period to consider the forthcoming draft regulations and the regulatory impact statement. The extension of the regulations has provided further time for the government to respond to the sector's wish for information and for time to adapt to the new requirements. This extended phasing in and consultation will help with the government's desire for a smooth introduction of the arrangements.

The provision of affordable, accessible and quality child-care services that support the needs of working families — and working women in particular — has been a longstanding policy imperative of successive Labor governments. The amendments contained in this bill further the achievement of that goal by extending regulation to family day care and outside-school-hours child care. This, I think, will give parents greater peace of mind because they will have greater confidence in the quality of the service and will know that their children are being well cared for. I commend the bill to the house.

Mrs PETROVICH (Northern Victoria) — I have pleasure today in rising to speak on the Children's Legislation Amendment Bill. This bill was initiated by the Liberal Party in 1996 and introduced by then minister, Dr Denis Napthine. I would like to briefly run through the purposes of this bill, which are to amend the Children's Services Act 1996 and to further provide for the licensing and regulation of children's services, which includes enforcement of minimum standards across children's services. The bill will also amend the Child Wellbeing and Safety Act to include the principle of kindergarten for all children.

I would have to say that there is nothing more important than the safety and care of our young children, and a safe and well-regulated child-care system is absolutely vital for the hundreds and thousands of Victorian families who use these services every year. I think there are 84 family day care centres, which have more than 3000 family day carers, and 900 outside-school-hours care providers. Seventy-five thousand children access these services. That is a significant proportion of our community.

It needs to be acknowledged that families simply cannot function without good-quality and adequate services. Mums and dads — probably primarily mums — need to be able to go to work with some comfort in the knowledge that their child will be in a safe, caring environment. If we are truly an equal opportunity community then this bill is timely, although perhaps it is a little behind the times in some respects. We need to ensure that working mothers have the opportunity to continue their role in the working community with some security of knowledge that their child is receiving the very best of care.

It is important to note that these reforms have been eight-and-a-half years in coming. Labor's history of promises on regulation of outside-school-hours family day care goes back a lot further than August 2005. The second-reading speech states that it originally went back to 1999. The *Labor — New Solutions* platform and community services policy document promised to legislate for the regulation of outside-school-hours services and family day care nearly eight years ago. In 2002 the Labor government's 'Listens then acts' platform again promised the development of regulation provisions for outside-school-hours care. This procrastination puts a lie to Labor's spin that Victorian children would have the very best start. We are now the only state without safeguards around family day care. Victoria is the most unsafe place to raise a family, to coin a phrase. We have seen cases that would have been addressed by this legislation across the years. It is of some concern that parents have believed these services were regulated. I believed that family day care had been regulated some time ago.

The bill amends the definition of 'children's services' so that family day care and outside-school-hours care fall within those definitions. As I said, I was under the impression that had already been done. The bill inserts new definitions to provide for the licensing and regulation of family day care. I am pleased to note that family day care is now covered in this bill. It provides an alternative source of day care and a choice for families who do not want to put their children into day care centres. It is a valuable service to those families who want a more homely environment for their children. As was mentioned earlier by Ms Hartland, there have been a small number of cases where children have not been in the very best of environments. It is a behind-closed-doors environment, so it is comforting to know that we now have that scrutiny. It will ensure that those people who are providing that care are giving the very best care to children.

As a working mum I remember having to drop my children off at their day care centres. It is at times

traumatic for the parent to deliver a sometimes not-that-cooperative or happy child to their day care centre. It is absolutely imperative then that the parent can leave their often wailing, red-faced, open-mouthed child at the door in the confidence of knowing full well that the child will be dealt with by competent, well-trained staff, who have the child's very best interests at heart. I often get calls from my sister who has one of those children — my nephew, Hunter — who puts up quite a fight some mornings on his delivery to his day care centre. Of course it is a form of torture for his mother because he settles immediately she leaves the door. I am able, in hindsight, to give her those words of reassurance that it is part of a plot by most two-year-olds to make their parents feel guilty.

I would also like to address the issue of after-school care, which I think is a vital service. I include with that programs for school holidays, which are mainly run by municipal councils. They are also essential so that working parents can go to work with some peace of mind. An area of difficulty in our community which I would like to highlight is after-school provision for early teens, or mid-teens children, who have both parents working, which is often a necessity in these economic times. There is very little child care available for this age group. When I was growing up if you went home to an empty house you were called a 'latchkey child'. The term was used with some concern. It is more acceptable today that children are often going home to empty houses and that they often spend school holidays without any adult supervision. I am thankful for mobile phones. I know this often places children in a position of not always making the right choices for themselves, but parents unfortunately have little choice, firstly, because there is no real facility for this age group, and secondly, because the children probably would not like to attend anyway. If we are going to develop some policies on this at some stage, we need to put some work into looking at this age group. I think it is an age group that is at risk. It certainly puts children in positions of vulnerability, and I think it also puts stress on working parents.

I would also like to highlight the issue of grandparent fatigue. Many grandparents are a valuable and fantastic resource as far as child care is concerned, but there is an overburdening of these people who give very freely of their love and care. Most grandparents would not want any remuneration for the care of their grandchild, but if we do not have affordable child care, then unfortunately there is sometimes an overuse and an overburdening of these loving grandparents, whose role really is to spoil children. They are there to be indulgent and to be the carers, but unfortunately if they are overused they become very tired, and the role of the indulgent grandparent changes. I think it is reasonable to expect in the 21st century that we are going to provide safe, accessible and reasonably priced child care or day care as a way of ensuring that our grandparents are able to enjoy the role of grandparenting by providing occasional care and not full-time care simply because child care is too expensive. We know that many families simply cannot afford the high cost of that child care.

I would also like to note that the bill provides for an increase in penalties for breaches of the act and that the penalties in nearly all cases are doubled, with three exceptions. One of these penalties is doubled by clause 9 of the bill, which amends section 26A of the act, which was passed by the Parliament on 26 February as part of the Children's Services and Education Legislation Amendment (Anaphylaxis Management) Bill. On 26 February the government considered 30 penalty units to be a reasonable fine for a breach of this section, and only a short time later — before that bill has even been enacted — it has changed that by doubling the fine. This is once again a sign that the legislation has not really been thought through and that there have been some areas that have needed to be worked up. The bill also provides that a person must be a fit and proper person to operate a children's service and allows operators to appoint a person or a nominee who would be responsible in the event of the absence of the licensee.

While the coalition will not be opposing this bill, and while I am very supportive of anything that provides good quality and safe child care, I think it is important to note that we have concerns. As we have mentioned, the bill is unclear about licensing; the fees have not been set, and it is unclear what impact that will have on individual service providers, so I would like to highlight that as an issue that I personally and the coalition have some concerns about. I think it is timely that we point out how incredibly important the protection of our children and the wellbeing of Victorian children are. I have some concerns that this legislation and the process involved in bringing this bill before us has moved at such a slow pace that we may have already been left behind. We have had eight and a half years of promises being made by this Labor government, but this bill will only regulate family day care and out-of-school-hours care. The government has failed to act on a whole range of other things, some of which I have highlighted.

I will not speak for much longer on this today. I will be supporting the bill, and obviously the coalition supports this bill. It is very important for us to support families, and I think that any bill that ensures the safety and

adequate care of our children is most important. On that note, I commend the bill to you.

Ms MIKAKOS (Northern Metropolitan) — It is with great pleasure and pride that I rise to speak in support of the Children's Legislation Amendment Bill 2008. As has already been commented upon by previous speakers, the provision of quality child care is an important issue to Victorian families. With increasing financial pressures on families to pay mortgages and meet other family costs associated with increases in food prices, petrol prices and other escalating expenses, more and more families are needing to rely on paid child care. It is important of course to acknowledge and respect the choices that women and families make to rely on child care, although I note that many families rely on unpaid forms of child care through the very generous support extended by many grandparents around the state. I want to acknowledge the contribution that those elderly members of our community make to supporting their grandchildren and providing care to those children. But, as I said, an increasing number of Victorian families do in fact rely on child care, including day care and outside-school-hours programs. In fact it is estimated that around 75 000 children in Victoria attend family day care and outside-school-hours care. There are 84 family day care centres in our state, which have more than 3000 family day carers and 900 outside-school-hours care providers.

The proposal that we have before us is to make changes to the Children's Services Act 1996 that will see family day care and outside-school-hours care come within the scope of the Children's Services Act for the first time, joining other services such as kindergarten, long-day care and occasional care. I think it is important that all these different types of formal education and care services that are available to families to look after their children in this state will now be monitored, providing parents with greater confidence through the enforcement of minimum safety and developmental standards.

I understand that new regional and central office staff are going to be employed and trained to help administer the act, including licensing, monitoring and supporting these providers. Capital grants will be provided to services to ensure compliance with the new act, and the children's services database will also be redeveloped to accommodate new services. This year's budget has in fact provided for an allocation of $16.5 million over four years to support the new child-care regulations which are currently in development, which will accompany the amendments that we are debating here this evening.

The lead government speaker, Mr Scheffer, having considerable experience in the child-care sector himself, has very ably summarised the key provisions of the bill before us, so I do not propose to go through that in any detail other than to note, as I have said, that the Children's Services Act will include family day care and outside-school-hours care. In addition the bill will streamline the licensing processes to reduce the regulatory burden. I think this is particularly important for neighbourhood houses, which have expressed concerns in the past about proposed staff-to-children ratios. The bill will also clarify and improve enforcement powers within the act, extend children's programs to enhance children's development and provide powers to release information.

The opportunity has also been taken to amend other elements in the act to enhance the operation of children's services and improve the clarity and efficiency of the act generally. The bill also inserts a paragraph into the Child Wellbeing and Safety Act 2005 that implements the Victorian government's commitment to recognise in law the principle that every Victorian child should be able to enrol in a kindergarten program. It is this in particular that I want to emphasise, because I think it is really important to note that in the budget there has been an allocation of $5.2 million for free kindergarten programs for vulnerable children. Many people have said, and it is widely acknowledged, that having an opportunity to attend kindergarten and other early childhood programs provides young children with the best start to the development of their literacy skills and a good start to their future education. That is why I am really proud of the fact that our budget this year will provide access to high-quality kindergarten programs to allow children to get a good start in life, in particular through the provision of free kindergarten programs of up to 5 hours a week for three-year-old children known to child protection services. Kindergarten programs led by qualified early childhood teachers will assist children to develop skills and learn through socially enriched learning programs.

I note also that many other programs have been provided for in what has been referred to as the baby boom budget. We recognise that we have a huge population growth in our state with many babies being born, and this requires an expansion of early childhood programs. We have also seen in the budget an expansion of $23.9 million for 1000 extra early childhood intervention places to deliver direct support for children with developmental delays or disabilities. There is $3.3 million for an additional 150 kindergarten inclusion support service packages to provide help for children with high and complex needs to participate in the mainstream kindergarten program. There is also

funding of $1.8 million for the development of a workforce strategy to help skill up the workforce and provide training and mentoring programs.

I am proud of the fact that since this government has been in power, it has introduced many pieces of legislation to protect our young and vulnerable children. The government has introduced many amendments and pieces of legislation that set up things such as the working-with-children register and the requirement that people working with children now have to have criminal history checks. There has been other legislation to try to keep our young people protected from sex offenders. Many proposals to protect our young people have come before the Parliament. I see this piece of legislation as part of that commitment we all have as parliamentarians to do what we can to provide a caring and protective environment for young people who require our protection. I commend the bill to the house.

Mr PAKULA (Western Metropolitan) — I rise to support the Children's Legislation Amendment Bill 2008. At the outset I should say that both Ms Lovell and Mr Scheffer have gone into the provisions of the bill in some detail, and I do not propose to replicate that. The bill needs to be viewed in context. It needs to be viewed in the context of a number of measures taken by the government over a period of time to improve the safety of both preschool and primary age children — one example that springs to mind immediately is the new regime surrounding anaphylaxis management that was recently passed by this house — and measures to improve the integration between preschool and school, a number of which I made reference to when I spoke about the discussion paper on the blueprint for early childhood development, which was released last month.

It is in that context that I briefly mention the principal intent of the bill. Previous speakers have already alluded to some of the provisions contained in the bill. The most telling element of the bill is bringing family day care and after-school care within the ambit of the Children's Services Act. They are, as anyone with children knows, services which are greatly utilised by families across the state, and certainly by families in my electorate of Western Metropolitan Region. In many cases after-school care is a necessity. Family day care can be used due to a range of different circumstances, whether it be cost, convenience or familiarity with the provider of the family day care service.

In any case it is appropriate that those services be properly regulated, and we have already heard an example given by Ms Hartland, when she talked about the ability for authorised officers to enter and inspect family day care properties. I agree with Ms Hartland that that is an essential element of providing parents, particularly the parents of very young children, with the kind of peace of mind they expect and are entitled to.

It is unashamedly the predisposition of the government to place its emphasis not so much on the needs of the child-care providers or their business models as, and much more importantly, on the protection of young children and the provision of certainty and peace of mind for parents. That has to be our no. 1 priority as a government, and it certainly is the no. 1 priority of this government. It is reflected not just in the parts of the bill that I have made reference to but in other elements of the bill, such as the stipulation that providers, as part of their program, have to enhance a child's development; and the provisions which insert the new sections 29A and 29B in the Children's Services Act specifically raising the requirements with regard to child-staff ratios and also making sure that those staff who want to administer medication to children have the proper authorisation to do so and that they administer the medication in the prescribed manner. There are also increases in the penalties imposed by the act.

As I said, all those things go not just to the provision of greater peace of mind for parents but in a very real sense towards providing young children with the highest level of protection that we as a government can provide. The bill is a recognition of the different modes of care which are provided both to school-age children and to pre-school-age children in modern times. As Mr Scheffer said in his contribution, many of these different modes were not available in days gone by. The bill is a recognition that in this day and age we have different modes of care, but it is also a recognition that that diversity of modes of child care is no excuse for a diminution of standards. We owe that to the children and to their parents. I commend the bill to the house.

Ms PULFORD (Western Victoria) — I am very proud to support this bill, because it is another example of the Brumby Labor government's commitment to protecting and providing the best care for Victoria's children. It is also further evidence of our commitment to strengthen the link between child care and education for our youngest Victorians. Child care provides a safe place for our youngest Victorians to sleep. It also provides them with a square meal. But we also now know there is a great deal more to it than that. The skills children learn in a child-care setting from a very early age certainly hold them in good stead for the rest of their lives.

The bill amends the Children's Services Act 1996 to include within its scope family day care and after-school care. Members will be well aware of the significant growth over recent years in the use of this type of care by parents and carers. The bill expands the scope of the act and demonstrates the government's understanding of the various needs of modern families in their attempts to balance their work and family roles and responsibilities. As these commitments increase in this era of flexible working arrangements, families in Victoria often require more flexible child care, outside what we would ordinarily think of as normal business hours. A business impact assessment established that 41 per cent of known child-care places fall outside current regulation. Whilst there is very rigorous regulation of the remaining child-care places, it is critically important that as much child care as possible is subject to the best regulation and the best systems to ensure that it is excellent child care by any measure. The legislation will ensure a minimum standard for all children's services and ensure that they are monitored and enforced. Western Victoria Region, the area I represent, has many families who rely on these services. It is estimated that throughout Victoria 75 000 children use child-care services.

Under the terms of the bill it will be the responsibility of a family day care service licensee to ensure that a venue is clean, hygienic, in good repair and, most importantly, safe. The legislation will see the enhancement of services through compliance with provisions for children's programs, staff-to-child ratios — and we know the critical role they play in the educational benefits of child care — and adherence to safety standards. The bill also complements the government's commitment to reducing regulatory burden. Since coming to office in 1999 the Bracks Labor government and now the Brumby Labor government have been committed to reducing red tape wherever possible. By streamlining the licensing processes the bill will cut red tape, enabling services to concentrate on their role of caring for our youngest Victorians.

The main purpose of the bill is to protect what is arguably Victoria's most valuable asset, which is its young people. The government is committed to protecting children in this state. The bill clarifies and improves enforcement powers within the act. It contains several provisions that are designed to clarify and strengthen the enforcement powers of the regulator. The Supreme Court recently challenged some of the powers under the current act. In doing this, some ambiguities were identified in respect of enforcement powers. The bill will remove four offences from the current regulations and include them in the act to clarify these important areas. The offences are: failure to provide educational or recreational programs that meet given requirements; failure to comply with staff-child ratios; failure to administer medication in accordance with the regulations; and failure to notify the secretary of the department of a serious incident. These are all incredibly serious and it is critical that carers and parents have confidence that these areas are watertight. As a consequence of the bill, instead of being covered by regulations, they will be included in the act, and this can only be a good thing. The impact of this on a day-to-day level will be minimal for child-care providers, as they are already required to comply with these things through regulation. However, it will make these requirements more legally watertight.

The amendments will enable the investigation of present and past non-compliance. When the release-of-information provisions come into force the data released will consist of only current action and assessments from the monitoring services. It is important to note that it is not the intention of this legislation to facilitate the revisiting of past offences or for years of past compliance data to be placed on the yet-to-be-created internet site. There will be current monitoring assessments, which effectively provide a clean slate at the commencement of the legislation. The bill will enhance the current powers to ask questions and obtain information at inspection. Importantly, it will extend the sanctions available for non-complying services.

The regulator's role in monitoring and inspecting children's services will be clarified, along with its role of imposing sanctions when an operator is not complying with the legislation. The bill takes into account the importance of enhancing childhood development in Victoria and will extend children's programs to ensure this outcome. For children in any care setting having the benefit of an educationally focused program is critical. The bill is a further demonstration of our recognition of the importance of and commitment to early childhood development for all the reasons that we often talk about in this place, and it will benefit the state in the long term in a myriad of ways. Of course, very importantly the benefits are provided to our youngest Victorians.

This bill also makes amendments to the Child Wellbeing and Safety Act 2005 to include a principle for guidance on access to universal kindergarten for all children. My son is undertaking four-year-old kinder this year, and the joy with which he bounces in the door in the morning to participate in his kindergarten activities is really a sight to behold. The grasping of pre-literacy and pre-numeracy skills is a delight. He

points out the letter 'H' in any text you show him — 'H' for Hamish and 'H' for any number of other uses of the letter, but most importantly the first letter of his name.

The bill also provides increased powers for the release of particular information. This provision will enable the department to release particular compliance information about the operation of individual services, which will provide parents with additional information so that they can make informed choices about their child's care. The amendments also enable the Department of Education and Early Childhood Development to share information with other government authorities in order to ensure that a child's health, safety, wellbeing and development needs are met.

These amendments will clarify that the department can monitor compliance for both present and past acts of non-compliance; require prescribed records to be kept on premises for 12 months and be available for inspection; provide for a power to search with a warrant for evidence located at premises other than licensed premises; separate the powers for monitoring for compliance from the powers to investigate suspected contraventions of the act; and clarify that investigation powers include the standard search and entry powers.

It is important to note that personal information will not be included in the legislation. The legislation will comply with the Privacy Act and the Office of the Privacy Commissioner. The Office of the Privacy Commissioner indicates that, as it stands, this provision will not generate additional privacy concerns.

This bill is another step that the Brumby Labor government has taken to support working families and to promote early childhood development in all its forms. The bill takes into account the modern demands of work and family by ensuring a safe environment for our children. These are important as the whole nation and the state grapple with how we can best increase workforce participation and deal with the skills shortage that is so concerning to so many employers in this state.

As a working mum I understand the importance of being able to go to work and have absolute confidence that your children are in a safe environment. It would be most unsettling not to have that confidence. The measures taken in this bill will assist to provide working families with that additional level of confidence as they go about balancing their work and family needs.

Mr THORNLEY (Southern Metropolitan) — I rise, as other speakers have, to support this bill. There are a couple of matters that I want to add to those already brought forward very thoroughly by other speakers. The first is to reiterate the importance of the service compliance information being available to parents. This is part of how we do things these days — that is, to make that information transparent. As you make performance and compliance information transparent it has two impacts: firstly, obviously it lets parents make an informed choice, and that is probably the most important impact; but the second thing is that it creates competition for reputation. It ensures that the providers themselves are much more vigilant about what they do because they know that everyone is going to find out about it if they do not.

You see this type of information-driven system everywhere. In Los Angeles when the food sanitation people not only had to give a report on every restaurant but had to have the rating stuck on the front window of each restaurant, it not only let the customers know which restaurants were complying but also forced those that were not doing the right thing to do the right thing quick smart. This is an important development, and I am glad to see it is included in this bill in an area where there is nothing more important than protecting our children.

The second issue I want to raise are some of the matters Ms Lovell raised in her speech. She was doing a bit of the John Kerry, speaking against it before voting in favour of it, and her particular concern was that, while protecting kids was a pretty good idea, it was going to increase costs to operators and that we need to think about their viability, and a range of other things.

What frustrates me about that is — and I have raised this issue any number of times when we have talked about workplace safety — that it is the same dynamic: the costs of injuries and accidents are always higher than the costs of prevention. The Liberals always come into this place and say, 'We have to balance these things', when they do not, because they both go the same way. If you prevent injuries and accidents, then the costs go down.

We had this argument 10 times over about workplace safety — the opposition was wrong then, and the diminution of workplace safety premiums has proved that it was wrong. This is a similar issue. All these operators will have liability insurance, and all of them should. If you take action to ensure there are fewer accidents and fewer injuries, the premiums will reduce because there will be less cost. The argument that somehow improving safety increases cost is a lie and

has always been a lie, and we will always oppose it, and that is why I support this motion.

Ms Lovell — It is not about workplace accidents, it is about access to child care. You are a turkey!

The PRESIDENT — Order! Will Ms Lovell take this opportunity to withdraw that comment?

Ms Lovell — I withdraw.

Sitting suspended 6.30 p.m. until 8.04 p.m.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

ENERGY AND RESOURCES LEGISLATION AMENDMENT BILL

Second reading

Debate resumed from 8 May; motion of Mr LENDERS (Treasurer).

Mr HALL (Eastern Victoria) — I am pleased to have the opportunity this evening to speak on the Energy and Resources Legislation Amendment Bill of 2008 and from the outset give the house an indication that it will not be opposed by The Nationals or the Liberal Party. It is an important piece of legislation that contains a number of amendments to a series of acts. Most of the amendments are of a machinery nature, and therefore we believe on balance they are fairly reasonable. We will not be opposing them.

However, I want to point out what I think is a significant error in the second-reading speech. I particularly ask those in the advisers box to take note of this. I draw the attention of the house to the purposes of this bill, which are to amend seven acts of Parliament, those being the Electricity Industry Act of 2000, the Electricity Safety Act of 1998, the Electricity Safety Amendment Act of 2007, the Geothermal Energy Resources Act of 2005, the Mineral Resources (Sustainable Development) Act of 1990, the Petroleum Act of 1998 and the Pipelines Act of 2005. That is seven pieces of legislation. I now wish to draw the attention of the house to the third-last paragraph in the minister's second-reading speech, where the minister says:

> The bill will amend the Extractive Industries Development Act 1995 to clarify —

and it goes on. The second-reading speech makes that reference to the Extractive Industries Development Act being amended, yet the bill before the chamber does not list that act in its purposes nor, to the best of my knowledge, does it make any amendments to the Extractive Industries Development Act. It seems to me that there is a mistake in the second-reading speech presented by the government. That should be corrected by subsequent government speakers because the second-reading speech is an important guide for people who wish to both understand and interpret legislation.

On my reading of this, instead of the Extractive Industries Development Act the government meant to talk about the Mineral Resources (Sustainable Development) Act. It is important that, for the sake of accuracy, as part of this debate that particular measure be addressed by subsequent government speakers, and I welcome and invite further comment by government members on that issue.

That having been said — and I await with anticipation a clarification of that matter by the government — I will give a brief outline of not all but some of the amendments in the bill before us that I have previously described as being largely mechanical. The first of those amendments will allow Energy Safe Victoria to register electrical contractors for up to five years rather than having an annual registration process. That is a sensible amendment; it is unnecessary to require that an approved electrical contractor who has all the necessary qualifications re-register on an annual basis. It seems to be more practical and far more efficient to extend that to a five-year period, and we in the coalition are happy to support that measure.

Secondly, the bill provides increases in a range of penalties across various of the seven acts which the purposes clause lists. First of all, the penalty for electrical inspectors who fail to record defects when issuing certificates of inspection is being increased from 10 to 50 penalty units. While that seems a large number, it is one we are prepared to support, given the importance of certificates of inspection for electrical work. After all, it is important for insurance purposes, for peace of mind and for the protection of property that there is accuracy in the presentation of certificates of inspection once electrical work has been undertaken. Although this is quite a hefty increase in the penalty units, given the importance of this area we are prepared to support this provision.

There is also a provision for an increase from 10 to 50 penalty units for damage done under a tourist

fossicking authority. Again this is a big increase, but it is important to acknowledge that this would rarely be imposed. Over my years in Parliament I have enjoyed a good relationship with recreational fossickers. They demonstrate a sound sense of responsibility towards protecting the environment that provides for their recreation. There would be very few instances of people who hold fossicking licences doing the wrong thing, but those who do certainly need to be penalised. We are prepared to support this provision, but I commend most people engaged in fossicking for the responsible way in which they conduct their recreation.

There is also an increase from 10 to 50 penalty units under clause 17 for constructing or operating a pipeline without a licence. This is an important issue, and we are prepared to accept the increase in penalty units with regard to that. I also note the increase in penalties from 50 to 200 penalty units for failing to comply with a requirement of Energy Safe Victoria under an approved electricity safety management scheme. Again, because of the importance of that issue, we are prepared to support the increase in penalty units.

The bill also makes a range of amendments to the Geothermal Energy Resources Act 2005. Before detailing some of those amendments I will put my views on the record. Geothermal energy was discussed in 2005 when this Parliament first introduced legislation on this form of renewable energy. I think the legislation had the unanimous support of members of the house at the time, and we continue to support the development of geothermal energy in Victoria — not that there are at this stage any significant developments in geothermal energy in Victoria, to my knowledge at least.

I know of a company called Lakes Oil, which has been drilling for oil around the coastal areas of Gippsland. I read in a local newspaper that it now intends to undertake some serious exploration for geothermal energy along parts of the Gippsland coast, particularly around Yarram. I sincerely hope that bears fruit, because geothermal energy would be most welcome in Victoria. I know from an overseas study trip I took some three or four years ago that countries like Iceland acquire most of their energy through geothermal sources. Our neighbour New Zealand also generates a lot of its electricity through geothermal means. If we can develop that industry in Victoria, that is all good and well. We have welcomed and supported the introduction of legislation in respect of geothermal energy, and we welcome the amendments made by the bill before us tonight.

Firstly, the amendments to the Geothermal Energy Resources Act allow a fresh tender at any time after a geothermal energy tender does not result in the issue of any exploration permits. Secondly, they require the minister to set an order of priority of consideration of competing geothermal exploration permits if more than one application is received on the same day. I do not know how frequently that would occur, but nevertheless there needs to be a resolution mechanism for when that happens. Finally, they provide for a late fee for applications for retention leases lodged less than 90 days before the expiry of an exploration permit for geothermal energy. We are prepared to support that. Companies should not leave it to the last minute to renew an exploration permit, but should plan well in advance. Requiring them to act 90 days before a current permit expires is a sensible measure.

The bill makes a few amendments to the Mineral Resources (Sustainable Development) Act. One of them gives the department head one month to decide whether to approve work plans or rehabilitation plans that have been revised at the department's request. That provision is in clause 12, and I say to the advisers in the box that the inaccuracy in the second-reading speech to which I referred might pertain to that provision. The bill also makes it clear in clause 14 that a tourist fossicking authority may be granted to either an individual or a company. It is important that we understand what fossicking means — that is, looking for gold or other minerals by means other than the use of mechanical equipment. Many people would spend their recreational time at the weekend fossicking for gold with metal detectors, shovel and spade under a tourist fossicking authority. This is a sensible measure, and we welcome it.

In terms of the Pipelines Act, there is an amendment in clause 18 that explicitly authorises the minister to consider compliance with an approved consultation plan when deciding whether to allow a pipeline proponent or licensee to move to compulsory acquisition after the failure of negotiations with landowners. The initiative of requiring those involved in the construction of pipelines to have an approved consultation plan is an important step, which this Parliament put in place some years ago. For a project of this magnitude, where land may be acquired or leased for the purposes of putting a pipeline through, there needs to be adequate and proper consultation with the people whose land is involved. We need to strengthen those provisions. The introduction of an approved consultation plan was a first, good step, and the bill will further strengthen those provisions. There are a number of mechanical amendments, which I will not detail in

their entirety, because I do not think it is necessary for the purposes of the debate this evening.

I will make some general comments, first of all about pipelines themselves. In recent years a couple of major gas pipelines have been put through my electorate, one of them extending from Longford to Sydney. That was around eight years ago, and there were some real issues, particularly about the rehabilitation of land after the pipeline was laid. There was some dissatisfaction regarding the outcome of the consultation process, in particular about land not being rehabilitated to the extent that it should have been.

More recently, regarding a natural gas pipeline that extended to areas of Korumburra and Leongatha — and this occurred only in the last 12 months or so — there was a lot of dissatisfaction with the level of rehabilitation applied to private land that had been disturbed to lay the pipeline. This is a critical area. We all want infrastructure delivered, particularly around parts of regional Victoria, but it is important that we get right the mechanisms and processes by which we set out that infrastructure. It is important that there be proper consultation, and that starts with an approved consultation plan. That issue is important.

I noticed that in the debate in the Assembly some of my colleagues rightly took the opportunity to comment on the north–south pipeline, which is bringing water from the north of the state to Sugarloaf Reservoir to supply Melbourne. Strictly speaking, that is not within the pipeline provisions in this bill, because at least to my knowledge that particular water pipeline has not been approved by the minister to be a pipeline, as defined in the Pipelines Act. But it is an important issue that again demonstrates the need for proper consultation plans when you are laying pipelines, whether they be for water, gas, sewerage or anything else.

The consultation process on the north–south pipeline has been abysmal. We would all be well aware of community concern about not only the pipeline itself but the processes that this government has not employed and the proper processes it should have employed to consult and talk with people along that pipeline route. This government still has work to do to ensure that pipeline infrastructure in Victoria is laid with a greater deal of consensus from the people who are going to be affected by such pipelines.

I want to make some general comments also about retail electricity costs. We are well aware that recent determinations by the Essential Services Commission have led to some significant increases in retail electricity prices both in country and metropolitan Victoria but particularly in country Victoria. The difference between electricity prices in Melbourne and other parts of regional Victoria is increasing, and that should be a concern for all of us. If we want to solve some of Melbourne's population problems and to talk about decentralisation and encouraging people to live in country Victoria, we have to put in fair and reasonable infrastructure and service costs. For electricity, one would think, we need to bridge the gap in the difference in costs between country and metropolitan Victoria.

People on the government side will say, 'It was your government previously that privatised electricity distribution companies'. That is so, but at the same time we put in place something called a network tariff rebate, and if my memory is correct, it had a value of some $130 million in the first year it was put in place by a previous coalition government. That was an equalisation factor between the network costs of electricity being distributed in country areas compared with Melbourne. The government maintained that network tariff rebate for a period of years. It finally expired in March of this year, and currently there is no fund to equalise the cost of network distribution across Victoria. Consequently people in country Victoria now pay more for electricity than do those who live in Melbourne.

If, as I said, we are going to be fair dinkum about decentralisation and about being fair and equitable for all Victorians, that matter needs to be looked at by the government. Perhaps it should consider reintroducing something like a network tariff rebate to equalise that cost, or perhaps it could look at the Regional Infrastructure Development Fund as a source of capital funding for distribution capital works. That could well be similar to what happened with the natural gas extension, when some of the Regional Infrastructure Development Fund was applied to extend natural gas networks across country Victoria. Equally some of that fund could be used to improve the distribution network for electricity across country Victoria so that the full cost is not being borne by the customers in those areas.

I recently read a document written by a group of people who made some comment on this issue. They suggested that there should be a regional network fund to assist with the capital requirements of improving and maintaining electricity distribution networks in country Victoria. All those ideas have merit. I do not think anybody is arguing that we should go back and reconsider the cost-reflective pricing structure we now have for utilities, but there should be access to some general funding to support the improvement and maintenance of capital works. I urge the government to think seriously about that issue.

The last point I want to make some comment on is clean coal technology. There is no doubt that most of us would recognise that despite the fact that we now have a national electricity market, with a link between Queensland, New South Wales, Victoria and South Australia at least — and, some might argue, with Tasmania, in the Basslink network — we can share electricity around the eastern seaboard. It is quite clear that in times to come we will need new sources of energy for the generation of electricity, and the most cost-effective way of doing that is by the use of brown coal. No-one is advocating that we build a brand new power station in the exact form of the existing power stations in the Latrobe Valley. I think everyone is singing from the same hymn sheet when we say that we need to accelerate clean coal technology processes so that we are using that technology for the next major sources of power that we will inevitably need in Victoria. It is a resource, I might add, of which we have at least a 500-year supply here in Victoria, and we would be dumb not to be making the best use of that available resource. If this can be done in an environmentally responsible way, then that is all the better, and it should be done. In that regard I acknowledge this state government's contribution in the recent budget of $130 million or thereabouts for clean coal technology. I note that in the federal government's budget there was also some allocation for the potential use of clean coal technology.

This sort of technology, even at a demonstration level, is going to cost more than the $100 million put up by the Victorian government or the $500 million, I think it was, that was put up by the federal government. Such technology is going to cost literally billions of dollars, and unless governments really push, promote and are part of that research, development and importantly the demonstration of those particular technologies, it will be a long time before we develop commercially viable clean coal technologies in the state of Victoria.

As I said, we are all batting for the same side on this issue. We all wish to see clean coal technology developed more quickly. If it is to be developed at a faster rate than the rate at which research is currently leading us, there needs to be a greater contribution from the government to develop that technology. As I said, I am firmly of the view that new energy sources will be required in the future. Renewables and savings of energy will go some way towards meeting that need, but inevitably in the very near future we will need some major new sources of generation, and the logical direction is towards using brown coal. I think we can do it, but we need to do it with that clean coal technology, so we need to act on that.

They are the couple of issues related to this bill that I wanted to make some general comments on. As I said in my opening comments, in terms of the bill itself there are a whole series of rather mechanical measures which in the coalition's view seem to be responsible in nature. We are prepared to see how each of those goes and will not be opposing the passage of any of those through the house tonight.

I go back to that error which I believe exists in the second-reading speech. I think it is important that the record be corrected or at least clarified by way of comment from the government before the expiration of the second-reading debate on this bill. With those comments I again indicate that the coalition will not be opposing this legislation.

Mr LEANE (Eastern Metropolitan) — I wish to speak briefly on part of this bill. I will leave Mr Hall's question on the second-reading speech clarification to Mr Scheffer when he makes his contribution. I am pleased to be speaking on the Energy and Resources Legislation Amendment Bill. I particularly want to concentrate on the amendments to the Electricity Safety Act, an act which is close to my heart as it contains the provision for me to have an A-grade licence as an electrician. I have quite a bit of knowledge of this particular part of the act, and I want to concentrate on the amendments which this bill makes.

I will just give a bit of background to the amendment to the electrical contractor licence. To work as an electrical contractor, an A-grade electrician, before getting a van, putting their name on the side of it, throwing a few bits of conduit and a couple of drums of cable in the back and starting work, must be registered with Energy Safe Victoria, for very important reasons. ESV will make sure that the electrician who applies for this licence as an electrical contractor is a qualified person. He or she needs to show ESV evidence of qualifications and experience in business administration, a certain amount of civil liability insurance and, obviously, electrical qualifications that will let this person work as a registered contractor.

This bill extends the registration period. Instead of having to re-register every year, contractors will have the ability to re-register every five years. I was speaking to electrical contractors and they are very pleased with this amendment to the act. It will save them time and registration fees, and it makes sense. I do not think too much will change over five years as far as a person's qualifications and skills and keeping them to a standard that is important for quality of work and safety of work are concerned. As I said, electrical contractors are very pleased with this part of the bill.

Another amendment to the Electricity Safety Act in this bill is the increase in penalties for licensed electrical inspectors who fail to recognise defects in electrical work that they have inspected. There is a responsibility for A-grade licence-holders to report to ESV if they sight unsafe electrical work — for obvious reasons. The problem with electricity is you cannot see it, but it is lethal if it is dealt with in an incorrect manner. I am all for the increase in this penalty for an electrical inspector. Electrical inspectors would have an added responsibility. If they have inspected electrical work and do not report to ESV that electrical work they have inspected is unsafe or that peripheral work they have come across is not safe, they should be penalised because it should be a clear part of their duty in holding their inspectors licence.

Mrs PETROVICH (Northern Victoria) — I rise to speak on the Energy and Resources Legislation Amendment Bill. This bill amends a range of issues around energy and resource legislation. These provisions increase penalties, allow licences for electrical contractors to be issued for a longer period of time, and require earlier lodgement of applications for geothermal and petroleum retention leases. The bill also allows for the minister to consider compliance with an approved consultation plan when the minister is deciding whether to authorise compulsory acquisition of land for a pipeline easement.

I would like to speak on two particular aspects of this legislation relating to reliable energy resources and to the compulsory acquisition of land surrounding pipeline easements. The bill allows us to provide a better response to storm damage to electricity infrastructure and to make sure that we do not have a repeat of events which happened over the early summer, in the January-February period, particularly in north-eastern Victoria, where thousands of Victorians had to wait a long time before having their electricity supply restored after blackouts. People were left in the dark, both literally and in terms of information. They were not able to obtain any reliable input as to what was going on.

I would like to raise an issue of great concern to me and to constituents in Northern Victoria Region. It relates to issues which I have previously raised a number of times in this house — that is, power outages. One could say that this bill has significance for the issues it does not address in relation to power outages and reliable power supply. The community and members of this house are entitled to ask about the steps being taken in this bill to address the issue of a better response to power outages in the event of storm damage and particularly in relation to those days of extreme heat. We all acknowledge that weather patterns are changing for a variety of reasons, but I cannot see any measures articulated in the bill to ensure that this is being addressed, nor any provisions for greater security of electricity supply during peak times when outages occur, particularly during extreme heat and perhaps during bushfires when heavy smoke can also impact upon our power supply.

I have some real examples of infrastructure which simply is unable to cope. Unfortunately the penalties provided are insufficient to encourage the providers to spend the large amounts of money required to bring this infrastructure into the 21st century. Many of our city residents take for granted the continuous and uninterrupted supply of electricity to their homes and businesses. In fact if any suburb of Melbourne suffers a blackout, it instantly becomes a headline and that situation is remedied very quickly. In February this year some power outages occurred in the Melton and Bacchus Marsh area, and they became headline news. However, blackouts are becoming increasingly the norm in country Victoria. I would say that many country towns are experiencing worse than Third World conditions.

In October last year the Essential Services Commission released figures that showed some areas in country Victoria — including areas in Northern Victoria Region, such as Kinglake, Murrindindi, Mount Beauty and Merrijig — had averaged more than 600 minutes without power in 2006. That figure is significant if you compare it with the central business district and inner Melbourne, which had less than 60 minutes of power outages for the same period. Country Victoria is something like 10 times worse off than metropolitan Melbourne, and according to reports from many of my constituents, it is not getting any better.

I had a number of conversations with people from the Marysville and District Chamber of Commerce, who told me that in the past four months their businesses had suffered some 40 power outages, including one that lasted for 13 hours. As you can imagine, these outages have devastated many of the local businesses. Because Marysville is a tourist destination, not only have these businesses lost thousands of dollars in trade but also in product, lost food and cancelled bookings. Many businesses that depend on a reliable source of electricity have had to purchase their own generators. Again, I think this is comparable to Third World conditions. It is unbelievable that this can occur in the 21st century, and many city people have not had this experience. The service is getting worse while the profits of the power providers have increased, and yet despite this lift in earnings, the distributors are spending less in operating

maintenance and expenditure than they said they would.

Marysville is served by the Rubicon A zone substation, which in 2006 distributed electricity to 4715 customers. In 2006 Rubicon A recorded an average of 403 minutes — almost 7 hours in total — of supply cut. In 2005 it was 767.5 minutes of supply. Kinglake's performance is generally much poorer than that, with total minutes off supply in 2006 being around three times the level of Rubicon A. In contrast, the central business district and inner Melbourne often records less than 60 minutes off supply a year. This is all direct information from the Essential Services Commission.

It is also important that we look at the bill in terms of how its measures will facilitate the construction of new power plants in Victoria. We have all heard about the more-than-expected growth figures, both for metropolitan Melbourne and for certain growth corridors on the outskirts of the city and in urban interfaces. We need to be prepared for the urgent construction of a clean coal fired plant. The sooner that technology becomes available, the better off we will all be. We also need to look at appropriate carbon sequestration and carbon capture storage technology. Those technologies need to work hand in glove.

I do not know where we can find in this legislation the measures that will cover the proposed changes to the regulation of electricity inspectors that the government is currently considering. The question needs to be asked: will dozens of these inspectors be put out of business because of the way these changes are being introduced?

More importantly, I would like to discuss aspects of water easements. This amendment causes considerable concern to me and other members of the coalition, not only in the context of energy pipelines but also in the context of water pipelines. This amendment will authorise the minister to consider compliance with an approved consultation plan when deciding whether to allow a pipeline proponent or licensee to move to a compulsory acquisition after the failure of negotiations with landowners. This is a case of win at all costs. By way of explanation, I should say to the house that the Pipelines Act 2005 contains provisions requiring that consultation plans are to be prepared, approved and made available to owners and occupiers of land over which a pipeline may be constructed or where there is to be an investigation into the possibility of establishing a pipeline.

Information that is required includes general information about the types of activities to be undertaken by the proponent for the purpose of any survey under division 2 of the act or for the construction and operation of the pipeline; information about the management of potential adverse impacts of the construction and operation of the pipeline on land, health, safety and the environment; and details of the procedures that are to be followed under this act and any other act to permit the construction and operation of the pipeline, including procedures for the compulsory acquisition of land.

There should be a plan of how this consultation is to be conducted. It needs to be clear, appropriate and sensible. It is hoped that, if the plan is approved by the minister, then it has complied with the legislation, which will in turn minimise some of the conflicts and stresses that arise between pipeline proponents and landowners. We have seen this clearly with the results of what is going on with the bulldozer approach and win-at-all-costs tack on the north–south pipeline. The Auditor-General has stated very clearly that there has been very little consultation, if any, with the landowners and the communities along the proposed area that will be used by the pipeline to carry water from north-eastern Victoria to Sugarloaf Reservoir and into Melbourne.

It is very easy to say that Melbourne needs water at all costs, but the net effect of this bulldozer approach can be felt on rural activity and primary production. It will impact on Victoria's capacity to produce food which is clean, green and desirable for market and which will feed the people of Melbourne. That impact has not been taken into account. This bill is really another way of pushing forward a flawed proposal.

There is probably a lot more that can and should be done to remedy some of the injustices that are occurring, particularly in the case of the north-south pipeline, but in the context of this legislation we should be sending a message to the government that the rights of landowners should be taken seriously and that this is not just a matter for the Brumby government It has put no planning into water infrastructure and as a last-minute fix has decided to take water out of the north-east. It seems to me that the minister should be required to experience some of the practical difficulties and concerns that are being experienced by many Victorians at the moment in relation to this pipeline. These have been voiced loudly. That message is becoming clear to people living in metropolitan Melbourne, and it is timely that this motion is before us.

I will not speak for much longer. There are strong feelings in the Northern Victoria Region. We have a very organised group — the Plug the Pipe group —

which has run a serious and long campaign, but many of its protests have so far fallen on deaf ears when it comes to the government, the Premier and the minister. We will not be opposing this legislation, but there are some issues that I would like to see seriously addressed. I hope that out of this the government will have some regard for the feelings of those land-holders, particularly in relation to the north-south pipeline, and that at some stage this government will listen to the voices of those people who have been most disenfranchised.

Ms HARTLAND (Western Metropolitan) — I will speak only very briefly tonight, as I think other members, especially Mr Hall, have outlined the technical details. I would also like to thank Mr Hall for picking up that mistake, which I presume will be corrected later. As I said, other speakers have covered the technical details quite well. I also note that normally Mr Barber would deal with this issue as he has the energy and resources portfolio. The reason I picked up this bill is my interest in pipeline safety in the inner suburbs.

My main concern about pipeline safety relates to a number of petroleum lines in the Spotswood, Newport, Williamstown and Altona areas, especially in regard to the massive leak of petroleum from the Mobil pipeline in Newport in December 2006, which in fact polluted a large part of Newport. I attended a presentation from Energy Safe Victoria on 23 April this year, at which a number of residents and I asked about how often the lines had to be tested. We were told — and this is an interesting term — that they had to be 'intelligently pigged' with an ultrasonic tool every five years. Considering the age of these pipes — some of them were built in the 1950s — you would have to conclude that maybe this is not often enough. I was told when I raised this issue during the briefing — and I also received this answer in an email response later — that there were in fact extremely strong safeguards in the Pipelines Act. I do not know that the residents of Newport would agree with the department on that.

Just this year there was another leak in Spotswood near Scienceworks. When this leak happened I went down to the site, and I was actually able to touch the pipes. They are extremely soft; they are very old. The reason I was able to get that close to those pipes was because there is no security. There is a funny little fence that goes around them. If I can manage to touch them, anybody can. How safe are these pipelines in reality?

Another issue is that no other suburb has as many petroleum pipelines as we do in the western suburbs. I would have thought that the government would have looked at this particular act and thought that it was worth amending it, but unfortunately that has not happened. I hope that in the future the government will deal with the issue of ageing pipelines.

The Greens believe this bill strengthens safety issues in a number of areas, and they have been outlined by other speakers. We were also pleased to note that clause 18, which amends section 95(1) of the Pipelines Act 2005 by adding a provision where the minister may consider a number of things before approving a consultation plan, was amended in the other place to replace the word 'may' with the word 'must'. That is good so far as the Greens are concerned and means we do not have to propose the same amendment. The Greens will be supporting this bill, and I thank the government for bringing it on.

Mr SCHEFFER (Eastern Victoria) — I rise to speak in support of the Energy and Resources Legislation Amendment Bill, but before I do I would like to acknowledge Mr Hall's pointing out to the house that the third-last paragraph of the second-reading speech referring to the Extractive Industries Development Act 1995 is an error. Mr Hall is correct; I sought advice on that and have been told that it is an error and should be struck out, but the Clerk tells me that that is not possible, so I guess my apology for that error will have to stand as part of the record.

Mr Hall interjected.

Mr SCHEFFER — My advice was that the whole paragraph should be withdrawn.

This bill, as has been observed earlier in this debate, amends seven acts. Part 2 amends the Electricity Safety Act to extend the registration period for electrical contractors for up to five years. It sets out the range of disciplinary measures that Electricity Safe Victoria can take against a registered contractor or licensed electrical worker; increases the penalty for licensed electricity inspectors who fail to record defects in electrical work when issuing a certificate of inspection; makes clear that the owner of a cathodic protection system must not operate that system unless it is registered by Energy Safe Victoria and must ensure that the system is operated in accordance with the act and relevant conditions of its registration.

Persons undertaking electrical contract work must be registered with Energy Safe Victoria. The amendments require Energy Safe Victoria, as part of the registration process, to sight evidence of qualifications or experience in business administration and management, relevant electrical licences and qualifications, and civil

liability insurance. Currently electrical contractors are required to renew their registration annually. The bill will allow Energy Safe Victoria to register electrical contractors for periods of up to five years to ensure greater flexibility in registration arrangements.

An important issue that the amendments address is the increase in the penalty for licensed electricity inspectors who fail to record defects in electrical work when they are issuing a certificate of inspection. Each year Energy Safe Victoria prosecutes around five cases of licensed electrical inspectors issuing certificates that fail to record the defects in the electrical work that is being inspected. If a major safety hazard is undetected, it risks physical injury to people and damage to property. Some of the cases prosecuted by Energy Safe Victoria have involved repeat offenders, and the courts have found that the current penalties are less than adequate.

The amendments to the Electricity Safety Act contained in part 2 of the bill make it clear that the owner of a cathodic protection system must not operate the system unless it is registered by Energy Safe Victoria, and they must ensure that the system is operated in accordance with the act and relevant conditions of registration. Cathodic protection systems — and I confess I did not know what a cathodic protection system was until I checked it out — use a direct electric current to protect metallic structures from corrosion. They are used in underground steel structures such as water, fuel or gas pipelines and storage tanks, steel piers and underground cables. I am suitably instructed. I understand that if the system is not connected to the power system or is installed incorrectly, serious problems can arise, and it is important that the owners and operators of the systems adhere to clear processes. The bill provides that the registration and operation of a cathodic protection system should be the responsibility of the owner as the effective controller of the system.

Part 3 of the bill amends the Geothermal Energy Resources Act to clarify that where a tender application has not resulted in exploration permits being issued, it is open to the government to invite another tender application for the remaining land at any time. The minister can specify new chief factors that will be taken into account when assessing further applications. Geothermal energy, as members will know, is energy that is generated by converting hot water or steam from deep beneath the earth's surface into electricity. The act enables the minister to call for applications for exploration permits through a tender process. The amendments in this bill will provide the minister with some flexibility to decide the best way to ensure maximum benefit from this important energy resource. Clause 10 empowers the minister to assign a merit-based order of priority to geothermal exploration permit applications received by the minister, and clause 11 makes it clear that an application for a retention lease must be made at least 90 days before an applicant's permit is due to expire. I understand that a retention lease is aimed at retaining certain rights to a geothermal energy discovery that is not commercially viable to develop under an extraction licence but is likely to become viable within the next 15 years. Currently the act is silent on the timing of applications for retention leases, and an applicant must submit an application before their exploration permit expires, which could be the day before. The amendment requires an applicant to apply for a retention lease at least 90 days before their exploration permit expires, and if they breach this, they will be subject to a penalty.

Part 4 of the bill amends the Mineral Resources (Sustainable Development) Act. It clarifies that a tourist fossicking authority may be granted to both an individual and to a company, and it makes necessary changes to align the provisions in this act with those of other pieces of legislation. The bill also amends certain penalties for breaches that may occur under this section of the legislation. The Mineral Resources (Sustainable Development) Act places an obligation on the holder of a tourist fossicking authority to repair any damage to the land arising out of his or her search for minerals. The current penalty for failing to comply is regarded as being too low for the seriousness of the offence, and it is also inconsistent with other requirements placed on holders of miners rights in the act, which is why the penalty is being adjusted.

Part 5 of the bill amends the Pipelines Act to increase penalties for certain breaches relating to the construction and operation of a pipeline without a licence to construct and operate the pipeline, and part 6 of the bill amends the Electricity Safety Amendment Act to ensure that if Energy Safe Victoria accepts an electricity safety management scheme, then Energy Safe Victoria may exempt a person from compliance with any of the regulations relating to the installation and operation of electrical installations or supply networks. Finally, part 6 also amends the Petroleum Act so that it requires holders of exploration permits to lodge applications for retention leases 90 days before the permits expire, which is what I said before, so I will not repeat that section. It is a bill, as Mr Hall has pointed out, that has a number of mechanical elements to it that will improve the operation of the matters with which the bill deals. I commend the bill to the house.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

PUBLIC SECTOR EMPLOYMENT (AWARD ENTITLEMENTS) AMENDMENT BILL

Second reading

Debate resumed from 8 May; motion of Mr LENDERS (Treasurer).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to rise this evening to speak on the Public Sector Employment (Award Entitlements) Amendment Bill. One of the legacies of the former coalition government is a more flexible and dynamic industrial relations system.

Mr Pakula — Why did you look at me when you said that?

Mr RICH-PHILLIPS — Because I could not resist, Mr Pakula. It is a system that has delivered higher real wages, lower levels of disputation and lower levels of industrial accidents than the system that it replaced. It is a system that has been of benefit to the Australian economy and of benefit to the Australian people, but it is also a system that was opposed every step of the way by state Labor governments around the nation, and this state government here in Victoria was no different. In fact it is worth reflecting on the industrial relations environment that exists here in Victoria — an industrial relations environment that has had the worst level of disputation of any state or territory.

In 2007, 50 per cent of all days lost to industrial disputation in Australia were lost in Victoria. In the December quarter of 2007, 86 per cent of all days lost to industrial disputation were lost in Victoria. The Victorian government has not had a strong record in the area of industrial relations, despite the constant criticism and constant attack on the environment created at a national level by the former commonwealth government.

As I said, the history of this government has been to oppose and obstruct the industrial relations framework that was put in place by the previous federal government, even to the extent of undermining any attempt to have a national uniform system. It was an achievement of the previous Victorian coalition government that many of the state's industrial relations powers were referred to the commonwealth, and that was done to simplify the Victorian industrial relations environment — to have a unitary system based on a common national framework that could be applied consistently across Australia. But that is a policy that has been undermined by this government, and an example of that was the introduction in 2006 of the Public Sector Employment (Award Entitlements) Act, which was a piece of legislation introduced by the Minister for Industrial Relations in the other place — the Attorney-General — purely with political motives.

What we are now seeing with this bill is the repeal of key provisions of that legislation. I have to say that the Liberal Party does not oppose this legislation today. It welcomes the repeal of those provisions in the Public Sector Employment (Award Entitlements) Act, because members on this side of the house believe they should never have been inserted when that act was created in 2006 and that they were inserted by this government for purely political reasons to push its political agenda on industrial relations. The bill removes the requirement for a public sector employer here in Victoria — that is, the Victorian government — to submit a proposed workplace agreement to the Office of the Workplace Rights Advocate, which is a Victorian government agency, for assessment to determine whether it meets a fairness test before offering it to state government employees.

So what we had under the principal legislation and what fortunately will be repealed by this bill was a scenario where the Victorian government was effectively saying 'We do not trust ourselves. We are introducing this fairness test to require the Victorian government to submit a proposed workplace agreement to an agency of the Victorian government to ensure that it complies with the fairness test'. That was absolutely farcical. Of course the agency that was set up to do that was the Office of the Workplace Rights Advocate, an agency that was established and funded by this government with the sole purpose in the last two years of attacking the former commonwealth government's industrial relations regime.

During the lead-up to the federal election in 2007 we saw — surprise, surprise! — massive electronic media campaigns with the strongest possible political bias undertaken by the Office of the Workplace Rights Advocate to undermine the then commonwealth industrial relations system. It was no surprise to members on this side of the house. It was always our firm view that this was why the Office of the

Workplace Rights Advocate was established by the principal act that was passed in 2006. We are now seeing through this bill in the house tonight the repeal of the requirement for the fairness test. Following changes at a commonwealth level by the new commonwealth government, the Victorian government no longer considers it needs to keep a check on itself when dealing with issuing employment agreements to Victorian employees. So it was an absolute farce that this bill and the fairness test existed in the first place for the government to keep a check on itself.

It is interesting to note how the Office of the Workplace Rights Advocate has performed in the period since it was created. In the last 12 months in particular we have seen a series of industrial disputes in Victoria relating to the negotiation of new enterprise bargaining agreements (EBAs) and involving issues with the police, nurses and teachers. Those in the Office of the Workplace Rights Advocate have been silent. They have performed no useful role in reaching an agreement between the relevant employees and the Victorian government, and we have seen the Victorian government act in a way that has been far less than honourable in resolving the issues in those EBA negotiations. Where it has had the capacity to act in these matters, the Victorian government has not acted honourably. It has not acted in the best interests of the Victorian community in reaching a conclusion to the negotiations that it has concluded to date. In a number of those negotiations it has been brought kicking and screaming to the negotiating table, most recently the teachers negotiation which we saw announced in the 24 hours prior to the production of the 2008–09 budget. The Victorian government does not have a stellar record in how it has dealt with industrial negotiations in this state in the last several years so it was the height of hypocrisy for it to set up the Office of the Workplace Rights Advocate to criticise the then commonwealth government.

As I said, this bill repeals one of the more ridiculous provisions of the Public Sector Employment (Award Entitlements) Act 2006, and as such it is welcome. It is regrettable that that provision was ever introduced into legislation and that the Office of the Workplace Rights Advocate was ever created because it is a purely political tool, as we have seen over the last two years.

Ms PENNICUIK (Southern Metropolitan) — I am pleased to speak in support of the Public Sector Employment (Award Entitlements) Amendment Bill, which repeals part 3 of the Public Sector Employment (Award Entitlements) Act 2006, which provides for a Victorian fairness test for public sector workplace agreements. This provision has been superseded by the new commonwealth Workplace Relations Amendment (Transition to Forward with Fairness) Act 2008, which has amended the Workplace Relations Act 1996 to introduce a new no-disadvantage test which applies to the Victorian public sector workplace agreements from 28 March this year. So part 3 of the existing award is superseded by the new commonwealth act.

I cannot avoid taking the opportunity of commenting on Mr Rich-Phillips's statement that the original Workplace Relations Act and the WorkChoices act were good for the working environment or the industrial relations environment in this country. I could not disagree more heartily with that than I do today, because they did not do that. They were an assault on working people that was pretty well unprecedented in this country and certainly gave all power to employers and ripped it away from employees.

Mr Rich-Phillips said that legislation was opposed all the way by the Labor Party, and it was certainly opposed all the way by the Greens as well because it was bad law. It is also worth noting that it was opposed by the majority of the Australian people at the last election, which is why the government was changed. Certainly the WorkChoices law was a very big factor in the change of government at the federal level last year.

The new Workplace Relations Amendment (Transition to Forward with Fairness) Act introduces a no-disadvantage test into the Workplace Relations Act 1996, and Victorian public sector agreements will be covered by this federal test. We consulted with the Community and Public Sector Union, which informed us that it supports the proposed amendments, and that the original fairness test in part 3 of the act, which is being repealed, was originally introduced in response to WorkChoices. The new commonwealth act takes away that need.

I will make some comment about no-disadvantage tests because we should not just assume that they have been a fantastic thing. The way they have operated has not always been perfect, and workers have traded away hard-won conditions under the no-disadvantage test when conditions are amalgamated into a mass and it is somehow decided that there is no disadvantage where it is not always clear that that has been the case. Certainly last year I raised the issue of people trading off wages for car parks and that sort of thing, which in some cases was deemed to be at no disadvantage to the worker, but really in practical terms that has not exactly been the case for workers with some of the awards and agreements that have been entered into and have been deemed to have no disadvantage. We should not always think that these no-disadvantage fairness tests, and

certainly the one that was introduced into the Workplace Relations Act in 1996, are an improvement on the system that existed before.

It also remains to be seen whether the federal test will be administered more or less comprehensively than the state test has been. It is not entirely clear what the new federal government is planning in this regard, but the Greens fully support reinstating the time-honoured conciliation and arbitration role of the Australian Industrial Relations Commission that has existed in Australia for more than 100 years and has been looked at from around the world as an example of how to run industrial relations. I will watch with interest where the federal government goes in that respect. With those few comments I say that we will support the bill.

Mr PAKULA (Western Metropolitan) — The Public Sector Employment (Award Entitlements) Amendment Bill 2008 is a very simple bill because it deals with a simple issue. It relieves public sector employers of the need to forward agreements to the Workplace Rights Advocate for a determination of whether an agreement is fair, and the reason for the bill is as simple as the bill itself. The reason is that it is no longer needed because the Rudd federal government has, as Ms Pennicuik indicated, reinstated the no-disadvantage test, and it has done so via the Workplace Relations Amendment (Transition to Forward with Fairness) Act 2008. When that bill, and the substantive bill, passes I hope it will close the book on what has been a shameful chapter in the history of Australian workplace relations.

When I say that I am moved to respond to Mr Rich-Phillips's comment that the Victorian government stymied attempts at national consistency, I remember a number of years ago when the Deputy Premier, in his role as industrial relations minister, said at a function that the Victorian government would support a unitary system so long as that unitary system was fair. That was the Victorian government's position, but the fact is that the system was never fair. The federal government was never able to devise a system which the Victorian government could find to be fair. It is not I who say so, and it is not the Victorian government that says so; it was the people of Australia who said so in November 2007.

I put it to you, Acting President, that the removal of the no-disadvantage test by the previous federal government was absolutely integral to its defeat at the last federal election because the removal of the no-disadvantage test removed from the negotiating parameters any obligation for employers in a position of market power to behave fairly in their negotiations with their workforce. Certainly they could choose to act fairly, and in limited circumstances they could be forced to act fairly. But the law no longer required them to act fairly, and as always happens in circumstances where you can behave fairly if you want to but you do not have to if you do not want to, the virtuous are punished and the unscrupulous are given an advantage and are rewarded. That is exactly what happened with the removal of the no-disadvantage test, because those employers who genuinely wanted to behave fairly, who genuinely wanted to negotiate collectively with their workforce and who genuinely wanted to retain the wages and conditions, found themselves in competition with those who sought to race them to the bottom. In many cases even the virtuous had no choice other than to follow suit if they wanted to remain competitive, and that is exactly what the bill was intended to deliver. The whole purpose — —

Mr Drum interjected.

Mr PAKULA — I am talking about WorkChoices. Mr Drum might choose to forget about it, but that is what WorkChoices chose to do. The whole purpose of removing a legislative floor on wages and conditions is to allow market forces to determine their own floor. The whole purpose of removing a legislative floor is to allow the market to determine its own floor. When you are dealing with people's livelihoods an unfettered market approach is bad enough, and has the potential to be savage enough, but this was worse because one side of the bargaining equation had its wings clipped by the legislation, so the ability of those who represented working families to negotiate freely in the market was absolutely constrained. It was constrained by penal provisions; it was constrained by the primacy given to Australian workplace agreements; and it was constrained by the ridiculous 90-day rule. For the uninitiated, the 90-day rule provided that if you had not reached agreement 90 days after the expiration of your agreement you reverted back to the base conditions in the Workplace Relations Act. It gave the absolute whip hand to employers in negotiations. It was also constrained by the prohibited content provisions.

When Mr Rich-Phillips accuses the Victorian government of opposing and obstructing the commonwealth WorkChoices regime we say, 'Too right!'. We wear that as a badge of honour. I cannot let go Mr Rich-Phillips's suggestion that the Victorian government has not acted honourably in enterprise negotiations in the public sector. The fact is that negotiations with public sector unions and public sector workers are always difficult negotiations. They are very well organised workforces, they negotiate very hard

and they are very good at what they do. By definition those negotiations are difficult but we get them — —

Mr Rich-Phillips interjected.

Mr PAKULA — But Mr Rich-Phillips, we get things done, and we get them done by remaining committed to collective bargaining, and we get them done without taking away people's rights. In the 11 years of the federal Liberal government I never once heard a federal workplace relations minister take the side of workers in any dispute. Never once did I hear Kevin Andrews, Tony Abbott or Joe Hockey say that they thought the employer was wrong in any dispute. We do not behave like the Liberal Party behaved in the waterfront dispute and we do not behave like the Liberal Party did in a public transport dispute when it was last in government in this state and used an industrial dispute as a premise for privatising the public transport network.

The removal of the no-disadvantage test had the effect of removing statutory protections for workers, and the withdrawal of statutory protection was compounded by loading up the rules to favour one side of the bargaining process.

Let not any of us fall for the fiction that Mr Hockey, who was the last of the Howard government workplace relations ministers, trotted out — —

Ms Pulford — The man who declared WorkChoices dead!

Mr PAKULA — The man who declared WorkChoices dead; that is right, Ms Pulford. Let none of us fall for the fiction that he tried to trot out when in the twilight days of the Howard government he implemented the fairness test. He said that members of the cabinet did not know that WorkChoices removed the no-disadvantage test and did not realise that workers could be worse off. Of course they knew; it was the whole point of WorkChoices. The whole point of WorkChoices was to enable conditions to fall.

Mr Drum — Rubbish!

Mr PAKULA — That, and the obliteration of organised Labor, Mr Drum. The very point of removing a statutory entitlement is to allow market forces to find their own floor. Saying 'Oh, we did not realise. We did not know what WorkChoices meant. We did not know there was a no-disadvantage test that we took away' is a load of rot, and it always was. I would compare the federal Liberal Party with WorkChoices to the dog that catches the car and then figures out that is not such a great idea — it chased the car for 11 years and finally got hold of it, and once it caught the car it thought, 'Hell, what do I do now, because this has turned out not to be such a hot idea after all?'.

Thankfully the no-disadvantage test is now being reinstated and pre-WorkChoices EBAs (enterprise bargaining agreements) can be extended and can be varied. The tests that are applied are consistent with the Victorian standard, and the Victorian government sees no ongoing need to subject employers and unions and their members to two separate but substantially simpler tests. The question for opposition members is whether they have heard what the people of Australia said to them in November 2007. Judging by Mr Rich-Phillips's contribution and Mr Drum's interjections, I suspect the answer is no, and that is a problem they will have to grapple with. I commend the bill to the house.

Ms PULFORD (Western Victoria) — The Public Sector Employment (Award Entitlements) Amendment Bill is really an exercise in unscrambling the omelette that was WorkChoices. The Bracks Labor government and Brumby Labor government absolutely and unashamedly took every possible step to ameliorate the worst effects of WorkChoices. We are proud of that fact, and certainly make no apologies for it.

WorkChoices ripped the safety net in this country to shreds, created a race to the bottom culture and a fear in workplaces, and turned back the clock on progress that had been made over 100 years on things like equal pay and workers capacity to balance their family responsibilities with their job. Unfair dismissal laws were scrapped for the overwhelming majority of workers, and we all know what effect that climate of fear in workplaces had on workplace safety.

Federal government agencies were funded on the basis of commitments about introducing harsh workplace practices and individual contracts. WorkChoices was working. Statistics were starting to show a slowing in real wage growth. As Labor MPs and unions warned, it was affecting disproportionately the most vulnerable workers in the state, so we were starting to see a decline in wages in retail and hospitality. It is a great economic policy that is ripping off the person behind the counter in the supermarket! That is courageous policy, if ever I saw it!

We on our side of the chamber believe fundamentally in the right of people to bargain collectively and to be represented.

Ms Pennicuik interjected.

Ms PULFORD — Yes, the Greens consistently have form on that, too, Ms Pennicuik. We believe in the

importance of a decent safety net and a world in which relationships in a workplace are based on respect and a bit of dignity. Remarkably, members opposite still flog that dead horse. In this country's history on only two occasions has a prime minister lost his seat in an election landslide, and the consistent theme for both Mr Bruce and Mr Howard was their ideologically driven misadventure in the area of industrial relations.

We favour a system of industrial relations that promotes improved productivity in this context. In the public sector we have a wages policy based on all government decisions needing to be balanced against competing demands. Our wages policy reflects the government's desire to take a fiscally responsible approach, while consistently improving service delivery and providing productivity gains in our public sector. They are difficult negotiations. They are always, as previous speakers have indicated, colourful, hard-fought and hard-argued negotiations.

The wages policy the government uses as an indicator to guide us in these negotiations is of an average annual increase of 3.25 per cent per annum. In recent times there have been significant negotiations in large areas of public sector employment — police, nurses and teachers. If I take a moment to provide members with a bit of information about some of the major service delivery areas and productivity improvements, I will hopefully be able to identify to members the importance of balancing a decent safety net, a fair structure to negotiations and the benefits to the broader community of a decent approach to public sector negotiation.

In the police agreement the improvements negotiated included the replacement of the existing mobility policy; the use of fixed-term employment; new rostering practices; an expansion of part-time employment; and a new police registration board that will promote policing as a profession. In the nurses agreement improvements will be found through more flexible nurse-to-patient ratios; 500 additional nurses being employed to meet demand in emergency departments and other high-demand areas; more flexible rosters being introduced; and an increase in the number of division 2 nurses. In the recent contract signed with teachers a commitment was given to blueprint 1 and blueprint 2 initiatives. There was recognition that the employer can determine the timing of the existing four pupil-free days, provided that not more than three will occur prior to the commencement of the school year, giving greater certainty to parents and other carers of schoolchildren; and a commitment that all schools will provide not less than 25 hours of student instruction per week.

There are over 250 000 public servants employed in Victoria. One of the measures taken by the Bracks Labor government to protect Victorian workers from the harsh effects of WorkChoices was the Public Sector Employment (Award Entitlements) Act, which this bill seeks to amend. The purpose of that act was to protect the safety net of award terms and conditions for more than a quarter of a million people. But times have changed. We have now had the election of the Rudd Labor government with a very clear mandate on industrial relations policy. Federal minister Julia Gillard's implementation of the first stage of Forward with Fairness has now brought to the federal Parliament transitional legislation with a no disadvantage test. This bill seeks to remove the duplication caused by there being a no-disadvantage test and a safety net of conditions in both the state act and in the new federal legislation. The transitional legislation of the federal government provides that no employee can be disadvantaged when compared to the new Australian Fair Pay and Conditions Standard and the award.

The safety nets of the Labor state government and the Labor federal government serve a similar purpose — that is, to protect such basic things as penalty rates and overtime. Two tests are unnecessary in the one workplace when they serve the same purpose. This legislation relieves the Office of the Workplace Rights Advocate of the role of determining whether enterprise bargaining agreements for state public servants pass the fairness test.

On the Labor side we welcome this new approach to industrial relations. We have long argued that a single national system of industrial relations is the way to go, but for us it needed to be fair and it needed to satisfy those basic principles I outlined earlier. I invite Mr Rich-Phillips and Mr Drum to consider the lesson the federal election dished out and to support this bill. I certainly commend it to members for all that it represents.

Ms TIERNEY (Western Victoria) — I also rise to support the Public Sector Employment (Award Entitlements) Amendment Bill 2008. Previous speakers have taken us through what is essentially a fairly straightforward bill before us tonight. I would like to talk about some other aspects associated with the bill and draw the attention of the house to some basic information which we all know but which I think we need a timely reminder about.

The first is that public servants are always at the forefront of a government's industrial relations agenda. They are the employees, so when there is change it is ultimately the public sector employees who are first in

the queue. I say this through experience, as many years ago I was a federal industrial officer with the Australian Public Service Association, and I experienced what all that meant by being at the industrial relations coalface. We had a number of issues in relation to machinery of government, particularly when there was a change of government. We also had the second-tier negotiations, which were quite unusual at the time. Then of course a little bit further on it was the public sector that first introduced award restructuring and job redesign and those sorts of activities.

It is timely also to remind people that public servants are people who are going about conducting and performing a number of services and tasks within government departments. They are not faceless, white-collar bureaucrats who do not experience the realities of life. There is a perception that public servants just have comfortable lives and work in fairly pleasant work environments. But the fact is that public servants work in a number of areas and undertake a diverse number of roles — for example, we have public servants in fisheries and in law courts; we have public servants who do claim processing, who are senior policy advisers and who are in police intelligence; we have public servants in quarantine, in child protection, at airports and in laboratories — in almost every facet of our lives we have public servants. It is with the professionalism and the dedication that they bring to their jobs that they assist in the democratic process. They are the basis of enabling our elected governments to go about the business of governing and delivering services. This should never be forgotten.

For all of the different roles that public servants perform, there is one thing that is constant in the work of a public servant — that is, change. I can testify to that after 20 to 25 years of experience in this area. Their jobs and their departments undergo constant change. Public servants, their terms and conditions of employment and the number of public service jobs are always under constant scrutiny as governments try to reduce expenditure. That was my experience, particularly with departmental amalgamations, and of course there was the exercise of government business enterprises spinning off from departmental amalgamations. These aspects in the public service are well understood, not just by the administrators but by ordinary, normal public servants.

They are not opposed to change; they know change quite well, and they certainly understand the pressure that change brings about. But when you are part of a group of workers, when you are the first in the queue to cop the harsh ideologically driven industrial relations agenda that the previous Liberal federal government inflicted on workers where there was no space for consultation, there was no space for negotiation, where the award safety net was seriously eroded and the longstanding no-disadvantage test for federal agreements were just simply taken away, you would be thankful that this state Labor government had the foresight to intervene and protect Victorian public servants.

We all know on this side of the chamber, as do the Greens, that the previous federal Liberal government went way too far with WorkChoices. You do not as a government create unnecessary division. You do not as a government entrench unfair rules. You do not go out of your way to make it hard for families, giving children and young adults no hope and the belief that they will never have a fair job, a properly paid job where respect is the norm, not adversarial relations between workers and employers. Electors last November resoundingly rejected WorkChoices and the Howard federal government, and now that the Rudd government is in the process of dismantling WorkChoices it is simply practical and appropriate to repeal the safeguards that were put in place to protect Victorian public servants from the worst elements of that retrograde legislation.

I must say that I have been quite frightened by some of the comments made by members of the opposition tonight. Firstly, they have characterised this state government as a government that by protecting workers is directly attacking the previous federal government. Wanting to protect workers is seen as attacking the Howard government. Secondly, this government's protection of workers is seen by the opposition as undermining the previous Howard government's federal unitary industrial relations system. It beggars belief that anyone could draw that conclusion.

The other thing I find quite frightening so far in this debate is that the Liberal Party continues to embrace its extreme industrial relations agenda. I have not heard anyone from the other side of the chamber when we have on previous occasions debated industrial relations issues acknowledge either in whole or in part that they were wrong. We get attacked on this side of the chamber for being strident about our position on workers' rights. If being strident means that we are committed to making sure we get rid of all of the rotten industrial relations legislation, so be it. I would sooner be strident and proud in defending workers' rights than be subjected to the claims that have been made here tonight.

I put a challenge out to Liberal Party members in particular. I seek some clarification from them this

evening. Are they going to continue to skulk around and not show leadership, or will they stand up and say they went too far and they were wrong? I would also like them to consider in very strong terms an apology to workers and their family members.

Mr ELASMAR (Northern Metropolitan) — I am pleased to make a contribution to the debate on the Public Sector Employment (Award Entitlements) Amendment Bill. The bible says that a man is worthy of his hire. A fundamental basic right for any employee is to be paid a salary that reflects what they are worth. This bill seeks to protect those men and women who provide essential public services to the people of Victoria against draconian measures by any future governments.

We all understand and recognise that the Victorian public service has never been a trendsetter within the public sector wages community or the private sector. In Victoria employees of our public service and its agencies have to a large extent the security of permanent and ongoing employment. Salaries were not a feature that attracted our clerical and administrative officers, teachers, police, scientists and a hundred other classifications of employees who administered the day-to-day running of state government. A proper career structure and absolute independence from political interference is the incentive for senior public servants to provide sound, professional advice to government ministers without fear or favour.

Under the WorkChoices law their conditions of employment had the potential to be severely eroded. This bill seeks to address and redress the WorkChoices laws that were adopted by Victoria to the detriment of Victorian workers. It is simply a protective measure to ensure that any future government does not utilise the current legislation to attack the wages and conditions of employment in our public service.

The Rudd federal government has scrapped WorkChoices, and rightly so. The working families of Australia have spoken, not only in Victoria but all over Australia. They have used the ballot box to send a clear message to all governments about the right to a fair wages system, and a fair day's pay for a fair day's work. This bill recognises that fact and brings back fairness to the Victorian industrial relations system and to the Victorian public service. I commend the bill to the house.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

ADJOURNMENT

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

That the house do now adjourn.

Buses: Bendigo

Ms LOVELL (Northern Victoria) — The matter I wish to raise is for the attention of the Minister for Public Transport in the other place. It is regarding issues of bus stops in Mitchell Street, Bendigo, and in particular a need that has been expressed by the Bendigo traders for a central car park and bus interchange. My request of the minister is for her to request the new Department of Transport, formerly the Department of Infrastructure, to work with the City of Greater Bendigo and the Bendigo Traders Association to find a site for such a facility and advance its development, or at least to find a solution to the current intolerable situation that exists in Mitchell Street.

Recent changes to bus timetables and the relocation of bus stops in Mitchell Street have created a number of problems for traders in the area. The addition of even more bus services has been welcomed by the Bendigo community; however, concentration of the services at only a few bus stops has caused problems for some of the traders in Mitchell Street. With the frequency of services increasing dramatically, businesses have reported a high number of youths loitering outside their premises waiting for buses, particularly in the afternoon at the completion of the school day as Bendigo Senior Secondary College students make their way into Mitchell Street to access bus services. This has reportedly created an increase in shoplifting, affecting businesses, and resulted in more violence and rubbish on the street. Just last week whilst I was discussing this issue with one trader in his store a staff member approached us with an empty package and a broken item of stock. The theft and damage had occurred as we were talking.

The Bendigo Traders Association would like to see a car park and bus interchange developed in the central business district to provide a central hub for bus services and more off-street parking. This would alleviate the problems that have arisen due to the concentration of new services in Mitchell Street. The

Greater Bendigo City Council was investigating five potential sites for an alternative bus stop interchange and expected to have an outcome no later than 23 May, which was last Friday.

The problem of crowds waiting for buses has intensified in recent weeks with rain forcing people to find shelter inside businesses, scaring away customers and increasing shoplifting. Mitchell Street traders are desperate to have the problem resolved. I call on the minister to request the Department of Transport to work with the Greater Bendigo City Council to find an alternative site for bus stops in Bendigo's central business district. The facility must be developed as soon as possible and with the assistance of state government funding.

Great Alpine Road: upgrade

Mr HALL (Eastern Victoria) — Tonight I wish to raise a matter for the attention of the Minister for Roads and Ports in the other place. It concerns the Great Alpine Road. Last Friday I had a pleasant journey to Omeo in the company of Darren Chester, The Nationals candidate in the federal Gippsland by-election. We enjoyed our trip up the Tambo Valley. During the course of the journey we observed some significant recently completed roadworks and some areas currently being worked upon. I might add that these works are the result of the federal government funding package of some $6 million that was announced prior to the 2004 federal election. Some might say there has been a fair delay since the funding announcement and the point in time when those roadworks are being undertaken, but there needed to be an extensive consultation program with the local community so priorities could be addressed.

I want to commend VicRoads on the manner in which it consulted the local community about the priority sections of that road that needed upgrading. I can remember Harvey Dinelli from the Gippsland office of VicRoads and others making a presentation to the local people in Omeo some years ago and witnessing the people of the Tambo Valley having a direct say in which were the priority areas of the road that they believed needed to be upgraded.

While it was pleasing to note that those works are currently under way or have been recently completed, there is a need for more to be done on that main arterial route through East Gippsland and up the Tambo Valley. The people of this region would like to see — and this is the action I am calling for from the minister— a published works program that sets out a three to five-year work schedule of road improvements to the Great Alpine Road. Local people want to see their taxes at work. Certainly the three main priorities in East Gippsland and in the Tambo Valley are roads, roads and wild dogs — which probably come in third when you talk to people about the issues concerning them. I think it is a reasonable expectation that the people of the Tambo Valley are given a published schedule of roadworks that the government intends to commit to and undertake for the many further improvements that are needed to the Great Alpine Road.

Regional and rural Victoria: event planning

Ms TIERNEY (Western Victoria) — My adjournment matter is for the Minister for Community Development in the other place, Peter Batchelor. It relates to assisting regional and rural communities in planning for local events. Farmers markets specialising in local produce and craft, music festivals, heritage weekends and events such as the recent Booktown in Clunes attract an enormous number of visitors to small towns. Such events highlight the unique attractions in these areas and also provide a much-needed financial injection into the local communities. Of course they also build community pride.

Very large numbers of visitors — for example, something of the order of 10 000 to 20 000 people over a weekend — descend on townships of 2000 to 3000 people. This puts an enormous pressure on local infrastructure, electricity supplies, sewerage, accommodation and parking. Nothing could be worse for a local organising committee than attracting a huge crowd of people for a great line-up of performers or writers and no-one being able to hear them or to get a cooked meal due to unprecedented demand on electricity supplies.

Organisers of many longstanding events, such as the Port Fairy music festivals, have built up an enormous wealth of experience in organising in their local areas. We want people to visit regional Victoria and to have different experiences. We also want people to visit regional areas again and again and hopefully stay longer, so it is very important that through forward planning we do whatever is possible to alleviate pressures on infrastructure. Therefore my request is for the minister to collect and collate information from areas in regional Victoria that have undertaken festivals and events so that this information can be shared with other communities which are organising or planning an event and they can forward plan and at the same time heighten local capacity building.

Henty Highway: upgrade

Mr KOCH (Western Victoria) — I raise a matter for the attention of the Minister for Roads and Ports in another place. The Henty Highway is a major north–south route traversing much of western Victoria and the Mallee to the coast. With a length of 350 kilometres, it links the Sunraysia Highway at Lascelles and offers direct road access to Portland. On average 750 000 tonnes — or 60 per cent — of the Victorian grain harvest is hauled to port by rail. As main grain lines are mothballed, more and more grain will be transported by road, resulting in significant increases in heavy vehicle movements along the entire length of the Henty Highway. Each year over 1 million tonnes of woodchips and logs, 400 000 tonnes of fertiliser, 300 000 tonnes of mineral sands, 180 000 tonnes of grain, 350 000 sheep, 45 000 cattle and substantial supplies of construction materials, consumables and fuel are transported by road to and from Portland.

While it is difficult to convert the freight tonnage into vehicles per day, working on B-double trucks carrying a minimum of 42 tonnes and normal semitrailers carrying 27 tonnes, it would take 47 500 B-doubles or 75 000 semitrailer trips to move this freight annually. Grain, cattle and sheep are hauled in both B-doubles and semitrailers, while woodchips are carried in semitrailers and logs on B-doubles. Mineral sands are transported in specialised B-doubles that have a capacity of 47½ tonnes. The increase in timber harvesting from the blue gum industry alone means there will be an additional 120 000 transport movements in and out of Portland annually, or 25 heavy vehicle movements every hour of every day, seven days a week.

These statistics are staggering, and the impact on our roads is both significant and measurable. As expected, the growing mineral sands industry will bring at least another 80 heavy vehicle movements daily onto the Henty Highway, all the way from Ouyen to the Hamilton separation plant before going on to Portland. Additional heavy vehicle traffic will ramp up more pressure on the Henty Highway's already deteriorating road surfaces. The Henty Highway is the sole responsibility of the Brumby government. Action to construct more passing lanes, pavement reconstruction and rest areas is essential to ensure this highway can safely accommodate growing volumes of heavy traffic, especially if the government is going to continue to let regional rail links fall apart.

My request is for the minister to publish a working strategy that contains a plan for upgrading the Henty Highway over the next five years to accommodate increasing volumes of heavy vehicles using this highway.

Bail justices: travel and mobile phone expenses

Ms PENNICUIK (Southern Metropolitan) — I raise a matter for the attention of the Attorney-General in the other place. Western Region Honorary Justices has written to Victorian parliamentarians seeking reimbursement of travel and mobile phone costs for bail justices. Bail justices are community volunteers who are specially trained to hear bail applications at police stations when courts are closed. Their duties are usually conducted outside normal business hours, including on weekends, when bail justices are called out under local roster systems. They play an important role in the justice system. Not only do they provide prompt bail hearings for accused people who would otherwise have to wait until the next court sitting date, they also provide a vital review function, making police much more accountable for their remand decisions. Fulfilling the role requires time and financial commitment.

In its 2007 final report on the review of the Bail Act the Victorian Law Reform Commission noted:

> Bail justices who actively carry out their role incur not only a time but also a financial commitment. A bail justice must have at least a home telephone and/or mobile phone, preferably access to the internet, and access to transport to and from police stations and association meetings.

The VLRC noted that access to these resources could impact on the perceived independence of bail justices, as they may require police transport in order to reduce their travel costs, so creating the perception of partiality. The commission noted that an appropriate system of reimbursement would allow for stricter guidelines on accepting assistance from police. Reimbursement would also encourage diversity of appointments of people as bail justices, which is another factor promoting the independence of the office. Recommendation 46 of the VLRC's report states:

> The Department of Justice should institute a reimbursement system for bail justices based on the model used by the Office of the Public Advocate to reimburse independent third persons. Reimbursement should only be made to bail justices who conduct one or more hearings throughout the year.

In support of its claim Western Region Honorary Justices has pointed out that all personnel, except bail justices and defendants, who attend bail hearings — for example, police translators, legal practitioners and Department of Human Services officers — receive some form of recompense. My request to the Attorney-General is that the government implement recommendation 46 of the VLRC's report and

recompense bail justices for their travel and mobile phone costs.

Ringwood: transit city

Mr LEANE (Eastern Metropolitan) — I raise a matter for the attention of the Minister for Planning. The matter pertains to the Ringwood transit city project. I know that the minister is quite up to speed with this project and has been very supportive of it, in that he launched the original proposal of this project. I have recently attended a meeting of the Ringwood Transit City Community Reference Group, and I have read some of the local papers. Some articles have expressed concern about funding of $5 million that was put towards this project in the last financial year and have pointed out that there are no matching funds in this financial year's budget announcements. There are concerns about the viability of the project, but I know from speaking to the minister and other high-level members of the government that that is not the case. At this reference group meeting a representative of QIC, the investment group that is investing in Eastland, gave a report and spoke about a timetable and commitments for that company going ahead with the Eastland project, which it is no doubt committed to.

The action I seek from the minister is for him to alleviate any of the unfounded concerns of the CEO (chief executive officer) of QIC by putting his commitment in writing to the CEO, Mr Laurie Brindle. I also ask the minister to send courtesy copies to Des Bethke, the chairman of the reference group, and to the Maroondah mayor, Tony Dib. This would go a long way to countering or alleviating any misinformation that may be out there about the commitment to this project.

Cycling: footpath safety

Mrs COOTE (Southern Metropolitan) — I raise a matter for the attention of the Minister for Police and Emergency Services in the other place regarding cyclists riding on footpaths in the cities of Bayside and Port Phillip. I do not have anything against bicycles — in fact I think their use is very good for reducing greenhouse gas emissions and should be encouraged; however, these lycra-clad terrorists on our footpaths have to be stopped and the law has to be enforced. For many people in my electorate walking is their only method of getting to the shops. They also walk for recreation, and these terrorists on the footpaths are riding far too quickly and causing damage to footpaths and concern for the people for whom walking is their primary means of getting to local shops and amenities. These bike riders have taken control of the roads. You only have to go down St Kilda Road in the morning to find out exactly how they ride: several people abreast, with, in fact, quite an attitude, I would suggest. We are going to find that we need to put up signs saying 'Walk at own risk', because these people are using footpaths as velodromes. It is totally unacceptable, and it is about time the laws were enforced.

It is of great concern to the people of Bayside and Port Phillip that their footpaths have become bike paths. There are designated road bike paths which cyclists should be riding on, but they are actually on the footpath riding very quickly, and it is unacceptable. It is only a matter of time before somebody steps out in front of one of these terrorists and gets bowled over, and a lot of damage will be caused. The action I am seeking from the minister, as a matter of urgency, is to ensure that existing laws prohibiting bike riders from riding on footpaths are enforced in the manner in which they were intended.

Disability services: funding

Mr DRUM (Northern Victoria) — My adjournment request is to the Minister for Community Services in the other house, Lisa Neville. My request revolves around the inability of the states and the territories and the federal government to reach a new commonwealth state/territory disability agreement (CSTDA). In effect the CSTDA has become a victim of the politics that were played between the state governments and the previous federal government. Prior to the last election promises were made about introducing a different form of funding in relation to population-based benchmark funding models. Those promises seem now to have been broken at a federal level, and I am calling on the state minister to approach her colleagues in Canberra and also her colleagues around the states, because the CSTDA deal has to be completed.

Another problem is that the federal government is going to have another inquiry into the disability sector. Under the previous government an all-party parliamentary inquiry into the disability sector was undertaken by the Senate. It identified in depth the crushing and unreasonable burden endured by families and carers, and it identified a whole raft of unmet need that needed to be addressed.

Mr Tee — On a point of order, President, it is unclear how this matter falls within the state's jurisdiction.

The PRESIDENT — Order! In response to Mr Tee's point of order I will read from *Rulings from*

the Chair in relation to this matter. Under the heading 'Overlap between state and federal jurisdictions' it says:

> In response to a point of order concerning the relevance of remarks on the adjournment debate, the President stated that, given his past rulings regarding the link between the GST within the federal tax package and Victorian government administration, it was inappropriate to adopt a different approach now; therefore, he was not prepared to rule the matter out of order.

By that we mean that if there is clear linkage of joint participation or responsibility between state and federal jurisdictions, then it is in. The member, to continue.

Mr DRUM — The commonwealth state/territory disability agreement actually involves the states. Also under that agreement $962 million has been promised. Again, we have an issue with that because now the federal government is not going to follow through on that agreement. My request for action is for the Victorian minister to do whatever she can to get the next CSTDA signed so that the promised money from the feds can in fact be matched with money from the states, which is the way the CSTDA works, and those moneys can be spent on the unmet need that was detailed in last year's Senate report. Any future inquiries should be strenuously argued against, because as we have seen the issues that have been outlined for the new inquiry were all identified in the inquiry last year. I request that we get to work and start looking after some of these extremely disadvantaged families.

The PRESIDENT — Order! The member's time has expired. I am assuming that by 'feds' the member means the federal government?

Mr DRUM — Certainly.

The PRESIDENT — Thank you!

Housing: Heathdale neighbourhood renewal project

Mr PAKULA (Western Metropolitan) — Tonight I would like to raise a matter for the Minister for Sport, Recreation and Youth Affairs in the other place, Mr Merlino. It concerns the Heathdale neighbourhood renewal project in Werribee, which is forming a consortium with the Werribee YMCA and other local organisations to increase physical activity and community engagement among Heathdale residents.

Mr Finn — I was there last year.

Mr PAKULA — In that case, Mr Finn, you will agree with what I have to say.

Mr Finn — I probably will!

Mr PAKULA — The sorts of activities that the Heathdale neighbourhood renewal project is seeking to encourage include group fitness classes, dance programs and walking groups. The plan is to target the different demographic groups in Heathdale, especially young people, women and people with disabilities. The proposal would involve the training of volunteers and the use of a recently developed local wetlands facility. In order to support the program, which has the working title of the Heathdale Active Places program, the neighbourhood renewal project is seeking funding of $80 000 over two years from the Go for Your Life Active Places program, which is administered by Minister Merlino's office. My request to the minister is simply that he make that funding available to support what will be a very worthwhile project for the Werribee area.

Wallan Secondary College: funding

Mrs PETROVICH (Northern Victoria) — My matter today is for the Minister for Education in the other place and concerns Wallan Secondary College, which I have spoken about a number of times previously. I, together with the Wallan community, was grateful that the government finally delivered on its promised funding.

Mrs Peulich — It would not have happened without you.

Mrs PETROVICH — Thank you, Mrs Peulich. It is most appreciated.

Mrs Peulich — It would not have happened without your advocacy.

Mrs PETROVICH — I really do appreciate that. The government finally delivered on its promised funding for the third stage of the development of the Wallan Secondary College.

I would like to raise another issue concerning this school and the Wallan community that has since come to light, and that is the school's quest to acquire the old police house, which is located on one corner of the school grounds. Despite a number of attempts to register its interest and move forward on this plan, this community is once again being stonewalled. Once again I believe the member for Seymour in the other place is missing in action.

The purchase of this building by the school would make enormous sense, particularly given that, as we already know, it is resource strapped. This building could be put to many uses — for example, a creative arts studio, a uniform shop, an after-school care centre

or even a youth drop-in centre. If the school cannot acquire it, I would be concerned about how there could be any guarantees for the safety of the school students at the grounds, given that the building is on the school grounds. It would be a disaster if this facility got into the hands of the wrong people or if the use was in conflict with that of an educational facility.

The action I seek from the minister is that her assistance be provided to the Wallan Secondary College and the community to deliver a common-sense solution by making the police residence accessible to the school.

Ambulance services: Altona North

Ms HARTLAND (Western Metropolitan) — I raise a matter today for the attention of the Minister for Police and Emergency Services in the other place. The issue concerns working conditions for paramedics in Altona North and the ambulance response times in the Altona catchment. Charmaine Camilleri, a journalist with the Fairfax Community Network, wrote an article on Wednesday, 14 May reporting on these important issues. She reported that the already stretched Altona North paramedics were being forced to respond to Wyndham emergencies because of a lack of resources in the area. It was noted that the Blackshaws Road branch responded to one in three jobs in Werribee, contributing to paramedic fatigue and extended response times.

Altona North paramedics are forced to respond to emergencies over longer distances, taking an average of 16.8 minutes to reach each call-out for 90 per cent of cases, which is above the benchmark of 15 minutes. The stresses are particularly hard on paramedics working the night shift, which is 14 hours, often without a meal break. Association secretary Steve McGhie has stated that it is common for ambulances to support areas outside their catchment but that this practice is dangerous.

The Altona catchment includes Altona, Altona North, Altona Meadows, Williamstown, Newport, Yarraville, Laverton, Brooklyn and Spotswood. This area is serviced by two crews of two paramedics on day shift and one night crew. This leaves the community in the Altona catchment area vulnerable, and patients are at risk. Steve McGhie said that the Altona paramedics would do 400 to 500 cases a month and that at this stage one-third of those are in Werribee, outside their catchment. While the budget allocated funding for the establishment of a 24-hour mobile intensive care unit in Werribee, the community needs to know what the timetable is for establishing that and whether, in the interim, additional resources should be made available. The action I ask of the minister is to meet with the ambulance officers at the Altona North branch to address these dangerous work practices before a serious accident occurs.

Dental services: denture scheme

Mr P. DAVIS (Eastern Victoria) — I raise a matter for the attention of the Minister for Health in the other place. It is an issue of growing concern regarding the shortfall in payment to practitioners for dentures provided for public patients under the Victorian denture scheme. As a consequence of the government's continued stonewalling over the level of payments, it is likely that many of the state's 260 or so dental prosthetists will withdraw services to public patients. This would present a dire situation for lower income health card holders faced with a payment of $1600 for a full set of dentures. In my Eastern Victoria Region the area from Sale eastwards is about the worst affected area in the state, because there are only four providers of prosthetic dental services and only one of those continues to offer an unrestricted service to public patients.

The problem has reach a critical point because the government has reneged on an agreement that payments for services to public patients under the Victorian denture scheme would match those of the commonwealth Department of Veterans' Affairs (DVA). This refusal has been accompanied by the Minister for Health declining to meet with the Victorian branch of the Australian Dental Prosthetists Association, which is a compounding factor. Earlier this year the association was referred to the minister's adviser and, despite follow-up reminders, after three months the minister has not replied to the association; instead, the department has advised it is preparing a paper for the minister.

The government in fact agreed in 2002 to tag its denture scheme fees to those of the Department of Veterans' Affairs, but it scrapped that commitment in 2004 and there has been no increase since. Victorian prosthetists receive only $950 for a full denture service, for which the normal charge is between $1600 and $1800. The amount of the government fee has progressively fallen far behind the DVA's, which now stands at $1465 — an amount that is matched by all states but Victoria and South Australia.

Victorian prosthetists have been treating at least 10 000 patients a year under the public denture scheme. The fee schedule means that for each procedure the practitioners are effectively donating more than $600 towards the oral health of the state. The majority of

prosthetists have indicated they will withdraw from the denture scheme unless there is a fee increase. I therefore ask the Minister for Health to adjust the Victorian scheme to reach the agreed parity with the Department of Veterans' Affairs scheme and to advise the association and myself of that adjustment at the earliest possible convenience.

Your Water Your Say: legal costs

Mr O'DONOHUE (Eastern Victoria) — I raise a matter this evening for the attention of the Minister for Water in the other place. When the government announced its intentions to construct a desalination plant on the Bass Coast near Kilcunda, a group called Your Water Your Say sprang up spontaneously and has led a campaign against the construction of the desalination plant. Your Water Your Say has been very effective in advocating a range of reasons why the desalination plant should not go ahead: on environmental grounds, on economic grounds, on the basis of preservation of the Bass Coast for tourism and for other reasons.

The Your Water Your Say group has pursued its case through the media, through representations to government and members of the opposition, and most recently through litigation in the Federal Court against the state government and the federal government. After being unsuccessful in its application to the Federal Court, it has now been hit with an application for the enforcement of a costs order, following a mean-spirited decision by both the federal government and the state government to pursue the recovery of costs ordered by the court against what is a community group that was formed spontaneously as a result of this decision, a group that is not flush with resources and a group that does not have the means to pay out the costs order that has been made against it.

The decision by both the federal government and the state government to pursue costs has wider ramifications for all community groups that decide to engage with and indeed take on government when they believe the decision of government is inappropriate. If the state government pursues the recovery of costs, possibly at the expense of the existence of the Your Water Your Say group, it will send a very powerful and very scary message to all community groups that they should not dare to risk engaging with and challenging the decision of state government.

That, in my opinion, is undemocratic. It is totally unreasonable and the government can have no reason for pursuing this course of action but to silence its critics in the Your Water Your Say group and to bully them out of action. I believe the group has a worthy and legitimate case and worthy and legitimate arguments on a number of matters. I ask the minister to desist from his action in seeking cost recovery pursuant to the decision of the Federal Court, and more broadly I ask the government to reconsider its position on the recovery of costs from community groups.

Western Autistic School, Deer Park: relocation

Mr FINN (Western Metropolitan) — I wish to draw a matter to the attention of the Minister for Education in another place, and it concerns the future of the Deer Park campus of the Western Autistic School. I visited the school recently and I have to say that I was shocked and deeply distressed by what I saw. Over 100 children with autism attend this school and it is, at best, a temporary measure. The school was told four years ago that they would only be at that site for one year. Here they are coming up to their fifth year, they are still there and the money has still not been made available for them to shift elsewhere.

The department has already spent $800 000 and the school $200 000 on bandaid measures to make the school habitable, or pretty close to it. I am sure the house could well think of a lot of ways we could better spend $1 million. As reported by journalist Goya Bennett in the local Fairfax newspapers throughout the west, asbestos in the school buildings themselves poses a major threat to children and teachers. It is a major health risk. When I visited I saw where raw sewage had surged under the school buildings periodically when the outside sewerage pumps had broken down or had been knocked down by the children in the school.

The school itself is on the corner of Ballarat Road and Station Road in Deer Park, which is an extraordinarily busy intersection, as I am sure the minister will agree. Buses, trucks, vans and an enormous number of cars use that intersection constantly. Children with autism have no sense of personal danger. That is something that is inherent in all children with autism: they have no sense of personal danger. If one child was to escape from the school we would most certainly have a tragedy on our hands. It is an intolerable situation. It is shameful that we would have children in such a dreadful environment. I ask the minister to immediately honour the promise made some four years ago to relocate the Deer Park campus of the Western Autistic School to the site of the Laverton Plains Primary School without delay. It is most important that teachers, families and the little children that I am speaking of be given a fair go.

Rail: Frankston line

Mrs PEULICH (South Eastern Metropolitan) — I wish to raise a matter for the attention of the Minister for Public Transport in another place with regard to the number of dangerous level crossings along the Frankston train line servicing the lower house seats of Mordialloc, Carrum and Frankston. These were identified in the state government's own audit of railway crossings. From Mordialloc train station to Frankston train station, the Frankston line runs parallel with the Nepean Highway, which no doubt the President and other upper house members of Parliament from this area know carries tens of thousands of motorists every day.

Thousands of residents live on the bay side of the Nepean Highway. For these people to travel across the train lines between Mordialloc and Frankston stations, there are approximately 16 road level crossings. Of these 16 crossings, 14 are listed in the top 100 priority list in the Labor government's own audit report that looked at 1872 railway crossings. The other two are listed at nos 105 and 138 on that priority list.

When I visited the Department of Transport's website that lists the level crossing upgrade program and the future upgrade program, I found that not one of these dangerous level crossings is listed for any improvements. I was disappointed that the *Meeting Our Transport Challenges* document also made no reference to these dangerous crossings and none have been earmarked for funding.

The state government audit report tells the minister that there are level crossings in Victoria that need upgrading, but the state government has failed to act on the safety concerns of Victorians by failing to provide funding to address the serious problems of these level crossings. I therefore call on the Minister for Public Transport to immediately act on the Brumby government's own audit report and address the urgent need to upgrade level crossings, including those along the Frankston line servicing my electorate.

Kew Residential Services: site development

Mr D. DAVIS (Southern Metropolitan) — My matter tonight is for the Minister for Planning himself, who is fortunately in the chamber tonight. It concerns a matter on which we have had a number of discussions at hearings elsewhere and in this chamber, the Kew Residential Services site. The minister will be aware that prior to the state election in 2006 a permit was given for the planning approvals for that site. The major project at that site is managed by the minister's colleague Mr Theophanous, through his major projects unit. He would be aware that donations were made to the ALP at that time by both the Mirvac Group — a $50 000 donation on 31 October 2006 — and also, as he will remember from the hearing, the Walker Corporation, which gave a significant donation at that time. That is useful background of which I think he is aware.

But the issue at hand today relates to stage 2 of the Kew Cottages site. Stage 1 is proceeding and I suspect nothing will prevent that development, but stage 2 is very significant for the area. In the stage 1 development 171 trees have been pulled down and lost. The plan for stage 2 that has been submitted to the minister, and I understand he has approved, would see the loss of around 70 additional trees, many of them large and established, including river red gums and other trees, some of which have significant heritage listing locally and are also of statewide significance.

What has occurred here is something a little unusual, because a planning permit for stage 2 has been given by the minister allowing this to go forward prior to approval by Heritage Victoria. As I understand it, significant concerns have been expressed by the City of Boroondara and others, but concerns have also been put forward by Heritage Victoria about the loss from the site of some of these trees, including, as I said, large, established trees — canopy trees in particular — some of them river red gums. I am aware that the minister was not the planning minister at the time the decisions were made in 2006. It was the now Deputy Premier and Attorney-General in the other place who made the decisions.

My point today is to ensure that the stage 2 development is not allowed to proceed until the heritage concerns and issues have been fully and completely met. In ensuring that the heritage concerns are met, I ask the minister to consult further with Boroondara council. What we do not want is heritage concerns being put second to the government's need to push this project forward.

Responses

Hon. J. M. MADDEN (Minister for Planning) — Before I answer the questions raised tonight, I have a number of written responses to adjournment debate matters raised by Mrs Peulich on 12 March; Ms Hartland on 13 March; Mrs Peulich on 13 March; Mr Koch on 13 March; Ms Hartland on 8 April; Mr Atkinson on 9 April; Ms Lovell on 16 April; Ms Tierney on 16 April; and Philip Davis on 17 April.

In relation to tonight's adjournment matters, Ms Lovell raised the matter of the Mitchell Street, Bendigo bus interchange, and I will refer it to the Minister for Public Transport in the other place.

Mr Hall raised the matter of the alpine roads, and I will refer this to the Minister for Roads and Ports in the other place.

Ms Tierney raised a matter of rural and regional community events. I know the Minister for Energy and Resources in the other place, who is also the Minister for Community Development, is very conscious of these matters and no doubt is significantly interested in supporting communities to cater for tourism needs, but also bearing in mind the need for additional energy supplies and services when those events come along and being able to manage them comfortably and confidently.

David Koch raised the matter of the Henty Highway, and I will refer that to the Minister for Roads and Ports in the other place.

Sue Pennicuik raised the matter of reimbursement for bail justices, and I will refer that to the Attorney-General in the other place.

Shaun Leane raised the matter of the Ringwood transit city. I want to compliment Mr Leane on his interest in this matter and his great endorsement, as opposed to the fearmongering of the opposition on these matters. As I have mentioned on a number of occasions, this is a particularly good project, and I look forward to making some positive announcements in relation to it. I am happy to take on board the comments made by Mr Leane and to advocate strongly not only to the council but to potential investors about the positive opportunities into the future in relation to partnership arrangements on further development opportunities around the Ringwood transit city.

Andrea Coote raised the matter of bike riders with attitude — —

Mrs Coote — And lycra!

Hon. J. M. MADDEN — I do not know what Mrs Coote has against lycra, but obviously she has had a bad experience in the past, so I am happy to refer this matter to the Minister for Police and Emergency Services in the other place.

Damian Drum raised the matter of the commonwealth state/territory disability agreement, and I will refer this to the Minister for Community Services in the other place.

Martin Pakula raised the matter of the Heathdale neighbourhood renewal project that needs support from the Minister for Sport, Recreation and Youth Affairs in the other place, and I will refer that to him.

Donna Petrovich raised the matter of the Wallan Secondary College, and I will refer that to the Minister for Education in the other place.

Colleen Hartland raised the matter of Altona North paramedic response times, and I will refer that to the Minister for Police and Emergency Services in the other place.

Philip Davis raised the matter of public patients in the Victorian denture scheme, and I will refer that to the Minister for Health in the other place.

Edward O'Donohue raised a matter about the recovery of costs in relation to the desalination project, and I will refer that to the Minister for Water in the other place.

Mr Finn raised the matter of the Western Autistic School and the Deer Park campus and associated matters, and I will refer that to the Minister for Education in the other place.

Inga Peulich raised the matter of Frankston train line crossings, and I will refer that to the Minister for Public Transport in the other place.

David Davis raised the matter of the Kew Residential Services site and the stage 2 development proposals. I do not recall having seen a stage 2 development proposal. I am happy to provide Mr Davis with further information on notice in relation to this matter, but I do not believe I have seen it. I am happy to stand corrected on the matter. A lot of paperwork comes across my desk, but I am sure that I would recall that matter and any associated heritage concerns.

I also appreciate that a site of this magnitude would no doubt have significant trees that would need to be highlighted, audited, noted and surveyed. I am sure matters in relation to that will cross my desk in the future, and I expect Heritage Victoria will raise issues of significance in relation to the landscape if there are trees of such significance, and I look forward to receiving that information. If I have received it I am happy to qualify that, but I do not recall having seen any such document pass my desk in relation to stage 2. It may have been dealt with by a former planning minister, but I am happy to provide Mr Davis with details in relation to that.

I know that on an equivalent type of site — the Commonwealth Games village — an extensive survey

was done of trees that were worth retaining and those that were not of any significance or consequence, and I expect I would have made a mental note if it had come across my desk in the time that I have been planning minister. I do not believe it has, but I am happy to qualify it if it has, and I will provide Mr Davis with information in relation to that matter.

The PRESIDENT — Order! Just by way of clarification, the matter raised by Ms Hartland in relation to paramedics should go to the Minister for Health. Is that where the minister referred it?

Hon. J. M. MADDEN — I am happy to refer it to that minister.

The PRESIDENT — Order! Thank you. The house now stands adjourned.

House adjourned 10.32 p.m.