

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Tuesday, 3 February 2009

(Extract from book 1)

Internet: www.parliament.vic.gov.au/downloadhansard

By authority of the Victorian Government Printer

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Professor DAVID de KRETZER, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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Minister for Housing, Minister for Local Government and Minister for Aboriginal Affairs	The Hon. R. W. Wynne, MP
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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 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*): Mrs Coote, Mr Leane and Ms Mikakos. (*Assembly*): Ms Beattie, Mr Delahunty, Mrs Maddigan and Mr Morris.

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

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

Electoral Matters Committee — (*Council*): Ms Broad, Mr P. Davis 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 Elasmarr, 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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Deputy Leader of the Government:

Mr GAVIN JENNINGS

Leader of the Opposition:

Mr DAVID DAVIS

Deputy Leader of the Opposition:

Mrs WENDY LOVELL

Leader of The Nationals:

Mr PETER HALL

Deputy Leader of The Nationals:

Mr DAMIAN DRUM

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Lenders, Mr John	Southern Metropolitan	ALP
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Broad, Ms Candy Celeste	Northern Victoria	ALP	Madden, Hon. Justin Mark	Western Metropolitan	ALP
Coote, Mrs Andrea	Southern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Darveniza, Ms Kaye Mary	Northern Victoria	ALP	Pakula, Mr Martin Philip	Western Metropolitan	ALP
Davis, Mr David McLean	Southern Metropolitan	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Davis, Mr Philip Rivers	Eastern Victoria	LP	Petrovich, Mrs Donna-Lee	Northern Victoria	LP
Drum, Mr Damian Kevin	Northern Victoria	Nats	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Eideh, Khalil M.	Western Metropolitan	ALP	Pulford, Ms Jaala Lee	Western Victoria	ALP
Elasmarr, 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, 3 February 2009

The PRESIDENT (Hon. R. F Smith) took the chair at 3.03 p.m. and read the prayer.

BUSINESS OF THE HOUSE

Filming of proceedings

The PRESIDENT — Order! I wish to inform members that further to some filming of proceedings undertaken in the last sitting week of 2008 I have given approval for filming of proceedings in the Council for the whole sitting week. Once again the purpose of the filming is for the possible production of a program on Channel 31.

RESIGNATION OF MEMBER

The PRESIDENT — Order! I have received the following communication from the Governor:

I advise that on 9 January 2009 I received a letter from Mr Evan Thornley resigning his seat in the Legislative Council. A copy of that letter is enclosed for your reference.

Upon my receipt of that letter Mr Thornley's seat in the Legislative Council became vacant. I note that, in accordance with section 27A of the Constitution Act 1975, a joint sitting of the Council and the Assembly is required to fill this vacancy.

It is signed by Governor de Kretser. This letter was received on Friday, 9 January.

Accompanying the letter is the actual resignation from Mr Thornley, which reads:

I hereby resign as a member of the Legislative Council for the Southern Metropolitan Region.

It has been an honour to represent the people of Victoria.

JOINT SITTING OF PARLIAMENT

Legislative Council vacancy

Mr LENDERS (Treasurer) — I move, by leave —

That this house meets the Legislative Assembly for the purpose of sitting and voting together to choose a person to hold the vacant seat in the Legislative Council rendered vacant by the resignation of Mr Evan William Thornley and propose that the time and place of such meeting be the Legislative Assembly chamber this day at 6.15 p.m.

I make a few brief comments about this motion. Firstly, I thank the chamber for its cooperation to date and seek the cooperation of the chamber in expediting the filling

of this vacancy. This is the first time under the Victorian constitution there has been a casual vacancy where the principle has been replacing like with like. If the electors of a region returned a person from one party, they are to be replaced another member of by that party.

This concept is not new. Members may recall that after the commonwealth Senate changes came about in 1949, the first time there was a casual vacancy was following the departure of a Labor senator from Western Australia. The then Liberal Premier Brand of Western Australia initiated the procedure of replacing like with like, where the state Liberal government appointed a Labor senator. That was convention, and there were obviously abrupt changes to that convention during the 1970s, which is history, but the Fraser government then amended the federal constitution to bring about this procedure, so it is important to note that we are doing that.

I also put on record again the cooperation of the opposition in achieving this and also put on record the intention of the Leader of the Opposition to pair the vacancy of Mr Thornley until it is actually filled. That is important; proportionality is important; and this motion expedites these constitutional provisions to be carried out for the first time in this state. I urge a speedy passage of this motion.

Mr D. DAVIS (Southern Metropolitan) — I wish to make a number of brief comments about this motion. The opposition had serious concerns about the constitutional changes made a number of years ago, in 2003. Indeed I believe both the Liberal Party and The Nationals voted against those changes at the time. Notwithstanding that, the constitution is as it is today, and under those provisions it is clear that a member of the same party ought to be appointed.

It is a historic moment, and I put on record our concern that the people of Southern Metropolitan Region — which is my region and Mr Lender's region — will be denied a by-election. It is true that it is not quite the same as the federal arrangements, because a referendum was held in 1977 to clarify this matter, when the Australian people had their say. In this case there was no referendum or plebiscite.

Having said that, I believe that the principle here is that the constitution needs to be followed. I am pleased to see that procedures are in place to hold a joint sitting and to fill that vacancy for Southern Metropolitan Region. The opposition will assist in that process. I make the point quite clearly that this is a process that will establish a precedent for the future. I believe it is important that those vacancies be filled quickly, and it is also important on this occasion that the motion sets

out when the Council believes it should hold such a sitting. I hope the Assembly will agree with that resolution. That would establish a practice that would apply in the future.

Mr BARBER (Northern Metropolitan) — The Greens will assist with this motion, but since we have had a little lesson on comparative political systems, I point out that the Tasmanian Parliament, virtually in parallel to what we are doing, is also filling an unfortunate casual vacancy; but it is doing that via a countback process. That is, of course, the method the Greens would prefer to see implemented here in Victoria, and we may have some further action on that before the year is out.

Motion agreed to.

ROYAL ASSENT

Message read advising royal assent on 11 December to:

Assisted Reproductive Treatment Act
Coroners Act
Courts Legislation Amendment (Costs Court and Other Matters) Act
Health Services Legislation Amendment Act
Multicultural Victoria Amendment Act
Professional Standards and Legal Profession Acts Amendment Act
Prostitution Control and Other Matters Amendment Act
Salaries Legislation Amendment (Salary Sacrifice) Act
State Taxation Acts Further Amendment Act
Transport Legislation Amendment (Driver and Industry Standards) Act.

ASSISTED REPRODUCTIVE TREATMENT BILL and HEALTH SERVICES LEGISLATION AMENDMENT BILL

Clerk's amendments

The PRESIDENT — Order! I have received a report from the Clerk of the Parliaments notifying that he has made the following corrections:

Assisted Reproductive Treatment Bill

In clause 153, in new section 17B(3), 'subsection' has been inserted before '(2)' so that 17B(3) begins 'The Registrar must not issue the addendum referred to in subsection (2)...'.

Health Services Legislation Amendment Bill

In clause 6(3) in the reference to the Health Services Act 1998, '1998' has been deleted and '1988' has been inserted so that the title of the act is correct.

PERSONAL EXPLANATION

Hon. T. C. Theophanous

Hon. T. C. THEOPHANOUS (Northern Metropolitan) — President, I seek leave to make a personal explanation, a copy of which I have provided to you.

On 13 October 2008 I notified the Premier that I was standing down as a minister following the investigation of a formal complaint laid against me. I indicated in a media statement at that time that I would seek leave from Parliament, and therefore I notified you, President, that I would not be attending Parliament in the immediate future. You indicated to me that no formal request was required at that stage but that, should I remain away for a protracted period, it would be prudent to notify you in writing. Subsequently, on 10 November, I wrote to you and informed you that I would not be attending Parliament for the remainder of 2008.

Following the completion of the investigation of the complaint made against me the matter is now sub judice, and it is inappropriate for me to refer to it in the house. I will not do so.

I subsequently faced the difficult situation of having to decide whether to resume my duties as an elected member of Parliament. I feel that I cannot in all conscience remain a member without attending Parliament and without representing my constituents in this house. I have therefore decided to resume my place in the Parliament and to do my utmost to represent my constituents and of course my party. Obviously this is an extremely difficult time for me, for my family and, I think, also for many of my supporters, but I will do my best to carry out my duties as a member of this house. I thank the house.

MINISTRY

Mr LENDERS (Treasurer) — I rise to formally advise the house that following Mr Theophanous's resignation as a minister there has been a reallocation of portfolios. Mr Pakula becomes Minister for Industry and Trade and Minister for Industrial Relations and will also represent in this house Legislative Assembly ministers responsible for the Department of Innovation,

Industry and Regional Development, the Department of Transport and the Department of Primary Industries.

In addition to my existing portfolio I have been sworn in as Minister for Financial Services and Minister for Information and Communication Technology, and I will continue to represent ministers from the Assembly responsible for the Department of Premier and Cabinet, the Department of Treasury and Finance and the Department of Education and Early Childhood Development.

Mr Jennings will continue in his portfolios and continue to represent ministers in the Assembly responsible for the Department of Sustainability and Environment and the Department of Human Services.

Mr Madden, in addition to his own portfolio, will continue to represent Assembly ministers responsible for the Department of Justice and the Department of Planning and Community Development.

In addition the Government Whip, Mr Viney, will be the day-to-day manager of government business in this house.

QUESTIONS WITHOUT NOTICE

Commonwealth-state relations: funding

Ms LOVELL (Northern Victoria) — I direct my question without notice to the Treasurer. I refer to the Treasurer's numerous statements that Victoria should get a share of federal funding in line with our proportion of Australia's population, including his statement in this house on 23 August 2007, where he said:

Victoria gets 22 per cent of the grants and special purpose payments, yet we make up 24.8 per cent of the nation's population. You could say that in itself is a historical anomaly. We could say that the federal Treasurer, a Victorian with 11 years in the job, has been just a little bit slow — —

Mr Leane — On a point of order, President, late last year in Parliament you made a ruling that asking a question at question time was not an opportunity to make a long-winded statement. I think this member is flouting that ruling.

The PRESIDENT — Order! Mr Leane is correct that I made that statement last year. However, I disagree with his assessment that it has been a long-winded question to date. I am sure the member has taken note of his comment.

Ms LOVELL — I will finish the quote:

We could say that the federal Treasurer, a Victorian with 11 years in the job, has been just a little bit slow in looking after his home state.

Recent announcements by the federal Labor government have seen Victoria receive less than 10 per cent of allocations under the Housing Affordability Fund and just 13.5 per cent of funding under the National Rental Affordability Scheme. Have the Treasurer and the Premier allowed Victoria to be sold short by backing down on their statements and accepting less than 24.8 per cent of commonwealth funding?

Mr LENDERS (Treasurer) — No.

Supplementary question

Ms LOVELL (Northern Victoria) — For someone who was so vocal in criticising the Howard government for allocating 22 per cent of funding to Victoria, it appears the Treasurer is now prepared to be silent when the Rudd government allocates less than 10 per cent to Victoria. I ask the Treasurer if new cooperative federalism is really just an agreement that Labor states will not be critical of their federal Labor mates?

Mr LENDERS (Treasurer) — My answer to the substantive question summed it up — this government has not let down the state of Victoria. In fact this state Labor government has led the way in actually putting cooperative federalism in place. As Ms Lovell well knows, if we are talking about federalism and cooperation, what we are talking about is delivering jobs in Victoria and delivering resources to the state of Victoria.

In December last year we had the fifth Council of Australian Governments meeting since the election of the Rudd Labor government. What we saw at that COAG meeting was the most significant addition of funding to the states, in particular Victoria, that we have seen in the history of this great federation. Ms Lovell may choose to look at a number of the benchmarks: the largest single component of straight revenue from the commonwealth is transfer payments from the goods and services tax. When Peter Costello was the federal Treasurer — —

Mrs Coote interjected.

Mr LENDERS — I know Mrs Coote has his picture on her office wall. When Peter Costello was the federal Treasurer the state of Victoria received 82 cents of every GST dollar back from the commonwealth, which saw a transfer of \$2 billion a year of Victorian money to other states. As I speak today, Victoria receives more

than 92 cents in every GST dollar that is raised in this state, which has resulted in a transfer back to the state of over \$1 billion. If we are talking of the difference between Labor and Liberal governments organising to protect the interests of this state, the Labor government fights for resources for the state of Victoria — for jobs and services — while the Liberal government puts up the white flag and pours money into marginal seats in South Australia and Queensland.

If Ms Lovell wishes to dissect various lines to paint a picture, she can obviously look to lines that assist remote indigenous communities, for example. She can look to federal money for remote indigenous communities — and Victoria has a strong indigenous population but not the remote indigenous communities that other states and territories do. She can look to various components of commonwealth grants, extract amounts and put whichever spin she wishes to put on them. But this Labor government has delivered more in housing than its predecessor, it has delivered more of its own money and more federal money, and the federal Labor government is delivering money to the state of Victoria and to the entire country like no Liberal government did. I will conclude by saying this: judge this federation and judge this government by the results.

Honourable members interjecting.

The PRESIDENT — Order! It seems we are back on track on the first day back. I ask the house to abide by the standards we have set.

Mr LENDERS — The Prime Minister today announced a \$40 billion-plus stimulus package for the Australian economy. The Prime Minister today called a meeting of the Council for the Australian Federation. He will expect the Premier and I to be in Canberra on Thursday to attend that meeting, where we will have further discussion of how the stimulus package assists this state. This government, in partnership with the federal government, is delivering the services and the jobs that help this state in a time of what the International Monetary Fund calls ‘global recession’.

I will work shoulder to shoulder with the federal government. I will not look back to the dark days of the Howard and Kennett governments, because we are dealing with the crisis and looking to the future; and that is the sort of federation Victorian citizens want.

Economy: global financial crisis

Ms DARVENIZA (Northern Victoria) — My question is to the Treasurer, John Lenders. I ask the Treasurer to update the house as to Victoria’s current

economic position and what action the Brumby Labor government has taken to help shield working families from the global financial crisis.

Mr LENDERS (Treasurer) — I thank Ms Darveniza for her question and her ongoing interest in where Victoria fits into the national and global phenomenon that is staring every government and every citizen on this planet in the face. The first thing to note is that we now have what the International Monetary Fund calls a global recession. We are seeing most of our major trading partners operate in economies that are contracting.

I was in the USA and the UK over January — taking up Mr Rich-Phillips’s advice that as Treasurer I should go to the financial markets more — and the thing to note about what is happening with the economic slowdown is that this is the first time, certainly in recent memory, it has been global. Those of us who watched the news services last night saw a startling figure: the Chinese department of agriculture was predicting that over the lunar New Year holiday period between 20 million and 30 million Chinese citizens who went home to their villages would be told there was no work for them back in the cities. That is the magnitude of what the world is facing now with the global recession. We are seeing a slowdown not just in the US and Europe but also in the tiger economies. That is the magnitude of what the Chinese department of agriculture reported in the last couple of days.

That is a sobering context for us, and it is time to reflect on how our state and our country are positioned to deal with these global circumstances as well as on the strengths we have, how we should position ourselves to go forward and how we can work in partnership with our national government and with international agencies to protect the state of Victoria from the global shock and then, when the global shock has come, to mitigate that and go forward into the future.

There are a number of things we can do. Sound fiscal policy assists us in a number of ways. Putting money aside in the difficult years allows us to invest in infrastructure, as we are doing now, not just to stimulate the economy and bring in important jobs but also to build the economy for the future. Nine years of sound fiscal management has enabled this government to do more than probably any other government in Australia in the current circumstances. Some of these things are real — they are real things that we have opportunities to deal with at the moment. I refer to items like channel deepening, which not only creates 2200 jobs now but also strengthens the position of Victoria and Melbourne to go forward for exports. I am talking about the food

bowl modernisation project and the desalination plant, which are not only waterproofing the state but also delivering 3180 jobs now, at a time of global recession. Let us talk about the Victorian transport plan, a \$38 billion plan that was announced last December to take us forward, not only delivering infrastructure for the future but also delivering 10 000 Victorian jobs per year and building the state.

Ms Darveniza asked a question about what in particular the government is doing.

Mr Atkinson interjected.

Mr LENDERS — Mr Atkinson mocks it. He comes from the party that criticised the regional fast rail project — criticised this government for building rail infrastructure to regional Victoria.

What we require now is sound management, investment in infrastructure and collaboration with the commonwealth, collaboration with the private sector and collaboration with international agencies to take us through the global recession. This state is better positioned than any other part of Australia because of its groundbreaking investment — the quadrupling of infrastructure expenditure before it was fashionable; the commitment to rail and regional rail infrastructure when the opposition mocked it; and building investment in skills and jobs — in the things we need.

I say to Ms Darveniza that this government has invested; there is a lot more to be done, but Victoria's economy is better positioned than most to withstand this global shock.

Former Minister for Industry and Trade: office search

Mr D. DAVIS (Southern Metropolitan) — My question is for the Leader of the Government. Will the Leader of the Government inform the chamber whether the President sought any advice from the government before allowing Victoria Police to search the parliamentary office of the former Minister for Industry and Trade?

Mr LENDERS (Treasurer) — Mr David Davis asked the question of the Leader of the Government. I have no ministerial responsibilities whatsoever as the Leader of the Government. If he asked me as the minister representing the Premier, which I assume would be the correct terminology for the role in government, I am loath to answer the question because of the sub judice issue, but I can say categorically that the first I heard about the issue was when I read about it in the media.

The PRESIDENT — Order! Before I ask for Mr David Davis's supplementary question, I want to make a comment. My public position on this is well known. So too are his comments on my position, which caused me some grief. The fact that he has asked the minister about something that has nothing to do with the minister's portfolios is another matter, but I wanted this clarified on the record, because I knew what the outcome would be. I make it clear to Mr Davis that if he has any questions or queries about my role in all of this, he is free to come to my office at any time and ask me.

Supplementary question

Mr D. DAVIS (Southern Metropolitan) — My supplementary question to the Leader of the Government is: when did he, as Leader of the Government, become aware that members of the Victoria Police had searched the Parliament House office of the former Minister for Industry and Trade, and when did the government become aware of this?

Mr LENDERS (Treasurer) — I have answered Mr David Davis in my substantive answer. I think it is particularly dangerous to be speculating in the Parliament on an issue that is sub judice. I have answered the question, and if Mr David Davis wants any further information, I invite him to address a question on notice to whomever he chooses in the government.

The PRESIDENT — Order! I advise all members that the issue of sub judice concerning the matter we all know about is quite relevant. While I respect Minister Lenders's position, I will be the final judge as to whether any questions or comments are sub judice.

Automotive industry: government support

Ms TIERNEY (Western Victoria) — My question is to the Minister for Industry and Trade. Will the minister update the house on how the Brumby Labor government is taking action to ensure that Victoria remains the engine room of the automotive industry, and in doing so will the minister outline the challenges the industry is facing?

Hon. M. P. PAKULA (Minister for Industry and Trade) — I would like to thank Ms Tierney for her question. While doing so, I would also like to indicate how proud I am to serve this government as a minister and to thank honourable members who have offered me their good wishes and congratulations, including some members opposite — some of whom actually meant it!

The Brumby Labor government is working closely with a range of parties in the automotive space. We are

working closely with the Rudd Labor government. We are working closely with automotive companies. We are working closely with component manufacturers, and we are working with unions to ensure a long-term future for the Victorian automotive industry.

Victoria remains the engine room of Australia's automotive industry. It is a sector that is worth \$15 billion to the state economy, and it employs roughly 35 000 people. The government remains fully committed to it, as we have outlined in our manufacturing statement, *Building Our Industries for the Future*.

In 2008 alone, exports of vehicles and components from Victoria totalled more than \$3 billion. Of the 170 000 vehicles exported from Australia, 107 000 came from Victoria. There have been some real votes of confidence in the automotive industry coming from the major players in the industry. Since October 1999 Toyota has announced its \$45 million Toyota Technical Center Asia Pacific Australia and, more recently, as members would recall, announced the construction of the hybrid Camry in Altona. GM Holden (GMH) announced its \$386 million HFV6 engine plant, its investment in rear-wheel-drive architecture, and its new head office building worth \$200 million. Ford announced its \$1.8 billion investment in the development of the Orion platform and a new light commercial vehicle and the instigation of production of the Ford Focus in Victoria, at a cost of \$300 million.

Everybody knows there has been enormous pressure on the automotive industry from a number of sources as a result of the global financial crisis — from the invidious economic position that the parent companies GMH and Ford find themselves in, from declining consumer confidence and from declining sales of motor vehicles worldwide. Particularly for the Victorian industry there has been the rise in fuel prices, turning consumers away from the large passenger vehicles that have traditionally been manufactured in Victoria. Along with that there has been a greater range of product offerings from overseas. All of those things will continue, for the foreseeable future, to challenge sales volumes for local manufacturers. As a consequence of all of that, as has been well reported, local manufacturers have reduced production in line with market demand. There has been an extended shutdown over the 2008 Christmas period, and further down days have been scheduled.

There is a lot of light at the end of the tunnel for the automotive industry. Victoria continues to have a very strong skills base. We are one of a few jurisdictions around the world that can develop a car right from the

concept stage all the way through to production. We are taking action and working with the car companies, with the component suppliers and with the federal government to identify strategies to address the current challenges. Some of those strategies include the Victorian automotive manufacturing action plan, which was released last year and focuses on business development, investment and global market access. We have established the \$50 million industry transition fund, which will assist in the restructuring of the component sector. We are assisting companies to increase the scale of their operations by exporting. We are working very closely with our federal counterparts, particularly on the \$6.2 billion car plan that was released by federal minister for Innovation, Industry, Science and Research, Kim Carr, last year.

As a consequence of all that work in that space by both the Victorian and the federal governments, the major vehicle producers have shown their confidence in manufacturing in Victoria by making major announcements about their future in Victoria — the hybrid Camry and the Ford Focus, just to name a couple.

They are not the only challenges faced by the industry. The other significant challenge faced by the industry is from those who have no confidence in it, from those who want to talk it down and from those who would rather see the Victorian government and the federal government give it up for dead.

Early in January I read comments in the *Herald Sun*, as many other members might also have read, which described the industry as being an industry in terminal decline, which described the industry as being a dead-end industry and which advised the Rudd government to stop young workers from entering that industry.

Those comments did not come from the government, and they certainly did not come from the industry. They came out of the bowels of the Institute of Public Affairs, and they did not just come from anyone at the Institute of Public Affairs: they came from Mr Tim Wilson, who, I am advised, is a former adviser to the Leader of the Opposition in the other house, Ted Baillieu, and a close confidant of Mr David Davis —

Mr Guy interjected.

The PRESIDENT — Order! Mr Guy!

Hon. M. P. PAKULA — And maybe yours as well, Mr Guy. These are the comments coming from the bowels of the Liberal Party — that we should give the industry up for dead —

Mr Guy interjected.

Hon. M. P. PAKULA — That we should consider it — —

Mr Finn — On a point of order, President, the minister is clearly debating this point. He may be new to the job, but I think his understanding of the standing orders should at least have him answering the question in an appropriate way.

The PRESIDENT — Order! Mr Finn has raised the issue of experience and knowledge of the practices, or whatever. He knows full well that the minister is well within order in his answer; he can answer in any way, shape or form as long as his answer is relevant to the question, which I deem it to be.

Hon. M. P. PAKULA — Thank you, President, and I thank Mr Finn for the first point of order for me.

Mr Guy interjected.

The PRESIDENT — Order! That is the third time I have been forced to mention Mr Guy. It will be the last before he exits here for 30 minutes.

Hon. M. P. PAKULA — My simple point is this: the kind of message that Mr Wilson has sent — that the industry is in terminal decline and that workers should have no confidence in it — is the wrong message to be sending to workers in the industry and to the consumers of Australian motor vehicles.

We on this side of the house are taking action to ensure that the Victorian automotive industry has a long-term future. That is our aim and that is what we are working to achieve: to ensure that 35 000 Victorian workers and their families are not hung out to dry, like some in the opposition and some who would seek to have us give the industry up for dead would rather see occur.

Stamp duty: leases

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I refer to the reintroduction of stamp duty on leases and the Treasurer's statement that the target is:

the top end of the property market, this will not affect those entering into ordinary commercial leases.

Given the legislation has been botched and elderly retirees entering retirement villages are now to be slugged with stamp duty, will the Treasurer assure Victorians that he will amend the legislation and fix up this mess?

Mr LENDERS (Treasurer) — I thank Mr Rich-Phillips for his question and his interest in the Duties Amendment Bill, which has been second-read in the Legislative Assembly and is scheduled for debate at some stage in the future.

Mr Rich-Phillips is correct: the intent of the legislation is to deal with loopholes which increasingly saw that a number of people who were in the business of avoiding taxation were artificially creating 100, 200, 300-year leases of \$1 per year and then paying a first-year payment in the hundreds of millions of dollars to avoid stamp duty.

That was the intention of introducing the legislation. Clearly, as with any piece of taxation legislation that governments wish to announce and have take effect from the date of the announcement to prevent further avoidance, these things are often done quite quickly. There is nothing unusual about that, and over the period of time from when it is second-read in a house of Parliament, there is engagement with community and there is engagement with various stakeholders before there is a formal debate in the Parliament itself, where obviously the representatives of the community have that debate.

I have welcomed discussion from various stakeholders over the summer period. The intention of the legislation is to get those large-scale evaders, as is always the intention of any duties legislation when it comes to those dark secrets of the land-rich provisions of the Duties Act, which a number of members in this house have understood. I suspect most in the house have not understood it, but I know Mr Rich-Phillips has.

These are complex matters. I can assure Mr Rich-Phillips that we will continue to engage the community and present legislation to this Parliament that will be vigorously debated, and I am sure it will pass his test of fair legislation that closes down loopholes.

Supplementary question

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the Treasurer for his answer and his concession that perhaps all is not right with the bill that has been introduced in the other place. Given that the duty changes are deemed to have come into effect on 21 November last year, what arrangements will be put in place for those who have already paid, or about to pay, duty under that flawed legislation?

Mr LENDERS (Treasurer) — As I outlined to the house, legislation has been second-read in the Legislative Assembly, and discussions are continuing

as to whether there are any unintended consequences. I can assure Mr Rich-Phillips that 73 of the 74 members of the government, and I am the 74th, have already been in my ear about a range of these issues.

We have entered a dialogue with retirement villages about any unintended consequences. We are discussing these issues, and government members are clearly reflecting the positions of their communities. We will look with an open mind to the various submissions that are made to us on how to improve the legislation. I welcome Mr Rich-Phillips's contribution when it comes to the chamber.

Mr Viney interjected.

Mr LENDERS — I take up Mr Viney's interjection that engaging with the community is a very novel way of doing legislation! In the days of the Kennett government it would come out of Treasury and be rubber-stamped through Cabinet, rubber-stamped through both houses of Parliament and rammed down the throats of the community. We actually have a dialogue. We are not afraid of dialogue, because dialogue and consultation make legislation better.

Questions interrupted.

DISTINGUISHED VISITOR

The PRESIDENT — Order! Before I go to Mr Scheffer, I inform the house that Mr Tayfun Eren, a former member for Doutta Galla, is in the gallery.

QUESTIONS WITHOUT NOTICE

Questions resumed.

Planning: desalination plant

Mr SCHEFFER (Eastern Victoria) — My question is to the Minister for Planning. Can the minister outline to the house what action the Brumby Labor government is taking to create jobs, secure water supplies and provide economic opportunities into the future, and is he aware of any threats to these plans?

Hon. J. M. MADDEN (Minister for Planning) — I thank Mr Scheffer for his interest in this matter, because I know how conscious he is of these matters. I welcome everybody back to the chamber. I can see how pleased opposition members are, because they are smiling — not much today! It has been a long hot summer.

Mr Finn interjected.

Hon. J. M. MADDEN — Let me remind Mr Finn that with record temperatures and the driest season in many years, it is easy to realise and should be reinforced that we must have a source of fresh drinking water that is independent of rainfall and can weather the effects of climate change that we know the sceptics on the other side of the chamber do not believe in.

As a government we are taking steps to ensure that we secure Victoria's water supplies into the future. The Victorian desalination project (VDP), which will do that, will be one of the largest projects embarked on in this state of any comparable project of any magnitude. It is vitally important that the planning process for this project is transparent, integrated and timely, so that the potential environmental effects can be reviewed.

I am pleased to advise the house that the environment effects statement (EES) process has now been completed. That process saw more than 80 specialist studies undertaken, including — and I will just name a few here — an analysis of the impacts on flora, fauna, cultural heritage, hydrology, landscaping, design and visual impact and geotechnical and marine-based investigations.

As well as that, over 400 people made submissions to the environment effects statement process. Public hearings for the EES conducted by an independent inquiry — I reinforce that: an independent inquiry — were held over 15 days from October to November last year. I would like to take this opportunity to thank all submitters for informing the inquiry. But after considering their submissions — the technical documents, evidence and other material put before it — the inquiry for the project concluded that the chosen site at Wonthaggi is suitable for the desalination plant. The inquiry also found that the technology and process for construction and operation of the desalination plant are in line with best practice and proven technologies. The report of the inquiry said:

The inquiry is confident that the VDP will result in significant benefits to the state of Victoria ...

It is based on these findings that I formed and released my assessment of the project only one month ago.

Given that we have undertaken due process, it is disturbing that members of this place have already sought to undermine a project of this significance. Mr Barber has already advised in this place, on 11 January, that he will move to block the planning scheme amendments for this project with a disallowance motion. This is not the first time — and

nor, I suspect, will it be the last time — we have heard from the Greens political party, which wants to obstruct, hinder and threaten these projects and the plans for economic opportunities, in particular the job creation that comes from them. We have already been through some of them, whether it be the Whitten Oval project and amendment C75, which it sought to disallow, or whether it be trying to disallow amendment VC49, which was about exemptions for native vegetation that reduced road safety as well as having other results.

I understand there has been a collusion between the minor party and the opposition on that side of the chamber to also introduce — —

Mr D. Davis — On a point of order, President, the minister is clearly attacking other political parties by suggesting there is some collusion.

Hon. J. M. Madden interjected.

Mr D. Davis — The minister used the word ‘collusion’, and I ask that he withdraw it.

The PRESIDENT — Order! Mr Davis is correct. The minister knows full well that he is not able to overtly criticise the opposition or the individual asking the question. He is sailing very close to the wind, and I draw his attention to that and ask him to be cognisant of that. Mr Davis asked that the minister withdraw — withdraw what?

Mr D. Davis — ‘Collusion’ — —

The PRESIDENT — Order! The comment about collusion between the minister’s party and the Greens party?

Honourable members interjecting.

The PRESIDENT — Order! I thank the minister for his attempt to help me, but I can guarantee him I do not need his help. There is no point of order.

Hon. J. M. MADDEN — It is worth appreciating that all these projects are of great significance in terms of not only securing the future of this state but also delivering jobs, economic prosperity and infrastructure for the state.

I highlight the fact that seldom have disallowance motions been used as instruments within this chamber, and the more they are used as instruments the more they will fundamentally undermine the due processes undertaken in terms of the planning process. They will cast doubt on these projects. They will cast doubt in the

community about the delivery of the planning process, and they will cast doubt on the future and benefits that these projects will bring to the community.

I understand that even the Barwon Heads bridge is threatened in this manner. Whilst there are some who might think it is worthy to introduce disallowance motions to undermine and threaten these projects, they undermine the planning process, confidence in the planning process and the prospect of prosperity, infrastructure and jobs in this community. This government will get on with the job of delivering these projects, even in the face of threats from the opposition in relation to them.

Electricity: supply

Mr DALLA-RIVA (Eastern Metropolitan) — My question is to the Minister for Industry and Trade. Has the minister requested or received a briefing or briefings on the impact of Victoria’s power outages and the cost of last week’s catastrophic supply failures to Victorian industries? If so, will the minister make those briefings public?

Hon. M. P. PAKULA (Minister for Industry and Trade) — I thank the honourable member for his question. There has been a great deal of discussion about last week’s power outages. It was, as members would be aware, a once-in-a-hundred-year combination of events — heatwaves beyond 45 degrees for days on end, fire, lightning, strong winds and other factors — which led to great challenges for the state’s energy supplies.

Mr D. Davis — On a point of order, President, I accept that Mr Pakula is a new minister, but in my view he is reading slavishly from his notes — as he did in answer to the last question — and I ask him to answer the question rather than read from a set of notes.

The PRESIDENT — Order! Firstly, there is no point of order, and secondly, if Mr Davis attempts that again, I will remove him from the chamber for raising a frivolous point of order.

Hon. M. P. PAKULA — As the member well knows, the issue of the power failures last week remains within the province and within the ministerial responsibilities of the Minister for Energy and Resources. I will certainly take the question to the Minister for Energy and Resources for a more fulsome reply than I can give as Minister for Industry and Trade.

I have, however, noted that there have been some back-of-the-envelope estimates made by certain Victorian industry groups such as VECCI (Victorian

Employers Chamber of Commerce and Industry) about the cost of the power outages and the cost of the heatwave more generally. As members would know, during heatwaves that go to the extent that we had last week, in many circumstances businesses and industry are unable to continue to function, for health and safety reasons beyond any other reasons.

The outages were most severe late on Friday night, only a couple of days ago. There is obviously going to be a considerable amount of work done to undertake investigations both into the reasons for the occurrence of the outages and into ways to reduce and minimise such incidents in the future. As those investigations occur, the nature of them will become more commonly known.

Supplementary question

Mr DALLA-RIVA (Eastern Metropolitan) — I thank the minister. The answer apparently is no, and I am surprised that his first act as minister has been to neglect the impact of his government's infrastructure failures on various Victorian industries. Clearly VECCI, AIG (Australian Industry Group) and a number of others might have been consulted by his department. Will the minister now commission a report, or at least speak to some of those groups, about the impact on and cost to industry as a result of the power failures? If so, when he does it will he release it publicly?

Hon. M. P. PAKULA (Minister for Industry and Trade) — In my capacity as Minister for Industry and Trade I hold consultations with groups such as the AIG, VECCI, individual corporations, trade unions and my department about a whole range of matters — about the impact of the global financial crisis, about the impact of energy outages and about the impact of a range of issues. Those consultations occur as part of the natural course of government, and they occur as part of the normal day-to-day work of an industry minister. Those consultations will continue.

We will look at each and every opportunity as a government to protect every job in this state and to grow the state economy, and I advise Mr Dalla-Riva that, as minister, I am committed to undertaking any action in pursuit of those objectives.

Bushfires: community preparedness

Mr VINEY (Eastern Victoria) — My question is to the Minister for Environment and Climate Change, Gavin Jennings. Can the minister update the house on recent fire events and what steps the Brumby Labor

government is taking to protect Victorian communities and prepare them for the threat of bushfires?

Mr JENNINGS (Minister for Environment and Climate Change) — I thank Mr Viney for the question. It is very important for the chamber to apprise itself of the bushfire situation and the risks the Victorian community confronts. We acknowledge the huge effort and sacrifice made by volunteers and firefighters in recent days. We thank them sincerely for the work they have undertaken on behalf of the Victorian community and the Victorian environment.

We share the tragic problems of those who have lost their houses during the course of the bushfires. Our sympathy and our support go out to them. We call upon the Victorian community to rally behind those who are facing those tragedies and that adversity in this time of crisis. Our hearts go out to them and our tangible support will also go out to them.

As my colleague the Minister for Industry and Trade recently pointed out in one of his first answers in this chamber, the gravity of the environmental conditions faced by Victoria last week was extremely acute. In relation to the weather conditions, when you look at the recorded history of temperatures across Victoria you see that three days last week were in the top 10 daily temperatures ever recorded in Victoria, and these three days occurred successively last week. Never in recorded history have three days of those temperature conditions prevailed in Victoria successively. Whilst the damage that was caused in the circumstances of these fires is tragic, when you consider the potential of the fire risks last week, it is quite extraordinary that that degree of damage was not exceeded.

In terms of the coincidence of the dryness and the high temperatures that have been recorded in Victoria in the last few years, it would be useful to understand that in the past the sort of dryness and temperatures we are witnessing in Victoria at the moment have coincided on average at the rate of about 1 in 20 years. Looking at the history of the last 100 years — —

An honourable member interjected.

Mr JENNINGS — No, indeed, the interjection is not consistent with what I have just said. My ministerial colleague was correct in relation to the frequency of those three hot days, but looking at it on an annual basis, you would have expected the annual circumstances of dryness and temperature that we are currently experiencing to occur in 1 in 20 years, but recent analyses by the CSIRO based upon current climate change scenarios across Victoria and Tasmania

indicate that those instances may occur as frequently as once every 12 years in the future. Looking at what that translates into as an imminent bushfire threat on any given day, we would anticipate that the bushfire risk between now and 2020 may increase by up to 40 per cent.

That is an imminent threat the Victorian community needs to confront and needs to be mindful of. It is certainly something we as a government have been mindful of. Looking at the resource allocation from when we came into government to now, you will see that the emergency services budget has increased annually from \$254 million when we came to government to \$587 million now. Looking at the budget I am responsible for that adds to that in terms of the Department of Sustainability and Environment firefighting effort, when we came to government it was of the order of \$30 million annually. Our annual firefighting budget is now in excess of \$134 million.

Looking at our firefighting effort, not only can we now call upon more than 2700 firefighters within our agencies but we have an additional 600 permanent firefighters over the summer period. In addition to that there are 60 000 Country Fire Authority volunteers that we as a community rely on in these times of adversity. We cannot overestimate the enormous contribution made by CFA volunteers, the CFA volunteer network and the CFA firefighting effort, but they are not alone when you consider that there may be up to an additional 40 000 volunteers from the State Emergency Service, St John Ambulance and other organisations which perform supportive roles in times of emergency. Our Victorian volunteer effort is somewhere near 100 000 of our citizens who support one another in times of adversity.

We as a community are blessed by their sacrifice, their contribution and their bravery. We want to make sure that we will continue to support that with the resources I have already indicated. If you look at our firefighting effort last week, you will see that we had more than 44 aircraft available to assist and more than 68 lookout locations across Victoria. We had tankers and bulldozers — we have never had the resources to be able to put into the effort of repelling fires that we have been able to call upon this summer.

But unfortunately, as Mr Viney knows from his visit to the Boolarra community yesterday — he saw the grieving of local people in relation to the 30 houses that were lost in the Delburn fires in south-western Gippsland — great stress and strain have been placed on those communities that have suffered the terrible tragedy of those houses having been lost. The fire itself

covered around 6400 hectares; those plantations, forests and grasslands were burnt in a very intense fire. That occurred on the same day as an intense fire at Endeavour Hills which threatened the peri-urban region — in fact, it is probably better described as an urban area — putting our electricity supply at great risk as the fire was very close to high-voltage powerlines. But our firefighting effort prevailed in terms of securing those powerlines and curtailing that fire.

It was a mighty effort, but Victoria continues to face high temperatures and very dry conditions. At the moment somewhere of the order of 40 to 50 fires are still burning in Victoria, and they are being contained by our firefighters. We will continue to support them in their efforts to contain that fire risk.

In terms of the recovery of the people at Boolarra and Yinnar, at the moment not only is a designation of personal hardship grants available to that community, following a decision by my colleague the Minister for Police and Emergency Services, but also two emergency centres have been established by the Department of Human Services in cooperation with the Wellington shire. They are operated by the Red Cross in Mirboo North at the Mirboo North Secondary College and the Churchill community centre. Tonight there will be a community meeting at the Boolarra Memorial Hall in Boolarra, and tomorrow night there will be a community meeting at Yinnar Primary School.

We want to make sure that support is provided by our community to those who have been subjected to the horror of losing their homes and having their lives placed at risk. We will continue to support them. The Victorian government thanks all those who have contributed to the firefighting effort to date, and we hope they will be in good stead should further risks confront the Victorian community in the weeks and months to come.

Treasurer: former adviser

Mr KAVANAGH (Western Victoria) — My question is to the Treasurer, Mr Lenders. It refers to an *Age* article of 20 January, which is about the factional warfare within the ALP. It says at page 3:

... faction secretary, Noah Carroll, an adviser to state Treasurer John Lenders, last night hit out at the 'rump' group, saying he did not recognise its authority and that Mr Shorten remained convenor.

My questions to the Treasurer are: is this an example of an adviser to him, on the public payroll, making public comments on behalf of one of the factions of the ALP?

What is Mr Carroll's job? And what project or projects is he working on at the moment?

Mr LENDERS (Treasurer) — I thank Mr Kavanagh for his question. The main comment I would make first is: do not believe what you read in the newspaper. Mr Carroll ceased working for me more than one year ago.

Supplementary question

Mr KAVANAGH (Western Victoria) — I ask the Treasurer: what is the government's policy on public servants publicly commenting on political events, including internal party ones?

Mr LENDERS (Treasurer) — I thank Mr Kavanagh. It is a very serious question that he raises: what is the role of any citizen in public employment having a view on politics? Clearly the job of any person engaged in the public service or as a ministerial adviser is to do that public service or undertaking that ministerial adviser role. That is the job they are paid to do, and they should be spending their working hours doing that. There is, though, the separate issue of any member of the public service, whether they be a staff member of a Democratic Labor Party MP, a Liberal MP or a Labor MP, or any other person, having the entitlement outside their core work activities to have a view on and participate in politics.

I believe the Hamer government many years ago removed the prohibition on public servants being members of political parties, and that was an acknowledgement that it is a legitimate thing for any citizen to be involved in the political process. Mr Kavanagh's question is correct: those engaged in the political process should be doing it in their own time. That is a legitimate question, but the response I would give is that every citizen is entitled to participate in the political process, and if they can manage that around doing a job — and I guess 50 000 or 60 000 members of the Victorian community who are members of political parties do — that is appropriate and to be encouraged.

Workplace relations: federal reform

Mr LEANE (Eastern Metropolitan) — My question is for the Minister for Industrial Relations, Martin Pakula. Can the minister advise the house how the Brumby Labor government is working with the commonwealth government to improve Victoria's industrial relations systems?

Mrs Peulich interjected.

Hon. M. P. PAKULA (Minister for Industrial Relations) — I thank Mr Leane for his question. This afternoon the Premier released the annual statement of government intentions, which we were all privileged to listen to in the other place. As part of that statement the Premier outlined how we are working with the commonwealth and with other states to implement the Rudd government's Forward with Fairness industrial relations reform program. In the coming months this government will be bringing into the Parliament a bill for a new referral of industrial relations powers to the commonwealth, and that is primarily because in the first few months of 2009 the Rudd Labor government, through its legislative program, will read the last rites of WorkChoices.

As my first parliamentary act as Minister for Industrial Relations I say good riddance to it, because through our legislative program we will be taking action to help undo the damage done by John Howard's WorkChoices, which was both a public policy disaster and, I am sure members opposite would concede privately if not publicly, a political disaster as well. It was a disaster because it was founded on a completely discredited idea: that you can build productivity and workplace culture by giving one side of the employer-employee relationship a disproportionate amount of legal strength and economic strength.

Mrs Peulich interjected.

Hon. M. P. PAKULA — From Mrs Peulich's interjections I can only assume that the heart of WorkChoices continues to beat inside the Liberal Party's chest. Unsurprisingly WorkChoices did not lead to increased workplace harmony, and it did not lead to increased productivity. Instead it led to massive job insecurity because it targeted workers who were isolated and vulnerable and had the least amount of bargaining power.

As members opposite know, for the last decade or more Victoria has referred its industrial relations powers to the commonwealth, but because of the nature of the WorkChoices regime this government needed to implement extra protections for the Victorian people — initiatives like the Office of the Workplace Rights Advocate and legislation like the Victorian Workers' Wages Protection Act and the Public Sector Employment (Award Entitlements) Act. As a result of the commonwealth legislation, in the coming months we will be looking at a new referral. Happily this time we are quite relaxed about the referral of power because once — I should say 'if', but let us be optimistic and say 'once' — the Fair Work Bill passes through the Senate, the workers of Australia will have access to

sensible unfair dismissal laws, good faith bargaining once again, and 10 minimum national employment standards, and Australian workplace agreements will be abolished.

The former federal Leader of the Opposition, Mr Nelson, and the current leader, Mr Turnbull, have effectively acknowledged that the Rudd government has a mandate to do WorkChoices in, but still we have heard absolutely nothing from the Victorian Liberals. It makes one wonder what their real position is.

Mr Finn — It's a federal issue.

Hon. M. P. PAKULA — Lady Macbeth washes his hands, President!

It is hardly surprising that we have heard nothing from the party which was effectively the crucible of WorkChoices. Let us never forget that during the Kennett era, as one of the first acts of the Kennett government the Victorian Industrial Relations Commission and Victorian awards were abolished, and Victorian workers suffered as a result. WorkChoices has always been called Howard's WorkChoices, but that lets a number of other people off the hook — because it was key Victorian Liberals who led the charge to WorkChoices. Kevin Andrews was the minister — —

Mr Atkinson — On a point of order, President, I think this time the minister is venturing into debating the answer to his question, and it is quite an extensive answer which is canvassing both federal and state policies. As I said, I think it has ventured into debate.

Hon. M. P. PAKULA — On the point of order, President, the Victorian referral is directly tied to the nature of the federal act. You cannot talk about the Victorian referral without making reference to the nature of the federal act.

The PRESIDENT — Order! Mr Atkinson's point about debating is in fact correct. So too is Mr Pakula's point that reference cannot be made to one without reference to the other. However, the minister is unable to debate his answer.

Hon. M. P. PAKULA — Thank you for that guidance, President. I will simply wrap up by making the following point. As I said at the outset, and as the Premier indicated this morning, very shortly the new Victorian referral will be brought to the Parliament, and the time for silence by the opposition will be over; the rubber will hit the road at that point and the Liberal Party will need to make an unequivocal statement about whether it is for the rights of Victorian working families

or whether it is going to cling to WorkChoices the way Wile E. Coyote clings to the anvil. It is going to have to make an unequivocal statement.

As the Treasurer indicated earlier, globally we are going through extraordinarily difficult times. It is critical that our industrial relations system facilitates cooperative workplaces. That was something that WorkChoices failed to achieve. The government's intention is to continue to contribute to and participate in a unitary national industrial relations system. We think that by doing that Victorian employers will gain certainty and Victorian workers will gain proper protection from exploitation. That is the action we will be taking to ensure that balance and fairness is restored to all Victorian workplaces, and we hope we have the opposition's support in that endeavour.

The PRESIDENT — Order! The time for questions without notice has expired.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Treasurer) — I have answers to the following questions on notice: 1068, 1410, 1754, 1878, 2177, 2244, 2284, 2443, 2520, 2769, 2836, 2850, 2916, 2961, 2962, 2991, 3051, 3070, 3071, 3247, 3248, 3395–9, 3526, 3632, 3728–32, 3745, 3752, 3759, 3766, 3773, 3780, 3787, 3794, 3801, 3808, 3815, 3822, 3829, 3836, 3843, 3850, 3857, 3864, 3871, 3878, 3885, 3892, 3899, 3906, 3913, 3920, 3927, 3934, 3941, 3948, 3955, 3962, 3969, 3976, 3983, 3990, 3996, 4014, 4021, 4028, 4035, 4042, 4048, 4055, 4062, 4069, 4076, 4083, 4090, 4097, 4104, 4393, 4625–30, 4741, 4806, 5183, 5187, 5222–4, 5227, 5235, 5921–62, 5969, 5976, 5978–83, 6003–34, 6036–52, 6054–219, 6240–6, 6328–66, 6386, 6388, 6393, 6395, 6400, 6402, 6407, 6409, 6414, 6416, 6421, 6423, 6430, 6432, 6437, 6439, 6444, 6446, 6451, 6453, 6458, 6460, 6465, 6467, 6472, 6474, 6479, 6481, 6486, 6488, 6493, 6495, 6500, 6502, 6507, 6509, 6514, 6516, 6521, 6523, 6528, 6530, 6535, 6537, 6542, 6544, 6549, 6551, 6556, 6558, 6563, 6565, 6570, 6572, 6577, 6579, 6723–30, 6732, 6737, 6739, 6744, 6746, 6751, 6753, 6758, 6760, 6765, 6767, 6772, 6774, 6779, 6781, 6786, 6788, 6793, 6795, 6800, 6802, 6807, 6809, 6821, 6822, 6824–6, 6954, 6956, 7101, 7102, 7104–15, 7297, 7304–14, 7316–18, 7326–69, 7379–413, 7421–511, 7757–84, 7792–8, 7806–40, 7862–8001, 8156–281, 8310–18, 8336–68, 8370, 8385–94.

JOINT SITTING OF PARLIAMENT**Legislative Council vacancy**

Message received from Assembly acquainting the Council that they have agreed to joint sitting to choose a person to hold the vacant seat in the Legislative Council rendered vacant by the resignation of Mr Evan William Thornley.

PETITIONS

Following petitions presented to house:

Ambulance services: Frankston

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council our serious concerns regarding the planned changes to the Frankston MICA unit, from a double responder to a single responder unit. The petitioners therefore respectfully request that the Legislative Council of Victoria demand the Brumby Labor government retain the double responder Frankston MICA 6 paramedic teams. The safety of our citizens should be the highest priority.

**By Mr O'DONOHUE (Eastern Victoria)
(445 signatures).**

Laid on table.

Buses: Nunawading

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the failure of the Honourable Lynne Kosky, Minister for Transport, to consult the local residents of Nunawading and surrounding suburbs on proposed changes to the Nunawading to Chelsea 888/889 SmartBus service that replaces the bus stop at the corner of Station Street and Springvale Road, Nunawading, with a bus stop on the west side of Springvale Road, Nunawading, opposite Station Street, forcing users of this service to cross Springvale Road to access Nunawading railway station.

The petitioners therefore request that Minister Kosky abandon plans to remove or replace the bus stop at the corner of Station Street and Springvale Road, Nunawading, on the Nunawading to Chelsea 888/889 SmartBus service in the interest and safety of local residents, and for the bus service to continue to operate along Station Street, Nunawading, to Mount Pleasant Road, on to Heather Grove and then turn left into Springvale Road, as it has done for the last 35 years.

**By Mr ATKINSON (Eastern Metropolitan)
(238 signatures).**

Laid on table.

Abortion: legislation

To the Legislative Council of Victoria:

The petition of the undersigned residents of Victoria draws the attention of the Council to proposed amendments to the Crimes Act which will ensure that no abortion can be criminal when performed by a legally qualified medical practitioner at the request of the woman concerned.

The implementation of this legislation will allow abortions to be legal in Victoria right up to birth. This will only increase the thousands of children who die needlessly each year through abortion and will add to the existing social problems in Victoria resulting from such a high abortion rate.

The petitioners therefore request that the Legislative Council of Victoria vote against amendments to the Crimes Act that will decriminalise abortion in the state of Victoria.

**By Mr ATKINSON (Eastern Metropolitan)
(196 signatures).**

Laid on table.

Hampton Park: hoon driving

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council concerns about hoon driving in Hampton Park.

The community of Hampton Park is concerned about the increased amount of hoon driving in our streets and requests that:

1. The state government target Hampton Park hoon hot spots with an increased visible police presence;
2. The state government to impose the same penalties for drunk and drug-affected drivers.

The petitioners call on the state government to combat hoon driving in Hampton Park including, but not limited to, Hallam Road, Willow Drive, Oaktree Drive, Pound Road, Robjant Street, Vanessa Drive, Alma Road, Winnima Avenue, Bride Avenue, Highland Avenue, Deanswood Road, Green Valley Crescent, Village Drive, Somerville Road, Clive Street, Regans Road, Fordholm Road, View Street, Kerrison Drive, The Fairway, Parkland Avenue, Ora Street, Wren Street, Stuart Avenue, Jeffrey Street, David Street, Andrew Street, Campbell Drive, General Joshua Drive, Ivan Crescent, Cairns Road, Warana Drive, Strong Drive, Coral Drive and Huntington Drive.

**By Mrs PEULICH (South Eastern Metropolitan)
(27 signatures).**

Laid on table.

**Ordered to be considered next day on motion of
Mrs PEULICH (South Eastern Metropolitan).**

Planning: residential zones

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the Brumby Labor government's high-rise, high-density planning laws which will:

1. Set a minimum building height of three and four storeys to impose high-density and high-rise developments on most residential areas;
2. Remove the right of residents to be notified, to object to and to appeal to VCAT (Victorian Civil and Administrative Tribunal) against inappropriate development; and
3. Strip councils of planning controls over local commercial and business activity centres, with the planning minister appointing three of the five members of the soon-to-be-established development assessment committees in order to fast-track high-density and high-rise developments in our shopping hubs (the first target areas being Cheltenham, Cranbourne, Dandenong, Frankston, Glen Waverley and Narre Warren).

The petitioners therefore respectfully request that the Legislative Council of Victoria demands that the Brumby Labor government and Minister for Planning, Justin Madden, scrap Labor's new planning policies which will cram more high-rise into local streets, aggravate traffic congestion and open our planning system to possible abuse and corruption.

By Mrs PEULICH (South Eastern Metropolitan) (21 signatures).

Laid on table.

Ordered to be considered next day on motion of Mrs PEULICH (South Eastern Metropolitan).

ABORIGINAL AFFAIRS VICTORIA

Indigenous affairs report 2007–08

Hon. J. M. MADDEN (Minister for Planning), by leave, presented report.

Laid on table.

EDUCATION AND TRAINING COMMITTEE

Effective strategies for teacher professional learning

Mr ELASMAR presented report, including appendices, together with transcripts of evidence.

Laid on table.

Ordered that report be printed.

Mr ELASMAR (Northern Metropolitan) — I move:

That the Council take note of the report.

In tabling and presenting the report of the Education and Training Committee's inquiry into effective strategies for teacher professional learning, I would like to provide the house with some important insights and knowledge that the committee discovered during the course of its inquiry.

The committee knows that effective teachers are the single most important factor in student learning. Teaching is not easy. It takes a very special person — and in most cases, a lifelong commitment — to educate future generations of Victorian children. Teachers must keep their skills up to date in a rapidly changing world. Like all professionals, teachers must continue learning throughout their careers.

In this inquiry, the committee examined evidence in Victoria, interstate and overseas. Overall it found that Victoria is heading in the right direction in teacher professional learning.

Mr Finn interjected.

Mr ELASMAR — Mr Finn, I am sorry you were not with us but you know I would like to see you with us!

However, the committee has recommended a number of additional policies and programs for Victorian teachers, based on international best practice.

During the inquiry the committee also heard a lot about what effective teacher professional learning should look like. It found that effective professional learning is not just about sending teachers away from the school. Effective professional learning happens in classrooms, in staff rooms and even online. Teachers are finding new ways to learn from each other and to learn from others in the wider school community. Most importantly, effective teacher professional learning depends on schools developing cultures in which professional learning is valued and supported. The committee believes its recommendations will help to build these cultures in all Victorian schools.

I would like to acknowledge the work of the chairman of the committee who is the member for Ballarat East in the other place and my fellow committee members for their work on this inquiry. I also thank Karen Ellingford, the committee's executive officer, Jennifer

Hope, Natalie Tyler and Caitlin Whiteman on the secretariat team. I commend this report to the Parliament and to the Victorian education community.

Mr HALL (Eastern Victoria) — I want to take a few minutes of the house to add my commendation of the committee on the value of the report produced into teacher professional learning. Teachers in the state of Victoria need to keep their skills well honed, and to that extent teacher learning is an important aspect of the role of teachers in Victoria.

It is a challenge to provide the appropriate structure for professional learning for all teachers, because teachers are all different and work in different environments. To provide an effective professional learning program for all teachers is a challenge because one suit does not fit all. For example, the issue of professional learning for casual relief teachers is an important challenge which government, the Victorian Institute of Teaching and teaching unions need to address.

This report is a thorough report, but I do not think it provides all the answers. I am sure the government in its response, Parliament, teacher unions and professional organisations will further refine what is needed in terms of professional development for teachers themselves. This is a good report which I am sure will go a long way if the government accepts the recommendations and addresses some of those issues so critical for teachers in maintaining and improving their skills. I endorse Mr Elasmars' remarks in respect of the contribution made by all members of the committee, and the committee staff in Karen, Jennifer, Natalie and Caitlin. I thank them for their contribution to this report.

Motion agreed to.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 1

Mr EIDEH (Western Metropolitan) presented *Alert Digest No. 1 of 2009, including appendices.*

Laid on table.

Ordered to be printed.

ROAD SAFETY COMMITTEE

Improving safety at level crossings

The Clerk, pursuant to Parliamentary Committees Act, presented report, including appendices, together with minutes of evidence.

AUDITOR-GENERAL

Preparedness to Respond to Terrorism Incidents — Essential Services and Critical Infrastructure

The Clerk, pursuant to Audit Act, presented report.

VICTORIAN LAW REFORM COMMISSION

Assistance Animals

The Clerk, pursuant to Victorian Law Reform Commission Act, presented report.

PAPERS

Laid on table by Clerk:

Agricultural Industry Development Act 1990 — Murray Valley Wine Grape Industry Development (Extra-Territorial) Order 2008, pursuant to section 8(3) of the Act.

Border Groundwaters Agreement Review Committee — Report, 2007–08.

Coastal Management Act 1995 — Victorian Coastal Strategy 2008, pursuant to section 19 of the Act.

Crown Land (Reserves) Act 1978 —

Minister's Order of 27 November 2008 giving approval to the granting of a lease at Sandringham Beach Park Reserve.

Minister's Order of 11 December 2008 giving approval to the granting of a lease at Mordialloc–Mentone Beach Park Reserve.

First Mildura Irrigation Trust — Report for the period 1 July 2007 to 19 August 2008.

Interpretation of Legislation Act 1984 — Notices pursuant to section 32(3) in relation to Statutory Rules Nos. 99, 165 and 166.

Land Acquisition and Compensation Act 1986 — Minister's Certificate of 15 December 2008 pursuant to section 7(4) of the Act.

Major Events (Aerial Advertising) Act 2007 — Minister's Order of 11 December 2008 in relation to cricket matches.

Major Events (Crowd Management) Act 2003 — Minister's Order of 16 December 2008 declaring a Managed Access Area pursuant to section 7 of the Act.

Medical Practitioners Board of Victoria — Report for the year ended 30 September 2008.

Murray-Darling Basin Commission — Report, 2007–08.

Parliamentary Committees Act 2003 —

Government Response to the Road Safety Committee's Report on the Inquiry into Vehicle Safety.

Government Response to the Rural and Regional Committee's Report on the Inquiry into Rural and Regional Tourism.

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

Ballarat Planning Scheme — Amendments C102 and C130.

Banyule Planning Scheme — Amendments C54 and C62.

Bass Coast Planning Scheme — Amendment C59.

Baw Baw Planning Scheme — Amendment C60.

Bayside Planning Scheme — Amendment C74.

Boroondara Planning Scheme — Amendments C85 and C89.

Campaspe Planning Scheme — Amendments C56 and C65.

Cardinia Planning Scheme — Amendment C105 (Part 2).

Casey Planning Scheme — Amendment C106.

Central Goldfields Planning Scheme — Amendment C18.

Corangamite Planning Scheme — Amendment C22.

Darebin Planning Scheme — Amendments C94 and C97.

Frankston Planning Scheme — Amendments C24 and C45.

Gannawarra Planning Scheme — Amendments C17, C21 and C22.

Glenelg Planning Scheme — Amendment C42.

Golden Plains Planning Scheme — Amendments C29 and C39.

Greater Dandenong Planning Scheme — Amendment C97.

Greater Geelong Planning Scheme — Amendments C17, C118, C119, C138, C139, C148, C154 Part 1, C160, C161 and C170.

Greater Shepparton Planning Scheme — Amendments C90 and C120.

Hobsons Bay Planning Scheme — Amendments C33 and C62 Part 1.

Horsham Planning Scheme — Amendment C25 (Part 1).

Hume Planning Scheme — Amendment C98.

Kingston Planning Scheme — Amendments C75, C77 and C107.

Loddon Planning Scheme — Amendment C16.

Manningham Planning Scheme — Amendments C72 and C80.

Maroondah Planning Scheme — Amendments C65, C72 and C73.

Melbourne Planning Scheme — Amendments C105 and C147.

Mitchell Planning Scheme — Amendments C52 and C63.

Moira Planning Scheme — Amendments C39 and C47.

Monash Planning Scheme — Amendments C59, C73 and C84.

Moonee Valley Planning Scheme — Amendment C86.

Mornington Peninsula Planning Scheme — Amendment C108.

Port Phillip Planning Scheme — Amendments C76 and C100.

Pyrenees Planning Scheme — Amendments C19 and C20.

South Gippsland Planning Scheme — Amendments C9 (Part 2) and C41.

Stonnington Planning Scheme — Amendments C64, C87, C92, C99 and C110.

Strathbogie Planning Scheme — Amendment C43.

Swan Hill Planning Scheme — Amendments C27, C29 and C30.

Victoria Planning Provisions — Amendments VC50 and VC52.

Wellington Planning Scheme — Amendment C46.

West Wimmera Planning Scheme — Amendment C17.

Whitehorse Planning Scheme — Amendments C78, C80, C107 and C116.

Whittlesea Planning Scheme — Amendment C72.

Wodonga Planning Scheme — Amendment C57.

Wyndham Planning Scheme — Amendments C83, C108, C113 and C119.

Yarra Ranges Planning Scheme — Amendment C43.

Rail Safety Act 2006 — Notice specifying the procedure to be followed in assessing drug impairment.

State Services Authority — The State of the Public Sector in Victoria, 2007–08.

Statutory Rules under the following Acts of Parliament:

Accident Towing Services Act 2007 — No. 169/2008.

Charter of Human Rights and Responsibilities Act 2006 — No. 163/2008.

Dangerous Goods Act 1985 — No. 166/2008.

Family Violence Protection Act 2008 — Nos. 153 and 156/2008.

Gas Safety Act 1997 — Nos. 164 and 165/2008.

Health Act 1958 — Nos. 159 and 160/2008.

Magistrates' Court Act 1989 — No. 157/2008.

Metropolitan Fire Brigades Act 1958 — No. 155/2008.

Prevention of Cruelty to Animals Act 1986 — No. 162/2008.

Radiation Act 2005 — No. 167/2008.

Road Safety Act 1986 — Nos. 161, 168 and 170/2008.

Supreme Court Act 1986 — Nos. 149, 150 and 151/2008.

Stalking Intervention Orders Act 2008 — No. 152/2008.

Victorian Energy Efficiency Target Act 2007 — No. 158/2008.

Victorian Workers' Wages Protection Act 2007 — No. 154/2008.

Subordinate Legislation Act 1994 —

Minister's infringements offence consultation certificate under section 6A(3) in respect of Statutory Rule No. 169/2008.

Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 92, 149, 150, 151, 156 and 157/2008.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 99, 146, 152, 153, 155, 159, 161, 163, 166, 168 and 170/2008.

Victorian Electoral Commission — Report on the Kororoit District By-election held on 28 June 2008.

Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

Building Amendment Act 2008 — Sections 1, 2 and 16 to 25 — 1 January 2009 (*Gazette No. G51, 18 December 2008*).

Courts Legislation Amendment (Associate Judges) Act 2008 — 17 December 2008 (*Gazette No. S377, 16 December 2008*).

Dangerous Goods Amendment (Transport) Act 2008 — 1 January 2009 — (*Gazette No. G51, 18 December 2008*).

Energy Legislation Amendment (Retail Competition and Other Matters) Act 2008 — Section 39 — 18 January 2009 (*Gazette No. G51, 18 December 2008*).

Family Violence Protection Act 2008 — remaining provisions except for Part 15 — 8 December 2008 (*Gazette No. S339, 4 December 2008*).

Police Integrity Act 2008 — Remaining provisions — 5 December 2008 (*Gazette No. S340, 4 December 2008*).

Public Health and Wellbeing Act 2008 — Part 1 and Sections 246, 249, 254, 255, 263, 264, 265 and 266 — 1 January 2009 (*Gazette No. S365, 12 December 2008*).

Racing and Gambling Legislation Amendment Act 2008 — other than Section 29 — 1 January 2009 (*Gazette No. G51, 18 December 2008*).

Stalking Intervention Orders Act 2008 — 8 December 2008 (*Gazette No. S339, 4 December 2008*).

Water (Commonwealth Powers) Act 2008 — Part 1 and Part 2 — 4 December 2008 (*Gazette No. S336, 4 December 2008*); Remaining provisions — 15 December 2008 (*Gazette No. S358, 11 December 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, 4 February:

- notice of motion 53, standing in the name of Mr Barber, relating to the production of certain public transport tender documents; and
- notice of motion given this day by Mr Koch relating to metropolitan and regional public transport services.

Motion agreed to.

MEMBERS STATEMENTS

Bushfires: Gippsland

Mr HALL (Eastern Victoria) — I want to commend the professional and volunteer emergency services personnel and local communities in their response to the fires that swept through some of the northern parts of the Strzelecki Ranges last Thursday and Friday and over the weekend. Organisations like the Department of

Sustainability and Environment, Parks Victoria, the Country Fire Authority, the State Emergency Service, Ambulance Victoria, Victoria Police, the Latrobe Valley city and the CFA volunteers did a mighty job and deserve the highest commendation from the members of this chamber. No doubt other governments will be involved in the recovery period, which will last for some time. Local communities were also well prepared with their individual fire plans, and I commend them for their thorough preparation prior to this event.

I visited the incident control centre on Friday last week, and I must say I was most impressed with the response organisations involved and the cooperation between them. Tragically it seems that Gippsland people are well prepared for such incidents now, with bushfires almost an annual occurrence and floods happening every now and again.

There are issues that arose from last week's bushfires that the government will need to learn from. There was some criticism about the operation of police road blocks in some of the areas, and that is an issue the government will need to give some attention to so it can be resolved as soon as possible.

This fire took 29 homes, some 64 sheds and many cars, fences and pastures, and I convey my sympathy to all those who have suffered from lost property. The Gippsland Emergency Relief Fund has launched an appeal to directly help those people, and I encourage the government and individuals to contribute to that.

My last point is that this was a deliberately lit fire, and I join with my constituents in expressing my utter disgust at the arsonist or arsonists involved who put the lives and the livelihoods of many Gippslanders in peril.

Bushfires: Gippsland

Mr VINEY (Eastern Victoria) — As Minister Jennings mentioned in his answer to a question I asked him earlier today, I visited the township of Boolarra yesterday and wish to also, along with Mr Hall, put on record the appreciation I have for the incredible work done by many people in protecting that and other towns in the northern Strzeleckis. I must say that when visiting the town yesterday the thing that struck me more than anything was that it was remarkable that 29 houses were lost and not 129. The entire town had been circled by fire, and in speaking to the residents it was obviously an extremely frightening experience. My sympathy goes to those people who have lost their homes and other property, but I say to the chamber that in talking to members of the local community it was

clear that even those who did not lose anything were in deep shock at what took place on Friday and over the weekend.

I would like to reinforce, along with Mr Hall, the great admiration I have for the firefighters from all over Victoria whom I met yesterday. I thank them for their dedicated service.

Former Minister for Industry and Trade: salary

Mr DALLA-RIVA (Eastern Metropolitan) — I rise as a member of this chamber to express my deep concern at the fact that the former Minister for Trade and Industry took leave from this chamber without seeking the appropriate approval of the house and has now returned. As we know, there is a matter before the courts, and I do not make further comment on that. However, what has not been clear or transparent is why the former minister was receiving a minister's wage during the period of that unapproved leave. As shadow industry minister, I was deeply concerned that the former minister was receiving a minister's salary whilst not in direct administration of his portfolio.

How is it that this Parliament, without due explanation to its elected members, could allow an extended period of absence for the then Minister for Industry and Trade, who at the same time was receiving a ministerial salary? The fact is that there were other ministers acting in his various portfolio roles and undertaking his portfolio and administrative responsibilities. To say that this is a matter that has passed is unacceptable, and the chamber should have been provided with an opportunity to grant that leave.

Infrastructure: community concern

Mr BARBER (Northern Metropolitan) — This morning on the steps of this Parliament I attended a rally by a growing coalition of groups that was initially concerned about the provision of basic services but is now coming to address and question the fundamentals of life and livability in Victoria.

Members will be receiving letters that were handed over this morning by members of this alliance from their various constituents, who are concerned about the direction in which this state is travelling. That concern was alive and well before last week's disasters, but we are now seeing major failures in basic systems in the areas of transport, water and electricity and their dramatic impacts on the community's prosperity.

I was therefore surprised to hear the Premier in his address this morning make the statement that climate change will be the basis of our future prosperity. I find that a very odd and very worrying position to hold.

Australian Slovak community: congress

Mr LEANE (Eastern Metropolitan) — I was pleased over the break since the last sitting of Parliament to be able to represent the Premier at the 18th congress of Australian Slovaks and the 80th anniversary celebration of the Slovak community's presence in Australia.

Since 1928, when 200 Slovaks first arrived in Victoria, the community has grown, flourished and contributed much in many areas of Australian life. It was interesting that a lot of the people who were at the congress would have been the children, grandchildren and great-grandchildren of those first 200 Slovaks to come to Australia back in 1928.

I think it is a privilege as an MP to be able to attend these types of multicultural events and learn about families' journeys from their arrival in Australia to their current situation. I would like to commend not only the volunteers but also the workers employed by the emergency services who worked through the extreme weather conditions last week for the benefit of others. Having worked in the emergency services area on the road in hard conditions, I have some understanding of the huge task and how hard it is during such periods.

Former Minister for Industry and Trade: ministerial duties

Mrs PEULICH (South Eastern Metropolitan) — I wish to also raise some concerns I have in relation to the circumstances leading to the recent charging of Mr Theophanous. I understand it is sub judice, and I do not have any intention of traversing the content of the specific case. I appreciate and understand the personal difficulties that may be faced by Mr Theophanous, his family and supporters.

My concerns are more to do with the process. I was going to raise similar concerns to those raised by Mr Dalla-Riva in relation to the minister having taken extensive leave during November and December but continuing to receive a ministerial salary while obviously not fulfilling ministerial duties. In spirit it would be in contradiction of the integrity of public life and the various policy documents put out by the Labor Party over successive years.

Today we heard the personal explanation given by Mr Theophanous. However, that only aggravates the situation in that he had submitted a letter of resignation on 10 November. When I look at *Hansard* from the regional sitting, I see that the Treasurer informed the house that the minister had stood aside from his ministerial portfolios pending conclusion of police inquiries. It does not say that he 'stood down', it says he 'stood aside'. This chamber deserves to have a copy of that letter circularised so that we can scrutinise the process that is applied in relation to the administration of this chamber in government.

The Leader of the Government, the President and officers of the Parliament need to explain all of the circumstances leading up to the standing aside and subsequently the standing down of the minister, and that can only be dispelled by circularising that letter to this chamber. If indeed it was circularised, or if it happened, why did it take several days of a parliamentary sitting for that not to be enacted if it had been submitted on 10 November, after which several sittings took place?

The ACTING PRESIDENT (Mr Somyurek) — Order! The member's time has expired.

Harry Nicolaides

Mr TEE (Eastern Metropolitan) — I wish to bring to the attention of the house the circumstances of Harry Nicolaides, who is in a Thai prison for statements he wrote in a book. These statements were found by the Bangkok Central Criminal Court to have breached Thai law of lese-majesty, prohibiting material which is offensive to the king. Mr Nicolaides has been sentenced to three years imprisonment.

He has apologised for any offence he has caused and has retracted the statements. He is now seeking a pardon, and I wish to thank the state Attorney-General and the federal government for their efforts in support of a pardon.

Mr Nicolaides's parents live in my electorate, and I have visited them to offer my support and encouragement to them at this very difficult time. As can be imagined, they are very concerned for the wellbeing of their son. I am sure the house will join with me in wishing Mr Nicolaides a safe and speedy return to Australia.

Bushfires: Gippsland

Mr O'DONOHUE (Eastern Victoria) — Once again the Gippsland region is suffering from fire. The fire that started last week as a result of arson in and

around the Boolarra area has destroyed, at last count, 29 homes, approximately 6500 hectares of forest and grazing land and farm infrastructure such as sheds and fencing. Stock and wildlife have also been lost.

Fires are also burning in various parts of Gippsland, from the Bunyip State Forest, Licola, Cann River and other places as a result of recent lightning strikes. These recent fires in Gippsland come on the back of the devastating 2006–07 fires and the 2007 floods.

Again we have seen the great sense of community and camaraderie that is evident in Gippsland. The local volunteer organisations, such as the Country Fire Authority, the State Emergency Service, St John Ambulance, service clubs and others have swung into action to limit as much as possible the size and impact of the fires. These volunteers and the government agencies also involved deserve the support of the Parliament. We are greatly indebted to them.

The severe heat of last week and the resultant fires underscore again the need to always be prepared for fire, for continued fuel reduction, fire track maintenance and vigilance. It is only a month or so ago that most of Gippsland was green and had limited risk from fire. A few weeks of hot weather had dramatically changed the situation.

The Gippsland emergency relief fund has launched an appeal for fire victims, and I call on both the Brumby and Rudd governments to make a contribution to it so that it has the funds available to immediately assist those in need.

Electricity: supply

Mr O'DONOHUE — On another matter, the extreme heat of last week has again underscored the lack of investment from the Brumby government in basic infrastructure. Perhaps even worse was its failure to coordinate information to energy customers so they could know for how long they would be without power. I have been contacted by many constituents in the Eastern Victoria Region, one of whom was Mr Duncan Hopgood of Beaconsfield who, with a young child, suffered great distress and a critical lack of information about the timing or length of any interruption to power supplies.

What a great pity it is that the government has not used its 10 years in power to develop the unlimited solar power capacity that exists in Victoria so that when power is in greatest demand during the heat, there is the ability to dramatically increase supply.

Bushfires: Gippsland

Mr SCHEFFER (Eastern Victoria) — Along with other Victorians, I was deeply saddened that once again fires have devastated large areas of Gippsland and that a number of residents living in the Strzeleckis lost their homes and other property. The impact of this loss is being severely felt by the many families and communities of the Boolarra, Yinnar, Delburn and Mirboo North areas, and our hearts go out to them.

I commend the great work of the hundreds of volunteers and members of the CFA (Country Fire Authority), the DSE (Department of Sustainability and Environment), the SES (State Emergency Service), ambulance and police as well as local government, all of whom have worked tirelessly to support those directly affected and to bring the fires under control.

Last week's extreme heat delivered temperatures of over 40 degrees — the hottest series of heatwaves since records began in the 1870s. This put firefighters and emergency teams under maximum pressure, and we owe it to their phenomenal work and skill that no lives were lost.

Reports indicate that there are around 100 fires burning across Gippsland — a stark reminder that we are in the middle, not at the end, of the season and that the situation may well get worse before it gets better.

On Thursday last week, when Matt Viney and I visited the incident control centre in Traralgon, Department of Sustainability and Environment officers told us that the fires in the Strzelecki Ranges may have been deliberately lit. If this is true, it would appal everyone. It is unimaginable that anyone could deliberately cause so much destruction on such a scale.

Public support through the Gippsland emergency relief fund has been overwhelming, and I urge all members to contribute to the fund and help publicise it in their communities.

Bushfires: Gippsland

Mr P. DAVIS (Eastern Victoria) — Like many of my colleagues, I would like to make some brief remarks concerning fires affecting Gippsland in particular, albeit that Gippsland is not unique; there are fires across the state. Indeed at the present time more than 100 fires across Victoria are still burning and not fully under control.

There have been fires other than those in the Strzelecki Ranges, started by lightning strikes. Bushfires are part of the natural state and the order of things. They occur

every summer to a greater or lesser degree and are not dependent upon the government trying to rewrite history and suggest there is something particularly unique about hot weather in January. The fact of the matter is that there is hot weather in January and February every year, and we can anticipate there will be bushfires: many of the bushfires start as a consequence of lightning strikes. In this case, however, in the Strzelecki Ranges the fires were started by the deliberate intervention of an arsonist. It is inconceivable how any person could be so beyond control that they could go out and deliberately start fires that put life and property at risk.

I have concern about the grieving of those people who have been directly affected, because they could understand nature taking its course but I do not think any of them could understand how an arsonist could produce such havoc.

Monsignor Joseph Takchi

Mr ELASMAR (Northern Metropolitan) — I was delighted to see the name of Monsignor Joseph Takchi in the Australia Day honours list. Monsignor Joe, as he is known in the Australian Lebanese Maronite Church, is universally loved and admired by his congregation. He is the driving force behind major projects that benefit his community. The recent establishment of the new church Our Lady of Lebanon would not have been built without his commitment and enthusiasm.

His love and hard work for the youth of his community is legendary. I congratulate him sincerely on a well-earned award which recognises his contributions to and achievements for his congregation and the community.

Australia Day: City of Banyule

Mr ELASMAR — I was pleased to be part of the Australia Day celebrations held at the Banyule City Council. The mayor, Cr Tom Melican — —

An honourable member interjected.

Mr ELASMAR — I could not be everywhere. Cr Tom Melican and his fellow councillors made us all most welcome. Later I talked with members of the community over some light refreshments.

Later that same day I returned to Banyule council to participate in the Jagajaga community awards ceremony hosted by the Honourable Jenny Macklin, minister in the Rudd federal Labor government. Members of the community were honoured to receive an award from their local council. I was very impressed

by the high level of commitment to community projects and programs that these wonderful people show. It is only right that they be — —

The ACTING PRESIDENT (Mr Somyurek) — Order! The member's time has expired.

Frankston: reservoir park

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I draw the house's attention to the government's failure to deliver on its promise to make Frankston Reservoir a public park. The park is currently in the hands of the Department of Sustainability and Environment, but it has become a football among government agencies which do not want to manage it. Parks Victoria has washed its hands of any responsibility while DSE refuses to provide adequate funding to allow the City of Frankston to take on the management role. It is not the City of Frankston's job to fund the government's promise. The latest proposal is to transfer title to an Aboriginal group, which would then access commonwealth funding. This does not preserve public ownership, which was the key commitment.

It is now three years since the reservoir was decommissioned, and there is still no resolution. Alistair Harkness, the member for Frankston in the Assembly, and the Brumby government promised the public park, and they must deliver; there are no excuses.

Bushfires: Endeavour Hills

Mr RICH-PHILLIPS — I commend the work of volunteer and professional firefighters who battled the Churchill National Park bushfire in Endeavour Hills last Friday. The fire started as a result of a car accident and required 81 fire trucks, 325 firefighters and 4 fire-bombing helicopters to contain it. Ultimately 45 hectares of land on the edge of Churchill National Park were burnt.

This area borders suburban Endeavour Hills, is only 3 kilometres from central Dandenong and contains the main high-tension powerline easement from the Latrobe Valley to Melbourne. As such, the efforts of firefighters and volunteer organisations which supported them throughout the day were vital, and I extend my thanks and those of the residents of the south east.

Water: domestic usage

Ms PULFORD (Western Victoria) — As we all know, Victoria is in the grip of the worst drought since records have been kept. The Brumby Labor government is taking this very seriously and has been taking action to augment our water supply, improve the

grid and encourage reuse of water and a reduction in use by all Victorians.

In my electorate of Western Victoria Region the Brumby Labor government has invested heavily in water infrastructure, including the completed Goldfields super-pipe, which has now secured Ballarat's water supply. However, I was a little alarmed when reading the paper last Friday to see the daily water usage statistics for different towns across the state. Ballarat residents are to be congratulated for achieving the second-lowest daily consumption figure of 143 litres per person per day, second only to Kilmore where the residents used only 140 litres per person per day. There are, however, residents in some parts of the state, in the far north-west, who are using an average of 348 litres of water per person per day. This is more than double what residents in Ballarat and Kilmore are using.

We hear from people in some parts of the state from time to time complaining about the measures the government is taking to secure our water supplies and our water future. All Victorian residents need to take seriously the matter of how they use water.

I would like to conclude by congratulating residents of Ballarat and Kilmore and all other Victorians who understand how important it is to conserve water, who understand how to do it and who are actually doing it.

Crime: street violence

Mrs COOTE (Southern Metropolitan) — This has been a disastrous summer. We have seen our transport system in meltdown, we have seen a statewide blackout happen, and on top of all that we have seen a violent summer on our streets.

In Prahran, for example, a 24-year-old security guard was attacked by a group of thugs at a bar in Chapel Street in January. He had to have surgery after suffering serious facial injuries. Another incident involved a gang of youths that threatened three people in Williams Road, Prahran, at around 4.30 p.m. on 4 January. The victims were threatened with a knife, verbally threatened and pushed up against fences. They had their money and phones taken.

In Glen Eira vandals caused more than \$10 000 worth of damage in just half an hour. Front fences in McKinnon, Carnegie, Ormond and Bentleigh were kicked over or pulled off by a rope attached to the back of a car. In St Kilda we saw the incident involving football legend Ron Barassi. He suffered substantial injuries and cuts to his face in trying to do a good deed.

In Burwood a man was struck with a meat cleaver by his housemate during a dispute.

The issue is that many of these incidents are happening not only at night but also in the day. It is a very good indication that we need additional police out there on the beat. People do not feel safe walking the streets, day or night in our city. It is not good enough.

Government: annual statement of intentions

Ms MIKAKOS (Northern Metropolitan) — I rise to congratulate the Premier on today's annual statement of government intentions, which gives all Victorians an opportunity to provide feedback on the government's legislative proposals, and I encourage my constituents to do so.

It comes as no surprise that front and centre is the government's intention to focus on jobs, including creating green jobs, in response to the most difficult international economic circumstances in decades. As a result of this government's sound financial management, Victoria is in a good financial position to weather this storm. This was acknowledged by Moody's recent reaffirmation of Victoria's AAA credit rating.

As part of its focus on growth, investment and creating jobs, the Premier's statement refers to improving Victoria's infrastructure. This builds upon this government's existing record increase in infrastructure spending.

In his statement the Premier called on all parties to put Victoria's recovery before partisanship. Our constituents expect us to work together in their best interests, but it seems that some have already made up their minds. I am sure Victorians will be very disappointed to read in the *Melbourne Times* of 14 January Mr Barber being quoted as having said:

I'm starting to come around to the Libs' world view, which is 'Why are we fixing their bills instead of voting against them?' ...

'We're just unpaid consultants wiping their arses for them.'

Voting with the Liberals is nothing new for the Greens, but Victorians expect them to consider each bill on its merits and not to prejudge legislation.

Electricity: supply

Mrs KRONBERG (Eastern Metropolitan) — The collapse of the transmission of power in this state has pushed Victorians to the brink. Worst of all, Victorians have died as a direct result of not having power

available when they needed it. The weakest Victorians are bearing the burden of this government's neglect and lack of oversight. At a time critical to the safety and welfare of its citizens this government has turned in the poorest performance imaginable.

My discussions with service providers to the elderly and the disabled and with emergency response teams have given me every reason to tell this government that its time as the government of this state is running out. Victorians are enraged by the hopeless performance of the past week, which will not be forgotten. How can this government, which has force-fed Victorians on a decade-long diet of waffle about caring for Victorians, deliberately sanction the unannounced cutting of power? Cries of 'Government incompetence', 'What the hell are they doing to us?' and 'Unfit to govern anymore' are reverberating around my electorate.

I say to John Brumby that people are frightened. People already paralysed by the effects of the global financial crisis tell me that this feels like Armageddon. The chief executive of a centre for the disabled refuses to reallocate already scarce funds to buy a generator. He said that he expected such systemic failures in Zimbabwe, where he had to have a generator to supply the hospital he managed, but never in his wildest dreams did he expect to have to operate with one here at home. He wants to know whether, if this continues to happen, the government should supply everyone with generators.

FUNDRAISING APPEALS AND CONSUMER ACTS AMENDMENT BILL

Second reading

Debate resumed from 4 December 2008; motion of Mr LENDERS (Treasurer).

Mr GUY (Northern Metropolitan) — It is a pleasure to speak on the first bill for 2009 — an omnibus bill called the Fundraising Appeals and Consumer Acts Amendment Bill 2008, with which I acquainted myself well during the contribution of the Minister for Planning in question time, mainly because the bill, which there is not a lot in, still has more worth than the minister's contribution.

In my initial comments on the bill let me say what a pleasure it is to see Mr Pakula on the ministerial benches of the Australian Labor Party, in the sense that a lot of people on this side of the house have been predicting for some time that this was going to happen. In fact we were expecting it to happen, maybe not as

soon as it did, but we thought it might have involved Mr Thornley. As we all know — and I will not go into it again — Mr Thornley is on the Côte d'Azur or somewhere out in Provence or wherever. He is having a good time in France, which is where all good working-class Labor people apparently head to for their summer break. They head to the southern coast of France to sun themselves, and maybe they go to Monaco and a few other places like that to show their working-class roots to the good people of Marseille. That aside — —

Hon. M. P. Pakula interjected.

Mr GUY — It could be that too, Minister. But that aside, I welcome Mr Pakula. It is a pleasure to see him there. Pretty soon — in about two years time, actually — he will be on the other side. That is a positive — we hope, anyway.

I have risen to speak on the Fundraising Appeals and Consumer Acts Amendment Bill, which has three key purposes: first, to amend the Fundraising Appeals Act 1998 to insert an object provision which will require the disclosure of the portion of funds directed to fundraising that are received from the supply of goods and services to enable the director of consumer affairs to reduce the duration of a fundraiser's registration; second, to amend the Goods Act 1958 and the Warehousemen's Liens Act 1958 relating to contracts of sale for goods forming part of a bulk quantity where such goods are deposited with warehousemen; and third, to provide for the prescription of standards for the testing of security cameras at licensed premises. It is a riveting bill, and there is a lot involved in it.

It is interesting that we are talking about fundraising, because I noted that the Australian Electoral Commission released some details about fundraising just the other day, and I thought it would be worthwhile touching on those before I move on. I noticed that the AEC, in terms of associated entities, talked about a number of unions, some of the money raised by those unions and indeed the amounts received, which I thought quite extraordinary — in fact, they were so extraordinary in terms of their cash size that they were in the league of Evan Thornley!

I noticed that the southern states branch of the Electrical Trades Union had receipts of \$18.7 million in 2007–08 — that is the ETU which provided Mr Leane with his seat here in this Parliament and of course that of Mr Jennings, who is not in the chamber but is certainly a member of the ETU. I also noted that the national office of the Liquor, Hospitality and Miscellaneous Union — that is funny, 'miscellaneous union' —

received \$62.4 million. The unions are doing it tough, are they? Mr Pakula will know. He is an ex-unionist, and he is now the industry minister — clearly a natural synergy in the Labor Party.

What did the Shop, Distributive and Allied Employees Union — the old SDA, the shoppies — raise? It had amounts received of \$12.5 million. That is an interesting key figure for fundraising. I will not go on, but I have just two more quick examples. I noticed that the Victorian branch of the AWU (Australian Workers Union) had about \$8.2 million and the ASU (Australian Services Union), of which Ms Broad is a member — she has skipped the chamber now, but she was here before — had \$7.95 million. It is interesting.

Mr Viney interjected.

Mr GUY — Mr Viney, I would be very happy to continue it. In fact I would be very happy to continue it in a committee if he would like to talk about associated entities. But with \$62 million, \$50 million, \$35 million, \$35 million, \$28 million and \$23 million, it is amazing how much money these unions — which represent about 12 per cent of the workforce now — receive. Mr Pakula's job description might be to ramp that up to the teens in Victoria, but we will see how we go.

The bill we are looking at today is the result of a review. Mrs Coote will not believe this, but the bill is in part the result of a review.

Mrs Coote — Another one?

Mr GUY — I could not believe it when I read that. It is partly the result of a review by the current Labor government — the action government! The review was actually conducted by Luke Donnellan, MP. In fact Mr Donnellan conducted quite a comprehensive review. I have in my hands the government response to the review of the Fundraising Appeals Act chaired by Mr Donnellan. The fundraising that the review covered included doorknocking, telemarketing, dinner dances, trivia nights and golf days. It included traffic light collections, clothing bin donations, op shop sales, appeals by commercial fundraisers — like Progressive Business, I take it — and public appeals for sports clubs and environmental and community care. They are probably the people dressed up as koalas who sometimes sting you for money on the corner of Swanston and Bourke streets.

The report looked at public appeals to support a person, persons or groups. That is interesting, because FebFast is coming up, and there are even some people in this chamber who are FebFast participants. The selling of goods where a portion of profit goes to charity was also

included in the report. The report was, as I said, quite comprehensive. It took over 90 submissions, and it was in response to two discussion papers. There was stakeholder feedback, and the review looked at that and came out with Mr Donnellan's 10-page report, which is not too bad. Unfortunately the government did not accept all of Mr Donnellan's recommendations, which is a shame, as some of them were quite useful. I turn to proposal 11 in Mr Donnellan's report, which reads:

A review of the current registration procedures should be conducted to identify how the registration process could be made more accessible and streamlined, including online registration options.

That is a good point. It is actually quite an interesting recommendation. The government accepted this proposal, but when questioned in the bill reports it could not answer who would conduct the review, what its terms of reference would be, how it would report and what actions would be taken. It is interesting that we have the government responding to a review but seeming to give only lip-service to it. Maybe it is conducting it for the sake of conducting it, but it was certainly not conducting it to achieve an outcome.

Turning to the bill, the explanatory memorandum refers to what the various clauses of the bill do. It is interesting that the note for clause 2 states, in part:

If they are not proclaimed before 1 November 1999, they come into operation on that day.

I note that my colleague Mr O'Brien, the member for Malvern in the other house, picked up this issue — quite reasonably. Why would you not expect him to pick up '1 November 1999'? It is a mistake — unless the drafters of this bill are living 10 years in the past. Indeed they might be living 10 years in the past in the Labor Party, thinking there is a reliable supply of gas, water, electricity and public transport, which I think featured on Labor's pledge card. But those things are certainly not the case, and it is certainly not the year 1999 — but the drafters of the bill say this will come into effect on 1 November 1999. It is a shame we have such sloppy work in any bill coming into the Parliament of Victoria. It still has not been changed. It still sits now in the Legislative Council even after it was raised last year in the other place by the member for Malvern that this was in fact incorrect. Granted this is not a major issue; it is not going to bring the state down or bring the state to its knees and it is not going to make public transport any better or worse — it could not actually get any worse in Melbourne at the moment — but it is a disgrace that we have this kind of drafting.

As I said, this omnibus bill has a number of clauses. Rather than go through them one by one, I will make a

couple of comments on a few of them. Clause 6, in relation to the Fundraising Appeals Act 1998, repeals section 5(3) of the principal act to include a person who solicits or receives money or a benefit as an ongoing activity or in relation to a particular period of time. This is to recognise that a fundraising appeal is not always a single event that occurs within a limited period of time but that it can also be an ongoing activity. The Liberal Party and The Nationals support this. As I said at the outset we will not be opposing the bill, and we think this part is sensible. It is certainly supported by us.

Clause 9 repeals section 13 of the principal act, which requires specific records to be kept in relation to clothing bins. As we have identified in the Donnellan report, which makes reference to this, that is something that is dated, and it certainly should be accepted as well. Those are two points we accept when going through the bill.

It is an omnibus bill, and it is worth noting that some other acts will be amended or repealed by it, including the Fair Trading Act 1999, the Gambling Regulation Act 2003 — we have talked about gambling in this chamber a number of times — the Second-Hand Dealers and Pawnbrokers Act 1989, the Conveyancers Act 2006, the Hire-Purchase Act 1959 and the Goods Act 1958. In relation to the Goods Act 1958 I was looking at some of the comments made in the other chamber, and they were quite interesting. It is interesting to see legislation like this still on the Victorian statutes after that period of time.

There are also a number of others that I will not go through, but I quickly make a couple of points in conclusion. The government has adopted recommendations from the Donnellan review which it had previously said it would not accept. There is nothing objectionable about some of those recommendations; however, the coalition feels that there is a danger that some of the sections regarding the disclosure of the portion of funds from goods and services directed to fundraising may be overly bureaucratic.

The member for Malvern in the other chamber raised the example of opportunity shops that have to calculate the percentage of money on each item in the shop that goes to charity and then disclose it in writing. Again, the coalition is very conscious of creating too much paperwork for charities such as opportunity shops and other similar organisations who are doing everything possible to make items available to people who are less fortunate in our community. It would be a shame if this legislation sought to exert some kind of limitation on opportunity shops or on those raising funds in Victoria.

Having said that, the Liberal-National coalition will not oppose the bill. We have a number of concerns about it, which, as I said, were raised in the other chamber. The bill is an omnibus bill that brings together changes to a number of acts, and the Liberal Party and The Nationals will not oppose it.

Mr BARBER (Northern Metropolitan) — The Greens have consulted with a number of organisations that appear to be most obviously affected by the provisions in the Fundraising Appeals and Consumer Acts Amendment Bill 2008, and as far as those consultations went it seemed the feedback we were getting was that those organisations would not have any concern or difficulty in complying with its provisions; therefore we are willing to support the bill.

Mr LEANE (Eastern Metropolitan) — It is a pleasure to speak on the Fundraising Appeals and Consumer Acts Amendment Bill 2008. There are a number of provisions the bill will amend that are the result of a review into fundraising led by the honourable member for Narre Warren North in the other place in which he chaired a public review based on a broad discussion paper released to the public for consultation. This review has led to the proposed changes to be implemented by this bill.

The bill inserts a new objective clause to clarify that commercial fundraising as defined in the act must be registered. It removes the existing exemption for solicitations for bequests. It allows the director to issue guidelines relating to registration conditions. It ensures that where a commercial for-profit entity says that it will distribute a portion or proportion of funds raised in a commercial transaction for fundraising purposes, the exact amount of the percentage for the fund will be clearly disclosed to the donor. This is a very important issue that I will expand on later in my contribution.

Another thing that will be enabled by this bill is that the director will disclose on the public register the proportion of funds raised that have been or will be passed on to beneficiaries and the total amount that it is estimated will be or has been distributed to beneficiaries. That arrangement will be very clear and transparent. It will also enable the director to reduce the period of registration of a fundraiser when the fundraiser is in breach of the act or a condition imposed by registration.

Being an omnibus bill, the bill amends the Warehousemen's Liens Act 1958 and the Goods Act 1958 by clarifying ownership rights of both suppliers and purchasers of mixed goods in the event of a bulk storage operator going into liquidation. The bill also

makes amendments to other consumer acts, including the Travel Agents Act 1986, the Conveyancers Act 2006 and the Trustee Companies Act 1984, to address minor inconsistencies and basic typographical errors in those acts.

The bill is designed to enhance community and donor confidence in fundraising and transparency in fundraising activities. I reiterate that the bill requires fundraisers to now clearly disclose the exact dollar or percentage amount of funds that will be passed on to the beneficiaries of the donor when obtaining donations as part of the supply of goods or services. There are many groups which have — probably innocently — given their name to a professional organisation that has gone out and sold pens, or whatever, and said, ‘We are raising money for a particular charitable, good and honourable organisation’. Unfortunately a lot of the time there is no great certainty as to what proportion of the cost of that pen will be passed on to the beneficiary.

Sometimes it is easy to identify the beneficiary of a donation you may make. For example, recently when overseas in Paris I found that —

Mr Guy — Paris?

Mr LEANE — Paris, and I was not there with Mr Thornley, Mr Guy. In Paris I found a number of people begging on the street, soliciting for money, and you could clearly tell that they were in a down-and-out situation. I knew 100 per cent that if I handed over any sort of money to them, that money would go towards their cause. I believe sustaining people who are in such a terrible condition is a good cause.

Locally, sometimes people can suffer a bit from donating fatigue. Australians and Victorians do not mind supporting good causes, and we have a long and rich history of doing that. I do not know how many times members of this house have heard at barbecues that people do not mind donating to causes but are concerned about what percentage of the money will actually go to a cause an organisation is purporting to represent.

This bill will go a long way to alleviating that concern. If they find that little money from a fundraising activity has gone to the beneficiaries purported to be represented and who they thought the money was being collected for, people will make up their own minds about whether they really want to support that cause or another one. Some fundraising organisations are clearly identified, in which case you have an easy confidence that the money they are collecting will go towards supporting the good work they do.

Good examples are lifesavers and the Country Fire Authority (CFA), which are easily identified. If people are collecting on the street for Life Saving Victoria, you know that the money will go towards equipment to save lives and for training. It is the same thing with the CFA; you know that the money you hand over will go directly to equipment and training for a fantastic cause. There are also some small organisations which are not well known but which make a terrific contribution to our society; because of their small nature they may find it hard to clearly identify who they are to the mass public. They do fantastic work, and the register will help those organisations by giving people confidence that they will be transparent as far as what type of cause or group of people needing assistance the money will go to and what percentage of the money will go to them.

As to consultation, as I mentioned, the honourable member for Narre Warren North, Luke Donnellan, in the Assembly — a very good man who led the public review in 2004 — consulted with a number of different organisations, including Fundraising Institute Australia, the Salvation Army, the Smith Family, Wesley Mission Melbourne and the Royal Society for the Protection of Cruelty to Animals, amongst others. Consultation on this bill has been broad and has been made with the important stakeholders or the organisations who rely on fundraising to continue the good work they do.

In closing I say that this is an important and common-sense bill. I look forward to organisations who fundraise reaping some benefit from the legislation, by people being confident that there is transparency and that the money the organisations are raising is going to the causes they are supporting. I commend the bill to the house.

Mrs COOTE (Southern Metropolitan) — I have pleasure in speaking on the Fundraising Appeals and Consumer Acts Amendment Bill. At the outset, though, I have to say that it is an omnibus bill and there are some very strange things that have been cobbled together. For example, there is the Fundraising Appeals Act, which the majority of this debate is on, but there are also acts like the Warehousemen’s Liens Act, the Gambling Regulations Act and the Second-Hand Dealers and Pawnbrokers Act. I still do not see how the Warehousemen’s Liens Act has any relevance to the purposes of this bill. The government could certainly have used a bit more imagination and put it somewhere else, perhaps into another type of bill. It is really quite extraordinary.

However, on the amendments to the Fundraising Appeals Act, I welcome many aspects of this bill. It is

important that when someone gives a donation, they can feel confident that their donation dollar will go to the right place. If we are to have confidence in the sector, it is really important that into the future people can know that their money is being used as they intended it to be used.

The fundraising sector has gone from being a cottage industry two decades ago to a highly sophisticated business that uses effective communication strategies, and it is highly competitive. The transparency is therefore vital. There have been notable cases of where so-called charities have been set up, often with a lot of flourish, and have sounded good, but where in reality the fundraising dollar just does not get to the people for whom it is intended. This gives the entire fundraising sector a bad name. I do not think any of us likes to see this, and I commend Mr Donnellan, the member for Narre Warren North in the other place, on covering some very good points in his report. It is to be welcomed, because scrutiny in this industry is a good thing. However, we also do not want it to be so bureaucratic that people are put off giving money in the first place.

I have heard that some very high profile fundraising organisations spend 85 cents in the donation dollar on operational costs. This is unacceptable. People who are giving to these organisations would be horrified to know that that is how much money goes to the operational side rather than to the recipients concerned. That is not good enough. I hope those organisations will be caught up in this legislation and will have to come clean and show people exactly how they are spending the fundraising dollars. The donors have a right to know before they give their money.

Set-up costs is one of the issues that was canvassed with Fundraising Institute Australia, which came at it from quite an interesting angle. The institute said that set-up costs are obviously very high. In the first year the costs of setting up a database, an establishment and a whole range of those things may skew the donations and the use of those donations. I take on board and have some sympathy for what the institute had to say, but I would like to go on and give an example from personal experience. But before I do that let me say that the organisations which operate worldwide and have high profiles do not need to have huge set-up costs. People know their brand; they know who they are. The Smith Family, the Red Cross, the Salvation Army, World Vision and those types of organisations are very well recognised and their brands are very healthy, but smaller organisations initially have to spend quite a considerable part of their fundraising dollar on setting up and putting their brand into the marketplace.

The bill should make allowances for that type of situation. It is going to be incumbent upon the organisations concerned to be clear in their annual reports as to exactly how money is utilised and what the expectations and projections are for future set-up and administration costs. That will have to become a very real part of fundraising into the future as a consequence of this bill, and that is to be welcomed.

In 1992 the excellent then Premier, Jeff Kennett, embarked on a huge refurbishment of the State Library of Victoria. In that same year Mary Baillieu set up the Renaissance Appeal for the state library. She realised that when refurbishment of the buildings was completed the collections would need to be enhanced and that a considerable amount of work needed to be done to make certain that the library followed world best practice. I would like to commend Mary Baillieu for doing that, because it was the beginning of a very well organised State Library of Victoria Foundation. I ran that appeal for Mary Baillieu, and it helped to raise the awareness of the library and was highly regarded at that time.

To build upon the success of the Renaissance Appeal the state library then decided that it should start a foundation of its own, and I was invited to set up the State Library of Victoria Foundation. It is no understatement to say it was set up on a shoestring budget. There was one staff member — me — and an excellent chairman in the late Creighton Burns. Andrew Lemon of the Friends of the State Library of Victoria and Dianne Reilly of the La Trobe library section were also instrumental in helping get this foundation up and drawing together all the people who have been associated with the library to work constructively together.

The problem was that the state library was not very well known. People had a vision of the library as a whole lot of mouldy old books sitting in dusty stacks and used only by crusty old scholars from time to time. They did not see the library as an inviting place for them. They did not know about the depth of the library's collections. They did not know about the newspaper collection or wonderful works such as the Burke and Wills diaries which, as I might have said in this chamber before, I encourage members to go and have a look at. They are written on small pieces of paper and are very poignant. They are the last words from those famous explorers before they perished in the outback. The Batman diaries, in which John Batman says, 'This is the place for a village', are also there. The John Pascoe Fawkner papers and letters are housed in the state library as well.

In addition the public did not know about the periodicals, the *Australiana* and the paintings and pictures at the state library. As an aside I mention that the state library was first set up at the same location as the museum and the art gallery. At that stage the art gallery had the enormous Felton bequest and concentrated on buying European works. It was not interested in Australian works, so the library, given that it was in the same physical location, decided to take over the paintings and purchase Australian art. It now has a very comprehensive collection of Australian art which is very well managed by the librarians. It includes a Von Gerard and other fabulous paintings. The irony is that now the gallery would like to have these itself, but they are very well housed in the newly refurbished library. I encourage members to go and have a look at this excellent collection.

How did we get the State Library of Victoria Foundation up, and how is it relevant to this bill? The difference is that today we have very sophisticated database systems, direct mail, emails, Facebook — you name it: we have opportunities. We did not have that to the same extent in the 1990s, but we were extremely lucky because set up in a tiny office in the state library, next door to the foundation's office, was VICNET, which we all use on a daily basis. It was experimental when it first started, but the office helped me to devise a very good and long-lasting database, for which I am extremely grateful.

It is interesting to look at pro bono work in relation to this bill. The pro bono work and other assistance given to us were literally not tangible. Because we were trying to run the foundation on the smell of an oily rag we had to get as many people as we could to give us assistance. I spoke about VICNET and the database, but in addition to that we also had huge pro bono assistance from Stephen Kerr, who now has a company called PRX, and from the *Herald Sun*, which gave an enormous amount of support. How would that be accounted for under the bill we are debating now? Many organisations in starting up will have to seek help not just in a financial sense but in the sense of pro bono assistance. This needs to be monitored and transparent, and I hope that is the intention of the bill.

The problem with the state library was that at the time people knew very little about it, as I said before. Public relations was a very big part of setting up the foundation. How do you encourage people to give money to something they feel is a state government responsibility when in fact they know very little about it? Public relations was essential, so I spent a lot of my time on public relations in order to raise awareness of the library so that people could feel happy about

donating to it. We raised \$3 million, which in the early 1990s was a considerable amount of money. I would like to put on the record my praise for a number of organisations including Village Roadshow, which provided the Village Roadshow Theatre. The Murdoch family has donated an enormous amount to the state library, and the Myer Foundation gave a considerable specific donation at that time to do imaging of all the very sensitive glass photograph negatives that were held at the state library. We all take for granted when we click into our personal computers that we can bring up any image we like, but those images were very fragile, as we can imagine, because they were printed on glass, and it was an enormous exercise to put those on disk. We take for granted that we can scan something into a computer and flick it around the world, but this imaging done with the Myer Foundation's donation occurred in the bowels of the state library in an enormous area and took a lot of time and money. It was the beginning of what we know as scanning today. It was time consuming and costly but was certainly worthwhile. This is a tangible example of how fundraising can be used very effectively.

I hope this legislation will not put people off the pro bono factor and the goodwill factor. From my understanding of the bill, the State Library of Victoria's experience would need to be explained in very clear detail, because the early set-up costs in 1994 were much cheaper than the set-up costs of today. Public organisations are far more accountable to their boards and foundations today for what they distribute to funds and other organisations. Now a lot of public companies set up their own foundations from which to distribute funds so that it is literally a hands-off approach. In the 1990s a very high profile donation in the vicinity of \$2 million was made to the botanic gardens because the wife of a company's chairman was interested in the gardens. This does not happen today. Corporations and organisations have far more public accountability, so it is incumbent on other fundraising organisations to give detailed accountability and properly explain the nuances in their systems to their donors and the public at large.

This bill will have ramifications for another organisation I have been involved with — the Australia Business Arts Foundation (AbaF), formerly the Australian foundation for humanities and the arts, because of the set-up model used. This is a very different model from the State Library of Victoria model. It was instigated under the Howard government's arts minister Richard Alston. Richard Pratt, the chairman, made a very hefty donation to this organisation, and it was matched by the federal government. They set up a fund to cover the

administrative costs, which were quite extensive, but the model was then that they worked with organisations and with corporations to make certain that the mix worked. It was a triangular affair which was beneficial to all parties concerned.

This model has been used right across Australia in a whole range of areas. I believe it is a very successful model. I hope this bill takes that into consideration and that the model will not be jeopardised by some nuance that we have not seen yet or by some unintended consequence of this bill. I hope the implications of this bill have been properly thought through because we have seen examples of bills coming to this Parliament which were half-baked and inadequate. I hope the government has got this one right, because the model from AbaF is a very good one that we could use for fundraising throughout the state.

The AbaF is now under the guidance of Terry Campbell; I believe it will go from strength to strength. Some very good arrangements and relationships have come out of this organisation, which is value-adding — something that people look to today in a corporation. IBM, for example, used to give donations to the Sydney Symphony Orchestra. When it gave the donations it got its name on the programs and it got plaques in appropriate places. But then it said, ‘We would like to do a little bit more than this’. So it worked very constructively with the orchestra in mentoring in a business sense and said to the orchestra, ‘This is a better use of your money and your funding’, and the orchestra in turn said, ‘When we go away and travel we cannot practise with anyone. Can you come up with a computer program that will help us practise when we are travelling interstate and overseas?’. So IBM started this particular program, which is now utilised by many orchestras throughout the world. It came out of this relationship which was sponsored by AbaF. These are the types of things in fundraising that are not strictly donations. It is really important that we understand that fundraising is a multitude of giving, not just giving in money.

I have enormous difficulty with the people who shake the cans at traffic lights. I do not know what their bona fides are. They all wear particular T-shirts, but as anyone knows you can go out and have those T-shirts printed at any time. I do not know where that money goes. I believe that needs to be checked properly, but I do not think this bill takes that into account. I would like to put on the record that that needs some further investigation.

There are many organisations that do a wonderful job. It is important when we look at fundraising and

consider this bill that we look at one of the best sponsors, fundraisers and patrons this country has ever seen. She will be 100 years of age this month. I am talking about Dame Elisabeth Murdoch. You can pick up information about just about any worthwhile organisation, and there you will find her — being supportive of a foundation or organisation, giving her money, giving her time or giving her experience.

She has been a great supporter of a charity in my own electorate, Windana, a drug rehabilitation centre which has its headquarters in St Kilda. Windana takes a holistic approach to the problem of drug addiction and dependency. It has a farm in Gippsland with a chapel that was opened by Dame Elisabeth. Dame Elisabeth is not just giving her name and her funds but is actively involved in Windana. I put on the record my praise for the work that Dame Elisabeth does. I am sure that as her birthday comes closer many things will be said about her in this chamber.

Finally, this week we have seen the results of the horrendous bushfires in Gippsland. Yesterday on ABC radio Jon Faine was speaking to a Country Fire Authority volunteer, a survivor of those bushfires, whose own home burnt down; it was a very poignant interview. At the end of the interview Jon Faine spoke about the Gippsland Emergency Relief Fund. Its work is something we should all take out of this debate, because the Gippsland Emergency Relief Fund, which was set up in December 2006, has raised over \$1 million in response to two large fire events and the Gippsland floods. The people who are involved in the Gippsland Emergency Relief Fund are John Mitchell, Andy Tegart and Ron Boskma. I would like to put on the record my praise for these individuals, because they have said that 100 per cent of the donations received by the fund are distributed to disaster victims. The fund is a charitable organisation, making all donations tax deductible. My point is that the fund is run by volunteers, and 100 per cent of the donations go to the people who are directly affected. The fund is to be commended, and many organisations could take a leaf out of its book.

I believe what the Gippsland Emergency Relief Fund is doing is what this bill is all about. I commend the bill to the house. The Liberal Party is not opposing it. Fundraising in this state should be open and transparent. Everyone is happy to donate to people in need. I encourage all members to give some money to the Gippsland fire appeal.

Ms PULFORD (Western Victoria) — I am pleased to rise to make a few brief comments on the Fundraising Appeals and Consumer Acts Amendment

Bill 2008. The bill makes some minor amendments to the Travel Agents Act, the Conveyancers Act and the Trustee Companies Act to deal with some minor inconsistencies, typos and to update a few references. It also amends the Warehousemen's Liens Act and the Goods Act, and in doing so clarifies the ownership rights for both suppliers and purchasers of mixed goods in the event a bulk storage operator goes into liquidation. Much of the debate thus far has focused on the fundraising aspects.

I start my contribution by saying I enjoyed Mr Guy's new year's discourse on all matters under the sun, but I did just want to hold him to account on his comment about the splendid job the Kennett government was doing in the provision of utility services 10 years ago. That happened 10 years and four months ago, so it was not exactly 10 years ago today. Victorians were experiencing a pretty cold September in 1998 when the gas supply was cut off across the state for a couple of weeks. I felt I should respond to that point, but I will not dignify the other stuff with a response.

I move on to the important topic of the work that charities and fundraising organisations do in Victoria. With the advent of the global financial crisis and the serious economic challenges we face this coming year, we can all expect that the demand on charities will increase in coming months. We need to be mindful not to place unnecessary burdens on these organisations as they do the important work of assisting people in great need. Many stakeholders, including the Salvation Army, the Smith Family and Wesley Mission Melbourne, among others, were consulted in the development of this bill. We understand, as Mr Barber said, that they are not concerned about any restrictions this bill would place on their activities; it will not place any onerous requirements on their operations.

We all encounter donation collectors in the street, at traffic lights, in the home on the phone or when answering the door. Victorians are very generous with their money and also with their time. Speakers earlier today have remarked on the wonderful efforts of our volunteer firefighters. Victorians are very generous of spirit. Like others, I like to know what proportion of funds I donate to charities from time to time directly serve the purpose for which they are collected. It is an important development and a fantastic outcome of the fundraising review that our colleague in the other place, the member for Narre Warren North, led in 2004 that commercial not-for-profit entities will need to make clear the exact percentage of donated funds that will be allocated in this way and that this will be made clear to donors.

Last year my brother was put in charge of Christmas for our family, as he had been away and missed a few Christmas celebrations. Like many families, our family had a discussion of whether there should be a Kriss Kringle rather than an all-out splurge in retail paradise. His decision, in taking charge of the arrangements for Christmas, was that our family would have a Kriss Kringle, but one with a twist. We were all sent an envelope with the name of the person who had been drawn from a hat, and the challenge was to make a \$50 donation to a charity best suited to the person whose name we had: we had a donation Kriss Kringle.

In fulfilling my duties on the Kriss Kringle I googled 'charities' and found a remarkable number of websites that listed charities, many of them for free. You could search by cause or location. There are as many charities operating in Victoria, in this country and internationally as there are good causes, so it is a minefield for the prospective donor. It was foremost in my mind that as much as possible of the \$50 donation to the Kriss Kringle recipient in my family made it to the cause that I chose as most fitting their interests and passions.

With those few words and that anecdote about my family's Kriss Kringle experience — it was an enormous hit, and I am confident it will be repeated in future years — I commend the bill to the house.

Ms MIKAKOS (Northern Metropolitan) — I am very pleased to rise to make a very brief contribution in support of this bill. I do so because I regard it as a very important piece of legislation. As members of Parliament, all of us are aware of the very important work that local philanthropic organisations do for our local communities, and many of us have worked closely with those organisations to support them as best we can. As a parliamentarian I have had the opportunity to get to know a great number of organisations that work to support the community in various ways.

I lend my support to the bill, and in particular to the provisions that relate to amendments to the Fundraising Appeals Act, because I believe the bill will give Victorians greater confidence that the funds they give to charitable and other philanthropic organisations will end up being spent as they had intended.

I pay tribute to the many thousands of volunteers who work tirelessly across the state to support the many people in the community who are in need. Mrs Coote referred to people fundraising for victims of the Gippsland fires. I also heard the discussion on the Jon Faine program yesterday, and I also congratulate the individuals and encourage our fellow Victorians to

support the families who have been affected by the devastating fires by supporting that fundraising appeal.

Only last year members of the Victorian Greek community raised over \$1 million for the victims of the Greek bushfires. Many hundreds of families overseas were affected through that devastating fire. I know the Greek community across Australia rallied to support families who had lost loved ones but who also had lost all their possessions. I am confident that Australians will also rally to support our fellow Victorians who have been affected by these devastating fires.

As Australians we are all proud of the enormous support that we gave to the tsunami appeal in 2004. There was a huge outpouring of support through the various appeals that were conducted at that time to support our neighbours in the Asia-Pacific region.

We all know we are facing an enormous world economic crisis at the moment. I want to say that at this time we should not forget the dire financial circumstances that many millions, probably billions, of our fellow human beings are facing across the world, particularly in the Third World. When we are experiencing difficult financial circumstances, the natural human reaction is for people to focus on matters close to home and matters affecting our own families. I am very heartened by the Premier's annual statement of government intentions presented today, with its focus that the Victorian government will direct on growing our economy and protecting and growing Victorian jobs. However, I encourage all of us as citizens of the world to continue our support to the millennium development goals and the commitment that we all made in 2000 — and which the Rudd government has supported in recent times — to supporting people in Third World nations.

Many organisations in Australia and in our state do a great deal in support of the needy people across the world. In particular I want to highlight two organisations that I know reasonably well — that is, World Vision and the Fred Hollows Foundation. All of us would be aware of the work that World Vision does in supporting needy people across the world, particularly in Third World nations, and helping to grow the capacity of those local communities to look after themselves. It is not just about handouts but ensuring that those local communities in villages and towns in those countries have the capacity to lift their people out of desperate poverty. I would hope Australians continue their support to organisations like World Vision and many other organisation that provide that support.

The Fred Hollows Foundation is an organisation that I got to know about a decade ago through a former member of this Parliament, the late Jim Simmonds. I have spoken about the work that Jim Simmonds did in fundraising for the Fred Hollows Foundation. It is an important organisation; its aim is to help have the vision of many people in Third World nations, who would otherwise suffer from cataract blindness, restored. It only takes less than A\$1 for a person to have their vision restored in the important surgical work that the Fred Hollows Foundation offers to those people in Third World nations.

The Fred Hollows Foundation also provides support for our indigenous people who have far poorer health outcomes than other Australians. It has provided some very innovative programs in the Northern Territory and in other remote Aboriginal communities, helping not only to provide better vision for those communities but also in preventing ear infections in young Aboriginal children and many other preventive health strategies, including dealing with the epidemic of diabetes and other such chronic diseases that are endemic in our indigenous communities.

I am also heartened by the fact that many of our corporations in Australia have taken on board the development of corporate social responsibility strategies in recent years. I hope that despite the pressures they are facing to their profit bottom line as a result of the recent global financial crisis they will retain those strategies and ensure that they continue to provide support for needy Australians and people around the world.

I and other members are familiar with the work that many charities undertake in our local communities. I acknowledge the work of two organisations that do enormous work for needy families in my electorate. The first is the Salvation Army, which is based in Bourke Street, not far from this place. I know many members had the opportunity to hear what the Salvation Army does in helping young homeless people with the bus it takes around, which has been sponsored by AXA as part of its corporate and social responsibility strategy, when its representatives came to visit the Parliament late last year. This bus has many innovative features, with a big screen television, computers that allow young homeless people who may be sleeping rough to come into this safe environment and have an opportunity to talk to friendly people, to obtain information about support services that exist for them in the community, and to be provided with a meal and other practical support.

I want to acknowledge the work that the Salvation Army does not just in my electorate but across Australia. The Salvos are an amazing organisation in terms of the support they provide through their many activities, among which are providing support food parcels and clothing for families in need and also for disaster relief.

The other organisation to which I want to briefly pay tribute is St Mary's House of Welcome, which I have spoken about before in this Parliament. Based in Brunswick Street, Fitzroy, it is another organisation that provides much-needed relief to needy individuals, particularly those people who are marginalised and living in the city of Yarra. Some of us have had an opportunity as parliamentarians to go down there and volunteer in the kitchens during Poverty Week, to see firsthand the enormous amount of work that goes into providing cooked meals for the many hundreds of individuals in that local community.

I wanted to take this opportunity to highlight the fact that this bill is an important piece of legislation because, in my view, any legislation that comes to this Parliament that encourages those of us who have the ability to provide some financial or other support to those in our communities who are doing it tough — and we expect that we will probably see more such individuals during the course of this year — is a good thing and should be supported by this Parliament.

I will conclude by saying, as the Australian Council of Social Service has documented, something like \$500 million is raised annually across Australia through various philanthropic organisations. Legislation such as this encourages Australians and Victorians to put their hands in their pockets and provide support to our fellow Victorians who are doing it tough and who deserve our support. I commend this bill to the house.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

The PRESIDENT — Order! The time has arrived for this house to meet with the Assembly in the Assembly chamber to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of Mr Evan William Thornley. The joint sitting will conclude at an appropriate time for the

dinner break, so I propose to resume the chair at 8.00 p.m.

Sitting suspended 6.08 p.m. until 8.04 p.m.

NEW MEMBER

Ms Huppert

The PRESIDENT announced the choosing of Ms Jennifer Huppert as a member for the electoral district of Southern Metropolitan Region.

Ms Huppert introduced and oath of allegiance affirmed.

RELATIONSHIPS AMENDMENT (CARING RELATIONSHIPS) BILL

Second reading

Debate resumed from 4 December 2008; motion of Mr LENDERS (Treasurer).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to rise on the Relationships Amendment (Caring Relationships) Bill 2008.

I would like to be the first to place on record my congratulations to Ms Huppert on her appointment to this place. This is a historic occasion — the first time in 153 years that a member has been appointed to this Parliament rather than elected, but I am sure she will serve the people of Southern Metropolitan Region in a truly professional manner.

The bill before the house this evening arises from legislation the Parliament dealt with in 2008, being now the Relationships Act 2008. This was a controversial piece of legislation that the Attorney-General brought forward — one of several controversial pieces of legislation that we saw in the house last year.

That bill, which was treated certainly by the coalition parties as a conscience vote — a free vote — was largely about symbolism. It was about creating a mechanism for putting relationships between same-sex couples on a similar footing to married couples. It was a very controversial piece of legislation that passed this place. I was one of the members who opposed it. While I am very sympathetic to the issues that arise with same-sex couples in terms of entitlements, gaining access to superannuation and assets, involvement in medical decisions et cetera, it was not my view — and

it is still not my view — that this legislation, which put those relationships on a similar footing to marriage, was an appropriate step forward, and I did not support it.

The bill, however, has passed this Parliament and has been enacted. The bill that Parliament is dealing with this evening is the first amendment to the Relationships Act. It arose from the debate that took place at the time of the original bill with respect to the coverage of the Relationships Act and the fact that it did not extend to caring relationships.

A caring relationship is a relationship between two adults who are not an intimate couple. They are not a married couple. They can be a brother or sister or two friends or two people who are not in a domestic relationship but nonetheless have a close relationship where they are involved. They may be looking after each other as siblings or as friends, and they seek to put that relationship on a more formal footing. It is similar to the provision that exists in Tasmania. This is a matter that was raised during the course of debate last year because there was criticism from the Catholic Church.

If I recall correctly, the 2008 bill did not cover caring relationships; it was, despite comments from the Attorney-General, directed purely at same-sex relationships and putting those relationships on a similar footing to marriage. That criticism was made last year, and this bill now introduces a framework to recognise caring relationships where they are not relationships of a domestic couple or a married couple.

One of the requirements of a caring relationship is that the parties to that relationship are not already engaged in a domestic relationship or in a marriage. They are required to obtain independent legal advice from independent practitioners prior to entering into a caring relationship, and there are some constraints on the matters, including superannuation entitlements, death benefits, taxation and other concessions, parental responsibilities and marital status matters under the Equal Opportunity Act that are covered with respect to caring relationships.

It is important to note that caring relationships as covered by this proposed legislation are not the same as a relationship with a carer, which is a matter where a person may be paid to provide assistance to a disabled person or to a disabled person in other forms. It is only to cover caring relationships as defined in the act. The use of the term ‘caring relationship’ is not as it has been used elsewhere in Victoria; it refers to relationships with carers. It is important to make that distinction.

The coalition parties have elected not to oppose the legislation, although, as I said, members on this side of the house expressed a variety of views on the principal legislation. Now that it has passed, it is the collective view of the coalition that this bill is a reasonable amendment to the Relationships Act, which arose from concerns expressed by the Catholic Church in 2008 that the bill did not cover caring relationships.

It is worth noting that in Tasmania where there is an existing regime for caring relationships, only one such relationship has been registered under that legislation, so it remains to be seen whether there is interest in Victoria in such a mechanism being adopted. I personally continue to have concerns about the way in which the principal legislation puts domestic relationships on a similar footing to marriage. To a certain extent, that is similar with caring relationships. Another concern the coalition parties have is the potential for a caring relationship under the legislation to be registered and subsequently used to disadvantage elderly or vulnerable people who may be a party to that relationship.

Regrettably there is no doubt we will continue to see in society people who befriend but then take advantage of elderly and vulnerable people for their own financial gain. The potential for this mechanism to make that easier, particularly insofar as once a relationship is registered the capacity for a person who is taking advantage to walk away from the relationship in the knowledge that the relationship is already a registered relationship is not a welcome development.

On balance the coalition parties will not oppose this amending legislation. It provides coverage to an area where concern was expressed about the principal legislation. Whether it is used in Victoria remains to be seen. The track record in Tasmania suggests it will not be, but it addresses the concerns raised, and as such we will not oppose it.

Ms PENNICUIK (Southern Metropolitan) — As Mr Rich-Phillips has mentioned, the Relationships Amendment (Caring Relationships) Bill 2008 is an amendment to the principal act passed last year — that is, the Relationships Act. The Greens are supportive of a relationships register which enables two persons to register their relationship and whether they are in a same-sex relationship. I know there was a lot of attention on the same-sex relationship part of the register, but it is also open to people not in same-sex relationships who wish to register their relationship other than by being married. The Greens were very supportive of that legislation. However, we put forward amendments that went to the provision of a ceremony

to accompany the registering of a relationship and also an amendment that received considerable support, but not enough to pass in this house, that only one of the two people wishing to register their relationship in Victoria need reside in Victoria and the other party could reside in another state.

We are generally supportive of the legislation of caring relationships as exists in Tasmania and as is proposed in the bill, which the government undertook to introduce into the Parliament during the debate on the original bill. We made the point during that debate that there needs to be consistency across state jurisdictions and territories with regard to relationship registers and how people's personal relationships are treated, because at the moment people in different parts of Australia have different rights in that respect.

I made the point in the earlier debate that we need a national relationship register. I made the point that marriage should be available to any two persons, including same-sex persons. That is certainly Greens policy.

If we look at the second-reading speech, we see that this bill is based on the Tasmanian act in terms of caring relationships and generally, and we agree it is very similar to that act. In terms of national consistency, there will be some consistency between Victoria and Tasmania but not the rest of the country. That is an issue that the national government should look at as well. As I said, people in different parts of Australia have different rights in this regard, and there is no reason why that should be the case.

The caring relationship is an interesting and somewhat puzzling one. The minister explained that:

A registrable caring relationship is a relationship between two adults, which is not a marriage or a couple-relationship, and where the partners may be related by family. Not to be confused with the notion of a 'carer', a registrable caring relationship is one where the partners in the relationship provide each other with personal or financial commitment and support of a domestic nature, other than for fee or reward.

The Scrutiny of Acts and Regulations Committee (SARC) and certainly other members of Parliament have raised the issue of the provision in this bill — and it is the same in the Tasmanian act — which will mean that two people will not be able to register a caring relationship if one of them is otherwise married. It has made me wonder about what is a caring relationship. On this issue the Scrutiny of Acts and Regulations Committee said:

The clause may treat married and partnered people less favourably than single people. This possible limitation of the

charter's equality rights does not appear to have been demonstrably justified. The committee will write to the Attorney-General about the statement of compatibility.

I would agree; it has not been demonstrably justified. The Scrutiny of Acts of Regulations Committee went on to say:

Whilst the committee recognises that the bill is beneficial, it is nevertheless concerned that clause 9(2) may treat married or partnered people less favourably than single people. For example, a middle-aged person may provide significant care for a disabled friend. If both are single, they will be able to register that relationship, allowing easy proof of that relationship and access to the property adjustment regime in part 3 of the Relationships Act 2008. However, if the one happens to be married (e.g. to a long-term spouse with dementia who is living in a nursing home) or has an intimate relationship with a neighbour, then they will both be denied these legal benefits in respect of their caring relationship.

The committee also observed that:

... the purpose of only allowing the registration of a 'primary' relationship appears merely to restate the scheme's exclusion of married and partnered people. The statement that a broader scheme would be unworkable is not explained.

It also said it would write to the minister for an explanation of that. As far as I know from checking the Scrutiny of Acts and Regulations Committee's website, there is no response from the minister in that regard. I ask government speakers who may follow me to clarify the matter. The example used by SARC is slightly different from the example used by the Attorney-General, who said that people in a partnered or sexual relationship of any type are in a significant caring relationship, as he describes it, and are caring for each other financially and domestically. SARC envisages another type of caring relationship where someone cares for another person who may be disabled or unwell and not able to reciprocate that care. The bill makes it clear that a caring arrangement where someone is being paid or is doing it in a commercial or quasi-commercial relationship or is working for the local council as a carer, for example, would not qualify. But would someone who is providing care in an altruistic way for their friend or relative qualify? They could not register that relationship because it has been deemed that only primary relationships are able to be registered.

It is not entirely clear as to what the purpose is. Is there an intention by the government to exclude those other classes of people who are not, as the Attorney-General described, providing mutual support to each other? Is it deliberate to exclude the other type of relationship used as an example by SARC in its report to illustrate why it believes the provision is discriminatory? Are we saying that only a primary relationship is a significant mutually

beneficial relationship? Is that what the government is saying this register is about? It is not clear. I hope government speakers can clarify that. If they cannot, I foreshadow that I will ask the minister in committee. I foreshadow that I have these questions to put to the minister. It is slightly confusing as to what is being proposed.

I note that the bill — as does the Tasmanian act — requires people wanting to register a caring relationship to seek legal advice. I ask government speakers to advise whether the department would produce information to legal practitioners as to the type of advice they would be able to provide to people who come to them seeking that advice. It is a good provision in the bill, particularly because, as I have mentioned, it is not entirely clear what type of caring relationship can be registered and what type of caring cannot. Apart from the questions I have raised in my contribution, and assuming I hear a proper explanation and clarification from government speakers or from the minister in committee, the Greens will not oppose the bill.

Mr KAVANAGH (Western Victoria) — Last year when the Relationships Bill was passed in this house I expressed the view on behalf of the Democratic Labor Party that legal recognition of sexual relationships per se should be limited to traditional marriage as the best basis we have for raising the next generation. The bill before us is not about sexual relationships at all; indeed they are precluded from the provisions of the bill before us. The bill is about caring relationships that are not sexual relationships. These kinds of caring relationships are extremely valuable; they are central to the quality of life of many people. No doubt many people, especially elderly people, are in desperate need of caring relationships, but some, unfortunately, do not have them. To the extent that a government can encourage them, I believe governments should do so. Allowing members of families to register their relationships in order to benefit each other, or perhaps allowing old friends to do so, is for the benefit of people in difficult situations. Therefore I will not oppose this bill.

Ms PULFORD (Western Victoria) — I am pleased to rise to speak in support of the Relationships Amendment (Caring Relationships) Bill. Getting on for a year ago now, the Victorian Parliament passed the Relationships Act which commenced, as members might be aware, on 1 December last year — a happy occasion for many same-sex couples in this state who are now able to seek formal and legal validation of their otherwise pre-existing commitment in their relationship. This government is very proud to have introduced around 60 pieces of legislation to remove

discrimination in one form or another against members of our same-sex-attracted community.

The Relationships Act provided the framework for the establishment of the relationships register. That register enables a formalisation and a legal recognition of domestic relationships to occur. There are many reasons why people enter into a more formal relationship and take their loving and deeply committed relationship to a more formal level. Some of these reasons are legal, many of them are social and some of them are just plain old-fashioned romantic. It is great that the passage of the Relationships Act has provided this celebration and legal recognition to a broader range of relationships.

It was during the debate on that legislation in the other place that the government committed to amendments that would enable registration of caring relationships, and it is that undertaking that has brought us to our discussion of this amending bill this evening. The successful passage of this bill will provide the means for a non-romantic relationship and a non-sexual relationship to be registered. A caring relationship is characterised as being one between two consenting adults who are not a couple, and the bill makes that clear distinction. The two individuals in the relationship may be, but certainly are not required to be, related. This amendment will bring the Victorian legislation into line with the Tasmanian legislation, which was the basis for the original Relationships Act.

It is important to distinguish a caring relationship from a carer relationship. A caring relationship is one where there is no financial reward but rather a partner who is providing another with ongoing personal or financial support without payment as such, which would be the case in many carer relationships. The legislation does not require that the two parties have to be living together, but as an important safeguard it does require that both parties obtain independent legal advice about the consequences of the registration of their caring relationship.

There are benefits to the parties of a registered caring relationship, including clarity around property rights, court recognition of written agreements, arrangements for entitlements to go to a surviving partner if the other partner dies intestate, and consideration as next of kin or nearest relative in certain circumstances, including guardianship. With any such arrangement, in addition to the benefits there are obligations on the parties, and the bill details those. People can enter into a caring relationship if they are single, but the legislation requires that the relationship be the primary relationship, and importantly it clarifies that people can

have only one primary relationship. This legislation provides a means for registering a primary relationship that is not a romantic one.

Victorians with a registered caring relationship will be able to expect legal certainty within Victoria in many areas of the law, but there are some exceptions, including reversionary pensions under a superannuation or judicial pension scheme, entitlements that are available through the Transport Accident Commission to the spouses of people who have been injured or killed in a car accident, or spousal entitlements through the workers compensation scheme for a workplace injury. Also, there are exceptions in relation to tax concessions, financial duties and benefits.

The relationships register is a great development in Victorian legislation. It provides a way in which important domestic relationships can have a higher level of recognition than they have had previously. The amendments in the bill before us today will further provide that right to people in very special and important relationships. They will provide legal protections, benefits and, most importantly, certainty to the people in those arrangements. I commend the bill to the house.

Mr SCHEFFER (Eastern Victoria) — I rise to speak briefly in support of the Relationships Amendment (Caring Relationships) Bill. Last year, as previous speakers have indicated, the Parliament passed the Relationships Act which, for the first time in Victoria, established a relationships register to allow couples who are in domestic relationships to formally register those relationships and give that arrangement a legal standing. It is fair to say that the substantive act mainly benefits same-sex couples. While it was opposed by a number of mainly religiously based organisations, it was, to be fair, also widely supported by those who see it as legislation that promotes human rights.

I said in my contribution to the second-reading debate on the Relationships Act that I believe that legislation strengthens and develops the rights of many people who face great obstacles in establishing the legitimacy and authenticity of their relationship with their partner. The same applies to people who are in a caring relationship with another. At the time of the passage of the Relationships Act the government agreed to investigate extending the arrangements in the act to people who are in caring relationships so that their personal association can be recognised and registered according to Victorian law. The Relationships Amendment (Caring Relationships) Bill that is before us today will assist people who are in non-sexual

relationships but who are deeply involved with each other to have the arrangements of their relationship given legal status.

But of course conditions apply. The two individuals may not be married or in a de facto relationship with each other or with anyone else. They may be members of the same family or they may be longstanding friends. They must be over the age of 18, and they must live in Victoria. However, the caring relationship in terms of this bill may not include a relationship in which a person simply provides domestic support or personal care on a fee-for-service basis. They obviously must not provide that care with any kind of reward or profit in mind. The care needs to be a function of the relationship, and the relationship must be the primary relationship.

Ms Pennicuik raised a number of matters that arose out of the Scrutiny of Acts and Regulations Committee report. I did not catch all of them, but the one that I did catch that I might say something about at this juncture relates to a paragraph in the statement of compatibility under the heading 'Inability to register a caring relationship if already married, in a domestic relationship or in another relationship'. Ms Pennicuik drew particular attention to the second paragraph under that heading, which argues or asserts that the requirements for the exclusivity of that relationship are reasonable, given that the purpose of the registration scheme is to allow people to register their primary relationship. That paragraph goes on to say that the purpose of the registration scheme is for recognition in law and that if there were an uncertainty and it was extended beyond a single relationship, it would become unworkable in the case of numerous relationships. I think that answers the point that Ms Pennicuik made.

It does not mean that people cannot have a range of deep, very involved, very emotional relationships with a whole range of people, indeed even sexual relationships, but what people are being invited to do, or what they can avail themselves of, is the registration of a primary relationship which is of a nonsexual nature and which is based on a caring relationship that has legal standing. That is its value and that is what is open to people in those sorts of relationships, through this legislation. The other matters that Ms Pennicuik raised will probably have to be argued in the committee stage if that is how the procedures go.

In returning to the bill, the question then is why two people would enter into a relationship of this sort. In my view the benefits might include providing a level of clarity about the property rights of each of the members in the caring relationship that would allow them to seek

court orders, for example, concerning property interests, or maintenance if the relationship were to break down. The registration of the relationship would give court recognition to any written agreement that the caring couple may have entered into in relation to their property. A surviving partner would be entitled to part of the residuary estate of the deceased partner who dies intestate, who could give consent to an autopsy, for example, as they would be deemed to be the senior available next of kin.

As well, a party to a registered caring relationship would also be the nearest relative, and their wishes may be considered in making a guardianship order, for example. There are a range of important and significant benefits for people who opt to place themselves in a registered caring relationship. These relationships will in many ways be treated in the same way as registered domestic relationships even though there are exemptions that relate to entitlements in relation to some type of pensions under superannuation and judicial pension schemes, because those pensions are predicated on a spouse-like relationship; to enter into those for this particular register would involve a range of fairly fundamental policy changes to those schemes.

The bill will make a big difference to people who are currently in caring relationships but who live with some doubt and insecurity in relation to some of the important arrangements they make in managing their lives. They could include adult siblings who may continue to live together; an adult child who lives with an ageing parent; a cousin who may give support to a relative with a disability even though they do not live together; long-time friends who might live together and might share-buy a house, for example — so there are a lot of combinations and a lot of arrangements that come under the ambit of ‘caring relationships’ and within the meaning of this bill.

To have these relationships registered extends the kind of legal security enjoyed as a matter of course to those living in more conventional, legally recognised and socially celebrated relationships. This is good legislation, it does the right thing and I am pleased that it is so widely supported. I commend the bill to the house.

Mr TEE (Eastern Metropolitan) — I, too, rise to support this bill. Last year the passage of the Relationships Act 2008 really delivered for the first time in Victoria a relationships register for domestic relationships. That act simplified a lot of complexity about identification and about proof. It provided conclusive proof of a relationship without the need for additional evidence.

This becomes particularly important when talking about who can access people who are in hospital. There can be discussions about medical treatment that is available, and it allows for partners in that relationship to have those discussions without the need on every occasion to look for the proof.

The principal act is really about putting in place a simple straightforward process if or when that relationship happens to break down. It is a process for dealing with the consequences in terms of giving up any property that may have accumulated during that relationship or indeed which may have been brought into the relationship.

At its heart, the act this Parliament passed last year was about recognising and respecting the diversity of relationships in existence in Victoria. This bill builds on that respect and on that recognition by extending the types of relationships recognised to caring relationships, and these are relationships where partners provided to each other personal or financial support of a domestic nature.

In my contribution in support of the act passed last year I indicated that it was the government’s intention to develop a bill that would allow for the registration of caring relationships; this bill delivers on that commitment by the government.

I will respond briefly to some of the issues raised by Ms Pennicuik. Although I may have missed some parts of her contribution, as I understand it she expressed concern about the Attorney-General’s response to requests for information that was sought by the Scrutiny of Acts and Regulations Committee. I confirm that the Attorney-General has responded to those requests for information.

Ms Pennicuik raised the issue of why there could not be a number of primary relationships. In his contribution Mr Scheffer identified in some detail the principal reason for that. As alluded to by Mr Scheffer, the concern is that if there were a number of primary relationships that had been registered, there may be a number of conflicts in terms of which of those relationships was supreme when there was a dispute. There is a degree of complexity introduced if more than one primary relationship is allowed.

For clarity and certainty and to reduce complexity the view was taken — correctly, I think — that we ought to avoid the situation where we may have that conflict of rights. As Ms Pennicuik indicated in her contribution, our legislation is now consistent with that in Tasmania, and where possible we ought to embrace uniformity

and that consistency, and I am pleased that on this occasion we were able to do so.

The other issue is that the fact that you have one primary relationship does not mean that at law you cannot provide other benefits or rights, either through incorporation in a will or through a power of attorney. The primary relationship does not necessarily exclude the provision of benefits in other forms.

Finally Ms Pennicuik raised the issue of the independent legal advice that is required. The independent legal advice is an important aspect, because we want to make sure that the advice received goes to the impact on the individual. This is important legislation, and the impact that it can have on each individual, on each couple, in each relationship is different, and we think it is important that advice be obtained prior to entering into that relationship. The individual nature of the circumstances sets up the reason for the advice, and I am sure that once they have read the legislation lawyers will be competent to provide that advice.

With those few words I support the bill. I support it for strengthening Victorian communities, providing equality and supporting diversity.

Ms DARVENIZA (Northern Victoria) — I, too, have pleasure in rising and making a short contribution to debate on the Relationships Amendment (Caring Relationships) Bill 2008. As has already been pointed out by the previous speakers, the bill allows for the registration of a caring relationship and brings the Victorian registration system into line with that in Tasmania. It is a similar sort of system, where we are committed to a fair and more compassionate Victoria and are looking for consistency.

When the Relationships Bill 2008 was debated in Parliament last year the government was committed to developing legislation that would allow for the registration of a caring relationship. People will remember the debate on that bill at the time and the government's commitment to bringing to Parliament a bill that covered this area of caring relationship. The government has reinforced this commitment as part of our recently released justice statement 2, which outlined a range of initiatives, including one to further protect the rights of Victorians. That is what the bill before us today does: it protects the rights of those individuals who are in a caring relationship.

The bill also fulfils this commitment by enabling the registration of a caring relationship on the relationships register. A caring relationship is different to a domestic

relationship because it is between two adults who are not a couple and who may be related by family. They could have some relationship — they could be siblings, they could be cousins, or they could be related in some other way.

The purpose of the registration scheme that is set up for both domestic and caring relationships is to allow people to register one relationship as their primary relationship, which will be recognised as such for the purposes of Victorian law. This is what the registration of the caring relationship is all about — affording protection to people who are providing care and support, whether that be financial or emotional. They are doing it not for fee and not for commission; they are doing it because they have a very committed and caring relationship with each other.

Having the relationship registered as a primary relationship on a register affords that legal protection and is a sensible way for people to be able to access all the existing laws we have in place, including the 2001 reforms which amended more than 50 pieces of legislation to remove discrimination against same-sex and unmarried heterosexual couples. It also means that people who are in a committed, caring relationship which is their primary relationship will not have to repeatedly go around proving their relationship in a range of circumstances. The circumstances might include where there is a medical emergency and they have to prove they are the next of kin, where decisions are being made about a critically ill patient and only the next of kin are able to have access to the patient or be involved in discussing the range of options around treatment and care for that individual. If you are in a registered caring relationship you will not have to repeatedly prove yourself to be the next of kin. You will be able to visit loved ones in intensive care, and you will have access to the Victorian law in relation to property matters, superannuation and inheritance. As we travel through our lives we come across all of these issues. Couples who are in a registered caring relationship and have that as their primary relationship on the register will not have to continually explain themselves and prove their relationship.

The bill provides a separate definition of a registrable caring relationship that provides that the relationship, while being between two people, is not that of a couple and the partners may be related by family. The definition is otherwise similar to the definition on the register for the domestic relationship in it being between two adults, one or each of whom provides the other with domestic support and personal care without fee or payment.

As has been pointed out by previous speakers, partners applying to register a caring relationship must first obtain independent legal advice about the consequences of registration. This is about protecting the individuals who are entering into such a relationship. Across the statute book partners in registered caring relationships will generally be treated in the same way as partners in registered domestic relationships, with the exception of a number of circumstances.

This bill follows and is in line with legislation that is already in place in Tasmania. It has been informed by a very extensive consultative process, including with a range of external stakeholders who have made comments about the government proposal to bring a bill like this to Parliament. They include organisations such as the Australian Christian Lobby, the Uniting Church, Carers Victoria, the Council on the Ageing, State Trustees Ltd, the courts and the Victorian Civil and Administrative Tribunal, the Law Institute of Victoria, the Victorian Bar, the Victorian Equal Opportunity and Human Rights Commission, the Attorney-General's advisory committee on gay, lesbian, bisexual, transgender and intersex issues as well as the Catholic Archbishop of Melbourne and the Public Advocate. Consultation was also undertaken with all departments that administer legislation affected by this bill, and, as I said, that includes a range of legislation. The bill has gone through a very broad consultative process. It is about creating a fairer and more compassionate society in Victoria and protecting individuals who are in a committed, caring relationship that is a primary relationship. The bill will give them a whole range of rights that they should have, given the nature of the relationships. It is a very good bill, and I commend it to the house.

Mr FINN (Western Metropolitan) — On this first sitting day of 2009 I have to think about the general populace of Victoria and why they look at this building and at politicians and shake their heads and walk away. It is bills like this that make the general populace disenchanted with politics, because this bill is not an immoral bill and it is not an unethical bill — it is just a very stupid bill. It takes the Attorney-General's social agenda from dangerous to ridiculous. If ever there was a bill that did not need to come before the Parliament, this is it. For years we have been told by various groups around the community that we should stay out of their lives, that we should stay out of their bedrooms, that we should leave them alone and that we should just let them live their lives. Now we have a government that wants to register every relationship that anybody could ever have with anybody else. It is ludicrous, it is ridiculous and it is nonsense. As I say, is it any wonder

the people of Victoria look at this government and say, 'Good Lord! What have we done?'

You get the feeling that pieces of legislation like this will come back to haunt this government at the next election, because it is pieces of legislation like this that people remember. They stick in the electorate's mind. The people out there — the people we represent — are not stupid. They are very down to earth and they believe in common sense, but this bill represents none of that at all. People in the electorate — those we represent — are looking at this chamber tonight, and they are saying, 'Where are this government's priorities?'. They are saying, 'We have seen a debacle with public transport over the last month or so'. Last Friday night we saw tens of thousands of people desperately trying to get home when every train was cancelled. The government does not seem too concerned about that; however, it does want to register our relationships. There is a government with its priorities on the right track, even if the trains are not!

We see a government that just cannot deliver the water we need. I am just one of many who last Saturday morning got up at 6 o'clock to water the garden.

Ms Pulford — A luxury!

Mr FINN — And the previous Saturday morning I got up to water the garden at 6 o'clock. As Ms Pulford points out, that is somewhat of a luxury, because there are many Victorians who do not even have the water to do that. The Brumby government cannot deliver the water that Victorians need for basic services, but it can register your relationship. Not a problem there — 'Come along, register with us', it says.

Health is an area that is going backwards at a rapid rate of knots. People are dying because they cannot get into a hospital. They are dying in ambulances because they cannot get into hospitals. The Brumby government cannot deliver basic health care to the people of Victoria, but it can register your relationships. They are priorities we can be proud of. Despite the protestations of the Premier last Monday that we had more power than we could cope with and that we had more electricity to get us through last week than we could ever possibly want, within hours there were blackouts from one end of the state to the other, many for up to 20, 30 and I understand 40 hours and more. We have a government that cannot provide a basic service like electricity to the people of Victoria but is very happy to register your relationship.

What sort of government have we got here? What is this nonsense that we are debating tonight? This bill is

stupid — s-t-u-p-i-d — and I hope this is the last time the demented Attorney-General of this state brings such nonsense before the Parliament of Victoria. I hope this government, now approaching its 10th year in office, will perhaps have a think about what really matters to real people in Victoria and we will never see this sort of stupidity before the Parliament again.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

CRIMES LEGISLATION AMENDMENT (FOOD AND DRINK SPIKING) BILL

Second reading

Debate resumed from 4 December 2008; motion of Mr LENDERS (Treasurer).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to rise this evening to speak on the Crimes Legislation Amendment (Food and Drink Spiking) Bill 2008. The coalition parties will support this bill. The issue of food and drink spiking, or predominantly drink spiking, is an ever-growing one in our community. The Australian Institute of Criminology estimates that on an annual basis there are between 3000 and 4000 drink and food spiking instances. Around a third of those cases lead to sexual assault of the victim, and around 60 to 70 per cent lead to no further crime against the victim other than that of drink spiking directed at a victim for whatever reason, often for the amusement of the perpetrator. They are serious crimes, and it is significant that this bill seeks to address these matters.

It is also worthwhile noting the drug that is typically used for drink and food spiking. We see a lot of media commentary about the use of exotic drugs such as ecstasy and GHB (gamma-Hydroxybutyrate) in food and drink spiking, but the reality as reported by the Australian Institute of Criminology is that the most common drug used for food and drink spiking is alcohol mixed into non-alcoholic drinks with the intent of incapacitating, or worse, the person to whom the drink is given.

The bill amends the Summary Offences Act 1966 and the Crimes Act 1958 with respect to provisions relating to drink spiking. It arises from a report from the Model Criminal Law Officers Committee of the Standing Committee of Attorneys-General (SCAG). This work was undertaken by the standing committee initially in 2003 and culminating in a report and recommendations in 2007. We are now seeing some of those recommendations being implemented in this bill.

The first provision of the bill inserts into section 53 of the Crimes Act a subsection which extends the existing offence of administering a drug with the intention of rendering a person incapable of providing resistance to an act of sexual penetration. The bill extends that offence to administering a drug with the intention of making another person incapable of resisting an indecent act. The category of offence following a drink-spiking incident is extended from sexual penetration to any indecent act, which was a recommendation of the SCAG group. It will carry a penalty of imprisonment for up to five years, which is intended to send a very clear message that these offences are unacceptable.

The second provision of the bill is an amendment to the Summary Offences Act which creates a new food or drink spiking offence. The offence carries a maximum penalty of up to two years imprisonment. It applies if a person gives or causes another person to be given or to consume food or drink that contains an intoxicating substance — which is any substance that affects a person's senses or understanding — where the perpetrator knows the victim is unaware or is reckless as to whether the victim is aware of the substance or where there is more of it in the food or drink than the victim would expect, and where the perpetrator intends the victim to be harmed by the consumption of that food or drink.

This is a significant and welcome expansion of the provisions of the Summary Offences Act. However, it does not fully address the recommendations of the SCAG group with respect to drink-spiking activities, because the third element that is included in that provision of the Summary Offences Act requires the perpetrator to have the intent of harming the victim by their consumption of the food or drink. For a matter to be successfully prosecuted under the Summary Offences Act the prosecution will have to prove that the perpetrator had the intent of causing harm when they introduced the substance into the food or drink. That is not what was expressed by the SCAG work as the necessary step to close the loophole on drink spiking, and we have concerns that that third element of that provision of the Summary Offences Act will make it

harder than necessary to secure prosecutions under this provision.

This is a significant and growing area of concern for the community. As I said, the Australian Institute of Criminology has estimated there are 4000 such incidents a year, one-third of them leading to sexual assault. It is important that this Parliament send a very clear message that these activities are not acceptable and are not a joke. They have led to significant harm to the victims. In one-third of cases they lead to sexual assault. They are not minor but significant offences. It is appropriate that is reflected in the Crimes Act and in the Summary Offences Act. This side of the house, while supporting this legislation, has reservations as to how the provision of the Summary Offences Act will work and whether its provisions will be as effective as those sought by the standing committee when it made its recommendations about closing that loophole.

Ms HARTLAND (Western Metropolitan) — I thank Mr Gordon Rich-Phillips for outlining the technical aspects of this bill. The Greens support the Crimes Legislation Amendment (Food and Drink Spiking) Bill. As members know, by the end of last year we had dealt with a number of complex and emotionally draining bills. It is great to start the year with a bill that has generated consensus across all parties and works towards reducing violence against women.

In preparing to speak on this important bill — and I will keep my contribution quite brief — I spoke with workers at the Western Region Centre Against Sexual Assault (West CASA). I did this to clarify a number of terms in the bill and to talk to them about their concepts of ‘sexual assault’. They say that the term incorporates rape but also other offences such as indecent assault — and that definitions and labels for sexual offences can vary from state to state. Whilst I acknowledge that men can also be victims of this horrendous crime it is mostly women who are targeted, so my speech will reflect that.

During my conversation with West CASA it was reinforced that sexual assault is generally perpetrated by a person or persons known to the victim. Perpetrators of drug-facilitated sexual assault are mostly strangers but can be acquaintances or friends — not very good friends, you would have to say. West CASA told me that they had recently seen an increase in the number of women experiencing drug-facilitated sexual assault. This is obviously disturbing and demonstrates that this legislation is much needed. My 24-year-old niece has told me that when she and her friends go out as a group, one person is left at the table to watch the drinks so that nobody can tamper with them. I think it is a terrible

indication of where our society has come to, that young people feel they have to give each other that amount of protection.

Creating an offence for food and drink spiking, regardless of whether that food or drink is consumed, sends a strong message to the community that this is unacceptable conduct. Introducing more severe penalties for people who spike food or drink is supported by the Greens. Drug-facilitated sexual assault is a terrible crime especially because the victim is not 100 per cent sure what has happened or whether they have been assaulted. They might be at a party, in a pub or in a nightclub and suddenly find themselves in an unfamiliar location with their clothing askew or worse — with the perpetrator on top of them, with no memory or recall or any ability to stop the assault. You cannot give consent if you are affected by drugs. I can only imagine how horrific this experience must be and how difficult it would be to recover and heal from such a breach of trust.

West CASA also told me that there is a narrow window of opportunity to test the victim to confirm if drink spiking has occurred. I think it is the element of powerlessness that I find most disturbing. The other thing I think we have all noticed of late is that there have been a number of horrendous sexual assaults where the perpetrators have actually videoed it with their camera or other equipment and sold it to their friends or put it on the internet. This is a double humiliation. It was something that I raised in the briefing, and I think it is the next step that we have to look at in examining sexual assault cases. If we are making this an offence, perhaps we should go the next step and make filming such acts an offence as well. I would like to see a media campaign along the lines of the advertisement ‘Violence against women, Australia says no’. I thought those advertisements were effective in humanising the issue and clarifying what constitutes violence.

West CASA described to me an education program, which unfortunately is no longer funded, where they went into schools and taught teenagers how to protect themselves, what was a safe relationship, what was acceptable in a relationship and especially for young women the fact they could say no to a sexual relationship, and that they did have a right to do so. While they offered one-day programs, the greatest benefit came from those that were conducted over a series of weeks. This way the students could retain the information and engage more meaningfully in the material. Having gone to a launch in Footscray where I spoke to a number of students, especially young men, I found that these type of courses had really made them

think about the kind of relationships they have seen with their parents or friends' parents and how they did not want that type of relationship for themselves.

The Greens congratulate the government on this bill and hope that it will be complemented by it again funding peer education programs that have in the past been run by such great organisations as West CASA.

Ms PULFORD (Western Victoria) — I am pleased to rise in support of the Crimes Legislation Amendment (Food and Drink Spiking) Bill 2008 and am pleased that other speakers have indicated that the legislation has broad support in the house.

Drink spiking is all too common in our society, and any single incident of drink spiking is one too many. It is an insidious act, occurring most commonly in social settings where people are having a good time and enjoying themselves at a party, a nightclub, a bar or a restaurant with friends. It is an act that frequently leads to robbery, assault, injury and all too frequently, rape. The victims of drink spiking are most commonly women — around 80 per cent of drink-spiking incidents involve women and 50 per cent of victims of drink spiking are under the age of 24 years. We are talking about young women in a social setting where they ought to be feeling safe and having a nice time but are being assaulted in this way. A third of the victims of drink spiking report sexual assault. This is the most horrendous manifestation of this type of activity.

We encourage our young people to keep safe when they are socialising. These days groups go out with a designated driver, as Ms Hartland indicated in her contribution, and in some instances a designated drink watcher, which is quite a tale. People make their plans and hit the town with friends; they look out for one another and have a designated driver organised; they try to keep safe. What might be seen in some moronic circles as a bit of a joke in slipping someone a mickey is incredibly dangerous. Commonly this is associated with the consumption of alcohol where an extra shot of vodka or a drug is slipped into a beer. Some media accounts tell instances of rape where people have had their drinks spiked by powders being added to people's drinks — the circumstances in which people are further intoxicated or drugged without their knowledge. Reports in the media in the past few days referred to safe drinking levels, and again we are reminded that in all instances the safest thing to do is to stop after four drinks because at that point harm is done to our bodies.

The effect of drug and alcohol abuse is widespread and there were disturbing reports in Western Australia about a big day out where a death was reported as being

possibly linked to taking ecstasy, so the risks are well known. When people knowingly engage in these risks it is one thing that requires an approach by government and politicians. It is another thing altogether when people are imbibing without their knowledge or consent.

Earlier today in his statement of legislative intentions the Premier referred to the question of respect and some of the initiatives the government plans to take in the coming year to tackle the antisocial behaviour we are seeing along some of our nightclub strips and on our streets late at night. This legislation certainly complements those sentiments.

Two offences are created by this legislation. The first is a new offence in the Summary Offences Act; it creates an offence of food or drink spiking. That applies even if the food or drink is not actually consumed; the offence is committed even where there is an intention to harm. This results from a recommendation of the Model Criminal Law Officers Committee of the Standing Committee of Attorneys-General. This offence seeks to close the gap at the less serious end of the spectrum of drink-spiking behaviour. There are already offences in place for the more serious incidents, specifically those where injury occurs. As this offence is intended to be at the lower end of the spectrum, it carries a maximum sentence of two years imprisonment, making it a summary offence.

The essential elements of causing an offence in accordance with the proposed changes include giving a person, or causing another person to be given or to consume, food or drink that is spiked; knowing that the victim is not aware; or being reckless as to whether the victim is aware that the food or drink is spiked; and intending the victim to be harmed by the consumption of food or drink. It does not seek to make an offence out of giving somebody an extra shot of alcohol at their birthday party — the sort of behaviour that perhaps is a little reckless but is not intended to harm. It certainly makes that distinction.

The second offence, which is certainly at the more serious end of the drink-spiking spectrum, is made through an amendment to the Crimes Act. The bill seeks to amend section 53 of the Crimes Act, creating an offence of administering a drug with the intention of rendering a person incapable of resisting sexual penetration. This was a recommendation of the Model Criminal Law Officers Committee. It also seeks to cover situations where the offender's intent is to render a person incapable of resisting non-penetrative sexual acts.

This legislation sends a clear message that in no circumstances is it appropriate to be spiking a person's drink. It is never funny; it is always deadly serious, and it can have horrendous consequences for people. It is essential that we send a clear message to the community that this behaviour is not acceptable and that we keep our young people — our young women in particular, who are the most common victims of drink spiking — safe in every circumstance that we can.

Mrs PEULICH (South Eastern Metropolitan) — I wish to add a few comments in support of the Crimes Legislation Amendment (Food and Drink Spiking) Bill 2008. As the mother of a 24-year-old who is a very keen partygoer and clubber, let me say — —

Mr Leane — He takes after his mother!

Mrs PEULICH — Actually my parents were far more strict, Mr Leane, although I did my fair share of partying and clubbing. It is every mother's nightmare when the young person steps out for a good night out. Whilst we try to raise young people to take the necessary precautions and to keep an eye out on their friends — and I think there has been a good culture of that amongst young people, rarely deserting a friend and keeping an eye out on each other, with one element of that being the designated driver code — the prospect of having food or drink spiked always crosses my mind as no doubt it crosses the minds of many parents and young people.

Whenever my son went out I always gave him a warning to make sure that he never took his eyes off his drink. I encouraged him and his friends to drink premixed drinks. The federal government has seen fit to tax these drinks more heavily and therefore discourage behaviours which in fact monitored or possibly reduced the incidence of drink spiking in clubs, pubs and the like. The federal government has been short-sighted on this. Clearly its taxation imposition was presented as an anti-binge drinking measure, but I think it was a very unwise one. Hopefully it will be revisited in the future, given the lack of any sort of sound health reason for its implementation.

The crimes legislation amendment bill before us is a step in the right direction. Introducing the regime will provide police with an opportunity to take necessary action, although the opposition, as Mr Rich-Phillips said, has concerns about how it is going to operate, given that the new summary offence does not apply to where a person is merely reckless and where intent needs to be proven.

The bill is a response to a 2007 report on food and drink spiking by the Model Criminal Law Officers Committee of the Standing Committee of Attorneys-General, based on research conducted by a very well respected organisation called the Australian Institute of Criminology. We have heard that the amendments to the Crimes Act 1958 extend the offence of administering a drug with the intention of rendering a person incapable of providing resistance to an act of sexual penetration and to also apply to the indecent act, and to amend the Summary Offences Act 1966 to create a new offence for the spiking of another person's food or drink.

Drink spiking is the covert placement of drugs, including alcohol, into a person's drink with the aim of either sedating them or incapacitating them in some way usually for the purpose of sexual assault or robbery. It certainly happens commonly around other countries in the world as well, and many tourists have found themselves at the receiving end of very cunning con artists who often use GHB (gamma-Hydroxybutyrate) in order to 'rob blind' unwitting and unsuspecting tourists, and in particular young, unsuspecting travellers.

Drinks most commonly spiked are alcoholic drinks, but spiking of soft drinks, coffee, tea and hot chocolate also occurs. Alcohol obviously is the most frequently used drug to facilitate sexual assault. It occurs when alcohol is added to either a non-alcoholic or an alcoholic drink — in particular the use of shots of spirits added without the request of the person imbibing the liquid.

Other drugs used in drink spiking — and we have heard some very well profiled and horrific stories — are Rohypnol, GHB and benzodiazepines. The majority of drink-spiking victims are young women. As was mentioned, 80 per cent of them are women; however, approximately 20 per cent of drink-spiking victims are men and, as the mother of a young male, I feel no more secure about what may await him than no doubt many mothers of daughters feel. Most drink spiking occurs in pubs and clubs, but drink spiking has also been known to occur at private parties, restaurants and many other locations.

The potential consequences of drink spiking can be very severe, both physically and emotionally, leaving many long-lasting scars, depending on the type of additive used and the motivation of the perpetrator. The primary risk is over-intoxication. The victim can be incapacitated and unable to respond, behave responsibly or look after themselves. It is alleged by the police that many victims suffer accidents, for example,

with motor vehicles and so forth or as pedestrians falling over and injuring themselves.

Memory loss, nausea and dizziness can occur. Dangerous physical consequences may follow. Over-depression of the brain or central nervous system leading to breathing suppression and coma are examples of that. Injury due to impaired coordination is another. Impaired judgement and behavioural abnormalities are also frequent. People behave in ways that they would ordinarily not behave due to that incapacitation, and this is where the greatest concern exists — this may also render them vulnerable to predators. Assault and rape are often the intention of a drink spiking.

Essentially, however, the MCLOC (Model Criminal Law Officers' Committee) found that although general offences cover spiking incidents that result in injury or death because you have an outcome, in most jurisdictions there was a gap in relation to the lower end of the spectrum of drink-spiking behaviour, as Ms Pulford said. Importantly, MCLOC found that the act of spiking drinks for a prank was not comprehensively criminalised by any jurisdiction.

The lack of reporting of drink spiking makes it difficult to have sound statistics that I think are essential to get a handle on these types of social issues and to make sure we have effective and comprehensive strategies to tackle drink spiking.

The Australian Institute of Criminology in its report titled *National Project on Drink Spiking — Investigating the Nature and Extent of Drink Spiking in Australia*, emphasised that the exact rate of drink spiking is difficult to establish, although the issue had gained a great deal of media attention in recent times due to the array of sexual assault cases involving the use of 'date rape' drugs such as Rohypnol, Valium or GHB, also commonly known as fantasy.

The Australian Institute of Technology has estimated that between July 2002 and June 2003 there were some 3000 to 4000 suspected drink spikings in Australia — that is a large number — one-third of which involved sexual assault and four out of five victims were female, as was mentioned earlier. Approximately one-third of these incidents involved sexual assaults. Between 60 and 70 per cent of these incidents involved no additional victimisation and between 15 and 19 suspected drink spikings occurred per 100 000 persons in Australia during the same period. But again it is very difficult to make sure these figures are up to date and uniformly maintained. Victim-centred statistics — those provided by sexual

assault services — have traditionally focused on sexual assault with the presence of drugs and/or alcohol being secondary. In making it a primary offence, this legislation will allow those types of figures to be better kept.

I agree with Ms Hartland that an effective education campaign involving young people is important. Often there are also cultural differences in relation to what is sexual assault and what is perhaps more aggressive pursuit of sexual favour. There are cultures where that is a more acceptable form of courting ritual, so I believe effective education programs are important. However, the onus is also on parents to raise their children with a full eye on the sorts of precautionary behaviours, including not imbibing too much alcohol and keeping away from drugs as a basic reduction of risk-taking behaviours.

In closing, President, I think it is a good move, but simple precautions such as, for example, never leaving drinks unattended and never allowing anyone else access to your drink are basic rules that young people need to observe. Young people and their parents or their families should always know who the young person is going out with and make sure about the company they are keeping because at the end of the day, if anything goes wrong, we need to take some collective responsibility. The lack of precaution when it comes to these potentially vulnerable situations could have very dramatic consequences for our young people and could often destroy young lives when they need not have occurred. With those few words, I commend the bill to the house.

Ms TIERNEY (Western Victoria) — I am very pleased to rise to speak in support of the Crimes Legislation Amendment (Food and Drink Spiking) Bill 2008. It is a very important piece of legislation, and it further demonstrates this government's commitment to protecting Victorians, particularly those who are potentially in vulnerable situations, in circumstances where people are out supposedly attempting to enjoy themselves in an environment where people around them may want to perpetrate harm on innocent bystanders enjoying the day or the evening.

At present there are laws in place against food and drink spiking in this state. However, this amendment addresses a gap identified in the Model Criminal Law Officers' Code, the MCLOC, in its final report on drink and food spiking. The gap I referred to that was contained in the report is the lack of an offence for spiking a person's food or drink with the intent of committing an indecent act, but either not playing out

this intent for any reason or the food or drink not being consumed by the would-be victim.

The legal purpose of the bill is twofold. Firstly, as previous speakers have outlined, it amends the Crimes Act 1958 to extend the offence of administering a drug with the intention of rendering a person incapable of providing resistance to an act of sexual penetration to also apply to an indecent act. The second aspect is to amend the Summary Offences Act 1966 to create a new food and drink-spiking offence.

The social purpose of the bill is about protecting Victorians and their right to feel safe while enjoying food and drink with friends, with family or on their own. In particular I believe this bill is about protecting young women. National research conducted by the Australian Institute of Criminology indicates that four out of five drink-spiking victims are female and about half are under the age of 24. A disturbing one-third experienced a sexual assault of some type. Food and drink spiking is an insidious act — a dysfunctional social behaviour that has increased significantly over time.

When I was younger and attended parties as a teenager and in my early adult life, this sort of behaviour was certainly not common at all. It is clear from my experience of talking with social workers, young women throughout western Victoria and workers at centres against sexual assault that this has been an increasing trend in recent times. A lot of it is not only to do with heavy alcohol consumption, as we have seen reported in the newspapers, but it also goes to the very heart of what we have talked about in legislation before this house last year: the lack of respect that unfortunately seems to be part and parcel of the relationship between genders. This is incredibly unfortunate and particularly unfortunate when it happens between young men and young women who have not even had the opportunity to enter into mature, full, loving and vibrant relationships, meaning that their first experience with the opposite sex is often an awful one.

Drink and food spiking has become part and parcel of a typical Friday and Saturday night. It is common not only in Melbourne's central business district but also in Geelong, Warrnambool and smaller towns throughout Victoria. The Australian Institute of Criminology has estimated that between July 2002 and June 2003 it suspected that the number of incidences of drink spiking were between 3000 and 4000. However, it has been suggested by the institute that this figure is definitely an underestimation due to the fact that we know many instances go unreported for a variety of

reasons. For example, victims may not remember the incident well enough, and they may also believe there is not enough evidence for the police to follow up the incident. Victims often feel embarrassed and that somehow they might not have behaved in a way to protect themselves well enough against what happened to them.

I believe the passing of the Crimes Legislation Amendment (Food and Drink Spiking) Bill 2008 will provide encouragement for people to come forward and report drink and food spiking, particularly if the media continues to provide good and accurate coverage of this type of proactive legislation that the government is introducing. If we talk about it more, then people will think that it is not only common but also it can happen to them. If we can get that conversation going more and more among young boys and girls, then we are at least teaching them to start protecting themselves and start thinking about the issues that surround the problem. By creating a heightened sense of awareness of this offence I believe it will drive down and create a lower incidence of what I consider to be an appalling set of social behaviours. Hopefully it will make young people a little more circumspect about their surroundings when they go out, pay attention to what their interactions are with other individuals in their company, and think not once, not twice but three times when they ingest food and drink.

This amendment is important because it amends the current laws to include instances where someone spikes another person's drink with the intent of causing harm but does not get the chance to carry out that intent. This amendment creates a punishable offence of intending to spike a person's drink or food to carry out an indecent act, even if the indecent act is not carried out or the food or drink is not consumed. It makes it perfectly clear that food and drink spiking is a totally unacceptable practice, regardless of whether the drug is ingested or not. The amendment creates full protection under the law for all Victorians in relation to having food or drink they are consuming spiked with a drug.

I am pleased to speak on this matter and be part of a government that is committed to protecting all Victorians, particularly young Victorians. I also concur with the views that school and peer education programs in this area need to be continued and indeed ramped up. I was heartened by the Premier's comments in his statement of intent this afternoon, because the sentiments he explored today are certainly part and parcel of what I consider to be a major reform agenda this government will be carrying forward, particularly when it comes to personal and interpersonal

relationships among younger Victorians. I commend the bill to the house.

Mrs COOTE (Southern Metropolitan) — I have great pleasure in speaking on this bill, yet I have some caution and concern as well. My colleague Gordon Rich-Phillips put the position of the Liberal Party in a very succinct and cohesive way, so I will not go over the details that he has been through tonight, but I would like to place my concerns on the record. As this chamber knows, for a long time I have been very concerned about alcohol-fuelled violence. We have a lot of it in and around Prahran and St Kilda and in other parts of Southern Metropolitan Region. Drink spiking is another part of this problem. It is another aspect of this concerning situation and has to be looked at. I welcome this bill, which is timely. It needs to be taken on board and for us to have a good look at the problem and do something about it.

I would like to put on the record some of the issues that are relevant to my area. It is interesting to note the increase in the number of licensed venues. In Stonnington, for example, between 2000 and 2007 there was a 54 per cent increase in the number of licensed venues. In Boroondara the increase between 2000 and 2007 was 80 per cent; in Port Phillip over that period there was a 51 per cent increase; in Bayside, a 72 per cent increase; and in Glen Eira, a 93 per cent increase. I have a lot to do with the licensees and clubs in my electorate. I would like to praise the people involved in the industry in Stonnington. The police, the Stonnington licensees, the council, the residents and the retailers all work very cohesively in an accord to try to get things sorted out to avoid some of the violence.

The clubs have security and are very conscious of trying to stay within the realms of expectations. In Chapel Street the fast food outlets have caused more problems than the clubs. For example, at the fast food outlet KFC the hamburgers and chips have to be handed through a grill after midnight because of the violence that has been perpetrated against the people in that venue.

People come to this area because it is a precinct. They come because they want to have a good time; they want to be among the younger people who are there, and it is important that they have a happy and safe time while they are there. All of the people who are in the accord are striving for that to occur. But the issue of drink spiking has to be publicised. We have to make certain that the young people know what to look for, how to approach and deal with the issue — not just the people who might be intimately involved but also the people who are their friends, so they know how to report it

properly, they know what the signs are, and we have to make certain it is part of learning how to club responsibly and safely.

I have run a drug and alcohol forum in my electorate, and the young people have said to me that they are not taught the nightclub protocols. They are taught about drugs, alcohol and safe sex, but they are not taught about what the protocols are for nightclubbing. When these young girls, in particular, first start nightclubbing, of course they will be vulnerable.

A huge number of very comprehensive statistics have been put out by the Australian Institute of Criminology. It said that the exact rate cannot be ascertained due to a number of factors — jurisdictional differences in data extraction and recording; and underreporting as victims can experience memory loss, feel scared or embarrassed after the incident, may not regain full consciousness for a couple of days, may feel it is a personal or trivial matter, may blame themselves or may believe there is nothing the police can do as there is a lack of evidence. The very fact that these statistics have been collected is worrying in itself.

Young people should not feel scared to report it or should have enough faith in the police to think that something constructive can be done. These are concerns that need to be addressed as a matter of urgency. It is the community's responsibility to do something, and it is incumbent on all of us to make certain that we raise this debate.

It is interesting to note, once again from the Australian Institute of Criminology, some of the effects on a victim. Spiking can have a devastating and long-lasting effect on a victim. In the short term it may include muscle spasms and vomiting, loss of consciousness, lack of balance or coordination, slurred speech and respiratory difficulties. But the most insidious thing for me is the sexual predators, the mainly men who do this to young women to gain sexual favours. In my electorate it does not just involve alcohol. I remind the chamber of the hot chocolate rapist and ask members to remember the huge number of victims he targeted, isolated and worked on; then he spiked their hot chocolate and raped them.

He was someone they knew; they did not expect for one moment that there was something untoward happening. He was involved in hundreds of cases. He lived in suburban Glen Iris. His neighbours could not believe he had been perpetrating these evil and sinister spiking events for a considerable time. He was also filming sexual acts. You can imagine how violated these women felt. We have read some of the stories. He

was someone the people knew, and he got away with it for so long. Many members in the chamber tonight have daughters, granddaughters, sisters or nieces. We are all worried about what might happen to them. We want them all to go out and have safe and happy times at nightclubs. We want them to enjoy themselves and to be able to be young, but how do we warn them about someone like the hot chocolate rapist? How do you tell your children that it is something they need to look at? It is extremely difficult. The fact we are debating it here tonight is very important.

The amendments in the bill are to the Crimes Act 1958. Clause 3 inserts a new subsection into section 53 of that act to provide that a person must not administer a drug, matter or thing to a person or cause a drug, matter or thing to be taken by a person with the intention of rendering that person incapable of resistance and thereby enabling him, her or another person to commit or in any way be party to the commission of an indecent act with that person.

The spirit of this bill is right. It is a debate that we as a community must have. It is our responsibility and is imperative upon us as legislators, parents, friends, sisters and aunts to get this out into the community. On that note, I will cease my contribution. I believe the bill is something worthwhile. It is something about which we all need to debate out there, and I thank the house.

Mr LEANE (Eastern Metropolitan) — I wish to make a very brief contribution to the Crimes Legislation Amendment (Food and Drink Spiking) Bill 2008. Sometimes when we rise in this place to speak, we say we are pleased to speak, but I agree with the sentiments expressed by Ms Hartland and Ms Tierney in that it is a shame that this phenomenon has come up in this generation. I want to echo what they said. People in my generation, especially young women, could go out and not have to worry about people having to mind their drinks, as Ms Hartland said, or someone spiking their food or drink without their knowing or perhaps assaulting them in a most heinous way.

I take note of the statistics referred to by Ms Tierney. Research indicates that four of every five victims of drink spiking are female, and half of them are under the age of 24 years. I have two daughters, who are aged 21 and 23 years, and those statistics drive home to me the concern of parents about this new phenomenon. I commend this bill to the house. Drugging someone on purpose without their knowledge, especially to take advantage of them, is a disgrace. That is why it is important that there be an amendment to the Crimes Act relating to sexual assault, not just to sexual penetration.

This bill is not designed to include someone who has inadvertently put too much vodka in the punch and caused people to overindulge, because in that instance there is no intention to harm. It is about people intentionally drugging others without their knowledge. I commend the bill to the house.

Mr ELASMAR (Northern Metropolitan) — I rise to contribute to and support the proposed amendments. As a parent, I can think of nothing worse than a child or young person having their food or drink spiked with alcohol or drugs without their consent or knowledge. Too often we read in our newspapers or watch on the nightly television news reports of cases where young people have had their drinks adulterated by some date rape drug. These drugs have the effect of lowering resistance to sexual advances. These drugs can not only cause heartache but they can also be very dangerous to the victim's health. In some severe cases of overdosing or allergic reaction they can even result in injury or death.

This bill delivers on the government's commitment to reforming the law relating to food and drink spiking. The aim is to provide protection, particularly for young people, against harm and sexual assault. Some young people out for a social night on the town have been known to secretly spike their friends' drinks just for laughs. The consequences of these actions are not funny. Often they can result in serious car accidents. Accordingly, this bill creates an offence where a person gives another person, or causes another person to be given or to consume, food or drink that is spiked, knows that the victim is not aware or is reckless as to whether the victim is aware that the food or drink is spiked, and intends the victim to be harmed by the consumption of the food or drink. The bill proposes a maximum penalty for this offence of two years imprisonment.

I believe it is very difficult for us to know how many times this happens and exactly how many victims are out there. We know that it is underreported to the authorities, and we know that women and girls are the main victims. We as a government have a duty to protect our citizens — particularly our children. This bill will make the criminals and the irresponsible idiots think twice about having some 'fun' at the expense of some unsuspecting person. It is not funny, and this bill recognises that fact. I commend the bill to the house.

Motion agreed to.

Read second time.

Third reading

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

That the bill be now read a third time.

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

Motion agreed to.

Read third time.

**RESOURCES INDUSTRY LEGISLATION
AMENDMENT BILL**

Introduction and first reading

Received from Assembly.

**Read first time for Hon. M. P. PAKULA (Minister
for Industry and Trade) on motion of
Hon. J. M. Madden.**

Business interrupted pursuant to standing orders.

ADJOURNMENT

The PRESIDENT — Order! The question is:

That the house do now adjourn.

Racing: regional and rural Victoria

Ms LOVELL (Northern Victoria) — The matter I wish to raise is for the attention of the Minister for Racing regarding the proposed changes to country racing. My request of the minister is for him to preserve the future of country racing and country communities by ensuring that not one country horse training facility is closed down and that all current race meetings are retained. Proposed changes announced just before Christmas include the closure of 19 training facilities and the loss of 51 race meetings, including training centres in my electorate at Tatura, Benalla, Mansfield, Kerang, Yarra Valley and Warracknabeal. From 2010, trainers at these centres will be asked to relocate to larger training venues, in some cases more than 100 kilometres away, without any compensation. There is no doubt that many trainers will be unable to relocate and will be forced to leave the industry.

I would like to outline what that will mean for some of the communities in my electorate. The proposed changes threaten to remove \$43 000 of funding allocated to Mansfield District Racing Club for track

maintenance. The loss of trainers at this venue will impact severely on local businesses which supply them with feed and other supplies. This loss of trade will apply to every country community affected by these changes. The Mansfield community expects to lose at least 15 to 20 direct jobs as a result of the loss of the training facility. The Benalla Racing Club is set to lose around \$127 000 in funding and from losing two race meetings. The loss of this facility could force 32 trainers out of the industry and cost many more jobs in the local community.

Tatura and Shepparton racing clubs are set to lose \$120 000 in funding. There are currently 25 trainers at Tatura, and it is expected that 50 jobs would be lost due to the closure. Downgrading of race tracks and the closure of training venues will have a significant economic impact on country Victoria, including the loss of jobs, loss of income to feed suppliers and other suppliers, reduced spending in local shops, fewer children at local schools and fewer jobs for teachers.

Unlike metropolitan racing, country racing is not the sport of kings. Country race clubs are vital for the industry. They are training grounds for young jockeys and lesser known thoroughbred horses, and they are also often the first point of contact where young racegoers develop a love of the sport.

The proposal is that a further eight tracks in my electorate will lose meetings. Merton and Yea are listed as tracks at risk, and Bendigo and Benalla are listed as clubs at risk due to sustainability concerns. Many smaller venues like Merton rely heavily on their annual race meeting to raise funding for sporting clubs, the local fire brigade, Landcare and other community groups. Merton may have been able to survive the loss of the \$12 500 in track funding if it were not for the proposed requirement that it must maintain \$50 000 in a cash asset. This requirement will see an end to racing in Merton.

The changes to country racing are expected to save the government just \$2 million, which will be transferred to metropolitan clubs. This amount is just a sliver of the money country racing brings into rural and regional communities. The minister must preserve the future of country racing and country communities by ensuring that not one country horse training facility is closed down and that all current race meetings are retained.

Otway Basin: carbon storage

Mr VOGELS (Western Victoria) — I raise an issue for the minister responsible for the infrastructure department, but I am not sure which minister that is. I

have asked, but I am not sure whether it is John Lenders, Justin Madden or Martin Pakula, because they all seem to have something to do with it. It concerns an issue that surrounds the Otway Basin carbon capture and storage project at Nirranda. We all understand the importance of this project, which is trialling the carbon sequestration of greenhouse gas underground where the CO₂ can be stored safely rather than polluting the atmosphere.

Mr Viney — On a point of order, President, Mr Vogels said in his opening remarks the responsible minister might be one of three ministers. The member needs to specify which minister he is directing the adjournment matter to.

Mr VOGELS — It is to the minister responsible for what was called the department of infrastructure, and so far I have not been able to find out who that is. I asked the Leader of the Government, and he said, 'I am responsible for certain parts of infrastructure, and Martin Pakula is responsible for certain parts'.

The PRESIDENT — Order! I am advised that Mr Vogels has to name the minister.

Mr VOGELS — I am happy to refer my matter to Mr Batchelor, the Minister for Energy and Resources. Along with the minister, federal minister Martin Ferguson, and many other dignitaries, I went to the opening of this plant. Governments of all persuasions, both Labor and Liberal, agree that the technology could be the answer to solving CO₂ emissions from our coal-fired power stations.

It therefore disappoints me that I have to raise this issue on behalf of Peter Parsons, the owner of the property where the plant to trial geosequestration has been built. Mr Parsons received a letter from the then Department of Infrastructure, dated 13 July 2007, which says:

On 19 June 2007 the Minister for Planning identified your client's property as 'Special Project Land' for the Otway Basin Carbon Capture and Storage Project, by placing a Gazettal Notice in the *Government Gazette*, No. S 131.

Attached is the Notice of Acquisition, Offer of Compensation and Plans identifying those parts of your client's property the Secretary to the Department of Infrastructure ... has acquired together with other statutory notices and forms setting out what is required under the Land Acquisition and Compensation Act ...

Mr Parsons informs me that he is owed more than \$5000 for the works carried out in connection with this project. Mr Parsons has provided invoices. There is an invoice dated 5 March 2008 for 'fence repairs after damage done by CO₂ workers for materials and labour' for \$1640. Another invoice is for 'spraying Roundup,

for grass seed, power harrowing', and so on, 'to repair the property after the CO₂ plant was being built and upgraded', for \$2048, in April 2008. There is yet another invoice for \$1328.80 for 'gravel for south-side gateways that were dug during the laying of pipelines, for gravel and cartage'.

The action I seek from the minister is to ensure that Mr Parsons is reimbursed for the costs accumulated due to the siting of this facility on his property. Surely that is not too much to expect when you have some of your property acquired for this world-breaking technology.

Schools: Netbook project

Ms BROAD (Northern Victoria) — My adjournment matter is for the attention of the Minister for Education, Bronwyn Pike. To mark the start of the 2009 school year yesterday, the Premier and the Minister for Education launched a new three-year trial of mobile mini Netbook computers, called the Netbook project.

This project is a further action and demonstration by the Brumby Labor government to make sure Victorian government school students remain at the forefront of the technological revolution. The Brumby government is investing more than \$142 million every year on information and communication technologies. Almost 10 000 schoolchildren will receive Netbook computers through the Netbook project, one of the nation's most exciting educational programs.

Portable computers called Netbooks weigh just over 1 kilogram and fit easily into a school bag. I am told that loaded with the software students need, and backed up with in-school technical support, the Netbooks will give participating students the tools to learn in a digital age. As well as that, wireless internet access will be available at school, and Netbooks will also be used at home with or without internet access. The best part is that families participating in the Netbook project will lease a wireless-enabled computer for their child for just \$52 a year, the equivalent of \$1 a week.

The action I seek from the minister is to require her department to expedite delivery of mini Netbook computers to schools in my electorate of Northern Victoria Region. Some 136 schools are to benefit from this project in Northern Victoria Region, including schools in Mildura, Merbein, Red Cliffs, Ouyen, Murrayville, Irymple, Robinvale, Walpeup, Swan Hill, Kerang and Pyramid Hill, as well as all of the other 136 schools to benefit in the Loddon Mallee region.

I take this opportunity to congratulate the Premier and the minister on Labor's actions to continue standing up for families and providing the benefits of a modern education to families no matter who they are or where they live.

Nursing homes: air conditioning

Mr P. DAVIS (Eastern Victoria) — I raise a matter for the attention of the Minister for Senior Victorians.

The PRESIDENT — Order! The member must name the minister.

Mr P. DAVIS — I said, 'The Minister for Senior Victorians'.

The PRESIDENT — Order! I am advised that members should actually name the minister.

Mr P. DAVIS — The minister is Lisa Neville, but this is new procedure to me.

The PRESIDENT — Order! My advice is that members have to name the minister.

Mr P. DAVIS — On a point of order, President, before we go any further — and it is unusual to do this while I am speaking — you have given advice from the chair in relation to the procedure on the adjournment, which is an entirely new procedure to that which has been followed here in all the time that I have been in the Parliament, and I have been in the Parliament for a considerably longer time than the President incumbent in the chair.

The procedures under our guidelines have been to name the minister responsible. The minister in the house who, under this government, by delegation is dealing with matters relating to the adjournment debate, takes the matter on notice and refers it to the minister responsible.

The point I make is simply that we have always named the title of the minister, not the name of the minister.

The PRESIDENT — Order! The fact is that in a ruling of the President of 7 October 2003 under 'Technique for raising matters' it is stated that:

The following four stage process should be used —

indicate the minister to whom the matter is being directed ...

That, I think by any stretch, means the minister by name.

Honourable members interjecting.

Mr O'Donohue — Further on the point of order, President — —

The PRESIDENT — Order! I advise the house that I stand corrected and that Mr Davis was correct.

Mr P. DAVIS — Thank you, President. I wonder if I could seek your indulgence and wind the clock back to where I started?

The PRESIDENT — Order! I will let Mr Davis finish: just keep going.

Mr P. DAVIS — Thank you, President; it is very gracious of you. The matter I raised for the Minister for Senior Victorians relates to a constituent whose mother lives at the Domain nursing home at Sale. The family removed her from the home for the course of last week's heatwave because of health concerns. I know the woman involved. She is an elderly woman with a frail constitution, and I can well imagine that the heat of last week would have been intolerable for her. The home is operated by Domain Aged Care, which is based in Brisbane and has 16 facilities in Victoria and Queensland. It has an air-conditioning system installed, but the system has apparently not functioned for two years for want of a spare part replacement.

The situation exposes a gap in commonwealth and state legislation and guidelines for the construction of aged care facilities.

The Victorian Health Services Act says:

... residents should be provided with a sufficient level of nutrition, warmth, clothing and shelter in a homelike environment.

It emphasises 'homelike environment'. What would appear to be the latest building guidelines of Human Services Victoria, published in 1999, makes two points:

Air conditioning should be considered for group areas ...

and:

Air conditioning should be considered for the entire facility where climatic conditions require it —

So it 'should be considered', but is not mandatory. In extreme conditions of both heat and cold a primary health care concern is for the impact on the elderly. Many lives are lost in climatic extremes, and there have been reports that as many as 30 people died in Victoria during last week's extreme heat. I would suppose that the majority of those would have been elderly people.

Clearly air conditioning is an obvious precaution, particularly for the elderly. It is intolerable that families

of elderly citizens who put their loved ones into aged care homes presuming that they will be properly cared for, almost by accident, that either the homes are not adequately maintained or that the engineering is simply unsatisfactory.

This is a glaring gap in the way that senior citizens are cared for in Victoria. I would ask that the Minister for Senior Victorians take action to ensure that proper care by way of cooling arrangements is in place for elderly citizens in this state.

Planning: fire regulations compliance

Mr KOCH (Western Victoria) — My matter is for the Minister for Planning, who is at the table, and concerns the obligations of non-profit community groups and organisations to comply with new essential safety measures for buildings constructed before June 1994. These measures include all traditional building fire services such as sprinklers, firefighting equipment, fire doors, fire rating of structures, smoke detectors, emergency lighting and permanently lit exit signs.

Maintaining essential safety measures is necessary to ensure they are operational, particularly in the event of a fire within an occupied building. A professionally prepared report is required to record evidence of maintenance and compliance with safety measures for the buildings. Until now, these regulations applied only to buildings constructed after 1 June 1994, but as a consequence of the amended Victorian Building Regulations of 2006 there is now an obligation to prepare an annual essential safety measures report for all buildings used for public purposes.

Many older buildings used infrequently by non-profit community groups, particularly in country towns and isolated areas, do not have any fire services installed. These buildings will now need to be inspected for their maintenance and compliance with safety measures. All non-residential buildings used by community and non-profit groups are required to be inspected and have an annual essential safety measures report prepared by 13 June of each year, with the first report due before 13 June 2009.

I am advised by a church secretary representing small congregations in outlying places of worship in western Victoria that a professional inspection and report will cost approximately \$1200 for their three properties. If an inspection is not undertaken or the services are not properly maintained, the municipal building surveyor or chief fire officer can issue a building notice to rectify outstanding items or issue a fine of up to \$1000 in the first instance. For continuing non-compliance the

penalty is \$10 000 for each breach, and the premises can be closed indefinitely or until the maintenance items have been rectified.

The added cost of installing fire services, especially 24-hour, seven-day-a-week emergency exit signs that are lit and other power requirements in many isolated rural meeting places that do not necessarily have electricity, means that smaller churches and sporting, cultural and other non-profit community groups will be hit hard by this new cost burden that may threaten their very existence. This new level of red tape is seen by many as a deliberate ploy by the Brumby government to shut down older not-for-profit community meeting places.

My request is for the minister to grant these groups an exemption from having to pay the high cost of complying with these new, onerous and needless regulatory requirements.

Parks: Kilsyth South retarding basin

Mr O'DONOHUE (Eastern Victoria) — I raise a matter for the attention of the Minister for Water, the Honourable Tim Holding. It relates to the Liverpool Road retarding basin. This is land that is owned by Melbourne Water but has been used as a public park for approximately 40 years. The park is located in Kilsyth South and is a focal point for that broader community for recreation, particularly with dogs. Dogs and other pets have always been allowed in the park, and it is very popular with people who have dogs and wish to walk them or let them have a swim.

People in the community who use this facility are most concerned that Melbourne Water has a plan to effectively remove people and their pets from the park. Melbourne Water has done a study and, in its words, consulted with stakeholders, which to my understanding only included adjoining landowners. On the basis of that study and the work they have done, Melbourne Water officers decided to remove some of the amenities in the park, including seating, a rotunda and a pier to access the lake on the site. They did this last December. Many of the local residents fear that in a short time they will no longer be able to use the park at all. Melbourne Water cites the environmental value of the park and the need for the retarding basin for flood mitigation purposes as its primary reason for existence, but notwithstanding these concerns, surely the needs and interests of the people who wish to use the park for recreation and exercise should be considered, particularly in these times when getting people to exercise is becoming more and more difficult.

I congratulate Karen Martin and members of the new committee that has been formed to advocate for the retention of the Liverpool Road retarding basin as a public park.

The action I seek from the minister is that he direct Melbourne Water to retain the Liverpool Road retarding basin as a public park with public access, including for pets, in the future, to manage this access with the environmental concerns that have been identified and to reinstate the amenities that were erroneously removed in December 2008 so that users have access to the park and the benefit of the amenities necessary to enjoy it to its full potential.

Tourism: Mitchell shire

Mrs PETROVICH (Northern Victoria) — My adjournment matter today is for the Minister for Tourism and Major Events and concerns his regional tourism action plan, which was released just prior to Christmas. In these difficult economic times, particularly in regional Victoria, any action plan to assist vital sectors of the community such as tourism operators is welcome. However, I wonder just how much of the state our tourism minister has actually visited himself. Has he stepped out of his city pad and experienced country life and all it has to offer? I do not think so. In his action plan he seems to have lost a lot of the state. There are large chunks of his jigsaw missing — not least the area where my office is located. Not one attraction from the Mitchell shire got a mention. Once again it appears that the member for Seymour in the Assembly has failed to deliver for his electorate. Kilmore, where my office is located, is the oldest inland town in Victoria, but it does not get a mention. Nor does Seymour, which is home to some of Australia's most prestigious thoroughbred studs, not to mention wineries.

The Mitchell shire does not fit into any of the regions. The regions mentioned are: the Yarra Valley and Dandenong Ranges; the Mornington Peninsula; Daylesford and the Macedon Ranges; Phillip Island; the Great Ocean Road; Goldfields; Grampians; High Country; Gippsland; and the Murray. None of these comes close to encompassing the Mitchell shire. In close proximity to Melbourne, it is a perfect destination for a day's outing or stop-off, and yet it has no place in the Victorian government's regional tourism plan.

Apart from superb food and wine or a day at the races, there is a wealth of other activities that should be supported by this government. They include the Bylands tramway museum, the tank museum at Puckapunyal and the Goulburn River, which, although

vastly depleted, is a lovely place to visit. There are still places for fishing, boating and leisurely walks, and there are the Tallarook and Mount Disappointment state forests — perfect for bushwalking, picnicking, horseriding and scenic drives. You can also discover Trawool Valley, which is heritage listed for its scenic beauty, and it does not take long to discover why. The list goes on.

The action I seek from the minister is that he explain why the Mitchell shire's attractions have not been mentioned in his action plan and that he seek to remedy what I am sure is an oversight.

Metropolitan Fire Brigade: Footscray station

Ms HARTLAND (Western Metropolitan) — My adjournment matter is addressed to the Minister for Police and Emergency Services and is in regard to the recent refurbishment and upgrade of the Footscray fire station in Droop Street, Footscray. The United Firefighters Union has documented its concerns about the inefficient spending of public money and the major flaws in the upgrade of this station.

On 15 January I attended a community meeting at the Footscray fire station. The purpose of the meeting was to highlight the flaws in the recent refurbishment. There are many problems, but I will highlight only a few. The fire station's ladder platform vehicle now has to be stationed 11 kilometres away in Deer Park because the rear entrance driveway is too narrow since the renovation. This has significant implications for response times. Firefighters were previously located on the ground floor but have been moved to the third floor, so they have to navigate three flights of stairs when responding to an emergency. It must be remembered that they have only 90 seconds to leave their quarters and be on the truck.

The refurbishment prevents access by members of the community who have a disability. Lectures are delivered in the community lecture room, which is located on the third floor and can only be accessed via five flights of stairs. A lift features in the official plans that were submitted and endorsed by council in planning permit TPO5/4099, but there is no lift and no lift shaft. This appears to undermine the Metropolitan Fire and Emergency Services Board disability action plan, which was launched in December 2008.

There seems to be a pattern emerging within the MFESB regarding refurbishment or upgrading of its facilities, such as at Footscray and the Burnley training centre, which cannot be used because of contamination and major faults on the site. The action I request is that

the minister visit Footscray fire station to talk with staff there, observe the problems they are confronting and then explain how he will rectify this unsatisfactory situation.

City of Wyndham: election

Mr FINN (Western Metropolitan) — I wish to raise a matter for the attention of the Minister for Local Government, Mr Richard Wynne. It concerns the aftermath of the Wyndham City Council elections in November last year.

In raising this matter I congratulate the newly elected mayor of Wyndham, Cr Shane Bourke. This is not the first time that Cr Bourke has been mayor, but he has the mantle again and I am sure he will do an extremely good job, as he always has in the past. The results of the election last year saw for the first time, in my understanding, a non-Labor majority elected to the council. This caused great consternation among some in the Wyndham community. In one ward Cr Glenn Goodfellow had a surprise victory when he defeated Cr Leigh Barrett. What was even more surprising was that Cr Barrett then lodged a protest with the Victorian Electoral Commission. I am very pleased to say that protest was just today dismissed. Mr Barrett is perfectly entitled to lodge a protest; that is the right of every candidate in every election. What is of particular interest in this regard is that just before the defeated councillor lodged the protest he let slip to the local newspapers that he was lodging his protest at the urging of the member for Tarneit in the Assembly, the Minister for Roads and Ports, Tim Pallas.

This leads to the serious question of what role Mr Pallas and his office played in this election, the goings-on after the election and the counting of votes. I ask Minister Wynne to investigate the involvement of his ministerial colleague in this election and in particular any undue influence that may have come from the office of the member for Tarneit and any illegality which may have occurred as a result of any undue influence exerted by Mr Pallas in this regard. I ask the minister to hold this inquiry as soon as is humanly possible and to report back to the Parliament so that the people of Wyndham can be assured that everything has been done to protect their rights as voters in a council election.

Monash Freeway: noise barriers

Mrs COOTE (Southern Metropolitan) — My adjournment matter tonight is for the Minister for Roads and Ports and is in regard to the issue of freeway noise levels in the city of Boroondara. There is

currently a disparity among Melbourne suburbs with regard to acceptable noise levels from freeways. An example of this was in September 2008, when the Brumby government announced the imminent opening of a new 3.5-kilometre outbound lane on the Monash Freeway between Forster Road and Warrigal Road as part of its \$1.39 billion M1 upgrade. VicRoads told residents that noise generated by motor vehicles after the road expansion would exceed the former Brumby government's noise cap of 63 decibels, so it would be replaced by a new cap of 68 decibels.

It has been reported that this 5 decibel increase will result in freeway noise being 30 per cent louder. The Boroondara City Council is particularly concerned about this and former mayor Coral Ross wrote to me with her concerns. She said in disgust that the government was neglecting her community and that despite numerous representations to government ministers, the state government continued to be unwilling to address this issue. She went on to ask for my assistance in persuading the Brumby Government to implement a sensible, responsible and equitable outcome for the residents of Boroondara.

A lot of research has been done on freeway noise. The World Health Organisation (WHO) has done some extensive research into this area and has come up with some quite surprising results. It conducted a study in Austria which showed that an exposure to noise over 65 decibels by day led to an increase in cardiovascular disease. It also looked at a study undertaken in the Tyrol region of Austria consisting of 12 800 children being exposed to between 50 and 60 decibels of noise — keep in mind that the Brumby government has said that 68 decibels is acceptable for the people of Boroondara. The result of the WHO study in the Tyrol was that these children had learning problems, sleeping difficulties, a rise in stress hormones and a rise in cardiovascular disease. So we have a number of problems here.

On the Monash Freeway between High Street and Burke Road, Glen Iris, southbound traffic between 7.00 a.m. and 9.00 a.m. is projected to increase 63 per cent, from 10 300 to 16 800, by 2011. Members can imagine what the increase in decibels is going to be. The action I am seeking is for the minister to work, as a matter of urgency, with the City of Boroondara council and implement measures in regard to maximum freeway noise levels that are in keeping with the desires of the community.

Responses

Hon. J. M. MADDEN (Minister for Planning) — Wendy Lovell raised the matter of horse training facilities and race meetings in country Victoria, and I will refer this to the Minister for Racing.

John Vogels raised the matter of the Otway Basin and carbon capture project near Nirranda and the associated costs of a particular land-holder, and I will refer this to the Minister for Energy and Resources.

Candy Broad raised the matter of notebook computers throughout the Loddon Mallee region in her electorate, and I will refer this to the Minister for Education.

Philip Davis raised the matter of health service accommodation and cooling for senior Victorians, and I will refer this to the Minister for Senior Victorians.

David Koch raised a matter for me about safety measures and maintenance audits required for buildings for public use. I am happy to take that one on notice. If he would provide me with some of that detail, I can get the Building Commission to provide me with information as to whether that is an overly strict interpretation of the regulations provided or whether that is accurate and needs to be addressed in a way which is sympathetic to the needs of those communities. Sometimes the advice that some of these communities get is an overly strict interpretation of certain regulations by consultants who may take a cautious approach to them. I am happy to provide clarity through the Building Commission on those matters for Mr Koch and the specific group that he mentioned. I am also conscious of the broader issues for associated buildings throughout isolated communities in regional and rural Victoria.

Edward O'Donohue raised the matter of the Liverpool Road retarding basin in Kilsyth South and of public access to it, particularly for those with pets and dogs, and I am happy to refer this to the Minister for Water.

Donna Petrovich raised a matter relating to the regional tourism action plan in the Mitchell shire and its relative attractions, and I will refer this to the Minister for Tourism.

Colleen Hartland raised the matter of the Footscray fire station and the difficulties of the particular works at the fire station. I understand it has been certified for use in compliance with the building code, but if there are other issues relating to the servicing or use of that building, I am happy to refer that to the Minister for Police and Emergency Services.

Bernie Finn raised a matter of the City of Wyndham elections. I am happy to refer that to the Minister for Local Government.

Andrea Coote raised a matter of freeway noise barriers, and I am happy to refer that to the Minister for Roads and Ports.

Before members spring to their feet, I have written responses to adjournment debate matters raised between 9 April and 4 December 2008. I have, in total, 80 government responses for tabling.

Mr P. Davis — On a point of order, President, not having been presented with any of the responses I am seeking tonight, I give the minister the courtesy of indicating that I may be doubling up here, but I cannot help but bring to the attention of the house that on eight adjournment issues outstanding, dating as far back as this time last year — on which reminder letters have been sent on more than one occasion to the ministers responsible, and which I have raised in the house previously — I am now seeking under sessional orders an explanation as to why responses have not been provided to matters raised on certain dates.

They are: 5 February, to the Minister for Public Transport, regarding rail services on the Gippsland line; 11 June, to the Minister for Regional and Rural Development, regarding Mallacoota community centre; 12 June, to the Minister for Regional and Rural Development, regarding regional and rural Victoria tourism initiatives; 9 September, to the Minister for Public Transport, regarding the rail level crossing at Lindenow South; 7 October, to the Minister for Agriculture, regarding the Melbourne Wholesale Fish Market closure; 15 October, to the Minister for Public Transport, regarding the bus service to Buchan; 28 October, to the Minister for Senior Victorians, regarding rail travel for senior Victorians; 30 October, to the Minister for Health, regarding Box Hill Hospital patient services.

On several of these matters, I have received responses by way of letters from ministers — on Gippsland line rail services, Lindenow South level crossing and the Buchan bus service. However, on most I have had no reply at all. The sessional orders specifically require that responses be provided to the house for incorporation in *Hansard* as a matter of public record, as distinct from simply a minister writing to a member outside the chamber, so there are a number of issues outstanding on which I am seeking the government to provide a proper explanation. I would be satisfied if that explanation was forthcoming on notice later this week, because there are other steps that I can take, as a

frustrated member, in relation to sessional orders on these matters, and I guess I will have no choice but to do so.

The PRESIDENT — Order! Before I ask the minister if he is able to assist Mr Philip Davis this evening I would remind the minister and his colleagues that paragraph (2) in the ‘Responses to matters raised on the daily adjournment debate’ in the sessional orders states:

When a response is provided in writing, before the daily adjournment debate is concluded, a minister will advise the Council of the responses being provided, including the date the matter was raised and the name of the member who raised the matter.

This is a standard, if you like, that has tended to slip. Is the minister able to help?

Hon. J. M. MADDEN — In the only responses I have listed here, there are maybe five or half a dozen which are directed specifically to Mr Davis. I hope they may be the responses he is seeking. I am happy to take up those matters with those who link up with ministers in the other chamber, and I am happy to have them seek to provide the member with those respective answers as quickly as possible.

Mr P. Davis — I am grateful for the response, and I want to reiterate, in case the point was missed, that — —

The PRESIDENT — Order! Is Mr Davis raising a point of order?

Mr P. Davis — On a point of order, President, it is in relation to ministers thinking they are responding appropriately by writing to me; the point of the adjournment debate and the sessional orders is that that response needs to be incorporated in *Hansard*, not through a private letter to the member.

Hon. J. M. MADDEN — The point is taken, and I am happy to relay that to my colleagues.

The PRESIDENT — Order! The house now stands adjourned.

House adjourned 10.42 p.m.

Tuesday, 3 February 2009

JOINT SITTING OF PARLIAMENT

Legislative Council vacancy

Honourable members of both houses met in Assembly chamber at 6.19 p.m.

The Clerk — Before proceeding with the business of this joint sitting it will be necessary to appoint a Chair. I call the Premier.

Mr BRUMBY (Premier) — I move:

That the Honourable Robert Smith, President of the Legislative Council, be appointed Chair of this joint sitting.

He is willing to accept the nomination.

The Clerk — Are there any other proposals?

There being no other proposal, the Honourable Robert Smith, President of the Legislative Council, will take the chair.

The PRESIDENT — I draw the attention of honourable members to the extracts from the Constitution Act 1975 which have been circulated. It will be noted that the various provisions require that the joint sitting be conducted in accordance with rules adopted for the purpose by members present at the sitting. The first procedure, therefore, will be the adoption of the rules.

Mr BRUMBY (Premier) — I desire to submit the rules of procedure which are in the hands of honourable members, and I accordingly move:

That these rules be the rules of procedure for this joint sitting.

Mr BAILLIEU (Leader of the Opposition) — I second the motion.

Motion agreed to.

Mr Ingram — On a point of order, President, I would like to have my dissent recorded in relation to the process of filling casual vacancies.

The PRESIDENT — It is recorded.

The rules having been adopted, I now invite proposals from members for a person to occupy the vacant seat in the Legislative Council.

Mr BRUMBY (Premier) — I propose:

That Ms Jennifer Huppert be chosen to occupy the vacant seat in the Legislative Council.

She is willing to accept the appointment, if chosen. In order to satisfy the joint sitting as to the requirements of section 27(4) of the Constitution Act 1975, I also advise the house that the nominee is the selection of the Australian Labor Party, the party previously represented in the Legislative Council by Mr Thornley.

Mr BAILLIEU (Leader of the Opposition) — I second the proposal.

The PRESIDENT — Are there any further proposals?

As there are no further nominations, I declare that nominations are closed.

Motion agreed to.

The PRESIDENT — I declare that Ms Jennifer Huppert has been chosen to occupy the vacant seat in the Legislative Council. I will advise the Governor accordingly.

I now declare the joint sitting closed.

Proceedings terminated 6.22 p.m.