

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

Tuesday, 2 February 2010

(Extract from book 1)

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

Select Committee on Train Services — Mr Atkinson, Mr Barber, Mr Drum, Ms Huppert, Mr Leane, Mr O'Donohue and Mr Viney.

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 D. Davis, Mr Hall, Mr Lenders, Ms Pennicuik and Mr Viney.

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

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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.

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

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

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FIFTY-SIXTH PARLIAMENT — FIRST SESSION

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Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP
			Vogels, Mr John Adrian	Western Victoria	LP

¹ Appointed 3 February 2009

² Resigned 9 January 2009

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Tuesday, 2 February 2010

The PRESIDENT (Hon. R. F. Smith) took the chair at 3.02 p.m. and read the prayer.

ROYAL ASSENT

Message read advising royal assent on 15 December 2009 to:

Casino Legislation Amendment Act
Education and Training Reform Amendment (Overseas Students) Act
Fire Services Funding (Feasibility Study) Act
Justice Legislation Miscellaneous Amendments Act
Liquor Control Reform Amendment (Party Buses) Act
Melbourne Cricket Ground and Yarra Park Amendment Act
Parks and Crown Land Legislation Amendment (East Gippsland) Act
Serious Sex Offenders (Detention and Supervision) Act
Summary Offences and Control of Weapons Acts Amendment Act
Transport Legislation Amendment (Hoon Boating and Other Amendments) Act
Valuation of Land Amendment Act.

MINISTRY

Mr LENDERS (Treasurer) — Before question time I wish to advise the house formally of some minor changes to ministerial responsibilities in this chamber following the resignation of the former Minister for Public Transport, Lynne Kosky, and the appointment to cabinet of Lily D'Ambrosio, the member for Mill Park in the Assembly. My colleague Mr Madden is now the Minister for the Respect Agenda, which is an additional portfolio. Mr Pakula has the additional responsibility of Minister for Public Transport, while Ms Allan, the Minister for Regional and Rural Development, takes on the responsibility of Minister for Industry and Trade.

Regarding parliamentary secretaries, Ms Darveniza now assumes responsibility for agriculture. Regional and rural development and industry and trade go to Ms Pulford. Mr Tee becomes the Parliamentary Secretary for Public Transport, but he will continue to assist Mr Madden with Department of Justice legislation.

In regard to ministerial responsibility for other portfolios, I remain responsible for Assembly ministers in the departments of Premier and Cabinet, Treasury and Finance, and Education and Early Childhood Development. Mr Jennings remains responsible for Assembly ministers in the Department of Sustainability and Environment, the Department of Health and the Department of Human Services. Mr Madden remains responsible for ministers in the Department of Planning and Community Development and the Department of Justice, and Mr Pakula remains responsible for Assembly ministers in the Department of Transport, the Department of Industry, Innovation and Regional Development and the Department of Primary Industries. Mr Viney remains the manager of government business.

QUESTIONS WITHOUT NOTICE

Public transport: myki ticketing system

Mr D. DAVIS (Southern Metropolitan) — My question is for the Minister for Public Transport. I congratulate the minister on his elevation to the position of Minister for Public Transport. I hope he is successful, because goodness knows the portfolio needs a lot of attention. I therefore ask, concerning the myki ticketing system, will the minister outline for the house his plan to fix this dog of a ticketing system and explain on what date the Victorian community and commuters can expect the system to be functioning fully and smoothly on all modes of public transport?

Hon. M. P. PAKULA (Minister for Public Transport) — I thank the Leader of the Opposition in the Council for his question. I have to say that I have spent some time in recent days wondering which member of the opposition frontbench would be the one to ask me questions on public transport, but the mystery was solved for me a few days ago when I saw that Mr Davis had started putting out press releases on public transport. It did not take him long to start to cut the lunch of the member for Polwarth in the Assembly.

This has been a bit like cramming for an exam. I have had 13 days as the Minister for Public Transport. I have been travelling on the network, and hopefully I will have the opportunity shortly to outline for the house some of my experiences over the last couple of weeks. But Mr Davis asked a question about myki. I think it is reasonable to say that myki has been a source of some frustration. It was certainly —

Honourable members interjecting.

Hon. M. P. PAKULA — A question has been asked, but I wonder whether members opposite want to hear the answer. Myki has been a source of some frustration. I know it was a frustration for my predecessor, Lynne Kosky, and it has been a frustration for the TTA (Transport Ticketing Authority). Obviously I understand the frustration felt by commuters, but myki is a significant change to public transportation in this state, and it is a necessary change.

As members understand, the Metcard system is nearing the end of its useful life, and smartcard technology is being introduced all over the world. Myki is a ticketing system which will calculate the best fare, which will save time and which will mean that members of the travelling public have a cashless experience when they are travelling on trains and trams. But myki is not simple technology, and smartcard technology has not been simple wherever it has been introduced around the world. People point to the existence of smartcard technology in London, and it is an excellent system, but it took nine years to introduce. Smartcard technology in San Francisco has taken 10 years to introduce.

We have technicians out here from Switzerland, from the subcontractor ACS Solutions Schweiz AG, working around the clock to deal with the problems, to isolate the IT problems and to implement solutions. The myki system is working well on regional buses and it is working for metropolitan train users. Trams and buses are more complicated because they are wireless and because they rely on a global positioning system. Those problems are being isolated by the ACS technicians, and when they are isolated solutions will be implemented. Myki will be rolled out on trams and buses when I, the department, Kamco and the TTA are confident that it will work in a consistently reliable fashion for the commuters who use it.

The opposition has, as a stunt, asked me to provide a firm date or a fixed date. I am not going to get into that. What I have committed to is working with the TTA, working with Kamco and working with the engineers. I had the vice-president of Keane out here last week to impress upon him how seriously we take this and how much attention Keane needs to pay to getting a solution put in place. It understands my expectations. The TTA understands my expectations.

My expectation is that the engineers, Kamco and the TTA will work around the clock to implement a solution to each and every IT glitch that is found. As those solutions are found, they will be implemented, and the system will be up and running when we are all confident that it will work in a consistently reliable manner for Victorian commuters.

Supplementary question

Mr D. DAVIS (Southern Metropolitan) — I thank the minister. I note that the minister has refused to detail a specific or clear time line for the implementation of the flawed ticketing system, and I therefore ask: will the system be fully and flawlessly operational prior to the November state election?

Hon. M. P. PAKULA (Minister for Public Transport) — I have already indicated in public comments, as has the Premier, that it is my firm expectation that myki will be operating on all modes of transport this year. Mr Davis added the additional rider that it needs to be operating flawlessly across all modes of transport. Let me give Mr Davis an example: when EastLink first opened, the tolling system for EastLink was not entirely reliable. It is working beautifully now. Why? Because hiccups and glitches occur whenever new technology is implemented. That is why it took nine years to roll out in London. That is why it has taken more than a decade in San Francisco.

Mr Guy interjected.

Hon. M. P. PAKULA — Mr Guy says it is used all over the world, but it did not work all over the world flawlessly on day one. As new technology is implemented there is an expectation that as glitches and hiccups are found the engineers who are responsible for the rollout of the system will work on those glitches and implement solutions as they come up. It is a legitimate expectation that when those hiccups come up they will be resolved in a speedy and appropriate way. That is my expectation — that it will be up and running, and that if glitches occur, if there are problems found in any part of the software, as soon as those problems are detected they will be rectified. The TTA, Kamco and the Department of Transport clearly understand that is the expectation I have of them.

Minister for Public Transport: responsibilities

Ms HUPPERT (Southern Metropolitan) — My question is also to the Minister for Public Transport, Martin Pakula. Can the minister inform the house of his experience of using public transport during the first fortnight in his new portfolio?

Mr Guy — What's the bus route from Black Rock to Yarraville?

Hon. M. P. PAKULA (Minister for Public Transport) — There isn't one, Mr Guy.

I thank Ms Huppert for her question, and I take on board the congratulations provided to me by the Leader

of the Opposition, as genuine as they were. I am very pleased and gratified to rise in this house as the new Minister for Public Transport. I take the opportunity to acknowledge and commend the work of my predecessor, the Honourable Lynne Kosky.

Honourable members interjecting.

Hon. M. P. PAKULA — I hear the interjections from Mrs Peulich and Mr Davis. What an extraordinarily ungracious performance by members of the opposition in reflecting on a person who contributed 16 years of her life to serving the Victorian community in this place, 10 of which were as a minister. Their comments are not only ungracious but entirely expected, and they are typical of the performance of the opposition.

Since becoming the Minister for Public Transport on 20 January, which is about 12 or 13 days ago, I have been out riding on Melbourne's trains, trams and buses so that I can become better acquainted with the public transport system. I confessed on my first day as a minister that I have been in the past a casual rather than an intensive user of public transport, so I wanted to become better acquainted with it and I wanted to speak to Victoria's commuters about their experiences.

It has been a very busy couple of weeks. I have been on the Frankston line out to Cheltenham. I have gone in from Sandringham and back on a number of occasions. I have caught the Williamstown line in from Yarraville and back out to Yarraville. I have taken the Alamein line to Ashburton, the Glen Waverley line to Glen Iris — both of those trips in the afternoon peak.

Mr D. Davis — That was when the Alamein line was working; most days you have cancelled them.

Hon. M. P. PAKULA — Yes, Mr Davis; very well. I have come in on the Lilydale line from Mont Albert, the Pakenham line from both Oakleigh and Westall, and I have caught the — —

Honourable members interjecting.

Mr Guy — That is like seven stations out. Why didn't you go to the end of the line?

Hon. M. P. PAKULA — I am coming in, Mr Guy. I have caught the — —

Mr Guy — Why didn't you go out to it?

Hon. M. P. PAKULA — Mr Guy, it is only day 13.

Mr Guy — That is like saying, 'I went three storeys up the Eureka Tower'.

Hon. M. P. PAKULA — Mr Guy, if you have caught public transport you know that when the train leaves the city it is most crowded when you get on, not when you get off at the other end.

Mr Guy — So you don't care about the people in Lilydale? You don't care about the end of the line and the outer suburbs.

Hon. M. P. PAKULA — Mr Guy, it is day 13. Give me some time to get out to every station.

I have also caught the Hurstbridge line service in from Eaglemont. I have caught the tram up to Government House a couple of times. I have caught the no. 96 tram to St Kilda, the no. 70 from Wattle Park — I have gone right past Mr Davis's office — and I have been on bus route 922.

For the excitable members opposite let me say it is just the beginning. I have got at least half a dozen metro lines to go. I have got regional rail to still try out, and I have got taxi rides that I am looking forward to taking as well. It has been a valuable experience for me, allowing me to meet commuters face to face. It has allowed me to listen to their feedback and their concerns. It has been a wide-ranging experience, I have to say. I have met some very satisfied commuters, and I have met some not-so-satisfied commuters.

I have been on peak-hour services where the train has been cool, where there have been plenty of seats and where it has been on the minute, and I have been on other services which have been a bit late and where I have stood from go to whoa. I had a dream run to St Kilda on the no. 96 tram — it might be different heading in the other direction, I confess — but I have been on another tram which had to return to the Camberwell depot.

Mr Hall interjected.

Hon. M. P. PAKULA — I am sure he is grateful to hear your concern, Mr Hall. I have heard all about people's experiences on public transport: how frequently they use it and what they would like to see changed. The requests I have heard have ranged from the specific, like a request for more trains to stop at South Kensington or more no. 70 trams on a Sunday, to more general concerns, like greater reliability and fewer cancellations.

By and large most of the commuters I have spoken to have described the system in the same way that I would describe it, which is a good, solid network, a pretty good network, but one that needs improvement and one that is not described as spectacular. That is why the

measures we are rolling out as part of the Victorian transport plan — whether it be the regional rail link, the new line to South Morang or the electrification of the line to Sunbury, the 38 new X'Trapolis trains or the 50 new low-floor trams, the new stations, the new transit police, the new bus routes, the new buses or the new timetable coming on line in the middle of this year — are all the types of improvements that will deliver the service that the commuters whom I have met over the last two weeks expect to see from their public transport network.

Public transport: myki ticketing system

Mr HALL (Eastern Victoria) — My question without notice today is also directed to the Minister for Public Transport, and I wish him well with the many challenges ahead of him in his new portfolio area. The question I ask concerns myki and the seniors Sunday pass. A constituent of mine from Traralgon recently received a letter from the chief executive officer of the Transport Ticketing Authority advising him that, as he had already registered for a seniors Sunday pass, a free myki card would be posted to him. That letter also said:

Your new myki contains your Sunday pass preloaded — this means you can continue to travel for free on Sunday in Melbourne and in regional cities such as Geelong, Ballarat and Bendigo.

I ask: what is the justification for excluding Latrobe Valley residents from free local Sunday travel, particularly as the Latrobe Valley is one of the areas where myki is in use?

Hon. M. P. PAKULA (Minister for Public Transport) — I thank Mr Hall for his question. It is important to note that the seniors who have been beneficiaries of free Sunday travel will continue to be beneficiaries of free Sunday travel. Mr Hall raises a particular matter in relation to constituents of his in the Latrobe Valley. I have to confess to him that that is not a matter on which I have received specific advice. I am happy to seek that specific advice, and I will provide the member with a response when I have received specific advice.

Supplementary question

Mr HALL (Eastern Victoria) — I thank the minister for his preparedness to look into this matter for me, and I appreciate it. By way of supplementary I simply ask the minister: in what time frame can I expect to receive such feedback from him, and what form will that feedback take?

Hon. M. P. PAKULA (Minister for Public Transport) — I will provide Mr Hall with the feedback as soon as I have the relevant response to the briefing I will seek. Once I have received that briefing, I will provide that answer to Mr Hall in a form that Mr Hall and I can discuss.

Respect agenda: government initiatives

Ms MIKAKOS (Northern Metropolitan) — My question is to the Minister for the Respect Agenda, Justin Madden, and I congratulate him on his new portfolio. Can the minister advise the house what the Brumby Labor government is doing to encourage greater social cohesion and to promote community participation and civic responsibility?

Mrs Peulich — How about adhering to some planning laws and due process? That would be a really good start for the minister for respect. What a lot of baloney!

Hon. J. M. MADDEN (Minister for the Respect Agenda) — I welcome Ms Mikakos's interest in the respect agenda — —

Mrs Peulich — What a joke!

Hon. J. M. MADDEN — I take up the interjections from members of the opposition about this and their scepticism and cynicism. We have an enviable lifestyle here in Melbourne and across Victoria, and on a number of occasions we have celebrated it in this chamber, highlighting what a great success story Victoria is in all qualitative and quantitative measures. But President, I, like you, want Melbourne and Victoria to remain a great place to live, work and raise a family.

Respect is about responsibility and regard for ourselves and for others, having regard to how one person's behaviour impacts on others and also celebrating those who work tirelessly to make their streets, their towns and their suburbs better places to be. We need to celebrate the great achievements but also develop a culture where we in a sense frown upon what might sometimes be seen as antisocial behaviour.

There are six areas in particular that I want to focus my attention on as Minister for the Respect Agenda in coordinating policy and programs within the government, particularly with colleagues, and in leading discussion with all Victorians. This is not necessarily just a government issue; it is about partnering and working with other members and other organisations across the community to try to stem some of this, in a sense, antisocial behaviour. There might be those who think this is about young people. It is not

about young people; it is about the whole community working together.

I highlight those six issues. The first issue is stemming alcohol-fuelled aggression in public places. The second is reducing bullying in all its forms, including bullying online. The third one, which is of great concern for all members of Parliament, is preventing violence against women. The fourth is celebrating difference and diversity in Victoria, and that reflects the inclusive nature of Victoria, which should continue. The fifth is to promote parenting skills in a complex world where things are pretty hectic. I speak not only for my own family members, but I suspect other families also have issues around the best way to parent their children, and we are keen to provide advice and support to people across the community. The sixth issue is encouraging community participation and civic responsibility, particularly in areas of volunteering.

We are already active in all these areas. I will give members examples of a few initiatives, some of which are under the portfolio responsibilities of my colleagues. We have increased police funding and we have increased police numbers by more than 1400 since 1999. We have provided support for racial tolerance through laws covering equal opportunity and racial and religious tolerance. We are continuing action to support volunteering, including our volunteering strategy. As well as that there have been programs promoting respect in schools, including the No Regrets program through which students learn how to prevent violence and act as respect champions. There has been continuing action to prevent violence against women through the Right to Respect statewide plan aimed at preventing violence against women.

Already there are a number of initiatives out there under other portfolios, but today I had the great privilege of visiting Footscray City College with the Premier and the Minister for Education to promote the respect in schools program, which is incorporated into the curriculum to promote positive behaviour, including the values of tolerance, empathy, fairness and respect.

We host great events, we have a fantastic restaurant and nightlife scene, we have fine parks, public spaces, great places that people want to visit as part of the community, and we want everyone to enjoy them. We want to maintain all that, and that is what this initiative is about.

I also want all of us, as I think would most of the community, to have greater regard for the elderly in the community. Often we think back to those periods when we had great heatwaves and the traditional

neighbourliness that existed. These days, particularly with the complexities of home entertainment and all those technologies, often people lock themselves in their homes, and they do not necessarily have that regard. We want to be proactive and promote a number of initiatives in this area.

The respect agenda is not about fixing all social ills, but I am looking forward to leading efforts within the government and within the community to improve social cohesion and the understanding of difference, to encourage volunteering and to give a voice to those who might feel marginalised by the behaviour of others. It is the Victorian government's responsibility to provide leadership to highlight unacceptable behaviours and to provide a voice for concerns that people may have within our community. We are standing up for Victorian families, and this is one way of doing that.

However, all members can be assured that I will also be promoting the positive things about our community, recognising that the respect agenda is first and foremost about preserving what makes Victoria a great place to live, work and raise a family, as well as standing up for Victorian families.

Public transport: myki ticketing system

Mr ATKINSON (Eastern Metropolitan) — I wish to direct a question to the Minister for Public Transport. I also extend congratulations to him on his appointment. The minister said that the general view of public transport is that it is not spectacular. The view of this side of the house is that neither has been the performance of his predecessors in the role of Minister for Public Transport. Nevertheless, on this occasion I refer the minister to the Premier's admission on radio this morning that at this point in time the job has not been done, in reference to the company installing the myki system, and I ask: is the government withholding payments under the contract with Kamco and levying — —

Mr Lenders interjected.

Mr ATKINSON — The Treasurer might be interested in this because he would presumably be accepting some of the cheques in compensation. I repeat the question, having been disrupted by the Treasurer: is the government withholding payments under the contract with Kamco and levying liquidated damages on the company or is the company continuing to receive full payment every month despite the job not being done, as the Premier says?

Hon. M. P. PAKULA (Minister for Public Transport) — Given that myki is not yet live on trams and buses, it is self-evident that the job is not complete. As members know, Kamco is the company which has been contracted to deliver myki on behalf of the Victorian government. It is paid progressively as works are completed, and for those components of works that have not been completed, it is not paid. In regard to the ongoing operation of the system, Kamco will have key performance indicators (KPIs) that it needs to meet, and if it does not meet those KPIs, it will not receive the payments which are contingent on those KPIs being met. So it is paid for what it does and it is not paid for what it does not do until those things are done.

Supplementary question

Mr ATKINSON (Eastern Metropolitan) — As I understand it, the contract provides for liquidated damages set at \$50 000 a day. The minister has just advised the house that the only punishment of this company for its failure to deliver over an extended period and running up significant costs to Victorian taxpayers above any budget calculations his government has brought in is that he simply does not pay cheques on time because Kamco has not completed the works on time. I therefore ask the minister: under what circumstances is there then a trigger for the government to seek the effect of that liquidated damages provision in the contract and to actually seek some recompense from this company for its incompetence?

Hon. M. P. PAKULA (Minister for Public Transport) — The much-vaunted figures about the total cost of the delivery of the myki system include a number of things. Amongst them is the ongoing use of the Metcard for a period while customers become aware of, understand and are confident in the new system, but they also include a payment over a period of 10 years for the delivery of the system and its ongoing operation. That is all included in the figures that are widely talked about. Over that period of 10 years of operation of the system there will be trigger points along the way where Kamco may or may not receive certain payments under the contract depending on whether or not it meets the KPIs.

Regarding penalty payments under the system, the government always reserves the right to impose penalties on Kamco over the life of the operation of the system if the government believes they are warranted.

Economy: performance

Mr TEE (Eastern Metropolitan) — My question is to the Treasurer, Mr Lenders. In keeping with the Brumby Labor government's commitment to making Victoria an even better place to live, work and raise a family, can the Treasurer outline to the house how the government is building for the future to make the Victorian economy even stronger and more resilient?

Mr LENDERS (Treasurer) — I thank Mr Tee for his question and note the contrast: Mr Tee is seeking to make Victoria a better place to live, work and raise a family, and that very concept is responded to with brays of derision by members of the opposition, who clearly, from their behaviour, do not want to make this state a better place to live, work and raise a family. If they did, they would have the respect to listen to the response to Mr Tee's question, which deals with those critical issues for our generation.

I ask the opposition: what is wrong with making this state a better place to live, work and raise a family? I think the answer is self-evident. What is wrong about that for opposition members is that it does not give them something to criticise. They talk down the state.

Mr Tee asked specifically what the government was seeking to do to take us through these particular areas. Today there are two things I will draw the attention of the house to which highlight, firstly, the magnitude of the task we face, and secondly, the government's comprehensive response. The magnitude of the task that we as a government face is probably highlighted by the intergenerational report handed down by the commonwealth just earlier this week, which shows some of the extraordinary challenges we face as we become an ageing society and a society that is part of a global situation, particularly one that is emerging from a global financial crisis (GFC). There are challenges we face regarding issues of productivity and an ageing population.

I am almost exactly the average age of the membership of this chamber. When I entered the workforce there were seven people in the workforce for every retiree. If I leave at a time of my choosing — and I think members opposite would like to accelerate my time here — there will be three and a half people in the workforce for every retiree. The stark reality of the intergovernmental report is that there are extraordinary challenges that we face. This state government is working on this issue. We have consistently said a framework of a confident economy and a confident community is important, but within that there are three areas where we need to act to make a difference to deal

with these issues that are part of the intergenerational report. Certainly the first of them is that we need to make our economy more competitive to create jobs and to attract jobs to Victoria. It is no coincidence that 67 per cent of the jobs created in Australia since the budgets of last year were in the state of Victoria.

We need to be vigilant. The global financial crisis is not over. For those who have not noticed, the Reserve Bank of Australia has left interest rates unchanged; the cash rate is at 3.75 per cent today. So the reserve bank is clearly of the view that the global financial crisis is not over, and it is clearly of the view that the emergency measures that were put in place need to remain in place a bit longer, which should be a salutary alert to all of us who thought the GFC was over — it is not.

What we need to do going forward is to continue to build on that competitive environment where it is attractive for businesses to do business in Victoria and to create jobs. Whether that be by reducing red tape or by cutting taxes, that is the way to do it.

In terms of infrastructure investment, this government invested \$11.5 billion in infrastructure and partnerships with the commonwealth this financial year. That secured 35 000 jobs in Victoria. Members opposite have mocked that, but it has made a significant difference, and we are building on the skills of our workforce by generating 172 000 extra places.

That is the framework we have. The Premier just an hour and a half ago outlined a statement of government intentions which for the longer term addresses where the state can go and also addresses the government's immediate legislative program for the next 12 months and how we deal with that. I say to Mr Tee that the government is committed to building this economy so that we can grow jobs. Jobs give opportunities to the next generation of Victorians to participate in the economy. They add wealth, they add opportunity and they will make it easier for Victoria to be a better place to live, to work and to raise a family.

Minister for the Respect Agenda: performance

Mr D. DAVIS (Southern Metropolitan) — My question is to the Minister for the Respect Agenda. How will the minister undertake his responsibilities as Minister for the Respect Agenda when, as the first minister in two decades to be subject to a successful no-confidence motion, he does not even have the respect of this house?

Hon. J. M. MADDEN (Minister for the Respect Agenda) — Well, look —

The PRESIDENT — Order! I am not satisfied that the question asked by Mr Davis complies with the requirements of the standing orders, in that in my opinion it will certainly or could easily provoke argument. Therefore I will give Mr Davis the opportunity to rephrase his question; if he cannot manage that, I will simply rule it out.

Mr D. DAVIS (Southern Metropolitan) — The essence of my question to the minister is to ask him —

Hon. J. M. Madden — Careful. Be very careful. It will come back to bite you on the bottom.

Mr D. DAVIS — This chamber carried a motion that said:

That the Minister for Planning no longer possesses the confidence of this house and this house ... notes the report of the Victorian Ombudsman ...

The house carried a motion that said he had failed to fully answer questions, that he had misled the house, that he knew of political corruption in his office and was informed of those issues —

The PRESIDENT — Order! Clearly Mr Davis has missed the opportunity to rephrase his question. The question relates to previous matters that are outside the portfolio or ministerial responsibilities as they now lie with this minister. Therefore I rule it out of order.

Mr D. Davis — For clarification, President —

The PRESIDENT — Order! The member does not have the opportunity to seek clarification.

Mr D. Davis — Then I seek some elucidation, if you would be so good, President, as to explain why it is out of order to ask how the minister will discharge his responsibilities.

The PRESIDENT — Order! As I said previously — and I am giving myself a little licence here — Mr Davis's question does not relate to the current portfolio of the minister. Mr Davis was referring to matters that occurred last year under a different guise et cetera. Therefore it is out, and that is it.

Mrs Peulich — On a point of order, President, are you able to cite the standing order you are using to form that ruling?

The PRESIDENT — Order! It is standing order 8.02(1)(c).

Employment: government performance

Mr LEANE (Eastern Metropolitan) — My question is to the Treasurer, John Lenders. Can the Treasurer update the house on the current employment data and explain what that data tells us about the Brumby Labor government’s strong leadership during a time of global financial crisis?

Mr LENDERS (Treasurer) — I thank Mr Leane for his question and his interest in current trends in employment data, which are of great relevance to members of Parliament who are in touch with their communities. The importance of the search for a job and of the job itself to young people and to all the community means that jobs have to be at the top of the priority levels for all MPs in touch with their communities.

Since the budget last year the data for Victoria has consistently shown employment growth in a time of global financial crisis. The net figures show that 75 236 jobs were created in Victoria in that time, according to the Australian Bureau of Statistics. Normally I would be very wary of talking about month-by-month figures, because the figures bounce around, but what we are seeing is consistently stronger employment growth in Victoria than in the rest of the country.

While we can never have complete confidence in these matters, because there is a continuing global financial crisis and the figures change from month to month, it is probably worth noting that there are a number of things that we as a government have done. I could observe, in the time of a respect agenda, that for a member of Parliament to turn her back to a speaker and talk loudly during question time is probably pretty poor form.

Honourable members interjecting.

The PRESIDENT — Order! Treasurer.

Mr LENDERS — President, I will just wait.

Honourable members interjecting.

Mr LENDERS — President, I will continue. You are saying that I should proceed, but I find it quite incredible that we should get hectored on respect by a certain member at every possible juncture, yet in this place that member of Parliament proceeds to engage in other matters and to turn her back on a person answering a question — and then we talk of respect!

Mr Leane asked about the particular issue of job creation in Victoria. This government invested

\$11.5 billion in the budget to secure 35 000 jobs. We have also continued to post a budget surplus to help us with our AAA credit rating. In 2008 we brought in the biggest tax cuts in a decade to help manufacturing. We capped public sector wage increases so we could maintain jobs in the public sector at a time when governments across the world were cutting their workforces. We have embarked on a high-profile campaign to restore confidence in the Victorian economy — something that has been criticised widely by those opposite; some of whom have engaged in harebrained stunts on this matter. But we have boosted confidence. If on any day there was a choice between a government-induced, government-supported job and an opposition stunt, I know what the Victorian community would like.

We have invested \$240 million in targeted assistance to Victorian industry. We have successfully attracted investment from the commonwealth. We have also invested heavily in A Fairer Victoria to help all Victorians. We have targeted first home buyer assistance to make housing growth in this state the envy of other governments across the country.

The opposition likes to talk down Victoria; it likes to talk it down at every possible opportunity. If members opposite want to start talking down governments, perhaps they should go to Western Australia, which has lost more than 9000 jobs in the last year, has a budget deficit that is growing and debt levels that are going up — of course it has the only Liberal government in Australia.

What I say to Mr Leane is that this government will take action to support the growth of jobs in this state. We will be vigilant. We will not rest on that quest, because jobs are a critical ingredient in making this state a better place to live, work and raise a family.

Buses: western suburbs

Mr BARBER (Northern Metropolitan) — My question is to the Minister for Public Transport. In the minister’s earlier description of his little tour of public transport he did not mention whether he might have looked at any buses in the Altona electorate. I would like to give a bit of information about this issue and then ask a very specific question. The last 411 bus leaves Laverton railway station at 7.00 p.m. every night of the week. The last 412 bus leaves Laverton station at 9.00 p.m. The last 414 Aircraft to Footscray via Geelong Road bus leaves Footscray at 7.00 p.m. on weeknights and 5.00 p.m. on Saturdays — presumably because we all go to bed early on Saturday nights — and there are no buses at all on Sundays. The last

415 bus leaves Laverton station at about 7.30 p.m. from Monday to Saturday and does not run on Sunday. The last 413 bus leaves Werribee Plaza for Laverton station via Point Cook shopping centre at 6.30 p.m. on weeknights and 5.30 p.m. on Saturdays, and there are no buses at all on Sundays. Can the minister tell me when he expects bus services in the Altona electorate will start to meet the same sorts of standards — that is, frequency, span of hours and span across the week — as those of other electorates, contrasting perhaps with the route 600 bus, with which he may have become familiar recently?

Mr Kavanagh — On a point of order, President, I am very concerned that the member's question could potentially lead to an argument. Is that in order?

The PRESIDENT — Order! Potential has nothing to do with it. It is clearly consistent with my previous ruling in that this question seeks information that is directly attributable to the minister's portfolio.

Hon. M. P. PAKULA (Minister for Public Transport) — At the outset I would like to put Mr Kavanagh's mind at ease.

Mr D. Davis interjected.

The PRESIDENT — Order! If Mr Davis considers my ruling to be ridiculous, he has a way of addressing that, which is not to take a cheap shot and snipe at me from the sidelines.

Hon. M. P. PAKULA — Let me put Mr Kavanagh's mind at ease by saying that, while detailed, Mr Barber's question will not provoke an argument. I indicate also to Mr Barber that if the point of his question is that he has a more detailed and clinical knowledge of the ins and outs of every bus route in the western suburbs than I have managed to obtain in the past 12 days, then his point may well be made. I think it is probably also worth my wondering why Mr Barber has focused particularly on the Altona electorate at this point in time, but I will allow members to — —

Mr D. Davis — It is your electorate!

Hon. M. P. PAKULA — It is one-eleventh of my electorate, Mr Davis. I will allow members to reflect on that and come up with their own answer.

One of the things this government has been engaged in is a series of bus reviews. The Department of Transport has now received 14 final reports on those bus reviews. One of those bus reviews has been the Hobsons Bay-Wyndham bus review, which covers

improvements to the bus network in the area Mr Barber asked me about. Mr Barber should note also of course that in recent times we have introduced the orbital SmartBus route that runs from Altona to Mordialloc and provides another important service for people in that region. Beyond that, we have also announced, as part of the Victorian transport plan, the regional rail link, which will provide 50 kilometres of dedicated rail from West Werribee to Southern Cross station.

All those things improve the public transport experience of Victorians in the western suburbs. There is a suite of improvements in the Victorian transport plan that will do likewise and, as I have indicated, the bus review that has been carried out in that part of Melbourne will be an important part of improving bus services for commuters in Melbourne's west.

Supplementary question

Mr BARBER (Northern Metropolitan) — Good answer, Minister, but if I read that Hobsons Bay bus review correctly, then the answer to my original question is 'never', because the now-completed Hobsons Bay bus review offers only minimal improvements to a number of bus routes, not including the ones I mentioned. Without being argumentative, I put it to the minister that the bus reviews have no real objectives in terms of what service levels they are meant to be achieving. They are conducted by external consultants and there is no budget attached to them that those reviewers are meant to be spending. I therefore ask: will the minister now reopen the Hobsons Bay bus review process and this time correct those issues by running it internally, giving it a budget and giving it some objectives?

Mrs Peulich interjected.

Hon. M. P. PAKULA (Minister for Public Transport) — Mrs Peulich interjects, but her interjection is actually quite prescient.

Mr Barber interjected.

Hon. M. P. PAKULA — I am going to answer your question, but in doing so I am going to refer to Mrs Peulich's interjection.

One of the issues with the bus reviews is that there are local government areas all across Melbourne and Victoria that are competing for improvements to their bus networks. The purpose of the bus reviews is to consult with local communities and local councils and to determine as a consequence of those reviews what the priorities are for improving bus services,

metropolitan area by metropolitan area and regional area by regional area.

When you look at the competing needs of the cities of Hobsons Bay and Wyndham and compare them to the needs of the municipalities of Banyule, Nillumbik, Frankston, Mornington Peninsula, Whittlesea, Hume or Moreland, you see that all those areas would like every improvement they desire up front on day one. But the bus review still serves a very important purpose. The bus review is there to determine the priorities for each area, and those needs are then prioritised against all the other improvements that are required across the state as the budget allows.

That is why since 2006 we have been able to fund over 10 500 additional weekly metropolitan bus trips. It is why the Victorian transport plan provided \$1.2 billion to fund new and improved bus services from the middle of last year and it is why we go through these bus reviews — to determine the priorities, to weigh them up against the priorities for every other part of the network and then to improve those services as the budget allows us to do.

Innovation: government initiatives

Ms PULFORD (Western Victoria) — My question is to the Minister for Innovation, Gavin Jennings. Can the minister outline to the house how the Brumby Labor government is supporting innovation and new products and services in Victoria by opening up access to public sector information?

Mr JENNINGS (Minister for Innovation) — I thank Ms Pulford for the opportunity to talk about the government's ongoing agenda and commitment to opening up information, particularly as it relates to public sector information, which was covered by the annual statement of government intentions presented in the other place by the Premier earlier today. Our government will leave no stone unturned this year to improve transparency of government, the information that is available through government and the technology and other employment opportunities that may come from the provision of that information.

Mr David Davis has not had a great day today, but nonetheless I have some good news for him, because today the government is taking the opportunity to respond to a recent report of the Economic Development and Infrastructure Committee, of which he is a member — Mr Tee and Mr Atkinson are also members of that committee. The committee gave the Parliament some recommendations about the provision of public sector information which led to a number of

policy development issues in relation to procurement, the application of technology and the provision of information in a transparent and accountable way.

The government thanks the committee for its work. Indeed we appreciate the value of that work and today, the first day of the 2010 parliamentary sittings, the government has taken the opportunity to release its response and indicate significant support for all the recommendations in the committee's report. We think that is good news for Mr Davis, Mr Tee, Mr Atkinson, the other members of the committee and all those who worked on that important task.

We also think the provision of information in a transparent and accountable way is an important hallmark of the Brumby government — as indeed it was of the Bracks government. The provision of information and accountability frameworks are important, whether it be through freedom of information or through the Auditor-General's reports or the other mechanisms we have in place to provide information. We think it is appropriate that the community gets access to public sector information in a timely fashion that can assist individual and community-based research and that can underpin greater knowledge and confidence in our community. In this age of technology and the application of technology, particularly software, in the understanding and interpreting of information, we think opportunities will abound in terms of products and services that will come from the release of this material and sponsorship by government of how that material may be used in our economy and in our community.

Along with my colleague the Treasurer, in his role as Minister for Information and Communication Technology, today I took the opportunity to not only issue the government's response to the inquiry but also to announce a competitive contest across the Victorian technology sector to be known as App My State. This is an opportunity for technicians and software developers to develop software systems and applications that may use public sector information and other forms of information into the future. I think it will be very positively received within the information, communications and technology sector, and \$100 000 is to be awarded under that program. We think it will give rise to great creative and technical solutions and applications going forward.

As part of this year's agenda, in terms of the annual statement of government intentions delivered by the Premier, the Victorian government has made a commitment to these areas. Our government is very keen to support access to information and its

appropriate application and use for our community and our economy.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Treasurer) — I have answers to the following questions on notice: 1541, 2335, 2336, 9456, 9501, 9545–50, 9554, 9564, 9574, 9610, 9634, 9644, 9645, 9660, 9664, 9671, 9673, 9679, 9687, 9705, 9734, 9761–4, 9785, 9796, 9797, 9800, 9801, 9921, 9922, 9924, 9925, 9949, 9970, 10 019–25, 10 027, 10 030, 10 031, 10 032, 10 033, 10 034, 10 045, 10 046, 10 048, 10 049, 10 051, 10 060, 10 063, 10 065, 10 066, 10 104, 10 105, 10 114–21, 10 145–52, 10 164, 10 172, 10 176, 10 191, 10 248, 10 254, 10 258–70, 10 449–51, 10 459, 10 460, 10 493–509.

PETITION

Following petition presented to house:

Liquor licensing: fees

To the Honourable the President and members of the Legislative Council assembled in Parliament:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the Victorian Brumby government's unfair fee increases on small suburban packaged liquor outlets operating responsibly and within dry zones where little or no risk exists.

We oppose the massive increase in licensing fees for these packaged liquor outlets and demand that liquor licensing fees for such venues remain at their current levels and that a review of risk levels be immediately undertaken so that licensing fees can be more accurately determined.

By Mr D. DAVIS (Southern Metropolitan)
(612 signatures).

Laid on table.

**SCRUTINY OF ACTS AND REGULATIONS
COMMITTEE**

Alert Digest No. 1

Mr EIDEH (Western Metropolitan) presented *Alert Digest No. 1 of 2010, including appendices.*

Laid on table.

Ordered to be printed.

**FAMILY AND COMMUNITY
DEVELOPMENT COMMITTEE**

**Supported accommodation for Victorians with
a disability and/or mental illness**

The Clerk, pursuant to section 35(2) of the Parliamentary Committees Act 2003, presented report, including appendix, extract from the proceedings and minority report, together with transcripts of evidence.

PAPERS

Laid on table by Clerk:

Border Groundwaters Agreement Review Committee — Report, 2008–09.

Interpretation of Legislation Act 1984 — Notices pursuant to section 32(3) in relation to Statutory Rule Nos. 150, 151, 164 and 175.

Medical Practitioners Board of Victoria — Report for the year ended 30 September 2009.

Murray-Darling Basin Commission — Report, 2008–09.

Parliamentary Committees Act 2003 —

Government Response to the Economic Development and Infrastructure Committee's Report on Improving Access to the Victorian Public Sector Information and Data.

Government Response to the Drugs and Crime Prevention Committee's Report on Strategies to Prevent High Volume Offending and Recidivism by Young People.

Project Development and Construction Management Act 1994 — Nomination order, application order and a statement of reasons for making a nomination order, 15 December 2009 (three papers).

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

Bass Coast Planning Scheme — Amendment C61.

Baw Baw Planning Scheme — Amendments C61 and C66.

Boroondara Planning Scheme — Amendments C92, C94 and C110.

Campaspe Planning Scheme — Amendments C70, C72 and C75.

Cardinia Planning Scheme — Amendments C91 and C135.

Casey Planning Scheme — Amendment C128.

- Central Goldfields Planning Scheme — Amendment C21.
- Corangamite Planning Scheme — Amendment C19.
- East Gippsland Planning Scheme — Amendments C61 and C79.
- Frankston Planning Scheme — Amendment C54.
- Glenelg Planning Scheme — Amendment C16.
- Greater Bendigo Planning Scheme — Amendment C108.
- Greater Dandenong Planning Scheme — Amendments C81, C108 and C120.
- Greater Geelong Planning Scheme — Amendments C117, C129 Part 1, C152, C179 and C210.
- Greater Shepparton Planning Scheme — Amendments C130 and C132.
- Hobsons Bay Planning Scheme — Amendment C29 Part 2.
- Hume Planning Scheme — Amendment C115.
- Indigo Planning Scheme — Amendment C51.
- Kingston Planning Scheme — Amendment C100.
- Knox Planning Scheme — Amendment C85.
- Latrobe Planning Scheme — Amendments C17, C62 and C64.
- Mansfield Planning Scheme — Amendment C16.
- Maroondah Planning Scheme — Amendment C70.
- Melton Planning Scheme — Amendment C94.
- Moira Planning Scheme — Amendment C42.
- Monash Planning Scheme — Amendment C94.
- Moonee Valley Planning Scheme — Amendment C95.
- Moorabool Planning Scheme — Amendments C45 and C52.
- Moreland Planning Scheme — Amendments C115 and C125.
- Mornington Peninsula Planning Scheme — Amendments C94, C131, C136 and C138.
- Murrindindi Planning Scheme — Amendment C25.
- Queenscliffe Planning Scheme — Amendments C20 and C21.
- Southern Grampians Planning Scheme — Amendment C10.
- Stonnington Planning Scheme — Amendments C107 and C111.
- Surf Coast Planning Scheme — Amendment C38.
- Victoria Planning Provisions — Amendments VC64 and VC65.
- Wellington Planning Scheme — Amendment C54.
- Whitehorse Planning Scheme — Amendments C103 and C124.
- Whittlesea Planning Scheme — Amendment C129.
- Wyndham Planning Scheme — Amendments C124 and C126.
- Yarra Ranges Planning Scheme — Amendments C62, C88, C93, C94 and C100.
- Statutory Rules under the following Acts of Parliament:
- Assisted Reproductive Treatment Act 2008 — No. 177/2009.
- Associations Incorporation Act 1981 — No. 1.
- Bail Act 1977 — No. 155/2009.
- Charter of Human Rights and Responsibilities Act 2006 — No. 174/2009.
- Children, Youth and Families Act 2005 — Nos. 159 and 186/2009.
- Children, Youth and Families Act 2005 — Criminal Procedure Act 2009 — No. 189/2009.
- Control of Weapons Act 1990 — No. 188/2009.
- County Court Act 1958 — Nos. 182, 184 and 185/2009.
- County Court Act 1958 — Criminal Procedure Act 2009 — Children, Youth and Families Act 2005 — No. 183/2009.
- Crimes Act 1958 — Nos. 158, 161 and 173/2009.
- Criminal Procedure Act 2009 — No. 169/2009.
- Crown Proceedings Act 1958 — No. 171/2009.
- Electricity Safety Act 1998 — Nos. 164, 165 and 175/2009.
- Evidence Act 1958 — No. 172/2009.
- Evidence Act 2008 — No. 162/2009.
- Forests Act 1958 — No. 166/2009.
- Gambling Regulation Act 2003 — No. 167/2009.
- Health Services Act 1988 — No. 176/2009.
- Infringements Act 2006 — No. 168/2009.
- Magistrates' Court Act 1989 — Nos. 157 and 170/2009.
- Magistrates' Court Act 1989 — Criminal Procedure Act 2009 — No. 181/2009.

Major Crime (Investigative Powers) Act 2004 — No. 156/2009.

Marine Act 1988 — No. 180/2009.

Metropolitan Fire Brigades Act 1958 — No. 179/2009.

Public Health and Wellbeing Act 2008 — No. 178/2009.

Sentencing Act 1991 — No. 160/2009.

Serious Sex Offenders (Detention and Supervision) Act 2009 — No. 187/2009.

Supreme Court Act 1986 — No. 163/2009.

Victorian Civil and Administrative Tribunal Act 1998 — No. 154/2009.

Subordinate Legislation Act 1994 —

Ministers' infringements offence consultation certificate under section 6A(3) in respect of Statutory Rule Nos. 164 and 180/2009.

Ministers' exception certificates under section 8(4) in respect of Statutory Rule Nos. 154, 155, 156, 157, 158, 159, 160, 161, 162, 169, 170, 171, 172, 173, 179, 181, 182, 183, 184, 185, 186 and 189/2009.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 150, 163, 167, 168, 175, 176, 187 and 188/2009.

TAFE Development Centre — Minister's report of receipt of 2008–09 report.

Water Act 1989 — Notice declaring the abolition of the Mid Loddon Water Supply Protection Area.

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

Cemeteries and Crematoria Amendment Act 2009 — except for sections 6, 7, 24 and 25 — 1 January 2010 (*Gazette No. G51, 17 December 2009*); Sections 7 and 25 — 1 February 2010 (*Gazette No. G4, 28 January 2010*).

Criminal Procedure Act 2009 — Remaining provisions (except for section 437) — 1 January 2010 (*Gazette No. G50, 10 December 2009*).

Criminal Procedure Amendment (Consequential and Transitional Provisions) Act 2009 — Remaining provisions — 1 January 2010 (*Gazette No. G50, 10 December 2009*).

Electricity Safety Amendment Act 2007 — Part 2 — 13 December 2009 (*Gazette No. G50, 10 December 2009*).

Energy and Resources Legislation Amendment Act 2009 — Parts 1 to 6 (except Sections 6, 7, 8 and 12) — 13 December 2009; Sections 28, 30, and 31 and Part 9 — 1 January 2010 (*Gazette No. G50, 10 December 2009*); Sections 23, 24 and 32 — 27 January 2010 (*Gazette No. S33, 27 January 2010*).

Fair Work (Commonwealth Powers) Amendment Act 2009 — except for Part 2 — 1 January 2010 (*Gazette*

No. G50, 10 December 2009); Part 2 — 1 January 2010 (*Gazette No. G51, 17 December 2009*).

Justice Legislation Miscellaneous Amendments Act 2009 — Part 6 (except for sections 41 and 42) — 17 December 2009 (*Gazette No. G51, 17 December 2009*).

Land (Revocation of Reservations and Other Matters) Act 2009 — Parts 1 and 3 and Schedule 1 — 17 December 2009 (*Gazette No. G51, 17 December 2009*).

Local Government Amendment (Offences and Other Matters) Act 2009 — except for Part 2 — 8 December 2009; Part 2 — 1 February 2010 (*Gazette No. S455, 8 December 2009*).

Parks and Crown Land Legislation Amendment (River Red Gums) Act 2009 — Part 1, sections 3, 4, 13 to 16, 25, 34 and 35 and Parts 5 to 8 and 10 — 1 January 2010 (*Gazette No. G51, 17 December 2009*).

Serious Sex Offenders (Detention and Supervision) Act 2009 — 1 January 2010 (*Gazette No. G52, 24 December 2009*).

Transport Legislation Amendment (Hoon Boating and Other Amendments) Act 2009 — Sections 6, 7, 8, 9(2), 19, 20(1), 20(2), 20(3), 20(4), 21, 22(1), 22(2), 22(3), 23(1), Parts 6, 7, 8, Division 1 of Part 9, section 40 and Parts 10, 11 and 12 — 17 December 2009; section 23(2) — 1 January 2010 (*Gazette No. G51, 17 December 2009*).

Victorian Renewable Energy Amendment Act 2009 — 10 December 2009 (*Gazette No. G50, 10 December 2009*).

GOVERNMENT ADVERTISING: PRODUCTION OF DOCUMENTS

The Clerk — I have received the following documents for presentation to the house. These documents concern Master Agency Media Service (MAMS) reports:

DEPARTMENT: PREMIER AND CABINET ORDER: MASTER AGENCY MEDIA SERVICE (MAMS) EXPENDITURE REPORTS

#	DOCUMENT	DESCRIPTION	RECOMMENDATION / REASONS
1.	MAMS Expenditure Report, Quarter One — 04/05 (July–September 2004)	Prepared by Optimedia Australia	Produce
2.	MAMS Expenditure Report, Quarter Two — 04/05 (July–December 2004)	Prepared by Optimedia Australia	Produce

GOVERNMENT ADVERTISING: PRODUCTION OF DOCUMENTS

3.	MAMS Expenditure Report, Quarter Three — 04/05 (July 2004–March 2005)	Prepared by Optimedia Australia	Produce
4.	MAMS Expenditure Report, Quarter Four–04/05 (July 2004–June 2005)	Prepared by Optimedia Australia	Produce
5.	MAMS Expenditure Report, Quarter One — 05/06 (July–September 2005)	Prepared by Optimedia Australia	Produce
6.	MAMS Expenditure Report, Quarter Two–05/06 (July–December 2005)	Prepared by Optimedia Australia	Produce
7.	MAMS Expenditure Report, Quarter Three — 05/06 (July 2005–March 2006)	Prepared by Optimedia Australia	Produce
8.	MAMS Expenditure Report, Quarter Four — 05/06 (July 2005–June 2006)	Prepared by Optimedia Australia	Produce
9.	MAMS Expenditure Report, Quarter Two — 06/07 (July–December 2006)	Prepared by Mitchell	Produce
10.	MAMS Expenditure Report, Quarter Three — 06/07 (July 2006–March 2007)	Prepared by Mitchell	Produce
11.	MAMS Expenditure Report, Quarter Four — 06/07 (July 2006–June 2007)	Prepared by Mitchell	Produce
12.	MAMS Spend, July–September 2007	Prepared by Mitchell	Produce
13.	MAMS Spend, October 2007	Prepared by Mitchell	Produce

14.	MAMS Spend, November 2007	Prepared by Mitchell	Produce
15.	MAMS Spend, December 2007	Prepared by Mitchell	Produce
16.	MAMS Spend, January 2008	Prepared by Mitchell	Produce
17.	MAMS Spend, February 2008	Prepared by Mitchell	Produce
18.	MAMS Spend, March 2008	Prepared by Mitchell	Produce
19.	MAMS Spend, April 2008	Prepared by Mitchell	Produce
20.	MAMS Spend, May 2008	Prepared by Mitchell	Produce
21.	MAMS Spend, June 2008	Prepared by Mitchell	Produce
22.	MAMS Expenditure Summary, 07/08 (July 2007–June 2008)	Prepared by Mitchell	Produce
23.	MAMS Expenditure Report, July 2008	Prepared by Mitchell	Produce
24.	MAMS Expenditure Report, August 2008	Prepared by Mitchell	Produce
25.	MAMS Expenditure Report, September 2008	Prepared by Mitchell	Produce
26.	MAMS Expenditure Report, October 2008	Prepared by Mitchell	Produce
27.	MAMS Expenditure Report, November 2008	Prepared by Mitchell	Produce
28.	MAMS Expenditure Report, December 2008	Prepared by Mitchell	Produce
29.	MAMS Expenditure Report, January 2009	Prepared by Mitchell	Produce
30.	MAMS Expenditure Report, February 2009	Prepared by Mitchell	Produce
31.	MAMS Expenditure Report, March 2009	Prepared by Mitchell	Produce

32.	MAMS Expenditure Report, April 2009	Prepared by Mitchell	Produce
33.	MAMS Expenditure Report, May 2009	Prepared by Mitchell	Produce
34.	MAMS Expenditure Report, June 2009	Prepared by Mitchell	Produce
35.	MAMS Expenditure Summary, 08/09 (July 2008–June 2009)	Prepared by Mitchell	Produce

**SHIRE OF COLAC OTWAY
INVESTIGATION, HOUSING and HEALTH
SERVICES: PRODUCTION OF
DOCUMENTS**

The Clerk — I have received a letter from the Attorney-General dated 1 February 2010. It states:

ORDERS FOR THE PRODUCTION OF DOCUMENTS

I refer to the following orders made by the Legislative Council on 9 December 2009:

1. That, in accordance with sessional order 21, there be tabled in the Council by 12 noon on Tuesday, 2 February 2010, a copy of the Report of the Local Government Investigations and Compliance Inspectorate on Colac Otway Shire Council.
2. That, in accordance with sessional order 21, there be tabled in the Council by 12 noon on Tuesday, 2 February 2010, a copy of the planning applications for all the public and social housing developments and proposed developments for which, under amendment VC56 to the Victoria planning provisions, the Minister for Planning is or was the responsible authority, including those involving funding under the social housing initiative of the Nation Building — Economic Stimulus Plan, detailing for each development
 - (a) whether or not it has already been approved including letters of approval;
 - (b) its address and local government area;
 - (c) how many storeys it will occupy;
 - (d) the total number of units and bedrooms per unit;
 - (e) where mixed, the number of public and social housing units and bedrooms per unit; and
3. That, in accordance with sessional order 21, there be tabled in the Council by 12 noon on Tuesday, 2 February 2010, a copy of the monthly and quarterly integrated performance reports for the 2008–09 financial year and the first quarter of 2009–10, both statewide and for the following individual health services:
 - (1) Albury Wodonga Health;
 - (2) Alexandra District Hospital;
 - (3) Alfred Health;
 - (4) Alpine Health;
 - (5) Austin Health;
 - (6) Bairnsdale Regional Health Service;
 - (7) Ballarat Health Services;
 - (8) Barwon Health;
 - (9) Bass Coast Regional Health;
 - (10) Beaufort and Skipton Health Service;
 - (11) Beechworth Health Service;
 - (12) Benalla and District Memorial Hospital;
 - (13) Bendigo Health Care Group;
 - (14) Boort District Health;
 - (15) Calvary Health Care Bethlehem Ltd;
 - (16) Casterton Memorial Hospital;
 - (17) Central Gippsland Health Service;
 - (18) Cobram District Health;
 - (19) Cohuna District Hospital;
 - (20) Colac Area Health;
 - (21) Dental Health Services Victoria;
 - (22) Djerriwarrah Health Services;
 - (23) Dunmunkle Health Services;
 - (24) East Grampians Health Service;
 - (25) East Wimmera Health Service;
 - (26) Eastern Health;
 - (27) Echuca Regional Health;
 - (28) Edenhope and District Hospital;
 - (29) Gippsland Southern Health Service;
- (f) the total number of residents' car parking spaces provided.

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|---|--|
| (30) Goulburn Valley Health; | (64) Queen Elizabeth Centre; |
| (31) Hepburn Health Service; | (65) Robinvale District Health Services; |
| (32) Hesse Rural Health Service; | (66) Rochester and Elmore District Health Service; |
| (33) Heywood Rural Health; | (67) Rural Northwest Health; |
| (34) Inglewood and District Health Service; | (68) Seymour District Memorial Hospital; |
| (35,) Kerang District Health; | (69) South Gippsland Hospital; |
| (36) Kilmore and District Hospital; | (70) South West Healthcare; |
| (37) Kooweerup Regional Health Service; | (71) Southern Health; |
| (38) Kyabram and District Health Service; | (72) St Vincent's Health; |
| (39) Kyneton District Health Service; | (73) Stawell Regional Health; |
| (40) Latrobe Regional Hospital; | (74) Swan Hill District Health; |
| (41) Lorne Community Hospital; | (75) Tallangatta Health Service; |
| (42) Maldon Hospital; | (76) Terang and Mortlake Health Service; |
| (43) Mallee Track Health and Community Service; | (77) The Royal Children's Hospital; |
| (44) Manangatang and District Hospital; | (78) The Royal Victorian Eye and Ear Hospital; |
| (45) Mansfield District Hospital; | (79) The Royal Women's Hospital; |
| (46) Maryborough District Health Service; | (80) Timboon and District Healthcare Service; |
| (47) McIvor Health and Community Services; | (81) Tweddle Child and Family Health Service; |
| (48) Melbourne Health; | (82) Upper Murray Health and Community Services; |
| (49) Melton Health; | (83) West Gippsland Healthcare Group; |
| (50) Mercy Public Hospitals Inc.; | (84) West Wimmera Health Service; |
| (51) Mildura Base Hospital; | (85) Western District Health Service; |
| (52) Moyne Health Services; | (86) Western Health; |
| (53) Mt Alexander Hospital; | (87) Wimmera Health Care Group; |
| (54) Nathalia District Hospital; | (88) Yarram and District Health Service; |
| (55) Northeast Health Wangaratta; | (89) Yarrawonga District Health Service; and |
| (56) Northern Health; | (90) Yea and District Memorial Hospital. |
| (57) Numurkah District Health Service; | |
| (58) Omeo District Health; | |
| (59) Orbost Regional Health; | |
| (60) Otway Health and Community Services; | |
| (61) Peninsula Health; | |
| (62) Peter MacCallum Cancer Institute; | |
| (63) Portland District Health; | |

I also refer to my letter to you of 28 October 2008, in which I explained the government's process for assessing documents for potential claims of executive privilege. A copy of that letter is attached.

The government is still in the process of identifying and assessing documents relevant to the Council's orders set out above. We are working to respond to the orders as soon as possible and anticipate that we will be in a position to do so shortly.

NOTICES OF MOTION**Notice of motion given.****Mr KOCH having given notice of motion:**

Mr Viney — On a point of order, President, I seek your guidance — and you may need to consider this — as it appears to me that much of that motion overlaps the terms of reference of the Select Committee on Train Services established by this house. Therefore there is indeed significant potential in any debate on that motion — if it is the intention of the opposition to debate it tomorrow — for there to be some anticipation of any report the select committee may bring down.

Mr D. Davis — On the point of order, President, clearly the chamber is the supreme body here. Whatever committee work is going on, the chamber is entitled to debate motions as it sees fit, and a member is entitled to move a motion that seeks information, clarification or formal and broad debate on an area of government administration. This is a transport motion seeking to do that, and it in no way prevents the committee, that also has been given a reference by the chamber, from doing its work pursuant to its terms of reference.

Mr O'Donohue — On the point of order, President, the terms of reference for the Select Committee on Train Services are in themselves quite discrete and relatively narrow, and the motion outlined by Mr Koch is wide ranging, covering a number of issues that do not go to the matters pertaining to the select committee.

The PRESIDENT — Order! My view is that there is no point of order. I am of the view that members of the committee who have the brief from the Council will be cognisant of the guidelines that govern the committee in terms of broadcasting or publishing any material or matters that are dealt with by that committee. I think they are more than capable of separating the actual issues, and therefore I rule that there is no point of order.

Further notices of motion given.**BUSINESS OF THE HOUSE****Orders of the day**

Ms PENNICUIK (Southern Metropolitan) — I move:

That, pursuant to standing order 6.15, the resumption of debate on the motion moved by Ms Pennicuik relating to political donations be restored to the notice paper.

Motion agreed to.**General business**

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

That precedence be given to the following general business on Wednesday, 3 February 2010:

- (1) the notice of motion given this day by Mr D. Davis for the introduction of a bill relating to government advertising;
- (2) the notice of motion given this day by Mr Koch relating to public transport;
- (3) the notice of motion given this day by Ms Lovell relating to liquor licensing; and
- (4) the order of the day for resumption of debate on the motion moved by Ms Pennicuik relating to political donations.

Motion agreed to.**MEMBERS STATEMENTS****Victorian Automobile Chamber of Commerce:
five-point safety check**

Mr ATKINSON (Eastern Metropolitan) — We are all horrified when we see the outcome of tragic accidents where speed, alcohol, distraction and fatigue are involved. We have noticed some horrific ones claiming some young lives in recent weeks. The government claims significant gains in reducing the road toll as a result of a number of initiatives. Whilst in its latest discussion the bipartisan nature of those approaches has not been recognised, the reality is that both sides of this house have consistently supported a range of initiatives to drive down the road toll. I have to say that the improvement in car technology and construction has also been a significant factor in reducing death and serious injury.

But on this occasion I wish to simply commend the Victorian Automobile Chamber of Commerce (VACC) for its approach in developing a five-point safety check which is designed to alert motorists about any defect in safety features in their vehicles. I am sure that this program will be of importance to young people who because of their budgets are forced to buy relatively cheaper and often older cars that do not incorporate many of the safety features of vehicles that many other people in the community drive. I commend the VACC and hope the government will continue to support its initiatives in driving a safer environment for the community in regard to road safety.

Nitin Garg

Ms HARTLAND (Western Metropolitan) — On Saturday, 2 January, Nitin Garg was murdered in Cruickshank Park, Yarraville. I can only imagine the pain the family and friends of Nitin Garg must be experiencing. Like many local residents I was horrified at this terrible murder and I attended the vigil held the following day that was quickly organised by members of local churches, such as Cara Munro. At very short notice about 75 people gathered at Cruickshank Park to show that the local community was appalled by what had happened. We were joined by the house mates of Nitin Garg, a group of young men who had been left in a terrible situation and who said at the end of the vigil that they did not feel so alone. Mr Singh, a close friend of Mr Garg, expressed it this way, 'We do not feel like we are alone in this country; we feel like everyone cares about us'.

Last Saturday I attended a prayer service for the Indian student at St John's Anglican Church. It was organised by the parish priest, Moira Evans, and Bishop Phillip Huggins, who have previously done great work to welcome Sudanese people to our community. Out of these terrible events people are talking about how we need to live in a way that does not encourage or approve any kind of violence. It is the responsibility of the whole community to look out for each other and to speak out against violence and racism. As an MP I will continue to work with these groups and to advocate on behalf of not just international students but any group that is subjected to violence or racism.

Courts: legal year services

Ms MIKAKOS (Northern Metropolitan) — Yesterday I had the honour of representing the Attorney-General at the Eastern Orthodox Church service for the start of the 2010 legal year. Other services also marked the beginning of the legal year. They included other Christian services as well as Jewish, Muslim and Buddhist services. The service I attended was held at St Eustathios Greek Orthodox Church and was hosted by His Eminence Archbishop Stylianos, Primate of the Greek Orthodox Archdiocese of Australia, along with His Grace Bishop Ezekiel of Dervis. Also in attendance were senior representatives of the Russian, Serbian, Rumanian and Antiochean Orthodox churches, as well as senior members of our judiciary, including His Honour Justice Emilios Kyrou of the Supreme Court, and other members of Victoria's legal profession. It was a significant event to mark the commencement of Victoria's legal year, and I thank the organisers for their work.

Crime: sentencing

Ms MIKAKOS — On another matter relating to our justice system, I wish to condemn the opposition's recent shameful attempt to peddle cheap political spin as a legitimate policy on an issue as important to the community as sentencing. Last month the Leader of the Opposition made the grand promise that jail means jail under his sentencing plan to repeal suspended sentencing, only to reverse his position the same day when he realised our prisons would be filled with disqualified drivers. The Liberals' final position merely reflects the current state of law in Victoria, as the Victorian government has already moved to make a range of changes in this area over the years. This is a poor start to the year for the opposition leader and a desperate attempt by him to hold onto his job. It shows either a lack of thought in the policy development process or a willingness to lie to the Victorian public.

Australia Day: Western Victoria Region

Mr KOCH (Western Victoria) — On Australia Day I was delighted to attend celebrations at Ballarat, Queenscliff and Geelong. The Ballarat celebration started on the evening of 25 January, with mayor Judy Verlin announcing foster carer Rhonda 'Ronnie' Rosenow as citizen of the year in recognition of her tireless efforts as a volunteer carer. Delacombe's Courtney McKay was named young citizen of the year, and the Eureka Carols were named the year's community activity.

In the Borough of Queenscliffe residents enjoyed a public function and barbecue breakfast which was sponsored by the Liberal Party, an initiative of the former member for Bellarine, Garry Spry, and his wife, Robin. The year 2010 marks the event's 15th anniversary, and a full house was in attendance at the picturesque Queenscliff yacht club. A most apt Australia Day address was delivered by the Liberal candidate for Bellarine, Kurt Reiter, who spoke of the pride associated with being an Australian.

Finally, along the waterfront in Geelong it was a privilege to welcome more than 40 new Australian citizens at the City of Greater Geelong ceremony. Mayor John Mitchell officiated admirably at the proceedings and spoke of the challenges and the joys faced by many new Australians.

The event was well attended by the Geelong community. I would like to congratulate all those who made these Australia Day ceremonies possible. The Australian citizenship recipients and their families were

very humbled to have this honour bestowed on them, and I was proud to be associated with all these events.

Water: domestic consumption

Mr TEE (Eastern Metropolitan) — Victoria continues to experience record droughts and low inflows into our dams, and Victorians in the eastern suburbs continue to work hard to play their part in saving our precious water. In fact residents in my electorate have reduced their water consumption by more than 5 per cent compared to this time last year. In the Knox suburbs of Rowville and Wantirna residents have reduced their consumption by an impressive 7 per cent. In Whitehorse suburbs such as Mitcham and Heatherdale water consumption has decreased by a remarkable 9 per cent.

These households have embraced the Brumby government's Target 155 campaign. This success is a ringing endorsement of the work done by the government and its Water Smart garden and home rebates scheme, which has offered significant incentives to reduce water consumption. So far some 32 000 Water Smart garden and home rebates have been issued to households in the eastern suburbs. I want to congratulate the community on this truly commendable effort, and I congratulate the government on working with the community to reduce our water consumption. This is a great example of the success you have when the community and government work together.

Bushfires: Black Saturday anniversary

Mrs KRONBERG (Eastern Metropolitan) — I imagine a hush will descend on this state next Sunday, 7 February, as we Victorians commemorate the first anniversary of Black Saturday. When people and communities are affected by horrific events and their suffering is still fresh in our minds, the victims are somewhat comforted and their ordeal is a shared ordeal.

However, I am deeply concerned that once we reach this first anniversary public perception may well be that the ordeal of fire victims is over. We must undertake to never forget the plight of these people. We must continue to give thanks to the brave Country Fire Authority, State Emergency Service and Department of Sustainability and Environment personnel for putting their lives on the line that day. We must also thank the Red Cross and the many church and community groups and thousands of other volunteers.

This Brumby government is slavishly publicising minor successes in the reconstruction effort, and for

unfathomable reasons is still unable to give victims of last year's firestorms across the state the confidence and comfort they seek. Constituents of mine who once lived in Marysville three or four days a week have given up hope of ever rebuilding in Marysville. This government pursues the politics of envy in not aiding the rebuilding of their holiday homes. Their direct contributions to the local economy and community gave Marysville much of its activity and ambience, and Marysville continues to struggle. We lost 173 Victorians on Black Saturday. The Nillumbik shire is still reeling from the suffering of its people and the devastation that was wreaked on the natural and built environment. Some 27 people perished in Strathewen, 12 in St Andrews —

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

Ringwood Secondary College: awards

Mr LEANE (Eastern Metropolitan) — I want to take this opportunity to belatedly commend Ringwood Secondary College on the success of its awards night, which I was fortunate enough to attend late last year. Ringwood Secondary College has a great record in academic outcomes and its sports programs, and it has an amazing performing arts program, which includes an outstanding orchestra that performed a number of times on the night. It was fantastic. I appreciate being able to witness how proud the teachers, parents and students are of their school, and I would like to congratulate all the students who were presented with awards on the night.

Friends of Liverpool Road Retarding Basin

Mr LEANE — On another matter, I congratulate the Friends of Liverpool Road Retarding Basin, and in particular its president, Mrs Karen Martin, for consistently championing the ongoing recreational use of this Melbourne Water-owned reserve located at The Basin. The group's advocacy role has recently been successful once again in its working with Melbourne Water to have more recreation facilities installed for people who access and enjoy the park that they enjoy.

Clearways: city of Stonnington

Mrs COOTE (Southern Metropolitan) — On becoming Premier, John Brumby promised that this government would be open and accountable. The word 'transparent' is continuously used by all ministers of this government, and I ask: where is the openness and accountability in relation to the clearways issue in Stonnington? On New Year's Eve, under the cover of the festive season, the minister for roads, Tim Pallas,

skulked around and delivered a notification to the City of Stonnington ordering it to implement the highly unpopular and significantly unclear clearways policy to commence in February 2010.

Just what is he ashamed of? Is it the murky, unprofessional and plainly wrong process of implementation? Is it his lack of consultation with the traders, residents, shoppers and councils? Is it the fact that the Minister for Local Government, Richard Wynne, may lose his seat in November over this issue or the fact that Tony Lupton, the member for Prahran in the Assembly, may lose his seat over this process? Is he ashamed and afraid of the successful and sustained campaign waged by the former mayor of Stonnington, Claude Ullin? Is he cowering under the pressure imposed on him by the current mayor of Stonnington, Tim Smith? Or is it more sinister than all of that, and is he simply following the Premier's instructions and trying to bury an unpopular, bungled policy?

The Liberal Party will scrap this discriminatory policy brought in by the Labor government. We will support and protect small business and residents in Stonnington, Yarra and Boroondara as well as other municipalities affected by this draconian policy. We will scrap this policy!

Australia Day: Shire of Melton

Mr EIDEH (Western Metropolitan) — This year I am proud to say that I attended Australia Day celebrations as a guest of the Shire of Melton. The event was held at the Willows homestead. I was joined in the celebrations by the Honourable Julia Gillard, the Deputy Prime Minister; Laura Anderson, the Australia Day Ambassador; and parliamentary colleagues Don Nardella, the member for Melton in the Assembly, George Seitz, the member for Keilor in the Assembly, and Bernie Finn. Approximately 300 people were present, of whom 180 became Australian citizens.

In taking out Australian citizenship they took an important decision to become part of the community that will shape the future of this country. They bring new wealth to Australia and, equally importantly, to the shire of Melton, which is one of the fastest growing municipalities in Australia. They were very proud to become Australian citizens on this great day. I congratulate them all.

I wish to thank the mayor of Melton, Cr Justin Mammarella; the deputy mayor, Cr Kathy Majdlik; and Cr Garry Stock, Cr Broden Borg, Cr Sophie Ramsey, Cr Bob Turner and Cr Renata Cugliari. Particular thanks go to the Melton chief executive officer, Neville

Smith, for his professional performance on that great day, Australia Day.

Statements interrupted.

DISTINGUISHED VISITOR

The PRESIDENT — Order! I welcome to the gallery the Honourable Jean McLean, a former member for Boronia and Melbourne West provinces.

MEMBERS STATEMENTS

Statements resumed.

Portarlington Mussel Festival

Ms TIERNEY (Western Victoria) — On 9 January I had the pleasure of officially opening the Portarlington Mussel Festival. Festivals like this one are extremely important to local communities, and this was of particular importance to Portarlington this year. As members may be aware from media reports in recent times, the local mussel industry has had its challenges. But the local mussel farmers along with the Department of Primary Industries and research scientists have been working together and have come up with a solution to increasing mussel spat.

This festival was a great opportunity to try and buy, and hopefully it will restore our market share in respect of mussels. More than 10 000 people attended this year's festival, and I take this opportunity to thank the festival committee under the leadership of Richard Underwood for a magnificent organisational feat, the local volunteers and also the previous festival committee for starting this calendar event. The festival promotes mussels, local produce and Portarlington as a holiday destination and as a great place to live, work and raise a family.

Ovarian cancer: awareness month

Ms TIERNEY — I also raise the issue of ovarian cancer. February is ovarian cancer awareness month. We know that women with awareness of the symptoms go to their doctors, and early diagnosis of this disease ensures that women have a much greater chance of surviving this dreadful disease.

Wind farms: health effects

Mr KAVANAGH (Western Victoria) — On Sunday I attended and spoke in the tiny township of Evansford, north of Ballarat. The meeting was attended

by about 60 people who are all deeply concerned about the health effects of wind farms, which now dominate the landscape. In my address to the meeting I noted the legal principle established in the landmark case of *Rylands v. Fletcher* — that is, that a person is not entitled to do something on his property which adversely affects a neighbour. It seems to me, as I said then, that this principle is applicable to noise as well as to other potential hazards. I noted too the ancient rule in medicine: do no harm. Wisdom dictates that we should not engage in behaviour that is potentially harmful, even if that harm has not yet been proven.

Democratic principles also demand that local people should decide local issues for themselves. Those in Evansford who have dealt with government members of Parliament have been surprised at their indifference and indeed the cavalier attitude they usually take to this issue. I urge the government to change its attitude and to listen to people who are affected adversely by wind farms and to change the regulations so that wind farms in the future do not cause damage to people near whom they are located.

LEGISLATION REFORM (REPEALS No. 5) BILL

Second reading

Debate resumed from 10 December 2009; motion of Mr LENDERS (Treasurer).

Mr O'DONOHUE (Eastern Victoria) — I am pleased to rise and speak on behalf of the Liberal-Nationals coalition with respect to the Legislation Reform (Repeals No. 5) Bill 2009. These bills, which come before us on a regular basis, are indeed a window into the past. The bill before us is different to some of the other repeal bills — or statute law revision bills, as they used to be known — we have seen during the course of this Parliament, in that this bill does not deal with a wide range of matters of jurisdictional competency of the Victorian Parliament but deals with one discrete area: corporate and financial governance and regulation.

In summary, the role of the state in these fields is in large part redundant and is now the domain of the commonwealth. This was crystallised with the passage of the Corporations Act 2001. This is to be welcomed. There are fewer cross-border issues and a more efficient regulatory regime for those engaged in commerce across Australia as a result.

As the name suggests, this is the fifth bill the Parliament has considered and is part of the government's stated aim to simplify the statute book. The second-reading speech states that the bill 'is part of a raft of legislative and regulatory reforms introduced by the Labor government'. As is usual, this appears to be a gross understatement of the reality. As I said previously, these bills are part of an ongoing process that all governments have undertaken to try to make the statute book as relevant as possible. Between 2000 and 2007 the government saw a rise in the number of statutes on the statute book and it has only been in recent times that the government has attempted to address this issue.

Earlier today the Premier made his statement of government intentions. Some members of the coalition have already highlighted areas where the Premier and the government have failed to fulfil commitments with regard to the statement of government intentions, and this is yet another one.

This time last year, the Premier said in his statement of government intentions that a further three repeal bills would come before the Parliament, but only one of those bills passed this place and received royal assent in 2009. We are now working through this bill, and there is another bill in the other place that should have been concluded during the course of 2009.

Removing legislation from the statute book is only one part of reducing the regulatory burden on business, on individuals and the Victorian community. The government has failed with regard to reducing the number of pages of regulations. The net number of pages that clutter the lives of Victorians grew by approximately 6000 last year.

This bill comes before us following referral to the Scrutiny of Acts and Regulations Committee on 1 March 2007. SARC was asked to review the ongoing relevance of a number of acts, together with a number of acts considered by SARC on its own initiative. SARC considered the Companies Act 1961, the Collusive Practices Act 1965, the Marketable Securities Act 1970, the Companies Act 1975, the Securities Industry Act 1975, the Companies (Acquisition of Shares) (Application of Laws) Act 1981, the Companies (Administration) Act 1981, the Companies (Application of Laws) Act 1981, the Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act 1981, the Securities Industry (Application of Laws Act) 1981, the Futures Industry (Application of Laws) Act 1986 and the Corporations (Amendment) Act 1997.

The committee engaged the assistance of parliamentary counsel and Professor Ian Ramsay in preparing its report, which was tabled in Parliament on 2 December 2008. The committee recommended that nine acts be repealed, and those were the Companies Act 1961, the Marketable Securities Act 1970, the Companies Act 1975, the Securities Industry Act 1975, the Companies (Acquisition of Shares) (Application of Laws) Act 1981, the Companies (Application of Laws) Act 1981, the Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act 1981, the Securities Industry (Application of Laws) Act 1981 and the Futures Industry (Application of Laws) Act 1986.

In its response the government broadly accepted the recommendations of the committee with some caveats. The government's response, the committee's report and subsequent work by the government form the basis of the bill before us. Of the nine acts that SARC recommended to be repealed, all, save the Marketable Securities Act 1970, are before us today. With the passage of this bill they will be removed from the statute book.

We are advised in the second-reading speech that the Marketable Securities Act, the Companies (Administration) Act and the Collusive Practices Act 1965 are the subject of another review. Further, the Corporations (Victoria) Act 1990 will be retained because it may have some ongoing relevance in Victoria.

With those words I advise that the opposition will not oppose the bill, and I commend it to the house.

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

Ms PULFORD (Western Victoria) — I am pleased to make a few comments on the Legislation Reform (Repeals No. 5) Bill. As Mr O'Donohue said, we have done this a few times before. In fact it is often Mr O'Donohue and Mr Barber doing the 2-second version of 'the Greens will support the bill', and me. As members of the Scrutiny of Acts and Regulations Committee, Mr O'Donohue and I get to think about these things just a little more than those who only think about these things when they come into the house.

This is the fifth bill in a series, and the policy objective that is being fulfilled by what we hope is a successful passage of this bill today is to minimise the amount of red tape and regulatory compliance, to simplify Victoria's legislative instruments and to reduce the total number of statutes that we have in Victoria.

Today, being the first parliamentary sitting day of 2010, we had the opportunity of hearing the Premier deliver the annual statement of government intentions. I note in the document that accompanies that address that the Parliament in sitting for 14 weeks this year is expected to pass a similar number of bills as last year. The document notes that last year 94 bills passed the Assembly; not quite all of them passed in this house, but certainly every time we come here we add to the matrix of legislation in the state.

The objective, in embarking on this process, was to reduce the total number of principal general acts by 20 per cent from what was at the time 579. In this place we debate measures to improve the lot of Victorians across a wide-ranging area of topics, service delivery and infrastructure alike.

There are of course, as Mr O'Donohue said, a number of pieces of legislation that resemble a trip down memory lane, so the process that is embarked on to remove from the statute book legislation that no longer serves a purpose is a thorough one that ensures that still-functional and required legislation is not accidentally removed by this process, and in fact the Scrutiny of Acts and Regulations Committee subcommittee goes through these matters in detail, ably assisted by the chief parliamentary counsel's office as well, and consultation is undertaken with stakeholders along the way.

The acts that will be repealed by the bill before the house today deal with corporations laws. Previously we have had some interesting discussions about some of the quirks of bread production over distances, but these ones are a little dryer than some of the strange historical oddities we have encountered before, though I have no doubt that they served a very important purpose in their day.

I will not repeat the names of the acts. They have already been mentioned. I think all members in the house are well aware of what it is we will be repealing by passing this legislation. In concluding I note that during the process the Law Institute of Victoria, the Victorian Bar, the Australian Securities and Investments Commission and the Ministerial Council for Corporations working group were consulted. As committee members we are advised — and we certainly provide information to the Parliament based on that advice — that there is certainly no risk in repealing this legislation that serves no useful purpose in Victoria.

There is always new legislation to come before the house, but these corporations laws have served their

purpose. I urge members to support this bill today and send them off to the history books where they belong.

Mr SOMYUREK (South Eastern Metropolitan) — I am pleased to speak in support of the Legislation Reform (Repeals No. 5) Bill 2009. The Premier on 3 February 2009 in his second annual statement of government intentions committed the government to reducing regulation as part of the national reform agenda. This bill is consistent with that commitment. This bill repeals eight acts of the Victorian Parliament. They are old company acts which are now outdated. Repealing these acts will reduce the number of acts on the statute book and simplify the legislative requirements placed on business in Victoria. There are a number of these acts. They include the Companies Act 1961 and the Companies Act 1975. I will not go through all the acts. There are eight or nine other acts that will be repealed. The bill will also include a power to make regulations with respect to transitional or savings arrangements consequent on the repeal of each one of these acts.

One of the roles of the Scrutiny of Acts and Regulations Committee is to examine possible redundant legislation with a view to recommending repeal and thereby reducing the regulatory burden on business and the broader community. In line with this, on 1 March 2007 the Legislative Assembly made a reference to SARC, which in part required the committee to examine the implications of the national corporations regulatory framework and whether, as a consequence of the referral of corporations powers to the Parliament of the commonwealth, any Victorian acts should be repealed and, if so, whether any existing provisions should be saved by inclusion into other appropriate legislation. The referral specifically contained reference to the acts to be repealed in this bill.

SARC dealt with the reference through its redundant legislation subcommittee. SARC advertised its reference, called for submissions and specifically invited submissions from interested players such as the Australian Institute of Company Directors. SARC also obtained expert advice from people such as Professor Ian Ramsay of the Centre for Corporate Law and Securities Regulation, Melbourne Law School.

In passing I should mention that the Australian Institute of Company Directors ranks Victoria the second highest, just behind the Australian Capital Territory, in its 'boardroom burden report card'. This is a measure of what the institute calls 'business friendliness'.

SARC in its *Report on Redundant Corporations Laws* of December 2008 recommended the repeal of the acts which are listed in this bill. Several acts will not be repealed at this time, some of which are the subject of further consideration. These include the Marketable Securities Act 1970, which SARC recommended for repeal. However, there are others that SARC recommended not be repealed, such as the Corporations (Victoria) Act 1990, and this act will not be repealed. SARC recommended the Collusive Practices Act 1965 should not be repealed at this time but should be the subject of further consultation and consideration going forward.

The Labor government is committed to growing the whole of Victoria. As we heard earlier this afternoon, the Premier made the comment that Victoria has been and is expected to continue to be the fastest growing economy of all the states in Australia, and this bill helps modernise legislation and reduce the regulatory burden thereby assisting business. I commend the bill to the house.

Motion agreed to.

Read second time; by leave proceeded to third reading.

Third reading

Motion agreed to.

Read third time.

CONSUMER AFFAIRS LEGISLATION AMENDMENT BILL

Second reading

Debate resumed from 10 December 2009; motion of Mr JENNINGS (Minister for Environment and Climate Change).

Mr GUY (Northern Metropolitan) — It is a pleasure to speak in the chamber during the first sitting week of 2010 and to have in the audience Mr Pakula, the new Minister for Public Transport, who is deeply concentrating on his notes and is no doubt exploring matters about myki. Good luck to him!

I rise to speak on the Consumer Affairs Legislation Amendment Bill 2009, which the coalition parties will not be opposing. The bill was passed by the Legislative Assembly towards the end of 2009 and is in this chamber this week. As I said, the coalition will not be opposing the passage of the bill.

The bill basically modernises consumer protection legislation. We on this side of the house think that is exceptionally important. The bill refines the Prostitution Control Act 1994 and merges, modernises and repeals a substantial number of acts under the government's consumer affairs modernisation project. It will bring some good points to bear, which we do not oppose, although we have some concerns which I will be raising.

The bill repeals the Private Agents Act 1966 and shifts regulation to the Fair Trading Act 1999. It repeals the common carrier provisions of the Carriers and Innkeepers Act 1958. 'Innkeepers' is an old term we do not often hear any more. The bill also repeals parts I to III of the Landlord and Tenant Act 1958. It refines the Sale of Land Act 1962, the Prostitution Control Act 1994 and the Estate Agents Act 1980. Technical amendments are being made to the Owners Corporation Act 2006 and Conveyors Act 2006. The bill repeals the following redundant acts: the Fuel Prices Regulation 1981, the Petroleum Retail Selling Sites Act 1981, the Petroleum Products (Terminal Gate Pricing) Act 2000, the Collusive Practices Act 1965, the Marketable Securities Act 1970 and the Utility Meters (Meteorological Controls) Act 2002. Due to the Council of Australian Governments takeover of the Trade Measurement Act 1995 and the Trade Measurement (Administration) 1995, this bill repeals those two acts as well.

The bill changes the definition of the word 'prostitute' to 'sex worker', implementing the 2008 government response to the Prostitution Control Act Ministerial Advisory Committee report, *Improving the Regulation of the Sex Industry and Supporting Sex Workers Who Want to Move On*. The Prostitution Control Act is being renamed the Sex Work Act. We do not oppose those changes.

The bill attempts to strengthen the enforcement of penalties by doubling penalties to 1200 penalty units for operating an unlicensed brothel. That will be welcomed by constituents in the inner part of my electorate who have been contacting me since I first became a member — only three years ago — and who have complained bitterly about an unlicensed brothel that was operating in one of the streets of a Melbourne suburb — it was eventually closed down. However, The Nationals and the Liberal Party believe it is important for those penalties to take hold and be a strengthening device to deter operators of unlicensed brothels.

The bill extends powers for Consumer Affairs Victoria to inspect unlicensed brothels. This measure is in

response to a fiasco that was uncovered by newspaper journalists where inspectors were paying for sex to determine whether an unlicensed brothel was operating. We think it is important that Consumer Affairs Victoria and its inspectors have those responsibilities and powers to go into brothels to make sure that unlicensed premises are not operating contrary to the law.

The bill also makes changes to the monthly requirement for sex workers to have swab tests. Those time periods will be determined by the Minister for Health. The bill introduces ID cards for brothel owners and managers which display warnings about sex slavery and introduces penalty provisions for not taking reasonable steps to minimise the risks in relation to STDs (sexually transmitted diseases). We have some concerns — and I will come to those a little later on — about the removal of the requirement for monthly swabs for sex workers. Not only is it important for those patronising these venues but it is also important for the people who are employed in this industry. They must receive guarantees of the highest standards of health and safety protection. Sex workers, as well as people who are patronising these venues, are entitled to regular inspections and swab tests.

Changes will be made to meeting requirements and the delegation of power regarding owners corporations (OC). An issue exists over whether power should be automatically referred from the OC to the committee at the stage of the annual general meeting or whether there should be a process. The coalition agrees with the government that to avoid potential confusion, the transmission of power should be an open and accountable process. That is an important point that we note.

I would like to raise a couple of concerns. While stating again that the coalition will not oppose the bill, I will say that the key concern is the removal of the requirement for monthly swabs for sex workers to detect STDs. It will be replaced by testing at intervals to be determined at the minister's discretion. I am sure the Minister for Health in this instance is an exceptionally busy person, as he or she should be in the state of Victoria during 2010, given the state in which the Brumby and Bracks governments have left our health system. I am sure that continual memorandums to the minister about whether he believes sex workers should be engaging in swab tests are not at the foremost point in his mind. Therefore we believe it is important to have a fixed date — a set time which does not require a ministerial sign off. Those employed in the sex industry and those patronising the sex industry would then know it was a regular occurrence, and that would provide

certainly to those employed in or patronising the industry based on health and consumer protection.

We do think that some certainty should be given to those employed in the industry in particular, and that it should be a monthly test at monthly intervals.

Part 7 of the bill exempts sex-on-premises venues from the definition of a brothel because no money for sex changes hands. Venues found in this situation are commonly those within the gay community. We have concerns around the provision of safe sex material and the legal obligations of these premises to promote a safe sex message. The belief of the Liberal-National coalition is that it is exceptionally important in the broader heterosexual community, the gay community, the transgender community and other communities that safe sex messages are promoted and they are promoted to the highest level in all of the sex industry in Victoria. As I said before, it is therefore important that that message get out, especially to those who are employed in this industry.

We also have some concerns about whether sex-on-premises venues should hold liquor licences. Brothels are prevented from holding liquor licences due to concerns about intoxicated persons on premises and sexual malpractice, and that is fair and reasonable, so we do have concerns about whether those venues should hold those licences.

Clause 63 requires persons entering or leaving suspected illegal brothels to give their names and addresses to inspectors or risk receiving penalty notices. The coalition has some concerns whether inspectors will have the authority to issue penalty notices. The minister has advised they can legally, but we want to make sure that that is the case and will be requiring some further clarification on that point.

In our view, making illegal brothels put up signs about sex slavery seems half-hearted. Sex slavery is a problem which has existed in Victoria at some stage and should not be ignored. We should be doing everything possible to counter it and ensure it does not exist. Therefore we think simply putting up signs about it might be a little half-hearted.

Sensible changes have been made to make it easier to transfer moneys between real estate agents, conveyancers and lawyers over transfers of property. Previously some transfers could only go one way between certain parties, and this bill will make it easier. While we have some concerns about this provision, we believe it will make things a little easier.

Finally, regulation of debt collectors under the Fair Trading Act will essentially change the system from a licensing system to a compliance system. Only those people who have committed an offence of physical violence, undue harassment or coercion, are insolvent, under the age of 18 or have had a private security licence cancelled are unable to act as a debt collector. But the onus is on the minister to apply these restrictions and monitor the situation closely. As I said, whether the onus should be on the minister is something that is debatable.

By not opposing the bill rather than supporting it we believe we are taking the word of the government on a number of key points. We will be monitoring those points made about this bill by my colleague the member for Malvern in the Assembly, Michael O'Brien, other coalition speakers here today and me. We believe it is important for those who are employed in the sex industry in Victoria and also those who patronise the industry that a legal, law-abiding industry, such as the vast majority of this industry is, does have decent standards that are applicable to both those employed in it and those who are patronising it. Therefore a high degree of consumer protection and protection for those who are working in this industry is needed, and as such we do not oppose the passage of this legislation.

Ms PENNICUIK (Southern Metropolitan) — The Consumer Affairs Legislation Amendment Bill that we have before us is an omnibus bill which makes changes to 30 pieces of legislation that I can count, including repealing 9 pieces of legislation. The Minister for Consumer Affairs, Tony Robinson, tells us that this is part of a consumer affairs legislation modernisation project which aims to rationalise the statutes and regulations for which Consumer Affairs Victoria is responsible to provide a simpler framework for ensuring consumer protection and to review the language used in the legislation to make it more user friendly and consistent with reforms in other jurisdictions and possibly in other legislation.

The minister said in the second-reading speech that this represents the first tranche of reforms arising from the modernisation project. I am not sure if that means we will get more reforms in more legislation coming forward. Perhaps the government could respond to that particular query or explain what that actually means.

Some of the things this bill does include providing greater flexibility in processing deposits for sale of land, repealing the common carriers' liability limit, repealing outdated tenancy laws, redundant or duplicated petroleum regulation and redundant

corporations laws, managing the transition to national trade measurements and streamlining regulation of estate agents. But probably the areas of most interest that have been brought to our attention and that we have looked at are the changes to the regulation of debt collection and to the Prostitution Control Act.

The amendments with regard to debt collection centre around the repeal of the Private Agents Act and the abolition of the licensing system under that act, which will be replaced by a simplified compliance system. Reform of regulation in this area appears to have across-the-board support from stakeholders. It will mean that any person will be able to practise as a debt collector unless they are excluded from doing so because of specified criteria, the main ones being the contravention of the legislation that prohibits coercion, physical violence or undue harassment while collecting payments, and this will be directly linked to non-compliance with the harassment provisions under the Fair Trading Act.

We did have some queries about how this would work, particularly given that debt collectors were previously licensed and under this new regime they will not be licensed. We asked how they would be monitored if they are not licensed. The department responded by telling us that complaints to Consumer Affairs Victoria will continue to be the main method used to monitor debt collectors. So it is really a complaints-based system. The monitoring system seems to be that somebody has to have experienced undue harassment or coercion and made a complaint to Consumer Affairs Victoria.

I am not sure that is going to be good enough given we know that other parts of consumer affairs that are the subject of complaints to Consumer Affairs Victoria are not followed up due to resource limitations within CAV. We understand from stakeholders that enforcement has always been a problem in this area, and they are concerned that these changes do not go far enough to address this. The minister has assured us that where a debt collector has engaged in undue harassment CAV or the Australian Competition and Consumer Commission or another regulator will typically prosecute the debt collector under section 21 of the Fair Trading Act. A successful prosecution under that act would automatically disqualify a person from collecting debts on behalf of another person. However, I make the point that relying on a complaints system rather than a licensing system will mean that people will be subject to that behaviour before anything is done about it.

It is not clear how persons who have engaged in that behaviour before will be picked up through the new system if they have not had to apply for a licence, except to say that there will be a prohibition on being a debt collector under the Fair Trading Act if a person has been found to have been in contravention of section 60 of the Trade Practices Act 1974. We still hold some concerns about how that is going to work in practice.

The other area of interest in this omnibus bill is the strengthening of the regulatory regime for sex work, and in fact the bill changes the name and terminology in the current Prostitution Control Act and changes the name of the Prostitution Control Act to the Sex Work Act. The bill significantly increases penalties for operating a brothel without a licence and brings those penalties into line with penalties for operating a brothel without a planning permit. The bill will allow an exemption for small owner-operators of sex work service providers whereby they will be required to provide an annual statement to ensure that the register of small owner-operators is kept up to date.

One of the features of the bill is to require signage in brothels to alert patrons to the issue of sexual slavery, which is an issue of great concern, certainly to me and to many other people in the community. We know there have been some high-profile cases of sexual slavery in Victoria and in fact around the country. This is a welcome measure. Mr Guy skated over this point and described the requirement as a half-hearted measure. I believe it is a good measure because people are not necessarily aware of the issue and this will go some way towards making them aware. I take this opportunity to mention that a former Greens councillor for the City of Yarra, Kathleen Maltzahn, certainly advocated for this measure in the City of Yarra. Such a measure is certainly a part of the policy of the Greens. We welcome its inclusion in this bill and are happy to see it become a requirement for gaining a licence.

There is a requirement in the bill for an onus on the client and the sex worker to adopt safe sex practices. This is in addition to the requirement on a brothel owner to make sure that the brothel is operating in a safe way or that the brothel is a safe workplace, if you would like to put that way, and the brothel owner will be required to supply condoms.

Regarding another issue that Mr Guy raised, that of sex-on-premises venues, we did ask officers of the Department of Justice some questions about the regulation of such venues. Perhaps a government member might like to speak to this. It appears that such venues will still come under the new Sex Work Act, although those venues are not premises where sex work

as a commercial activity is undertaken. The answers that the department gave us did not necessarily clarify that particular issue either, in terms of the regime under which they are to be regulated. It seems that under this bill the Secretary of the Department of Justice will be able to exempt these venues from the requirements of the legislation. It appears that perhaps they should be regulated under a different regime.

We were also interested in the requirement from small owner-operators to supply an annual statement, and we wondered how onerous that would be. Our concern was that the small owner-operators may find the requirement onerous and hence be dissuaded from meeting it. We asked department officers about that. From their answers it seems that owner-operators are only required to update names, contact details, council planning permits et cetera, and there would be no cost to them for doing that. So that requirement is welcome in terms of making sure that those smaller owner-operators are kept in the loop.

These changes to the Prostitution Control Act including those to improve the health and welfare of sex workers, are generally welcomed by the industry. I received a letter from Resourcing Health and Education in the Sex Industry, which is a division of the Inner South Community Health Service and is located in Inkerman Street, St Kilda. It is a facility that I have visited and I have been informed about the work it does, which is to actively promote the health and wellbeing of sex workers 'whilst respecting and reflecting the needs of people working in the sex industry'. It aims to provide:

a service that recognises that health is not only a physical dimension but includes a person's emotional and social wellbeing.

It is a very good facility, and it supports and assists sex workers in Victoria. Resourcing Health and Education in the Sex Industry is supportive of the changes in this bill. Many other stakeholders have told me the same thing, although some have commented that there could have been some even stronger provisions put into the bill and into the new Sex Work Act.

Another provision in the bill which Mr Guy referred to fleetingly is clause 63. That clause inserts proposed section 61DA into the act and provides:

(1) If an inspector believes on reasonable grounds that premises are being used as a brothel in respect of which there is not in force any licence required under Part 3, the inspector may request any person who is entering or leaving those premises to —

(a) provide his or her name and address; and

- (b) answer orally any questions put by the inspector in relation to the use of the premises as a brothel; and
- (c) provide a written statement to the inspector in relation to any questions put by the inspector under paragraph (b).

Proposed subsection (2) confers a responsibility on the inspector to state who they are, to show their identification and to inform the person that they must comply or otherwise they will be issued with 10 penalty units, which is rather hefty. Subsequent proposed subsections give some redress or reason that a person may not have to comply — basically that is if the inspector does not follow the requirements for the inspector under proposed subsection (2), otherwise they are wide ranging.

The Scrutiny of Acts and Regulations Committee outlined its concerns about this clause in quite a lot of detail. I will read some sections of its comments on clause 63, without reading them all; members can do that for themselves. The committee started by saying:

The statement of compatibility does not address clause 63's impact on the charter's right against compelled self-incrimination. Clause 63 allows an inspector to force a person who enters or leaves a premises believed to be —

and not 'suspected' to be —

an unlicensed brothel to lead the inspector to information that may be used to convict him or her of any offence in the Prostitution Control Act ... The Supreme Court has recently held that a legal scheme of this sort is incompatible with the charter. The committee feels that a number of features of clause 63 mean that it may be incompatible with the charter.

The committee complained about the statement of compatibility. I have complained about statements of compatibility many times in this house, and we are not improving in that regard. What the statement of compatibility says about this clause is:

The proposal in clause 63 to empower inspectors to stop people entering and leaving reasonably suspected illegal brothel premises —

but that is not what the provision says. It does not say 'suspected'; it just says 'believed'. The statement of compatibility continues:

...question them, and require them to provide a name, address and statements engages, but does not limit, the right to privacy. The evidence obtained by inspectors from Consumer Affairs Victoria may be used in subsequent proceedings. This proposal is compatible with the charter and not arbitrary or unlawful because section 15 of the Prostitution Control Act 1994 makes it an offence to be in, entering or leaving an unlicensed brothel without a reasonable excuse.

I have to say that I am completely in agreement with the Scrutiny of Acts and Regulations Committee that that is completely inadequate in terms of a statement of compatibility about a clause that will allow an inspector — a government bureaucrat, really — to force people to answer questions that may incriminate them.

Among other things the committee observes that clause 63 is:

... limited to premises that are reasonably believed to be (not 'reasonably suspected') illegal brothel premises.

The statement does not address whether clause 63's interference with privacy is proportionate to its purpose or formulated with sufficient precision to allow people being questioned to understand what questions they are obliged to answer. The committee goes on to say that it:

... observes that the Supreme Court has recently held that a legal scheme of this type (in the Major Crimes (Investigative Powers) Act 2004) is incompatible with the charter. While compelled questioning without full immunity against self-incrimination may sometimes be compatible with the charter if the absence of a full immunity is both reasonable and justified, the committee feels that, in light of the Supreme Court's ruling, a number of features of clause 63 mean that it may be incompatible with the charter.

One of the things that strikes me is that for anyone entering or leaving a premises the bill does not set out what offence that person may be suspected of having committed and, as the committee also observes, it is not directed to a licence-holder or facility operator but to anybody leaving a premises. The committee goes on to say that it:

... considers that a less restrictive means reasonably available to achieve the important purpose of investigating unlicensed brothels (including the protection of the rights of sex workers to liberty and security) would be to immunise people questioned upon entering or leaving an apparent unlicensed brothel from prosecutions based on evidence obtained as either the direct result or indirect consequence of their compelled answers.

The clause does not differentiate between a minor breach, such as the fact that a licence may be a week overdue, and a major breach, such as where people may believe a brothel is unlicensed or indeed may be engaged in sexual slavery, which is a very serious offence. The clause covers a wide gamut. The bill expands the powers that exist in section 61D of the Prostitution Control Act.

I note that the committee wrote to the minister about the clause, but so far as I know the minister has not responded. I have been chasing his department on that particular issue. It is an important issue because it is a

right under common law and under our charter. The government is always saying we should comply with the charter and people should not be required to incriminate themselves.

I also draw the attention of the house to proposed section 61DA which allows the police commissioner, if he believes on reasonable grounds that a person is carrying on business as a sex provider at a particular premises in contravention of the act, to set out in writing the grounds for that belief, including the name of the premises and the name of the police who can enter premises without a search warrant if the chief commissioner believes evidence will be lost. My point is that already under the act the police are able to enter premises if they have a reasonable belief. It strikes me that it is completely unnecessary to grant powers of forcible entry to inspectors when the police are already empowered to enter a premises when they have formed a belief that an illegal activity is occurring.

In regard to changes to other acts as a result of the bill, as usual with omnibus bills we say they look fine on our reading and we take it in good faith that they are fine. We will not be opposing the legislation. However, as I have outlined in detail, we have concerns about whether clause 63 is required and about the far-reaching powers being conferred on the consumer affairs inspectorate.

Ms MIKAKOS (Northern Metropolitan) — I am pleased to rise to support the Consumer Affairs Amendment Bill 2009. The reforms proposed in the bill arise as a result of the consumer affairs legislation modernisation project undertaken by the Brumby government, and it is anticipated that in the future there will be further reforms relating to the consumer affairs legislation. The bill aims specifically to consolidate and modernise Victoria's consumer legislation, to repeal outdated and redundant legislation and to improve the regulatory regime particularly as it relates to sex workers through reforms to the Prostitution Control Act 1994.

The bill covers a broad range of amendments and amends many different acts, but I want to focus on only a few. In relation to the Prostitution Control Act the bill seeks to provide improved powers to require notification of changes to registered details, to enhance inspection powers and to provide a wide range of measures to improve the awareness and practice of safe sex.

The 2008 government response to the Prostitution Control Act Ministerial Advisory Committee report, *Improving the Regulation of the Sex Industry and*

Support Sex Workers Who Want to Move On, has been implemented in this legislation enhancing the overall operation of the act. As members would be aware, the approach taken in Victoria is to allow for a legal but regulated sex industry based on the harm minimisation principle as it relates both to workers and clients and to promote public health in the industry and in the community. In its report the advisory committee recommended that a large part of the review process should include research into the nature and extent of the Victorian sex industry, taking into account the experiences of sex workers and prostitution business operators.

I was very pleased to become aware only very recently that Consumer Affairs Victoria had commissioned an independent report in June 2009, conducted as I understand it by Monash University, into the Victorian brothel sector entitled *Working in Victorian Brothels*, which revealed that currently we have 95 licensed brothels clustered in the metropolitan Melbourne area and 3 in Geelong.

While the sex industry is legal in Victoria, it does of course attract strong moral views from members of the community. I admit that I have a strong abhorrence of this industry as I see it as being inherently exploitative of women. However, as I said earlier, the legislation is based on harm minimisation and, as with any other ordinary worker in our state, sex workers need to be afforded assistance and protection as much as is possible.

The bill aims to introduce measures, for example, that relate to safer sex practices. It seeks to ensure that these establishments do not engage in activities that may potentially be harmful to the sex worker, to the client or to the broader community. This relates, for example, to the requirement that a condom be used. This requirement is wholly directed at the protection of the worker and the broader community as well as the client, at minimising the risk of sexually transmitted diseases being spread into the community. Clause 45, for example, allows the minister to order swab tests of sex workers at time periods determined by the Minister for Health. This alters the previous monthly-basis requirement, allowing for greater flexibility in testing for any such diseases.

It would be an understatement to suggest that regulated legal brothels are the only aspect of the sex industry in Victoria. We know a number of illegal brothels exist, and the bill seeks to make some reforms in this area. For example, the bill will strengthen the inspection powers of Consumer Affairs Victoria in relation to illegal brothels by requiring identity cards for brothel

owners and managers, and it will double the financial penalty for operating an unlicensed brothel. Illegal brothel operators will continue to face a possible five-year jail term. In this respect the legislation aims to properly control licensed brothels whilst at the same time prosecuting and closing those that are operating illegally.

I know Ms Pennicuik expressed concerns about some of the new powers for dealing with these issues and about concerns that have been raised by the Scrutiny of Acts and Regulations Committee. I understand the minister has prepared a response addressing the concerns of SARC, and I understand that response will be made available later and read into the record by the minister. However, I want to say that I strongly support these changes. If we are serious about protecting sex workers and the broader community, then we need to try to stamp out illegal brothels. I suggest that they are the places where women would be more likely to be pressured into engaging in unsafe sex practices, for example; they are the venues that would possibly be more likely to engage in sex trafficking and a range of other illegal practices. Measures that seek to regulate this area should be supported.

The issue of sex slavery is also specifically dealt with in the bill. We need to get the message across that this practice is not tolerated under any circumstances and needs to be quashed. I am a member of the parliamentary Drugs and Crime Prevention Committee, which is currently undertaking an inquiry into sex trafficking. I am not able to make any comments about this issue whilst the committee's inquiry is still under way. However, I do want to say that sex trafficking is a very serious issue and we need to ensure that vulnerable women are protected as much as is possible.

Through clause 60 the bill seeks to introduce a new requirement that licensees display prescribed signage about sexual slavery in Victorian brothels in places where both staff and clients can read that signage. The exact content of the signage will be made by regulation at a future date. I understand this type of signage has been trialled by the City of Yarra, which is in my electorate. I want to take this opportunity to commend the council for taking this important step. It will improve awareness amongst the general public that sex slavery does exist, that it is illegal and that women in this position should be offered legal protection. I look forward to this new initiative being rolled out, and I hope the minister will be open to further reforms in this area. Of course he is the one who referred the issue of sex trafficking to the parliamentary committee. The minister is to be commended for taking this issue very seriously and for seeking to look at what further steps

can be taken to eradicate this appalling practice in our community.

The bill makes amendments to regulations in a range of other areas. I do not want to refer to those in any great detail, but they relate, for example, to the real estate industry in relation to the Landlord and Tenant Act, to the Owners Corporations Act, to conveyancing legislation and to the issue of the negative licensing scheme in the Private Agents Act. There is also a very overdue reform to the Carriers and Innkeepers Act 1958, which will repeal a \$20 liability limit on common carriers of goods — which I understand has remained unchanged since its inception in 1830.

Finally, I commend Consumer Affairs Victoria for its important work in modernising our legislation. As we can see, there are some reforms here that have been a long time coming. I support measures to reform the prostitution industry and issues to do with sex slavery, and I look forward to further reforms in this area in the future. I commend the bill to the house.

Mr ATKINSON (Eastern Metropolitan) — I echo the words of the previous speaker, Ms Mikakos, in saying that parts of this legislation have been a long time coming. The issues in the sex industry have required some sort of government resolve for an extended period, and the Minister for Consumer Affairs, who seems to struggle with every piece of legislation that he brings to the Parliament, has taken a good deal of time to address some of these issues. I will come back to those aspects of the bill in a moment.

I will be brief in my contribution to this debate, but I first want to express my concerns about the provisions in this bill regarding debt collecting. Generally this piece of legislation is aimed at deregulation. It attempts to work towards uniformity of legislation across Australia, and I will talk particularly in relation to the trade measurement provisions. That move towards uniformity is welcomed. By and large, deregulation and cutting red tape are also welcomed.

In regard to debt collection, though, I have some concerns because it is my view that the interests of consumers to this point have not necessarily been protected by Consumer Affairs Victoria or other government agencies. I am concerned that payday lending is still prevalent in the community, that in fact many people who are advancing loans are quite predatory and are exploiting consumers who have difficulties managing their finances and who are placed in circumstances where they are vulnerable and where they will accept short-term loans without being aware of the consequences and interest calculations, which

can be absolutely exorbitant. In fact in my view they are extortionate. There is absolutely no justification for interest rates that are north of 30 per cent. People who get caught in these loans are very often the most vulnerable in our community, and far from being a form of salvation, the loan is usually an additional anchor on them.

I note that the government has launched a program to try to educate people on money matters and managing their finances, extending some assistance and support of an educational nature and in some cases counselling. I welcome that initiative and hope that it might address some of the issues I am concerned about.

But I have some real problems with the contracts or agreements that are advanced by some loan providers. Very often, with the onerous loan conditions and exorbitant interest rates, there comes a measure of intimidation in terms of enforcement of payment terms. This concerns me. Moving away from a licensing system in this area is a fairly brave move because I believe that is opening up a process of debt collection where anyone can do it unless they are disqualified — and the disqualification is tied to people who are shown to have been intimidatory, to have used coercion or practices that prey on people. I understand that is part of this legislation and is very much contemplated by the Fair Trading Act and other instruments of Consumer Affairs Victoria. I understand it is by exemption and that exemption does apply to the field I am discussing, but I believe many people will get through the net. Of all the areas of licensing, this is the one where I personally would be treading must cautiously. We need to be very careful about people who are going around enforcing debt collection, very often on people who are vulnerable. Perhaps we ought to be doing a lot more in relation to education and counselling rather than opening it up for a great many other people in the community to become involved unfettered in debt collection.

I am really concerned about this area, an area that the opposition to some extent in its assessment of this legislation has been concerned about. Perhaps my concerns are little sharper than those of my colleagues, but I think we as policy-makers need to watch carefully to ensure that people in our community who are vulnerable are not exploited and are not open to intimidatory practices as a result of this deregulation.

I welcome the changes to the Prostitution Control Act as well, although I trust that the health minister's decisions in terms of health checks will be adequate for the needs of the community, because obviously there is

a transference of responsibility to the Minister for Health.

I have some reservations about the placement of signs concerning sexual slavery in brothels being an effective measure of counteracting what is a significant and very sad exploitation of particularly young women and sometimes young men, but certainly exploitation of people. Obviously the state government works with the federal Department of Immigration and Citizenship, the federal police and no doubt other agencies in trying to crack down on sexual slavery, particularly when it involves nationals from other countries who are sometimes brought out and kept in a prostitution arrangement on the basis that they have an assumed debt for their passage to Australia, and the difficulty that they have in terms of working off that debt to repay the people who are exploiting them. That is a major issue of concern, and it is a disgrace that it occurs in our community.

I am not sure that the level of prosecution and surveillance of brothels has been adequate under the existing licensing scheme. In earlier days we had a problem because it was almost impossible to get a conviction against many venues that were offering some sort of sexual services because there was a reliance on local government whereby local government had to prove that the sexual service was being provided. Often local government authorities had to send in council officers or private investigators to put themselves in a position of accepting the services so they could go to the court and say, 'This is what is happening'. That legislation was amended.

I note that recently in the press the minister has indicated that he would like to see some greater vigilance by local government and more action by local government authorities in terms of policing the current legislation and closing down unlicensed premises. It is important to take a more vigorous approach in scrutinising those unlicensed premises and ensuring that they either become licensed or are closed, because in many cases that have been reported to me many people who work in the unlicensed premises are relatively new arrivals to Australia and some people may even have been brought to Australia specifically to work in those places. They are often people of Asian background who have very little command of the English language, and clearly they are being exploited. I am sure that in most cases such people are not the owners or the controllers of their own destiny but are being controlled by other people. It is happening increasingly in the unlicensed premises, because the operators of those premises have been able to get under the radar of the regulatory authorities.

In the context of unlicensed premises, obviously the health aspects of the provision of sexual services have a very high propensity of being diminished and there would be non-compliance with the provisions that do apply to registered brothels and places where sexual services are offered. It is important from a health point of view that these unlicensed premises be policed and either closed or brought into the licensing framework. It is very important that we understand that the workers in those premises are willing participants in what they are doing and that they are not being exploited and are not the victims of sexual slavery as well. What the government needs to be focused on in terms of some of the policing of the legislation, be it by its own agency or by local government, is that there are exit strategies for people who work in the sex industry. Workers in the sex industry need to understand that there are other alternatives they could pursue it and that they have an opportunity to get out of the industry and do something else. Whilst I am not sure that that was provided in legislation that has been passed by this house historically, I am sure that goal has never been achieved under the licensing regime we have, notwithstanding that it was one of the objectives.

I am also concerned about the enforcement of regulations. Cracking down on unlicensed premises is imperative in terms of preserving the integrity of our licensing system. There is no point having some premises that offer sexual services being required to meet licensing requirements, having to pay fees and having to meet the various tests of the legislation in terms of being fit and proper people to be involved and so on when they must compete with unlicensed premises that are obviously not meeting any of those requirements. If you want to maintain a licensing system at all it is important that you maintain its integrity by ensuring that there is not a second area offering the same services that is escaping the licence regime and is a direct competitor. As I have said, in terms of health outcomes for the community this area is not as keenly scrutinised as it should be.

In closing I point out that this legislation has been quite some time coming to this Parliament, as Ms Mikakos said in respect of the changes to the Prostitution Control Act. Some of my colleagues and I have some reservations about just how effective this government's enforcement of some of its legislation is when one considers that for an extended period of time a venue offering sexual services was located within 100 metres of the offices of Consumer Affairs Victoria and the minister's own office. It operated for an extended period — I think for a number of years — without any trouble from enforcement agencies. When a place like

that can operate virtually under the direct gaze of the minister, one worries about enforcement further afield.

One other point I would make about unlicensed premises is that it is also very important for the amenity of residents that they understand that venues offering sexual services in their local area have been through a performance examination, are licensed and are operating properly and not subject to criminal activity or to control by people who are not fit and proper people to own these sorts of businesses. Most of the premises that we are talking about are supposed to be run by owner-operators rather than owned by a third party. However, it is important in terms of neighbourhood amenity that the licensing system should work.

I trust that the minister's legislation as it is now framed and the vigilance of local government authorities will ensure that we have a better process going forward and that the intentions that the government has outlined in this legislation and previous legislation brought to this house are achieved.

Mr SOMYUREK (South Eastern Metropolitan) — I rise to speak in support of the Consumer Affairs Legislation Amendment Bill. The bill modernises Victoria's consumer affairs laws by repealing some redundant acts and amending others. It also has important amendments to the Prostitution Control Act 1994. As a consequence of this bill the Prostitution Control Act will be renamed the Sex Work Act, and a number of important amendments will be made by this bill.

The bill refines licensing and enforcement arrangements under the Prostitution Control Act 1994 by increasing penalties for illegal brothels, increasing inspection powers for regulators investigating illegal brothels and by promoting safe sex practices, providing greater flexibility in the event of the death or disability of the licensee and improving the accuracy of the registrar of small owner-operated sex work service providers.

Prostitution has been regulated in the state of Victoria for the past two decades. This approach recognises that prostitution will exist whether or not the law permits it. The legislation recognises the fact that there are important human rights, planning and health reasons to regulate the industry. The human rights considerations include protecting children by preventing them from working in the industry or even being on licensed premises. In this area a child is a person under the age of 18. Human rights are also protected by preventing what amounts to slavery by outlawing coercion. Planning amenity considerations are dealt with by outlawing brothels within specific distances from

residential areas and children's services. Prostitution is also regulated for health reasons, in particular to prevent the spread of infectious diseases through health checks. The bill requires safe practices such as usage of condoms.

I turn to another component of this bill. By licensing brothels the bill will effectively keep the criminal element out of the industry. The criminal element endangers the health of both workers and staff in the industry, and it traffics in the misery of sex workers. The customers who use these brothels are even more foolish.

Clause 63 of the bill is a welcome development. It inserts a new section, proposed section 61DA, entitled 'Persons to answer questions in relation to suspected non-licensed sex work service providing businesses'.

The bill also amends a number of other acts which I will briefly outline. It increases flexibility with respect to deposits for off-the-plan sales under the Sale of Land Act 1962 by increasing the cap on deposits from 10 per cent to 20 per cent while improving disclosure of issues that may arise with off-the-plan sales. The licensing system and other areas of the Estate Agents Act 1980 are streamlined through the removal of redundant licence categories and licensing procedures. There are minor technical amendments to clarify and improve the operation of the Owners Corporation Act 2006 and the Conveyancers Act 2006.

The bill repeals the Trade Measurement Act 1995 and the Trade Measurement (Administration) Act 1995 and includes transitional provisions to manage trade measurement compliance and fees as well as the transfer of information to the national trade measurement system. The bill repeals quite a number of redundant acts which I will not go through. It repeals the Private Agents Act 1966 and inserts reformed regulatory provisions relating to debt collectors into the Fair Trading Act 1999. Acting President, I promised not to go through the various acts the bill repeals, and I am inadvertently doing so; I will stop. With that, I commend the bill to the house.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Ms PENNICUIK (Southern Metropolitan) — In relation to the purposes of this bill the minister referred in his second-reading speech to another tranche of

reforms by Consumer Affairs Victoria. Can the minister tell us what that next tranche will be and also whether it will include reforms to the retirement villages industry?

Hon. J. M. MADDEN (Minister for Planning) — I am informed that the next tranche will continue to modernise the Consumer Affairs Act, but it will not include retirement villages.

Ms PENNICUIK (Southern Metropolitan) — I asked that question because we have received quite a few complaints in our office about retirement villages charging their clients fees. The question I ask is: can the minister advise when those reforms might come into play?

Hon. J. M. MADDEN (Minister for Planning) — In terms of the retirement village reforms, in a sense it is on the agenda. There is no guarantee that we will bring anything to the Parliament during this year in that regard, but it is certainly on the agenda for potential reforms further out.

Clause agreed to; clauses 2 to 62 agreed to.

Clause 63

Ms PENNICUIK (Southern Metropolitan) — During the second-reading debate I raised queries about clause 63 of the bill, which inserts new section 61DA into the Prostitution Control Act 1994. There is already a section 61D, which gives the community affairs inspectorate the ability to require licensees, at a time and place specified by the inspector, to answer orally or in writing, questions regarding their activities. This proposed new section is quite extensive and would allow inspectors to force members of the public to answer questions on pain of 10 penalty units for the offence if they did not comply with the directions of the inspector. The crux of the issue is that there is no immunity against self-incrimination.

In raising these concerns I presume, and perhaps the minister will elaborate, that this provision is proposed because of the serious sex trafficking issue we face, which was outlined by Ms Mikakos, and referred to by me and Mr Atkinson during the second-reading debate. That is most likely to occur on illegal premises, as are other activities which may put the health, safety and welfare of sex workers at risk. I understand that aspect, but I have some concerns given the extensive focus the Scrutiny of Acts and Regulations Committee has given to this particular clause. Basically, it boils down to the committee's concern that even under the Major Crime (Investigative Powers) Act there is court supervision, but in this proposed provision an inspector of Consumer Affairs Victoria would be able to exercise

coercive questioning of lay people, presumably in the street as they enter or leave premises, without any court supervision.

I ask the minister what the thinking is behind that proposed provision. The Scrutiny of Acts and Regulations Committee has written to the minister, but I understand the minister may not be able to tell me what is in that response if he has not finished responding to the committee. However, he may be able to tell me the major thrust of that response, which is my question.

Hon. J. M. MADDEN (Minister for Planning) — I will comment on what Ms Pennicuik has mentioned and hopefully I will do justice to the sort of information she is trying to access. Beyond that, I am happy to try to take specific advice from the advisers here, if that is required, but hopefully this answer might assist.

I am informed the inspectors will have powers to require a person entering or leaving a reasonably suspected illegal brothel to give their name and address, provide evidence of their name and address, and unless they have reasonable grounds for not doing so, answer orally any questions put by the inspector or provide a written statement with respect to any questions asked by the inspector.

Safeguards and protections will apply to the exercise of the power that Ms Pennicuik is concerned about. They will require that an inspector state that he or she is an inspector, state his or her name, produce proof that he or she is an inspector and inform the person being questioned that failure to comply with the request, providing a false name or address, and making a false or misleading statement are all offences.

I am informed that while a person does not have a right against self-incrimination, before a person is required by an inspector to answer a question, the inspector must inform the person that if they claim that the answer might tend to incriminate them, the answer is not admissible in evidence in any criminal proceedings other than in proceedings in respect of the falsity of the answer. I am informed that if the person claims before answering the question that the answer might incriminate them, the answer is not admissible in evidence in any criminal proceedings other than, as I mentioned, proceedings in respect of the falsity of the answer. I hope that might assist Ms Pennicuik.

Ms PENNICUIK (Southern Metropolitan) — Certainly what the minister says is very interesting, but that is not what the clause says. There are two issues I pick up. One is that he said, 'if the inspector has a

reasonable suspicion', but it does not say that in the clause. It says, 'believes on reasonable grounds'. It does not use the word 'suspicion'. That may sound like semantics but they are specific terms under the law, and one is a lesser test than the other. I am not sure, and perhaps the minister could point me to this, where in the bill the other things he said are, such as if the person says, 'I will not answer on the grounds that it might incriminate me' et cetera.

Hon. J. M. MADDEN (Minister for Planning) — Just for clarification for Ms Pennicuik, I think the terms I used were that, 'the inspector will have powers to require a person entering or leaving a reasonably suspected illegal brothel', and she made the point that the bill refers to 'believes on reasonable grounds that premises are being used as a brothel'. Whilst it is semantics, I am happy to check whether there is any significant difference in that language, but I think the gist of what I am saying is not dissimilar to what is in the bill. There might be a different legal threshold, and I am happy to receive advice on that, but again I think it is based on reasonable grounds or reasonable suspicions or such that the inspectors have to make a judgement, and no doubt at some stage they would have to justify or potentially justify that perception or that evaluation or decision to pursue that premises as being used as a brothel. They would have to justify why they arrived at that decision, no doubt. I hope that assists. There was a second part to the member's question. Ms Pennicuik might want to just clarify that again.

Ms PENNICUIK (Southern Metropolitan) — The minister did say, and it was interesting to me, that if the person were to say in answer to the inspector, 'I don't wish to answer the questions on the grounds that that might incriminate me', that could not be used against them, but I am not sure where that is in the bill.

Hon. J. M. MADDEN (Minister for Planning) — I am informed that is already in the existing act, in that section.

Ms PENNICUIK (Southern Metropolitan) — Could the minister be more specific as to where that is?

Hon. J. M. MADDEN (Minister for Planning) — I am informed it is in section 61V of the existing act.

Ms PENNICUIK (Southern Metropolitan) — The minister could be right, but certainly the Scrutiny of Acts and Regulations Committee in its report seemed to think that the two did not go together and that this one stood alone, so it is reassuring to hear that.

My only other question is, given that under section 64, which has been slightly amended by the bill, there is

already power for the chief commissioner to authorise entry to a premises suspected of being an illegal premises and that this requires the chief commissioner to transfer, by facsimile, some information to the Magistrates Court before entering the premises but still allows for a speedy entry, and given those extensive powers that the police already have, why was it felt these other powers were needed?

Hon. J. M. MADDEN (Minister for Planning) — I am informed that there is a memorandum of understanding between consumer affairs, local government and the police that consumer affairs will take the lead on these issues when it comes to entering these premises.

Ms PENNICUIK (Southern Metropolitan) — I thank the minister. Given that the major concern I had with the clause appears to have been answered by the minister, I have no further questions on the clause.

Clause agreed to; clauses 64 to 110 agreed to; schedule agreed to.

Reported to house without amendment.

Report adopted.

Third reading

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

That the bill be now read a third time.

I thank members of the chamber for their contributions.

Motion agreed to.

Read third time.

Sitting suspended 6.24 p.m. until 8.02 p.m.

WATER AMENDMENT (ENTITLEMENTS) BILL

Second reading

Debate resumed from 10 December 2009; motion of Mr LENDERS (Treasurer).

Ms LOVELL (Northern Victoria) — I rise to speak on the Water Amendment (Entitlements) Bill 2009. The purposes of this bill are to amend the Water Act 1989, to make further provision as to rights to water in publicly accessible waterways, to make provision to the assignment of water allocations under bulk entitlements, to make other amendments to the

provisions as to bulk entitlements, to alter the meaning of water allocation, to provide for various matters relating to environmental entitlements, to provide for various matters relating to the provisions for water shares and the water register, and to provide for other minor matters relating to the operation of the act. The bill will also amend the Residential Tenancies Act 1997 to make further provision for the rating standards for water appliances on premises to which the act applies.

This sort of bill is generally referred to as a housekeeping bill. It will clarify the implementation of the changes that were made to the Water Act in 2005. It is not surprising that these changes to the legislation were needed. The implementation of the changes made by the Water (Resource Management) Act 2005 was a complete mess. The government had two years to bring in the changes because they were not enacted until July 2007. However, it still could not provide a smooth transition from the previous arrangements to the arrangements set out in the Water (Resource Management) Act 2005.

In 2005 major changes were made to the act. Many of them caused a lot of anxiety within the irrigation district. Irrigators warned the government of many of the problems that existed because of that legislation, but the government would not listen. Members of the Liberal Party and The Nationals warned the government of some of the problems during debate in the Parliament, but the government did not listen.

A group of irrigators from northern Victoria sat in the gallery in the lower house to hear the debate on the Water (Resource Management) Bill. The irrigators were absolutely disgusted at the behaviour of the then Minister for Water, John Thwaites, who turned his back on opposition speakers while they were raising many of the irrigators' concerns. They were also disgusted that the then minister could not answer questions during the consideration-in-detail stage and that he had to keep referring to advisers. The number of times he did that was probably equivalent to the frequency with which the Minister for Planning in this house often refers to the advisers box.

I would like to reflect on some of the changes largely centred around the issue of unbundling, which is the separation of water from land. Previously water had to be used on the land to which it was attached. It was sold with that land if the land was sold. Unbundling provided for the separation of water from land, and it required the government to set up the Victorian Water Register, which is a register of water shares and who owns those shares. The government had two years to do this. However, as July 2007 approached, it became

apparent that the government was having difficulty clarifying the ownership of many water shares, and the register was not complete by 1 July 2007. Therefore the mail-out to confirm the ownership of water shares was late and was not sent out until well after 1 July 2007.

At the time this caused great hardship to many irrigators. Some irrigators who wanted to trade water, either on a temporary or permanent basis, were unable to do so because they were unable to make any transactions. Even worse, those irrigators who had already entered into a contract for the sale of land were unable to complete that contract, particularly if that land included water that was being sold. They were unable to complete the transfer because there needed to be clarification of the ownership of the water shares. In some cases this caused great hardship as irrigators incurred penalties which amounted to tens of thousands of dollars while they waited for the government to clarify the ownership of their water shares.

My office and the offices of many of my colleagues in northern Victoria were dealing with these issues on a daily basis. There were lengthy delays to accessing information to confirm water shares, which caused a great deal of anguish and pain for those involved in those transactions. The government had two years to get it right, and it still managed to fail in preparing for a smooth transaction.

It does not surprise me that we are back here once again debating further amendments to this legislation. Coming back to Parliament and debating legislation further is something we are quite used to under this government. I will never forget my first year in Parliament when we debated the same piece of legislation three times. That is because this government is determined to push through legislation no matter what problems there are with it; it has given no thought to the ramifications that will have on the people of Victoria.

As I said, in my first year in Parliament we debated legislation covering Easter trading hours three times. The legislation was brought in. The Liberal Party told the government there were problems with that legislation, but it pushed the bill through. The government then had to bring in amendments to the legislation before Easter because without them we would not have had service stations or chemists operating on Easter Sunday. People who needed important medication or baby formula would not have been able to purchase those products on Easter Sunday because of the government's legislation. Not only did the government have to bring the legislation back once,

but it needed to bring it back a second time later in the year to clean up the mess it had made.

It comes as no surprise to the opposition that we are debating this legislation once again to fix up errors that were made by this government, and many of these are errors the opposition pointed out during the first debate on this legislation. The bill before us today is needed to clean up poorly drafted Labor legislation.

The main provisions of the bill are to clarify the general right to take free of charge from publicly accessible waterways water for stock and domestic use and to ensure that the water is used at the place from where it is taken. This is colloquially known as the drover's right, and it goes back to the days when drovers were driving stock and they had access to streams or watering places where they could water their stock. This right has been abused in recent times, during the drought, as some people have used trucks to move substantial amounts of water from those accessible places to supplement supplies in areas where there are water restrictions. These changes define the right and retain the right to take water and use it at that particular point but not to cart that water elsewhere for other uses.

The legislation also clarifies the period of time that a minister can temporarily qualify rights in times of declared water shortage. It allows the minister to make minor amendments to a bulk entitlement and correct any mistakes in the description of the entitlement or to better reflect its practical operation provided the changes do not impact on another person's entitlement. It amends the Water Act to better reflect how the carryover of water is managed and allows for better recording and management of the IT system that underpins the water register.

Another consequence of the 2005 legislation is the quantity of water being traded out of irrigation districts. In the 2005 legislation the government set up a new process for decommissioning rural water supply infrastructure, which made it easier for government to close down irrigation systems in northern Victoria. Looking back it is now obvious that this was implemented to assist the government in the process we are now going through with the modernisation of the northern Victorian irrigation infrastructure.

At the time irrigators and the Victorian Farmers Federation expressed concern about the amount of water that may leave irrigation districts, and two caps were introduced. A cap of 10 per cent on the amount of water that a non-landowner could own and hold was imposed largely because of a concern that, when water was separated from land, water barons could enter the

water market and distort it, pushing up the price of water. A 4 per cent cap was placed on the amount of permanent trade out of a district, and this was to prevent large amounts of water leaving irrigation districts as that may cause a district to become unviable.

We have since seen the government pass legislation to abolish the 10 per cent cap on non-landowners owning water, and although the 4 per cent cap still exists, the Brumby government has done a deal with the commonwealth to allow water in excess of the cap to be traded for environmental purposes. This deal has allowed the commonwealth to purchase an additional 60 megalitres of water each year in excess of the 4 per cent cap and up to 300 000 megalitres can be traded over five years.

When this government first came to power irrigators in the Goulburn-Murray irrigation district held water entitlements of about 1.6 million megalitres. If future trading follows current trends, if the federal government continues to purchase irrigators' entitlements for environmental water and the state government continues to purchase or take further water for Melbourne and other urban areas, we will see the water available for irrigated agriculture fall to less than half of what it was when this government came to power. The government will say it is only taking water for Melbourne from savings, but a large portion of those savings is being clawed back from irrigators through re-metering.

This government claims that the Dethridge wheel is an inaccurate measuring tool that overdelivers water to irrigators and that the new metering will deliver an accurate measurement of water. It is claiming that water as savings, and it is redirecting it to Melbourne. I would argue that that water was never lost; that the water that was overdelivered on to farms, if the government is right, was never lost because it was always used for production on farms. It is water that has contributed to this state's economy through our agricultural production and it is water that will be lost to agricultural production forever. It did perhaps represent a loss of revenue for Goulburn-Murray Water but, as I said, it was still used for production, so it was not really a loss. Irrigators would have been happy to pay for that water if the government had claimed they had received more than they were entitled to. However, this water will no longer be available to irrigators for productive use, therefore there will be a loss to this state in agricultural production.

The government's claim of water savings in northern Victoria is an absolute farce. This was demonstrated very early on in the piece when the government put

forward its plan to pipe water to Melbourne. The then chairman of Goulburn-Murray Water, Don Cummins — a good Labor Party man — came out and spoke against that plan. In an article in the *Age* of Saturday, 10 March 2007, Don Cummins is quoted as saying:

... once you start water flowing in that manner, jobs and farmers go with it — it is immoral to move water vast distances. (And) it's never going to come back.

Don went on to say:

Politicians are considering this now because Melbourne is running out of water, and Melbourne takes what Melbourne wants ...

What he really meant is 'John Brumby takes what John Brumby wants'. Don Cummins is right: it is immoral to move water from north of the Great Dividing Range to Melbourne. That water is definitely needed in northern Victoria.

Don Cummins did not agree with the government; he did not agree with the Premier. What happened to Don Cummins? He is certainly not in that position now. Don did not toe the line, so the Brumby government replaced him. Suddenly he was gone and there was a new chairman at Goulburn-Murray Water. As we all know, there are a lot of other options for Melbourne through recycling and stormwater capture. There are probably options for increasing storages, but this government is not prepared to look at any of those. It is prepared to take water from a stressed system in northern Victoria, and pipe it over the Great Dividing Range to Melbourne. It will deny people in northern Victoria water to solve its political problem in Melbourne.

Another issue we should look at when we are talking about water savings is the overstatement by the government of the amount of water there is to be saved in northern Victoria. Last year the losses for the entire Goulburn-Murray irrigation system amounted to less than 400 000 megalitres. However, if you add up all the promises this government has made on savings, they amount to around 520 000 megalitres. It is impossible to save 520 000 megalitres if the entire losses in the system are less than 400 000 megalitres.

As I stated earlier, this legislation is a housekeeping bill to correct problems that have arisen from the changes made in 2005 to the Water Act 1989. Therefore the coalition is not opposing this legislation. However, we fully expect to see further amendments come forward from this government into this house as more and more problems surface in the complex area of water legislation.

Mr BARBER (Northern Metropolitan) — Like Ms Lovell I have my own particular critique of water management in this state. Initially, at least, this is a fairly simple bill making a number of administrative changes, but there is one particular clause of the bill that gives me some difficulty — that is, clause 6 of the bill which relates to temporary qualifications of water.

Obviously the purpose of the Water Act is to create a framework of rights to water. That was established some many moons ago under the Kennett government at the same time that we finally got a cap on the amount of water that can be extracted across the Murray-Darling Basin. However, the ongoing difficulty since that time has been to try to somehow extract some additional waters for the environment.

Various ideas have been brought forward: environmental flows; stream flow management plans; an environmental water-holder; the possibility of the federal government intervening to obtain water that it might provide; a program through the Murray-Darling Basin Commission called the icon sites; the Living Murray program, which was designed to deliver a certain amount of water to certain icon sites in relation to Lake Mokoan and the Snowy River; and most recently, the Northern Victoria Irrigation Renewal Project (NVIRP), which is meant to direct water for the environment but has so far delivered very little.

I have spoken about many of these issues many times in this Parliament. Before the year is over I am confident there is going to be an ongoing and quite serious debate about our water future. The government does not think so. It has built a desalination plant and it has a program under way on the Goulburn River, and that is the final word as far as it is concerned. I am not at all confident that the government has magically closed the book on our water crisis, and this temporary qualification of rights issue comes to the fore. What is a temporary qualification of rights? According to the government's website 'Our Water Our Future':

... in extreme circumstances to ensure critical water needs are met. Rights may be suspended, reduced, increased or otherwise altered after a water shortage has been declared under section 33AAA(2).

That is in fact the section of the principal act that this bill proposes to amend. Quite simply the government makes this qualification of rights when it runs out of water or thinks it is going to run out of water or if it is trying to provide water for a particular need. The government does this quite often, and it is my concern that this temporary qualification is slightly addictive for the government.

In the 2006–07 year there were 28 occasions on which temporary qualifications were imposed in 12 different basins. In a more detailed report that was provided for the following water year, 2007–08, we see that 24 different qualifications of surface water rights were made. Often those qualifications are related to reduced passing flow requirements. Passing flows are not really environmental flows. A passing flow might be the only water in the river, but technically you cannot call that an environmental flow. It is often there to deliver other water, or in the case of the Goulburn River it is there to make sure that the reserve does not go completely toxic from algae.

You cannot necessarily say that a passing flow is delivering on any of the environmental objectives that might be set down for that river. It will not deliver floods to surrounding wetlands. It will not deliver breeding for particular species. It will not deliver certain populations of species. It is the absolute bare minimum. And yet on many occasions those minimal flows were qualified in the 2007–08 year, including some of our most critically threatened and also environmentally valuable rivers: the Goulburn River and the Campaspe River. Has anybody had a look in the Campaspe River the last time they went over the bridge?

Mr Drum — You don't need the bridge!

Mr BARBER — Very good point. You could skip across it without getting your boots wet, Mr Drum. There are also the Loddon River, the Thomson River, the Maribyrnong River, the Yarra River, the Werribee River and the Moorabool River. To put it colloquially, the Moorabool River is one of our most stuffed rivers. I checked out that river last summer; there was a bare trickle moving through it.

Interestingly in relation to the Thomson River, The Nationals — big fat greenies that they are — were quite outraged about the Minister for Water's decision to qualify the Thomson River flows. I will not get these numbers exactly right, but my understanding is that scientific investigations say that the Thomson River would need a minimum of 50 gigalitres of environmental flow to achieve its basic objectives.

Before we dammed it, the Thomson River used to be a gigalitre-a-day river. Certainly in spring it would be flowing at the rate of a gigalitre a day. The minimum scientific recommendation, if I have the figures right, was that 50 gigalitres would need to be reintroduced. Eventually around 20 gigalitres was settled on as a political compromise; 10 was delivered, but within a short time that 10 had been yanked back for a

temporary qualification of rights, and there was a similar situation right down there on the Yarra River. These are large and important rivers, and they are faring about as well as we would if someone took away three-quarters of our blood and said, 'There you go; go about your business'. That is my evidence that the temporary qualification of rights is becoming slightly habit forming for the government.

There is also a provision within the act for permanent qualification of rights — that is, to alter permanently the shares or allocations of water across a system. However, that provision will not take effect until 2021, about 15 years after the first time that provision was included. It concerns me greatly that many of these temporary qualifications will just become ongoing, year after year, time after time, possibly all the way through to 2021, when they will become permanent. It is the environment that misses out every time. The member for Gippsland East in the lower house made exactly the same point.

If we just take a look at the Goulburn River as an example, we see that recently a study commissioned by the federal government was prepared by the CSIRO. The inquiry was into water availability in the Goulburn-Broken system on an ongoing basis and particularly under scenarios of climate change. This particular region generates about 11 per cent of the run-off within the Murray-Darling Basin and the proportion of that that turns into stream flow is one of the highest in the Murray-Darling Basin. It must be remembered that of course the Goulburn goes right up into snow country in the Victorian Alps, and a small proportion of the land surface can be responsible for a large amount of the available water.

At the moment the Goulburn is just about the most highly regulated river anyone will ever see. Barely a drop of water moves down that system without someone turning a tap or sluiceway on or off. At the sad end of the Goulburn, where it enters the Murray River, it can be reduced to a chain of pools. That is a scenario that is only likely to get worse. It is a big river, though. The average annual surface water availability, looking back, was more than 3200 gigalitres a year, with diversions having been 99 and a further 500 sent over to the Campaspe, Loddon-Avoca and Wimmera regions, via the Waranga Western Channel, with a smaller amount of around 92 gigalitres estimated to be groundwater extraction.

As I said, the CSIRO looked at climate and climate change scenarios and noted that over the past 10 years the average annual rainfall and the average annual run-off were respectively 15 per cent and 41 per cent

lower than over the 100-year average. There was a considerable fall of 15 per cent in rainfall, but there was a dramatic fall of 41 per cent in run-off. It is a function of a drying catchment. Quite simply, when the catchment is dry and has been dry for a very long time more of the water soaks in, and when it is hot more of the water evaporates. You do not get a one-for-one relationship between rainfall and stream flow any more. The report notes that:

Under a continuation of the climate of the last 10 years, the lower Goulburn River flood plain would cease to receive large flood events leading to serious ecological consequences. This climate would also increase the occurrence of undesirably low flows in the lower Goulburn River which would further degrade the habitat value of the deep pools on the lower Goulburn River, with consequences for endangered fish species.

Under its climate change scenario, so-called scenario C, its best estimate is that by 2030 there will be a reduction in average annual run-off of 13 per cent, but the extremes around that estimate are between minus 2 and minus 44. That would reduce surface water availability by about 14 per cent and end-of-system flows at McCoy's Bridge by 22 per cent. Water diversions would have to decrease by 5 per cent. A 100 per cent high-reliability water share would happen in 87 per cent of years and so-called low-reliability water shares would pay off as zero water supplied in about a third of all years.

CSIRO has another scenario for climate change in 2030, where surface water availability is reduced by 3 per cent. It had an additional climate scenario D. Unfortunately for us the uncertainties and ranges are not likely to be brought down into any better estimate any time soon. The only thing that this can really tell us is that we are chasing a downward moving number. I believe, in the absence of any other serious action around water shares for the environment and irrigators, this system and many others will not be able to provide the sorts of flows that irrigators want to plan around and that the environment desperately needs, and for this and many other rivers we will get an increasing recourse to temporary qualification of rights, rather than addressing the issue of getting a sustainable allocation of rights.

In the case of the Goulburn, it remains to be seen whether the federal government is going to provide money for stage 2 of NVIRP. Members of the state government act very confident, but that is pretty much their stock in trade these days. An increasing body of evidence, including from the Productivity Commission, whose members are not known for being far to the left of the Greens party, shows that in effect that would be a waste of money, that biting the bullet and buying water

will work out much more cost effective than continuing to upgrade parts of the irrigation system that a few years from now, under the type of scenario we are talking about here, may actually become redundant.

That is quite chilling for farmers to think about, but they are thinking about it. Many of them are addressing it. They have probably had a lot longer than many members of this place to face up to that reality, but I do not think state government members are facing up to that reality. They are relying on business as usual. We will end up with gold-plated irrigation infrastructure for a business that no longer exists and, as I said, a constant recourse to temporary qualifications of water rights, perhaps not so much in the Goulburn but certainly in other systems where there is both some consumptive use and also a desperate need for environmental reawakening. For evidence of that, you only need consider some of these desperately dry rivers and look around their banks, their flood plains and their forests to see what was there and what had survived there for many thousands of years. The Goulburn is absolutely on its last legs. It is at its last gasp. It is hanging on by a bare thread.

It is interesting that one of the promoters of the Northern Victoria Irrigation Renewal Project suggested in one of the local papers up there that it was the green groups that needed to think long term and stump up more billions to upgrade the infrastructure. In fact the green groups are thinking very much in the short term, which is how we will keep some of the ecosystems alive in a few years time. Environmental managers are sitting up there running a triage operation with mere dribbles of water for different bits of wetlands and for different species that are at risk of becoming extinct.

It is interesting. In response to a question I asked, the Minister for Environment and Climate Change was able to detail from a report the amount of water provided for environmental purposes that was under his control in 2007–08. I have not seen a report published for what environmental water was available in the subsequent year, 2008–09; it might be somewhere in the spaghetti of the Department of Sustainability and Environment website, but no report has been published for our last financial and water year showing what water might be available. If the system were running the way the government claims it is, and if NVIRP were delivering great benefits, the minister would be able to tell me what water he expects to be able to deliver in the coming year, but he cannot do that. If the government has delivered some significant environmental waters above and beyond what he was able to detail in his initial answer, then it is hiding that success under a bushel.

In relation to the clause I am addressing, currently there is no definition of 'temporary' for temporary allocation of rights. 'Temporary' would have to mean the ordinary dictionary definition. There is a *Macquarie Dictionary* on the central table in this chamber and the *Macquarie Dictionary* is the one used in the High Court.

Government members would know about the High Court because their good friend the Premier of South Australia, Mike Rann, is taking the government to the High Court over the issue of water, although interestingly I have not heard Mr Rann say he wants to get hold of the Victorian water for the purposes of environmental flows. That is not in his writ, and checking with my colleagues over the border they cannot find any commitment by Mr Rann that if he succeeds in his High Court case he is dying to provide that water to some environmental assets in South Australia. Perhaps he is not the champion of the lower Murray that he might make himself out to be.

In any case, the dictionary definition of 'temporary' is:

... lasting, existing, serving, or effective for a time only; not permanent:

If the minister chose to continually provide Mr Rann with a temporary qualification of water on the Yarra or on the Thomson or any other river and it was going on year after year, there would have to be a point when a court or others would argue that it was no longer temporary. Under the proposal in the bill that the minister is asking us to vote for 'temporary' does not mean temporary; it means whatever the Minister for Water says it means. Clause 6, which will insert section 33AAA(2B), states:

A qualification to rights in a declaration under this section remains in force —

- (a) for the period for which the declaration remains in force; or
- (b) for any lesser period specified in the qualification by the Minister.

Generally in my time in Parliament I have not been hugely sympathetic to giving ministers more discretion. Every day of the week they bring bills in here on a range of subjects. They are not bills which state, 'The minister must do this', 'The environment has rights' or 'The people have rights'. They say, 'The minister may' and effectively the minister is given a framework to go ahead and govern without further reference to the Parliament or even to a list of criteria. The current provision in the act says only that the Minister for Water must inform the Minister for Agriculture when he does this. He does not have to inform the Minister for Environment and Climate Change. He does not

even need to consult him, weak as that would be, and there is certainly nothing in the bill that sets up decision-making guidelines or conditions or circumstances under which he might reasonably be able to exercise the power; it is an open-ended power. That is not satisfactory.

The water system is in crisis, and it has been there throughout the life of this government. Certainly it has been that way for the period of the drought. Environmental assets are on their last legs. Effectively reductions down to sustainable levels have not been made since 1992 when the cap on increased extractions was first introduced. The Greens are not willing to support the clause. We recognise that opposing it only brings us back to our current situation under law, but if the government wants to give itself greater flexibility in addressing what is meant to be a clause used only in extreme circumstances for critical needs rather than just saying, 'Our desalination plant is not quite ready yet', or 'We have not worked out the next step we are going to take to put more water back in the rivers', then it cannot expect us to come along.

Apart from that, the other aspects of the bill that I have been through in detail and consulted with various parties on seem to be rather innocuous.

Mr SCHEFFER (Eastern Victoria) — I rise to support the Water Amendment (Entitlements) Bill. With the exception of the amendments to the Residential Tenancies Act contained in part 3 of the bill, this bill amends the Water Act 1989 so as to further refine Victoria's water management system, and I believe the changes will be of significant benefit to water users.

The impacts of climate change and the drying of south-eastern Australia and Victoria have severely affected rural and regional communities, and the government has been focusing on a range of strategies to support communities, enhance production and sustain the environment. The government's general water plan, *Our Water Our Future*, focuses on longer term infrastructure plans for Victoria's water future, including the desalination plant, the upgrading of our irrigation channels, developing the water grid and improving water conservation strategies and recycling. I think this is now well understood across the community, and I believe it is being increasingly well supported.

The impact of all these changes is set to increase the water supply for Melbourne but also, importantly, for regional centres including Geelong, Hamilton and in eastern Victoria in Western Port and South Gippsland.

But the government has also tackled the impact of the drying of the state as this has affected farming communities. They are communities that are affected directly by the provisions in the Water Act and by the amendments contained in this bill.

A number of new measures not directly to do with water allocation are contained in the government's \$205 million Future Farming strategy. For example, \$103.5 million has been allocated to boost productivity through new technology and changes in farming practices, including the development of new crops that are drought, salt and cold resistant and an improvement in controls of plant and animal diseases. New technologies will lift productivity in our changing environment and they will help make it possible to continue to grow food for domestic consumption and also for export. All that will be better harmonised with the environment.

Our aim is to build skills for the farming sector and to attract young people to farming. This includes, for example, developing new trade wings at secondary colleges to build up trade expertise in areas of our primary industries where it is in short supply. The point is that the management of water, while it is fundamental to our existence, will not in itself see us through. Farmers and rural communities need strong government support in adjusting to changes in production techniques that will assist farm businesses in strengthening land and water management.

The bill itself makes changes to parts of the Water Act in relation to rights to water in public waterways, and it introduces a range of measures that go to streamlining the management of the allocation of water under the water framework. The provisions in the bill will assist water users to get a better deal in general given the impacts of a drying state. The bulk of the amendments to the act are contained in part 2 of the bill, and they cover a pretty wide range of measures that aim to improve and streamline the water entitlements allocation framework that is set out in the Water Act. The framework is the basis for managing the state's water allocation system. Under the act the state holds the right to control the use of all surface water and groundwater, and the allocation to water users happens through a water entitlements system that is set out in the act.

The Water Act sets out the water rights of both individuals and corporations such as local governments and water authorities like Melbourne Water. The range of entitlements can include bulk and environmental entitlements, water licences and water shares. The difficulty is, of course, that the amount of water

available in the system for consumption will vary from year to year, and while a person may have an entitlement to a certain amount of water, the reality is that in any given year or any particular season their allocation may not be able to match that entitlement. The fluctuation in water availability is managed by identifying the amount of water that can be taken out of the system and allocating an appropriate amount to an entitlement holder. The government can increase the available water by imposing water restrictions, for example. The bill makes a range of changes to the framework, as I have said. These changes will make the process of water distribution more responsive to the needs of water entitlement holders so they know what their allocation is.

The bill also improves the way that carryover provisions are dealt with. Carryover allows the holder of an entitlement to take the water they are entitled to but did not take in any given period of a previous water season, so they can hold that over for later use. The bill also provides for that carryover to be available from now on under bulk entitlements, environmental entitlements and also under what are called take-and-use licences. Obviously carryover will only be available if there is enough water in the relevant water system, and it will be subject to a range of conditions to be determined from time to time by the minister. The carryover approach is not available everywhere in Victoria; it only applies to regulated water systems and aquifers. This means that farmers, irrigators and other holders of water entitlements will be able to use their allocations a lot more efficiently than they have been. This will mean that they will be able to plan their businesses in a more effective way and be more productive.

The bill also makes a key change to the water rights of individuals, and this has been canvassed by Wendy Lovell in sufficient detail. Basically clause 4 of the bill amends section 8 of the substantive act in relation to the right people had under the Water Act to draw water from publicly accessible water sources. In recent years that practice has been abused — people have drawn the water to use in some other location. These amendments will make sure that if people wish to avail themselves of that right to water, they do so in the area where the water is and they do not take it away. As I understand it, this will not in any way infringe on the traditional rights of Aboriginal people in Victoria, and it will not prevent hitchhikers or campers from using the water in a particular location. This seems to be a good way of closing off an abuse that has emerged in recent times during the dry period.

The bill also makes changes to the water register so that the addresses of water entitlement holders will be searchable. As I understand it, at the moment the register has a number of details of water entitlement holders but it does not include their addresses. The register will now be recast so that people will be able to find the addresses of water entitlement holders. That will bring it broadly into line with other comparable registers like the electoral roll, for example, or the land titles register.

Overall the bill makes a number of important changes right across the water system. I think it is sound legislation and it is needed. It will assist water users, improve productivity and improve farm management. I commend the bill to the house.

Mr DRUM (Northern Victoria) — It is always an opportune time to get to your feet in this house and talk about this government's water management, because, as we know, government members are certainly struggling with their ability to handle this valuable resource on their own. The main purpose of this bill is to make a range of technical changes to the Water Act 1989, with specific attention being paid to the changes that were introduced in 2005 in regard to the unbundling, the carryover and the water register, as well as the qualification of bulk entitlements in times of water shortages.

If anyone is in doubt about how pathetically hopeless this Labor government has been with its water policy, then they should have a read of the contribution from the member for Swan Hill in the Assembly, Peter Walsh, to the second-reading debate on this bill in that house. He set out a series of bungling announcements, re-announcements, about-faces and backflips made by this government on water management during its tenure. Time and again Mr Walsh highlighted policies which were introduced by the government in 1999, but which were abolished in 2005. If we look at the levy on the catchment management authorities, we see how the government abolished that tax in 1999, saying it was not fair, only to bring it back into Parliament in 2005.

This government made promises in 2006 about taking water from the north of the Great Dividing Range to south of the Divide and about taking water from productive farmers and primary producers and sending it to Melbourne so Melbourne could continue on level 2 or 3 restrictions, or whatever it was. It made these promises one year only to break them the next. There are broken promises about returning flows to the Snowy River in the vicinity of 28 per cent. It has never achieved anything near 5 per cent. The government claimed it wanted water management to be transparent,

yet in the same breath it initiated a new levy, a new tax — the water environment levy of either 5 per cent or 2 per cent, depending on whether you are paying your water bill to a rural or urban water authority.

However, it was not simply that the government made a new tax. Putting in an environment levy is one thing, but it is the sneaky and deceitful way the government has legislated for this new tax. It has been dressed up as a levy and is not allowed to appear anywhere on water bills. The water authority that has to charge individual water users that 2 or 5 per cent is not allowed to show the people of Victoria that it is charging this tax. It has to be hidden. The government introduced that measure at the same time it spoke about wanting to become more accountable and transparent in its water management processes.

We all pay for this environmental levy, just as we pay for the fire insurance levy in our insurance premiums. When we look at our insurance premiums we can see the fire services levy that has been added, and we can see the GST and the stamp duty, but the environmental levy on water has to be hidden by this government. We can look at the 4 per cent trading cap that currently limits the amount of trade that can go from one business district to another. We can look at the 10 per cent — and that is under pressure from this government — ownership of non-water users, which has been abolished by this government to enable the federal government to buy back as much water as it wants. There is a list that goes on and on, a litany of decisions and re-announcements.

When it comes to water management this government is out of its depth. It tries to spin its way out of trouble. It tries a flashy new announcement, a flashy new taxpayer-funded advertisement with the Premier jumping into a red helicopter, looking down the camera and telling one lie after another, and all of sudden we are left with a state jumping from crisis to crisis and a government that is forced to make a range of promises it cannot keep. We end up with policy on the run and decisions that do not make any sense.

The bill allows the minister to make minor amendments to a bulk entitlement, to correct any mistakes in the description of the entitlement or to better reflect the practical operation, provided the changes do not impact on another person's entitlement. It also amends the Water Act to better reflect the carryover of water which is managed. That has been introduced in the last couple of years and allows for better recording of the management of the IT system that underpins the water register.

As Mr Scheffer mentioned, the bill has cleared up the issue in relation to a drover's right or the ability of an individual to access water at a particular point in a waterway. That is going to be maintained in its own right, but the fact is we are going to tighten up on the rotting and abuse that has taken place over the last few years.

It is not just the major projects that have been botched by this government. Many local Labor members of Parliament have had their fair share of bungled water announcements, including the former Minister for Agriculture, and now Minister for Police and Emergency Services, Bob Cameron. In 2006 the minister appeared on the front page of the Bendigo *Advertiser* along with Jacinta Allan, so we had the members for Bendigo East and Bendigo West in the Assembly on the front page announcing an 8.5-kilometre pipeline that was going to go through the Waranga channel across to the Campaspe Weir. It was going to be the most significant waterway for Bendigo since Lake Eppalock was built. Apparently that project had been many years in the design and had taken an enormous amount of time to perfect.

About a month after the announcement that project was given the flick in favour of a much more practical pipeline from Colbinabbin, which would supply Bendigo with water from the Goulburn system. It took about a month for that majestic plan, announced by Bob Cameron, to be thrown in the scrap bin. It gives the people of the Bendigo region no confidence in this government's having any idea what it is doing in water management.

Under this government the irrigation systems in the Goulburn-Murray irrigation district will end up being halved by the time all of these programs of closing down the system are finalised. The systematic closing down of the irrigation systems in the Goulburn-Murray irrigation district in conjunction with the deceitful accounting of fraudulent savings diminishes the likelihood of anyone having faith in what this Labor government is doing with water management. You only have to look at the deceitful way in which government members are accounting for water savings in the Northern Victoria Irrigation Renewal Project (NVIRP) to see that people will have less confidence in the government's claims about water savings.

Under the current regime the environment will end up with less water and irrigators and primary producers will end up with less water. Of course Melbourne will have a much more comfortable restriction rate than the one that exists throughout northern Victoria. Advice given to NVIRP by consultants suggests that if the

second stage of NVIRP goes ahead we will save 92 000 megalitres by not spending \$1 on work on the Kerang Lakes. Those savings will be achieved simply by reclassifying 92 000 megalitres of evaporation as an environmental contribution, which will somehow create the entire environmental allocation for the second stage of works in the Goulburn-Murray system. That is one example of what the people involved in this billion-dollar project have suggested to NVIRP to create water savings. Such a measure is morally wrong, and it is reprehensible that such measures are being considered.

Anyone who heard the evidence given by representatives of Goulburn-Murray Water and NVIRP during parliamentary committee hearings late last year would know that the lack of clarity displayed by those representatives on the subject of how much of the supposed savings could be truly accounted for was embarrassing. Those people are in the position of trying to do a snow job on the northern Victorian community to try to make this ridiculously exaggerated program acceptable.

We all know that some of the works being undertaken will lead to savings — of course there will be savings — but those savings will be nowhere in the ballpark of what those representatives profess. We need to prove them wrong beyond any doubt and catch them out to physically stop them. It may take continued public pressure against this Labor government from the people of the north for the government to realise it is doing the wrong thing. All we can do is keep informing the public how deceitful the calculations of the supposed savings have been. That deceit is continually perpetuated in this program. That is all we can do.

Because of such actions we can have no confidence in what this government is doing in relation to water management. The government cannot be trusted. As I said earlier, I recommend that members have a detailed read of Peter Walsh's account of water management by this Labor government, which has always been and continues to be totally out of its depth when it comes to credible water policy. That is why the coalition has no faith in this government's ability to make the right decisions in ongoing water management in this state.

Mr ELASMAR (Northern Metropolitan) — I rise to speak in support of the Water Amendment (Entitlements Bill). The bill amends the Water Act 1989 and provides a mechanism for the proper management of Victoria's water resources. It is a sad day when the government has to enshrine in legislation a protective framework for the fair distribution of our scarcest and most valuable commodity — water.

It is critical for the ongoing viability of our agricultural community, as well as our city dwellers, that the Brumby Labor government ensure that modern irrigation systems and desalination plants are put in place to secure our water supplies in the face of ongoing drought and climate change.

This water reform bill will improve Victoria's water allocation framework program. It is true that Victoria continues to lead the nation in sustainable water management. It is important to recognise that the drover's right — a philosophy and practice since colonial times of helping yourself to what you need — has been an entitlement for many years. It is now necessary for any responsible government to ensure that there is enough water for everyone, hence the new framework for water allocation.

We all know water is life sustaining and that without it none of us could survive. This bill will strengthen major reforms to the legislative framework in line with the white paper *Securing Our Water Future Together*. The mechanism and the framework are needed to enable water distribution to be more effective and more efficient.

There are three major areas of finetuning in this bill that we need to address regarding the implementation of previous reforms to the Water Act 1989. Aspects of those major reforms relate to the consequences of long-term drought, processes to improve and streamline the water entitlement framework for allocating water and technical improvements to the regulation of water shares, the water register and water-related legislation.

I would now like to deal with the allocation of water shares and the water register. The registrar's key duty is to keep records of water shares. The register has a much broader role in terms of tracking entitlements and generating valuable information about the water market for future resource planning purposes.

In recent summers it has become evident that some individuals have been abusing the drover's right and carting water from local waterways to circumvent water restrictions and reticulated systems. While this practice is understandable, it is unfair and totally unacceptable. The bill will amend the Water Act 1989 to restrict the general right so that people can only use this water at the place from where they take it. We see this as a fair proposal. The principle remains and recognises the general right for all people to reasonably take water for stock and domestic purposes where they have public access to that water.

Application of a water register enables transparency in the responsible and sustainable use of the state's water resources. Importantly the bill provides that addresses recorded on the register will now be searchable. It is entirely proper that the owners of water shares be identifiable by searching the register. However, people on the register have the right in certain circumstances to apply to the registrar for their personal information not to be publicly released. Safeguards in the Water Act will remain in place to ensure that registrants are aware of this change.

It is also important to note that the bill will not limit or affect existing Aboriginal cultural rights as set out in section 19 of the Charter of Human Rights and Responsibilities Act 2006. Effective water and drought management is critical to the success of Victoria's future. I ask all members of this chamber to support this bill.

Motion agreed to.

Read second time.

Committed.

Committee

The DEPUTY PRESIDENT — Order! I am advised at this stage we are only dealing with some queries regarding the bill rather than amendments; is that correct? No, we have an amendment as well. The amendment will be to invite the committee to vote against the clause.

Ms Lovell interjected.

The DEPUTY PRESIDENT — Order! I understand, for the benefit of the committee, that the proposed amendment was not advised to at least one of the other parties in the chamber. That party, being the Liberal-Nationals coalition, is going to consider the amendment proposition which we understand will be coming forward from the Greens. Therefore the intention is that the committee report progress after having dealt with some questions Mr Barber has in regard to the legislation.

Clauses 1 to 5 agreed to.

Clause 6

Mr BARBER (Northern Metropolitan) — In relation to the length of temporary qualifications of water it is my understanding that it is standard practice that when water rights are temporarily qualified that has

always in the past been for a period of one year. Can the minister confirm that?

Mr JENNINGS (Minister for Environment and Climate Change) — I am going to seek some advice on that.

The DEPUTY PRESIDENT — Order! The minister is to take advice. In the meantime can I seek clarification from Mr Barber? Clause 6 is the clause on which he intends to proceed with an amendment; is that correct?

Ms Lovell — He is not amending; he is deleting.

The DEPUTY PRESIDENT — Order! I understand that; I am clarifying that it is an amendment at this point. Are there other clauses beyond clause 6 on which Mr Barber has questions?

Mr BARBER (Northern Metropolitan) — Chair, if we get past that stage I will ask a brief question on clause 79, but that is my lot for the week.

The DEPUTY PRESIDENT — Order! For the purpose of the progress of the committee, given that clause 6 is the clause Mr Barber will be inviting the committee to vote against and strike from the bill, it is my intention that once we have dealt with Mr Barber's questions and the minister's answers we will postpone that clause. I will then put the remaining clauses, stopping at clause 79 to allow Mr Barber to ask that question. Then we will postpone progress to allow the respective parties to consider their position on Mr Barber's proposal that we vote against clause 6. We will then come back tomorrow or on Thursday to deal with it.

Mr JENNINGS (Minister for Environment and Climate Change) — I thank the Chair for the procedural clarification of where we are at and I thank the committee for providing me with the opportunity to speak to people in the box about the existing historical outcomes that relate to the temporary qualification of rights. Mr Barber's assertion and assumption in his question is correct. Historically, under normal circumstances one year has been the period for which the temporary qualification has been applied.

Mr BARBER (Northern Metropolitan) — I rest my case. What this tells us is that whatever the legal basis the government thinks it has for temporary qualification and for that past practice of qualification of rights — and I am not in a position to ask the minister for legal advice — it is clear the purpose of introducing this clause into the bill must be so that the government can qualify rights on a more than annual basis; that it will

simply declare that a qualification will now be for three years or five years or some period longer than one year. I cannot imagine it is about doing it for less than one year, at least not in regulated systems.

We could perhaps argue all night about whether that gives the government any additional legal basis, but it is pretty clear that the intention at least is that we will now see set-and-forget qualifications being issued for various systems for periods longer than one year. That was my original objection. Now other parties can make of that what they want and decide whether to support me in opposing this clause.

Mr JENNINGS (Minister for Environment and Climate Change) — I do not necessarily want to enter into a protracted debate with Mr Barber. His interpretation may be a cautionary one or a conservative one in relation to protecting existing provisions. I am advised that the motivation for this is to reduce the impact of administrative decisions and to provide for greater certainty in terms of prevailing conditions, rather than its having the negative connotation that the member is concerned about. The only comment I make, again not in the spirit of not having a protracted debate, is that it is not the intention of the government to have any of these provisions set and forget. In fact it would be exercised with wisdom on the basis of the best advice to meet prevailing environmental conditions and the availability of water.

Mr BARBER (Northern Metropolitan) — I make the point that nowhere in the provision as it stands in the principal act is this minister even required to consult the minister who is now in the chair. This minister has to inform the Minister for Agriculture, but unlike some other aspects of the operation of the Water Act, he does not even need to consult Mr Jennings as to what he thinks about the proposal, so it may be some great advice but it will not be something that this minister gets to cast his eye over.

Ms LOVELL (Northern Victoria) — Clause 6 relates to an amendment to section 33AAA of the act which deals with the temporary qualification of rights to water. The word 'temporary' is not defined under the act. Could the minister tell us what temporary means under the Water Act?

Mr JENNINGS (Minister for Environment and Climate Change) — Without necessarily trying to entrap myself in relation to my understanding of 'temporary', it is interesting to note that Mr Barber has approached this same question from the other end, in that he is worried about how long temporary may be, as

distinct from how short temporary may be, or how transitory it might be.

The minister would exercise this power in terms of qualifying a specified period of time. It could be a variable length, depending on the appropriateness of the decision and the advice given to the minister in exercising this provision. It could apply, as paragraph (2B)(a) indicates, for the length of the declaration; or it could apply, as it states in paragraph (2B)(b), for a shorter period of time on the basis of changed circumstances, under this clause.

Ms LOVELL (Northern Victoria) — I am not sure that quite answered my question, but we will move on. Could the minister explain the practical application of the implementation of section 33AAA to qualify a right and who decides?

Mr JENNINGS (Minister for Environment and Climate Change) — The existing section gives the minister the power to qualify a water right in the event of a declared water shortage, so the minister would be making that determination or declaration based on the advice the minister received.

Ms LOVELL (Northern Victoria) — Is seeking that advice a public process, and could the minister tell us who is consulted?

Mr JENNINGS (Minister for Environment and Climate Change) — The basis of this decision ultimately is on scientific evidence in terms of the availability of inflows to the water regime. Where the minister would take advice in making a decision under this process, that advice would be gathered from the cumulative evidence of the scientific data that the department would be charged with the responsibility of compiling from the relevant water authorities — for instance, the Murray-Darling Basin Authority or the relevant water authorities within the state of Victoria — in terms of the provision of the most timely assessment of the availability of water within their catchment. Then this would be overlaid by the specific needs and concerns that water users and the environment may have within that catchment.

In terms of providing that advice, the water authorities themselves may have some form of community engagement and discussions about those relevant competing needs, but ultimately this is based upon the science and the objective availability of objective data and predetermined water entitlement regimes. The rules that would govern those allocations would be established and then amended in accordance with this declaration.

It is basically the science, but in terms of the degree of consideration and conversations that they may have within a region, that may vary from place to place in the method by which water authorities and the department may have conversations with stakeholders.

Mr BARBER (Northern Metropolitan) — While we are still on that subject, I want to respond to the minister's response to Ms Lovell's question about who decides. This information sheet on qualification of rights to water that I got from the Our Water Our Future website says, and I am quoting:

In some cases, the power to declare water shortages and temporarily qualify rights has been delegated to water corporations ...

To give a more complete answer to what the minister said, it is not just the minister who decides these things, but in some circumstances he or she may have already pre-delegated that decision through some sort of instrument not envisaged in this section.

I take the minister's point that the flexibility within this bill could in some cases be used to benefit the environment, or it could be used to benefit management practice and so forth, and I would certainly be willing to enter into a dialogue about how we reframe this section of the act, but the record from the government's own documents shows that when water rights have been qualified, most frequently it has been qualification of the environmental flows rather than the consumptive uses.

Ms LOVELL (Northern Victoria) — Can the minister outline for us what changes will take place if clause 6 is inserted into the principal act?

Mr JENNINGS (Minister for Environment and Climate Change) — The changes go back to the original question which Mr Barber raised with me, which is to provide greater flexibility in relation to how long declarations may be made and to provide them for a period that may be in excess of one year in the first instance and then to be overlaid by having a clause — a saving clause — that provides for the declaration to be subsequently amended to be for a shorter period of time.

Ms LOVELL (Northern Victoria) — Could the minister provide us with a list of rivers for which a temporary qualification has been declared?

Mr JENNINGS (Minister for Environment and Climate Change) — I do not have a list of them. I will be asking somebody to report progress on my behalf shortly because my advisers in the box need to take

some advice, probably within normal working hours, to obtain an answer to that question.

The DEPUTY PRESIDENT — Order! Does the minister want to postpone debate on the clause?

Mr JENNINGS (Minister for Environment and Climate Change) — Yes.

Clause postponed; clauses 7 to 78 agreed to.

Clause 79

Mr BARBER (Northern Metropolitan) — What we are doing here is removing references to A-rated water-conserving products, which is apparently a redundant scheme of providing ratings for water conservation for appliances, and replacing them in clause 79 with a prescribed rating system, meaning a rating system yet to be prescribed. Is there anything the minister can tell us about what sort of rating system that is going to be?

Mr JENNINGS (Minister for Environment and Climate Change) — It will be a star rating system in accordance with the national water efficiency labelling standards.

Clause agreed to; clauses 80 and 81 agreed to; schedule agreed to.

The DEPUTY PRESIDENT — Order! That concludes the committee's consideration, given that clause 6 stands postponed to allow the parties to determine their positions, therefore I intend to report progress.

Progress reported.

VICTORIA UNIVERSITY BILL, ROYAL MELBOURNE INSTITUTE OF TECHNOLOGY BILL, SWINBURNE UNIVERSITY OF TECHNOLOGY BILL and UNIVERSITY OF BALLARAT BILL

Second reading

Debate resumed from 10 December 2009; motions of Mr LENDERS (Treasurer).

Mr HALL (Eastern Victoria) — It is my proud duty this evening to present the coalition's response to four university bills that have been put before the house for our collective consideration, and I wish to indicate at the commencement of this debate that the

Liberal-National coalition will be supporting each of those four bills as they stand.

What we are seeing here tonight is a continuation of a process which started towards the end of last year. That was a process whereby the governing acts of each of Victoria's eight public universities were reviewed and revised, and we are now seeing the eight public universities in Victoria being constituted under new acts of Parliament.

Towards the end of last year we looked at Melbourne University, Monash University, Deakin University and La Trobe University, and the Parliament passed new acts for each of those institutions.

This evening we are now dealing with Royal Melbourne Institute of Technology (RMIT), Swinburne University of Technology, the University of Ballarat and Victoria University. There are two other major providers of higher education which have not been part of the process: the Australian College of Divinity and the Australian Catholic University. I am told they are not part of this process, because the Australian Catholic University has campuses in other states of Australia. The Australian College of Divinity is a much smaller institution and is therefore not part of the reform process which is being undertaken regarding these eight major universities. This is a culmination of the process of the review of the university acts in Victoria.

It is also interesting to note that the four universities under consideration this evening are dual-sector universities — that is, universities which provide both higher education programs and vocational education programs. I might add they do it extremely well. As I said in my contributions in previous debates on university bills, I think we are fortunate in Victoria to have a wonderful array of post-secondary education providers, including our public universities, our public vocational education providers and a collection of private providers of both higher education and vocational education. We are able to cater for the interests of all Victorians and many students from overseas as well.

I want to make some particular comments about each of the four universities that are the subject of legislation before us tonight. First of all I probably need to refresh the memories of members of the chamber as to essentially what the form of this legislation is all about. This legislation has been described as template legislation, because in large part the legislation for these four universities and the other four university bills previously debated are almost identical in nature. The

exceptions are the preambles of each of the eight university bills and also the transitional measures within those bills. In some cases there is a slight variation in the composition of the university councils. One would expect that the preambles of these acts would be different, because the preamble reflects something of the history of those institutions and also the strength and focus of those institutions. Therefore there are some differences between the preambles. Regarding the transitional measures, because we are coming from a situation where we have quite varied university acts and going to a situation where we have a template form of legislation, the transitional measures will be necessarily different between universities.

In regard to the composition of university councils, we noted previously that where there is a university which in the past specified that certain members of its university council were from particular geographical areas that that university served, then those would be preserved in the new acts. Today members can see that in three of these four bills there is some mention of a specifiable concept of geographical representation of the members of the university council.

There are those slight variations to what otherwise is template legislation for each of the four universities that we have covered by the bills before us. The bills themselves are major revamps of the administrative structures of universities. Some of these features include changes to the objects of the university — that is, they are broader and better reflect the activities of universities today which have changed significantly. Not the least of those changes occurs with each of those four universities where the focus is necessarily on vocational education. It is entirely appropriate that the objects of the universities reflect contemporary offerings that the universities undertake.

In each of these bills we can see that the councils of universities remain as their governing bodies. Among their duties are the appointment of senior officers such as the chancellor, the deputy chancellors and also the vice-chancellor. Also we see from these bills that the composition of each of the councils can now vary from between 14 and 21 members and are each a mixture of appointed, co-opted and elected members. Previously they were all required to have 21 members; now they can have as few as 14 members and up to a maximum of 21 members. In the previous debate I made the point that these changes now prohibit members of Parliament from serving on university councils. That is something many would argue is discriminatory. It can be argued that we should be picking the best people to do the best job. I do not see there is a valid reason for MPs, for

example, to be excluded in their own right as members of university councils.

We are also seeing a significant change in the structure and role of academic boards and faculties. They are now going to be determined by the university council rather than being prescribed by an act. The vice-chancellor is the chief executive officer of a university and carries the title of ‘president’. Many have been doing that for some years. We will still see universities empowered to make their own statutes. They will retain some powers relating to property acquisition and disposal to finance and commercial activities, with some restrictions and oversight by the minister. Universities will also be required to develop, to have approved and to then publish guidelines relating to its intended commercial activities — that is, their business plans. I think it is important for the public to know exactly what public moneys have been used for university operations.

Importantly for us as members of Parliament, the Auditor-General will continue having an audit function regarding universities. There will continue to be annual reports tabled in Parliament. Those annual reports are well read by members of Parliament, many of whom have studied at some of these universities in the past and therefore take a particular interest in their operation. A more important reason for this is the fact that we have in Victoria something like 250 000 students undertaking higher education at any one time; there are about 500 000 students enrolled in vocational education programs. Many of these students are at one of the four dual-sector universities which are the subject of these bills being debated tonight. Consequently the education and the future of our young people are of great interest to members of Parliament, and that is why those university annual reports also attract much of our interest.

In those few words I have described what I would suggest is a structure of the legislation that we have before us for each of these four universities. I will now make some comments about each of them in turn, and rather than going through them in the order in which they were printed on the notice paper, I want to leave Victoria University until last for the reason that I am aware of an amendment that is being proposed for that bill and I want to save my comments on that amendment until last.

The second university bill on the list is the Royal Melbourne Institute of Technology Bill 2009. It is now 2010, but this bill was introduced in 2009. Hence it contains the year 2009 in its title. Many people will be

familiar with the history of the Royal Melbourne Institute of Technology. Indeed that history is outlined briefly in the preamble to this legislation and is also repeated in the second-reading speech. I will not go through that history except to say that it goes back to 1887, when an institution called the Working Men's College was founded. From that grew what we know today as the Royal Melbourne Institute of Technology.

Also I am sure we are all familiar with the standing of that university worldwide in terms of the programs it delivers, particularly in the areas of technology. RMIT today has a number of campuses in Melbourne; it has a city campus, it has a campus at Bundoora and another at Brunswick. It also has small campuses in country Victoria at Hamilton and Sale. I have visited each of those where they provide nursing programs. RMIT also has a specialist facility offering pilot training at Point Cook in Melbourne, and in Vietnam it has two campuses, one in Saigon, now known as Ho Chi Minh City, in the south, and one in Hanoi, which is Vietnam's first international university.

In all, RMIT provides higher and vocational education to more than 70 000 students both in Australia and overseas. If my memory serves me correctly, I think somewhere in the order of just over 900 different programs are offered to those 70 000 students. So RMIT provides a very broad range of offerings for students and provides much opportunity for Victorians and others to embark upon the post-secondary education that they choose.

I congratulate all of those who have been associated with RMIT over the years for the way it has developed and for what it provides. As members would know, it has had some economic challenges in recent times, but I am pleased to hear that in the last year or two those challenges have been well met and it seems that the university now is economically sound again. We all hope it will not encounter those sorts of problems again.

I will move on to the Swinburne University of Technology Bill. The history of the university is outlined in the preamble to this bill together with the areas in which it seeks to specialise, and the second-reading speech also goes through much of that. Swinburne became a university on 1 July 1992 but its history dates back to 1908. In 1908 it was called the Eastern Suburbs Technical College and a little while after that it was named after George Swinburne, who was the founder and also a member of the Victorian Parliament. He had the foresight to establish a technical college in the eastern suburbs area.

I note that, as part of that history, Swinburne not only established a technical college but was one of the first to establish a junior technical college and a girls technical college. Then it became Swinburne Technical College and after a series of amalgamations forced upon educational institutions by the federal government it became the Swinburne University of Technology.

We know it is a very fine institution now providing opportunities, particularly to those in the eastern and outer eastern suburbs of Melbourne, to pursue both higher education and vocational education. It has six campuses, those being at Hawthorn, Croydon, Healesville, Lilydale, Prahran and Wantirna. It currently enrolls somewhere in the order of 20 000 students in higher education, of whom just under 6000 are international students, and almost 40 000 students who are undertaking vocational courses. Of those 40 000 vocational education students, almost 2000 are international students.

I note that the university website claims a feature of many Swinburne undergraduate courses is the applied vocational emphasis and direct industry application through industry-based learning programs. Swinburne was a pioneer of industry-based learning programs, programs which place students directly in industry or vocational employment as an integral part of their course structure. I think it is a well recognised principle that on-the-job learning is a very effective way of acquiring the skills necessary to undertake the employment functions of graduates. So Swinburne university continues to go from strength to strength.

As with all universities, from time to time there are issues about whether it is appropriately providing for those in the outer eastern area. We know the role that Swinburne plays is particularly important, because in the outer eastern area there is an underrepresentation of young people engaged in post-secondary education. Like many of the other universities Swinburne has its special access schemes to assist people in those areas who may come from a lower socioeconomic background or may be at a disadvantage. For them to access higher education or vocational education is extremely important and I know Swinburne is very diligent in that respect. I congratulate Professor Ian Young, who has been the vice-chancellor of the university for some time now, and his team for all that they have achieved with the Swinburne University of Technology.

The third university I will speak about is the University of Ballarat. The vice-chancellor of that university, David Battersby, responded at length to the invitation I

extended to him to provide me with some comments about this bill before the Parliament. I know David; I have met him personally. He is a very enthusiastic vice-chancellor who has contributed much to the area of education, particularly rural education, and he is extremely committed to that cause.

In his lengthy response to me about this bill he mentioned its establishment in 1994, but its history dates back to the School of Mines and Industries in Ballarat in 1870. It has been around for a long time and is celebrating 140 years this year. Also within its history are encompassed technical schools at Ararat, Stawell and Horsham and the Wimmera Institute of TAFE.

The university is the only multisector institution in Australia located and headquartered exclusively in a regional setting. I think that is very important because, as the vice-chancellor goes on to say, the university attracts a high proportion of its commonwealth load of students — that is, 72 per cent of its students — from regional, rural and remote backgrounds, and that is a higher rate than that of any other university in Australia. The university's location in a regional setting helps to increase the opportunities for students in regional areas to participate in higher education.

I noted the minister's comments in the second-reading speech about the importance of the University of Ballarat to the local economy. It contributes about \$500 million a year to the regional economy and generates 2900 full-time equivalent jobs.

The minister also points out that for Ballarat, a city of 90 000 people, the university accounts for more than 10.5 per cent of its whole economy and generates something like 12 per cent of total household income and almost 9 per cent of total employment. By any measure Ballarat University is a significant player in terms of the regional economy in that part of Victoria.

The University of Ballarat is well placed to provide opportunities for more students from regional Victoria and regional Australia to participate in tertiary education, and that has been an issue of real concern. It was investigated by the Parliament's Education and Training Committee, which looked at the different rates at which young people participate in higher education. The committee found that if you lived in regional Victoria, you were far less likely to participate in higher education than if you lived in the metropolitan areas. The presence of Ballarat University in a regional setting is important to improve opportunities for regional students.

The vice-chancellor also mentioned to me that in the 2009 edition of the *Good Universities Guide* Ballarat University was awarded a maximum 5-star rating for teaching quality and that it was the only Victorian university to achieve such a result. He went on to say that:

The university was awarded 4 stars for the employability of a University of Ballarat degree, for access by equity groups, and for cultural diversity.

I think these are important feathers in the cap of the university.

The last thing I want to mention is the fact that Ballarat University is also the manager of one of Australia's leading ICT (information and communications technology) parks, and that is at Mount Helen in Ballarat. It is a 29-acre site, if my memory is correct, adjacent to the Mount Helen campus. It creates links with other organisations: Ambulance Victoria, the Emergencies Services Telecommunication Authority and IBM Ballarat are all located at the technology park. Towards the end of last year Mr Drum, Mr Crisp, the member for Mildura in the Assembly, and I visited Ballarat University to inspect some of the facilities at the technology park. We went away most impressed. The innovative small businesses located at the centre were something to behold. I say that without reservation. We went away most impressed with some very intelligent and innovative young Australians developing technology that we would not have believed had we not seen it. It is a great credit to both the Ballarat region and the University of Ballarat to develop that technology park in their municipality.

The vice-chancellor has said that the university is strongly in favour of the University of Ballarat Bill in the form in which it is presented. He believes it will be helpful in further extending the work the university does in assisting regional students who are participating in higher education and will improve what the university is able to deliver worldwide.

Finally, I will talk about Victoria University (VU), which is doing a marvellous job in providing opportunities, to people in the western metropolitan area in particular. On many occasions Victoria University has made presentations to the Education and Training Committee of this Parliament, of which I have been a member for seven years now, since its inception. On every occasion the Education and Training Committee has sought contributions from universities, Victoria University has presented and presented well. I commend Elizabeth Harman, the vice-chancellor, and her team for taking the opportunity to do so.

Victoria University was established as a university back in 1990, but again, like the other universities, its history dates back to much earlier in the century; in this case back to 1916, when it opened as the Footscray Institute of Technology. The second-reading speech outlines the various institutions which have now become part of Victoria University: Footscray College of TAFE, Western Melbourne Institute of TAFE, Newport Technical School, Western Metropolitan College of TAFE, Western Melbourne Institute of TAFE, Melbourne College of Decoration and Flagstaff College of TAFE.

The university is one of the largest tertiary institutions we have in Australia. It has something like 50 000 enrolled students, and 3500 staff across 11 campuses. It offers almost 22 000 course enrolments in higher education and over 35 000 in vocational and further education courses. Of particular interest with Victoria University is that more than 20 per cent of its higher education students are classified as being of low socioeconomic status, which is the highest of any Victorian university. For that alone, VU deserves our commendation.

I know Victoria University, like some of the other universities, has had some issues with respect to campus locations and has had some campus closures in recent times. That has caused some difficulties for students in particular areas which have traditionally been served. I believe Victoria University has 11 campuses scattered throughout the Western Metropolitan Region, and I am not sure whether one or two of those is now under threat of closure. That has provided some challenges to the university in continuing to maintain its quality delivery of education and courses at each of those campuses.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The PRESIDENT — Order! The question is:

That the house do now adjourn.

Lake Charm Primary School: building program

Ms LOVELL (Northern Victoria) — The matter I wish to raise is for the attention of the Minister for Education and concerns the Lake Charm Primary School, which is being renovated as part of the federal government's Building the Education Revolution (BER) investment, but has been left in appalling condition at the start of the 2010 school year.

I request that the minister immediately provide all necessary assistance to Lake Charm Primary School to ensure the school is of a standard that allows classes to be conducted in an organised, clean and safe environment, and also that the minister investigate why renovations were undertaken prior to agreed time lines, why this was done without the school being notified and how the school came to be left in such poor condition.

This urgent issue was brought to my attention by Lake Charm Primary School council president, Claire Gillen, who contacted me last week to alert me to the situation. Lake Charm is a small community north-west of Kerang. Its primary school is currently being renovated as part of the federal government's BER funding, which the Brumby government is responsible for administering across Victoria. However, Ms Gillen told me that on Thursday, 21 January the principal arrived at the school to find all classrooms completely empty and a horrific mess where all classroom resources had been thrown randomly into the school office, corridor and art shed and stacked on top of computers which had been moved without thought. There was no carpet in any classroom and there were holes in the flooring. There was dust everywhere, there were old nails scattered on the floor and, importantly, there was no space where students could effectively be taught. Even the outside areas had been left unsafe for students and staff due to pieces of wood with protruding nails being scattered across the lawn. A filing cabinet and locker were blocking the entrance to the school office, making it inaccessible.

The school's teachers were expected to attend three days of professional development from Wednesday, 27 January, with students resuming on Monday, 1 February. But how could teachers or students be expected to begin a school year under these conditions, and what kind of first impression is this for the school's new preps?

According to Ms Gillen the process for renovations had been discussed at the end of 2009 with the school's principal, and the school was advised it would have time in the first week of school to move furniture and supplies from the areas to be renovated. However, this process and agreement was completely disregarded by the government, which commenced the renovations during the Christmas school holidays.

The process which has been undertaken appears to have been conducted without any thought for the professional needs of the teachers and the educational ramifications for the students of Lake Charm Primary School. Teachers and parents have had to work

tirelessly over the past few days to try to prepare the school for the commencement of the school year. The first day of school for students this year had to be cancelled on Monday, 1 February, and today the entire school had to crowd into the one and only usable classroom. This is a disheartening and non-motivating way to start the school year, and I urge the minister to rectify the situation as soon as possible.

Disability services: Bendigo family

Mr DRUM (Northern Victoria) — My adjournment matter is for the Minister for Community Services. It has to do with a young Bendigo boy by the name of Stuart Timms, who had the most unfortunate luck when he dived into the water at Scarborough Beach in Perth and hit a sandbar. He is now in a wheelchair. It is tragic enough that the young man has broken his neck, but what has really hit home to everybody in the Bendigo community is the economic burden that now faces the Timms family. The sheer cost of bringing Stuart home from Perth was quoted to be in the region of \$57 000. A normal family simply does not have the money to do that.

On the weekend the Bendigo community rallied together and had a fundraising function. Sports clubs, businesspeople and a wide range of other people and organisations got together to arrange the fundraiser and auctioned about 40 items, and more than \$65 000 was raised to, firstly, bring Stu home, and secondly, look at ways they could help into the future. I want to place on record my admiration for everybody who was involved. It was a great night, and they raised a lot of money.

My request to the minister relates to the fact that there are going to be so many ongoing expenses for this young fellow and his family. He was not injured in a car accident where most expenses would be covered by the Transport Accident Commission and he was not injured in an organised sporting event where standard insurance and indemnities would be involved. The chap is obviously going to face expenses with transport and accommodation, alterations to accommodation and ongoing medical expenses. He will have to be retrained, and wheelchairs, bedding and carer support will be needed for many years.

My request is for the minister to detail to me what the Victorian government is able to offer in the way of assistance, not only to Stuart and his family but also to any other Victorians who may suffer such life-changing injuries in recreational accidents for which insurance is not offered.

Rail: Nunawading station

Mr ATKINSON (Eastern Metropolitan) — I wish to raise a matter with the Minister for Public Transport. He might also refer the matter to the Minister for Roads and Ports because both agencies were involved in the Nunawading railway station project which saw the elimination of the grade crossing in Springvale Road. Once again I take the opportunity to congratulate the Springvale Road rail alliance on the work it did on the project. Its management of the project was outstanding. I have conveyed that personally to a former Minister for Public Transport and to the Minister for Roads and Ports. I believe the project was done with a great deal of sensitivity to the local area, and I congratulate them for that.

The matter I raise on this occasion is as a result of the project. Some concerns have been raised with me by residents of Laughlin Avenue, which is a road which runs parallel to the railway line west of Springvale Road. As members in the house might know, the railway station was moved from east of Springvale Road to west of Springvale Road as part of the grade separation project. The railway station has been buried, so it is now an underground station.

Residents of Laughlin Avenue are now faced with considerably greater noise than they had before from the activities at the railway station and from trains going through it. As I understand it, they have had some discussions with the alliance which said to them, ‘You always had a railway station behind your backyard fences, so it ought not be a problem’. But the reality is there has been a significant change in terms of the function of the station and the trains.

Whereas previously the trains used to brake outside a commercial precinct, they are now braking behind people’s backyards. I think quite reasonably the people are seeking some noise attenuation — some sound barriers — at the cutting for the Nunawading railway station. The matter I specifically ask the minister to consider, perhaps in conjunction with other ministers given the nature of the project, is the provision of sound barriers along the railway station precinct behind Laughlin Avenue properties.

WorkSafe Victoria: WorkHealth program

Ms TIERNEY (Western Victoria) — My adjournment matter is for the Minister for Finance, WorkCover and the Transport Accident Commission. Unfortunately an increasing number of Australians are suffering from preventable chronic diseases, and we have heard a lot about this in recent times. These

diseases can contribute to poor health and potentially to the risk of being injured at work. The Brumby Labor government has undertaken a number of health promotion programs in relation to healthier lifestyles, particularly in early childhood development. But I think it is important that we also concentrate on health issues for middle-aged or older Australians and encourage them to take regular health checks to ensure that any abnormalities are detected before they cause serious harm.

Some members may be aware that WorkSafe Victoria currently has a program called WorkHealth which gives Victorian workers an opportunity to have a free, convenient and confidential health check at their workplace. Workers are also provided with information and advice about their risk of chronic disease and how to prevent these illnesses. WorkHealth has been running for many months and, as I understand it, it has been very successful in the workplaces that have been participating in the program. However, I believe each and every Victorian workplace should be aware of the excellent program and should be able to participate in it. I call on the minister to promote the WorkHealth program in as many workplaces as possible, in particular in rural and regional Victoria. I also seek from the minister a schedule of the program as it applies to workplaces in western Victoria.

Indian students: government support

Mrs COOTE (Southern Metropolitan) — My adjournment matter this evening is directed to the Premier and deals with the ramifications from the murder of an Indian student. Tragically in January a 21-year-old Indian student, Nitin Garg, was stabbed to death in West Footscray. I offer my most sincere sympathy to his parents, friends and family. I simply cannot imagine how they must be coping with this sadness. To send your son to another country to study because you want him to have every advantage for his future and for him to die in such a way is unimaginable. I do not believe Victorians are racist, and I think as a community we will work together to ensure all young people can move around our state confident they can be safe and will be protected.

In the *Herald Sun* of 6 January, Gautam Gupta, who is a spokesperson for Indian students, said about the young man's housemates:

Among the many questions I asked his grief-stricken housemates was whether anybody had offered them assistance of any sort. Had a state-level politician spoken to them, or perhaps someone from Canberra? The answer was no. Had anyone from the Indian government been in touch with them? Again, no.

This was less than 24 hours after Garg's death, but no-one in authority had been in contact with them to find out how they were coping.

These young guys, in their 20s, had no support system. On the face of it, they said they were coping with the tragedy, but I honestly feel the sorrow had not even begun to sink in.

...

Quite honestly, what kind of society leaves youngsters to find their own solution to a crisis like this?

...

In this kind of situation, support is not just about money, it's about infrastructure that students can use at a time when they're most vulnerable.

I sincerely hope there will be no further incidents of this kind. The action I seek is for the Premier to ensure as a matter of urgency that a program of support, advice and information be established — a program that commences immediately after such an incident occurs and has a long-term follow-up as well. We cannot have a repeat, firstly, of the crime, and secondly, of the lack of follow-up and support for the people who were of support to this young man. As I said, I feel exceedingly sad for his parents.

Princes Highway–Lake Tyers Beach Road, Lake Tyers: safety

Mr HALL (Eastern Victoria) — Tonight I wish to raise an adjournment matter for the attention of the Minister for Roads and Ports. It concerns the intersection of Lake Tyers Beach Road and the Princes Highway. Members who know that intersection will know that it is on the crest of a hill. It is an area of the Princes Highway which is in a 100-kilometre-an-hour speed zone and is therefore potentially a dangerous place to have an intersection. Indeed it was recognised by VicRoads as needing some improvement and some recent alternations were made to the intersection. But in the view of local residents and daily users of the intersection the alterations now appear to have made it a greater safety risk than it was before.

Essentially a Y-intersection where there was a merging lane for traffic exiting Lake Tyers Beach Road — the majority of the traffic would be turning left to go to Lakes Entrance — which enabled people to enter the Princes Highway at some speed is now a T-intersection and there is little opportunity for vehicles using it to move onto the 100-kilometre-an hour roadway with any sort of speed behind them. You see large vehicles and vehicles towing boats or caravans, for example, having to enter a 100 kilometres an hour carriageway from an almost standing stop. As I said, the intersection is on the crest of a hill, which makes it even more difficult.

Some of the works undertaken by VicRoads have improved visibility, but in the eyes of daily users, changing the nature of the intersection and dropping the merging lane has created a greater safety risk.

This issue has been of great concern locally. The action I am seeking from the Minister for Roads and Ports is that he personally inspect this intersection and, in doing so, meet with local residents to hear their concerns, and following that that he make available the necessary funds to do further works to ensure that this becomes a safer intersection than it currently is.

Housing: first home owner grants

Mr DALLA-RIVA (Eastern Metropolitan) — My adjournment matter tonight is for the Treasurer, and it concerns an issue relating to the first home owner grant. Earlier this year I was contacted by a young couple, Ms Nyssa Deane and Mr Michael Honan, who have allowed me to put their names on the record. They signed a building contract with Paulding Constructions on 18 September 2009. One of the main considerations for them in signing the contract for their vacant land before 30 September was that they would qualify for the \$32 000 first home owner grant. Unfortunately the builder they signed the contract with went into liquidation on 2 December 2009. It is at this point that things started to get a bit muddy.

This was devastating for them, especially as it turned out that the builder not only had gone into liquidation but had not correctly lodged the certificate of currency for the builders warranty insurance. This means it is unlikely that the \$10 000 deposit paid to the builder will ever be refunded. I understand that Vero Warranty is dealing with this, and a Ms Melissa Smith has indicated that it will not accept the liability. Therefore the couple needs to lodge an application with the Victorian Civil and Administrative Tribunal, which they have done.

Despite these setbacks, Michael and Nyssa want to build their dream home. They signed another contract with Henley Properties Group Victoria pretty soon after, on 8 February 2010. But you can imagine their disappointment when the State Revenue Office refused to honour the initial \$32 000 grant. The SRO claimed that even though Michael and Nyssa signed the initial building contract before 30 September, it would not roll over the full \$32 000 grant they were initially entitled to. Instead it would only fund the current first home owner grant of \$18 000.

This couple has acted in good faith; they signed a contract with their builder before 30 September and through no fault of their own that builder went broke.

They now face being \$14 000 worse off because of the changes to the first home owner grant and an additional \$10 000 worse off because they risk losing their deposit with the builder. In total they will be \$24 000 worse off, and I think that is devastating for a family trying to start a life together.

Nyssa said to me in an email:

I know \$24 000 is not a lot of money and let's face it, it could have been worse, but for a young couple wishing to start a life together, it is a massive amount to lose. Michael and I are honest people and worked really hard to save that money. We are deeply saddened by these events.

Given the circumstances, given the uniqueness and the time differences and the fact that they were very quick to sign another lease — that is, they are not mucking around with this process — the action I seek is for the Treasurer take into account the unique and special set of circumstances surrounding this case and to seek some way of allowing the initial first home owner grant capacity of \$32 000 to be considered for Michael and Nyssa.

Schools: literacy and numeracy

Mr VOGELS (Western Victoria) — I raise an issue for the Minister for Education, the Honourable Bronwyn Pike, regarding the poor literacy and numeracy results achieved by schools in Ballarat, Ripon and South Barwon, which were Labor Party benchmark schools for the future for educating our kids. The 'My school' website shows clearly that half of Ballarat's state primary schools are below average for grade 5 writing and maths, so no wonder that when the kids get to secondary school the results are so disappointing. The worst performing school is Yuille Park P-8 Community College, and this clearly is the most disadvantaged state school in Ballarat. This school is literally bottom of the class across the region in all categories on the 'My school' website. This is a Labor experiment school, where Labor tried to close a school by stealth by merging Wendouree Yuille Primary and Grevillea Park Primary together into one P-8 school. The education outcomes are in, recorded on the 'My school' website, and the students are the losers.

Next I will mention Maryborough Education Centre. Labor members fought long and hard and oversaw the abolition of all Maryborough's previous schools, forcing them into one catch-all college. But the 'My school' website shows that these poor kids are also falling through the cracks, with education results for year 3 to year 9 falling below the state average in all categories of literacy and numeracy. Maryborough students are now getting a worse education due to the

Labor government's experimentation and penny pinching.

Finally, I refer to Torquay P-9 College. Torquay had a successful primary school but no high school. Torquay students were forced to travel to Geelong for secondary education. At the last election the Liberal Party promised to provide a high school for Torquay, which is what parents, the shire and the whole community was looking for. Labor rode roughshod over the community and decided to create a P-9 college at Torquay. Once again the results are out. The primary school kids recorded good literacy and numeracy tests, but the students who stayed on for year 7 recorded the lowest literacy — that is, reading, spelling and writing — results of any secondary school in the electorate.

The action I seek from the minister is to ensure improved educational outcomes and at least national average literacy and numeracy testing outcomes for all students attending these three schools, which, according to the federal government's 'My school' website, have been disadvantaged by this Labor policy.

Footscray: traders

Mr FINN (Western Metropolitan) — I wish to raise a matter for the attention of the Minister for Local Government. It was very early in the days of 2010 when I attended a meeting with representatives of the newly formed Save Our Footscray committee in Footscray. This meeting represented over 90 per cent of all the traders in Footscray, including the Footscray Independent Traders, representing over 50 traders; Footscray Traders, with over 50 traders; Footscray Asian Business Association, representing over 60 per cent of traders in Footscray; Footscray Market, representing over 80 traders; and Little Saigon Market, with over 20 traders as well. These traders are deeply concerned that, based on a survey of 48 traders, business trade in Footscray is down by 25 per cent to 50 per cent, with an average of 33 per cent.

The main reason for the decline is fines from traffic surveillance cameras in Footscray. Every car that stops for more than 90 seconds, even to let other cars move into the traffic flow or to move into a parking space, has been fined \$70 plus. Since the installation of the cameras in April last year over 26 000 fines have been issued.

A letter from Mr Binh Le, president of the Footscray Asian Business Association, and Mr Bon Nguyen of the Vietnamese Community in Australia, Victoria chapter, makes their views very clear. They believe that the cameras are a disgrace. The letter says council

claims to have a number of reasons to justify the use of these cameras, but there is significant dissatisfaction — to say the very least — about these cameras in the community. It states:

For many years now, the district has lacked reasonable amenities. Streets are badly congested because of insufficient car parks and drop-off areas while Footscray has become increasingly prosperous due to features of multicultural and low-price shopping attraction.

The community has borne the neglect of successive Labor governments and councillors but is unwilling to let this continue.

I beg the Minister for Local Government to convene and chair a meeting between the Maribyrnong City Council and the Save Our Footscray committee, because there is a strong feeling of revolt in the air in Footscray. There is real anger amongst the traders in the Footscray area, and it is my very great concern that if the minister does not take some sort of action to convene such a meeting, we may well see a western suburbs version of something akin to a modern-day Eureka Stockade.

Country Fire Authority: Warburton station

Mr O'DONOHUE (Eastern Victoria) — I raise a matter for the attention of the Minister for Police and Emergency Services, and it relates to the construction on a new site of a new Country Fire Authority station for the hardworking members of the Warburton CFA brigade.

During the 2006 election campaign the then minister, together with the member for Gembrook in the other place, made a commitment and a promise to the Warburton community that during the term of this Parliament a new station would be built at Warburton. There is an urgent need for a new facility. The current station is situated on the busy Warburton Highway, it does not have showers for the volunteers, it is too small to accommodate the new, larger trucks and tankers, it has poor disabled access and it is in general tired and old. The Warburton district, being surrounded by bush and mountains, is a fire-prone region and was itself under threat from fire during February last year.

Government MPs are happy to pose for photo opportunities and talk of their concern for those potentially under threat from fire. But here is an example where, despite an unequivocal promise being made in 2006 — contained in the Ready for Any Emergency 2006 election policy — and despite the fires of last year threatening the Warburton district, the Premier and the member for Gembrook have failed to honour their promise to the people of Warburton. This

is despite the \$450 million that it is anticipated the government will raise from the fire services levy this financial year — the source for three-quarters of the funding for the station.

The action I seek is that the minister take control of this issue and live up to the promise the government made and build a new fire station for the Warburton CFA volunteers and the Warburton community more generally. It is over three and a half years since the promise was made; his failure and that of the government is not good enough.

Environment: illegal dumping

Mrs PEULICH (South Eastern Metropolitan) — The matter I raise is for the attention of the Minister for Environment and Climate Change and relates to the increased occurrence of the illegal dumping of both industrial and household waste in our neighbourhoods. This is a growing problem in the South Eastern Metropolitan Region and is an issue that affects most councils, but the municipalities that are most affected from my observation of my region are the cities of Kingston, Casey and Frankston.

Illegal dumping is a crime, and it has become a serious problem in these areas. The culprits obviously have no respect for others and are not prepared to dispose of their unwanted rubbish through the normal channels, be it collection bins or the local tips. Dumped rubbish is regularly found along but is not limited to Old Dandenong Road, Heatherton and Clarinda roads in Braeside, Clarinda and Dingley, and Evans Road in Cranbourne. Recently I visited the Nanaksar Thath Isher Darbar Sikh temple in Lynbrook after a fire. Following that unfortunate incident I noticed bags and bags of rubbish littering Evans Road. Much of it was insulation batts that were found to not conform to regulations and were dumped along the road.

Some 550 tons of rubbish were dumped alongside roads and on vacant land in Frankston last year. This creates a breeding ground for disease and harbours insects and rodents. It creates fire hazards and leads to significant environmental impacts caused by chemical and contaminants seeping into the soils and drains. It also spreads pests and weeds, including fire ants and lantana. Illegal dumping causes chemical and physical pollution in our neighbourhoods and waterways.

The dumping of old furniture, including mattresses, is something I find annoying. These items are dumped indiscriminately, and that encourages others to likewise dump rubbish. Residents are sick and tired of this illegal dumping, and I would like to ask the minister to

first of all investigate or have investigated the extent of this problem and the cost imposed on local governments in dealing with it and to look at the cost of rubbish disposal — both domestic and tipping fees. I believe that high tipping fees are cost prohibitive and many people are cutting corners and disposing of rubbish illegally, to the great detriment of the community. Local transfer stations fees have increased so much over the years that often people cannot afford to take a trailer of waste to the tip. When that is combined with a decrease in volume of garbage bins and a reduction in kerbside hard-rubbish collection, it is not surprising that our neighbourhoods are now becoming dumping grounds for illegal waste.

I call on the minister to tackle this most serious problem. It is an expense that is imposed not only on local government and taxpayers but also on our environment. Residents are unfairly done by by illegal dumping. I call on the minister to convene a round table discussion and have the matter resolved.

Fenning Bairnsdale: timber supply

Mr P. DAVIS (Eastern Victoria) — I raise a matter for the attention of the Minister for Agriculture in respect of his responsibility for VicForests and the implementation of the timber industry strategy announced in December. Late last year a large East Gippsland timber processing company, Fenning Bairnsdale, announced that it had secured contracts to export a large volume of part-processed timber to China. The arrangement is long term and important to the company, and it represents a significant step for the timber industry in East Gippsland. I raised this development in the house at the time in the context of it emphasising the need for Fenning to be guaranteed an adequate wood supply for the venture over the next 10 years and received an indication the government would be supportive, but already the company has encountered a problem in VicForests's allocation of wood volumes that, unless corrected, promptly threatens to derail the company's export arrangements with China and jeopardise its investment plans.

Fenning has secured undertakings to be supplied with 170 950 cubic metres of wood over the next seven years, 45 750 cubic metres less than is required. Fenning also has no timber allocation for the following three years. In total this leaves the company with a shortfall of almost 130 000 cubic metres to satisfy its export contract over the 10-year period. The reasons are that VicForests has auctioned comparatively small volumes of wood over the past two years and it appears no more auctions are proposed in the immediate future. VicForests has failed to satisfy the company on the

question of future security of wood supply. In short Fenning, and undoubtedly other timber companies in East Gippsland, are being denied resource tenure, which is creating uncertainty and leaving the companies unwilling to commit to further investment in additional processing capacity. This raises serious doubts about commitments in the timber industry strategy and the development of 40-year working forests plans that VicForests will sell timber for up to 20 years at auction and that the underlying principle will be to strengthen industry confidence. The strategy is not yet two months old and is in tatters as timber companies continue to operate under notices of force majeure. Consequently I ask the minister to act to make the necessary wood available to Fenning Bairnsdale as was committed to in the timber industry strategy.

Whooping cough: immunisation

Mr D. DAVIS (Southern Metropolitan) — I raise a matter for the attention of the Minister for Health which concerns immunisation and a ninefold increase in reported Victorian cases of whooping cough over the last three years. Data released by the Productivity Commission on Friday shows a significant increase in the number of cases of whooping cough across the country. The data includes figures from other states, but Victoria's figures show an increase from 49 reported cases of whooping cough in 2006 to 478 reported cases up until 31 August 2009.

My view is that these cases point to a failure of the government to manage the situation, which means that young Victorians are at greater risk. Clearly more recent numbers are held by the Department of Health and the minister, and I think it would be of great assistance to the community if those more recent figures were released. Prevention of whooping cough is a serious matter. The necessity to maintain high levels of immunisation is great. If immunisation levels fall to a lower level, the risk of contracting the disease grows for those who are not immunised and the number of cases will increase. The figures are a wake-up call for the minister and for the community. I ask the minister to explain to the community what he will do and to act swiftly to implement a plan to lift the immunisation rates for whooping cough to ensure that this terrible disease does not spread amongst our children.

Responses

Hon. J. M. MADDEN (Minister for Planning) — I have written responses to adjournment matters raised between 5 February 2008 and 10 December 2009. There are 64 responses in total.

Wendy Lovell raised a matter regarding the Lake Charm Primary School. I will refer the matter to the Minister for Education.

Damian Drum raised the matter of a specific constituent and his family and the financial hardships incurred by that constituent and his family in seeking detailed support. I will refer this matter to the Minister for Community Services.

Bruce Atkinson raised the matter of noise attenuation issues in the Laughlin Avenue, Nunawading, precinct in relation to the Springvale Road crossing and the works undertaken there. I will refer this matter to the Minister for Public Transport.

Gayle Tierney raised the matter of chronic disease and WorkHealth checks and the promotion of those particular programs. I will refer the matter to the Minister for Finance, WorkCover and the Transport Accident Commission.

Andrea Coote raised the matter of support programs and further support for international students who are residing in Melbourne and who have undergone traumatic events. I will refer the matter to the Premier.

Peter Hall raised the matter of the Lake Tyers Road–Princes Highway intersection. I will refer the matter to the Minister for Roads and Ports.

Richard Dalla-Riva raised a matter about a specific constituent family that has incurred some complications in relation to the first home owners grant. I will refer the matter to the Treasurer.

John Vogels raised a matter about educational outcomes regarding specific schools in his electorate. I will refer the matter to the Minister for Education.

Bernie Finn raised a matter about the traffic surveillance cameras in the Footscray trading precinct. I will refer this matter to the Minister for Local Government.

Edward O'Donohue raised a matter about the Warburton Country Fire Authority brigade and the potential new fire station. I will refer the matter to the Minister for Police and Emergency Services.

Inga Peulich raised a matter about illegal waste dumping. I will refer the matter to the Minister for Environment and Climate Change.

Philip Davis raised a matter about VicForests and forestry and timber issues that relate specifically to East Gippsland. I will refer the matter to the Minister for Agriculture.

David Davis raised the matter of immunisation and the increase of the incidence of whooping cough in Victoria. I will refer the matter to the Minister for Health.

The PRESIDENT — Order! The house now stands adjourned.

House adjourned 10.37 p.m.