PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Tuesday, 23 March 2010

(Extract from book 4)

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By authority of the Victorian Government Printer

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

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

Select Committee on 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.

Joint committees

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.

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

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

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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*): Mr Murphy and Mrs Petrovich. (*Assembly*): Ms Duncan, Mrs Fyffe, Mr Ingram, Ms Lobato, Mr Pandazopoulos and Mr Walsh.

Family and Community Development Committee — (*Council*): Mr Finn and Mr Scheffer. (*Assembly*): Ms Kairouz, Mr Noonan, Mr Perera, Mrs Powell and Mrs Shardey.

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

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

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

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

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

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

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.

Heads of parliamentary departments

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

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

Parliamentary Services — Acting Secretary: Mr C. Gentner

MEMBERS OF THE LEGISLATIVE COUNCIL

FIFTY-SIXTH PARLIAMENT — FIRST SESSION

President: The Hon. R. F. SMITH

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Mr PETER HALL

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Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	Lenders, Mr John	Southern Metropolitan	ALP
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Broad, Ms Candy Celeste	Northern Victoria	ALP	Madden, Hon. Justin Mark	Western Metropolitan	ALP
Coote, Mrs Andrea	Southern Metropolitan	LP	Mikakos, Ms Jenny	Northern Metropolitan	ALP
Dalla-Riva, Mr Richard Alex Gordon	Eastern Metropolitan	LP	Murphy, Mr Nathan[2]	Northern Metropolitan	ALP
Darveniza, Ms Kaye Mary	Northern Victoria	ALP	O'Donohue, Mr Edward John	Eastern Victoria	LP
Davis, Mr David McLean	Southern Metropolitan	LP	Pakula, Hon. Martin Philip	Western Metropolitan	ALP
Davis, Mr Philip Rivers	Eastern Victoria	LP	Pennicuik, Ms Susan Margaret	Southern Metropolitan	Greens
Drum, Mr Damian Kevin	Northern Victoria	Nats	Petrovich, Mrs Donna-Lee	Northern Victoria	LP
Eideh, Mr Khalil M.	Western Metropolitan	ALP	Peulich, Mrs Inga	South Eastern Metropolitan	LP
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Pulford, Ms Jaala Lee	Western Victoria	ALP
Finn, Mr Bernard Thomas C.	Western Metropolitan	LP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Guy, Mr Matthew Jason	Northern Metropolitan	LP	Scheffer, Mr Johan Emiel	Eastern Victoria	ALP
Hall, Mr Peter Ronald	Eastern Victoria	Nats	Smith, Hon. Robert Frederick	South Eastern Metropolitan	ALP
Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Somyurek, Mr Adem	South Eastern Metropolitan	ALP
Huppert, Ms Jennifer Sue[1]	Southern Metropolitan	ALP	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Theophanous, Hon. Theo Charles[3]	Northern Metropolitan	ALP
Kavanagh, Mr Peter Damian	Western Victoria	DLP	Thornley, Mr Evan William[4]	Southern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Vogels, Mr John Adrian	Western Victoria	LP

[1] Appointed 3 February 2009
[2] Appointed 9 March 2010
[3] Resigned 1 March 2010
[4] Resigned 9 January 2009

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TUESDAY, 23 MARCH 2010

Tuesday, 23 March 2010

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

ROYAL ASSENT

Messages read advising royal assent to:

16 March

Crimes Legislation Amendment Act
Liquor Control Reform Amendment (ANZAC Day) Act

23 March

Accident Compensation Amendment Act
Offshore Petroleum and Greenhouse Gas Storage Act.

QUESTIONS WITHOUT NOTICE

Planning: Hotel Windsor redevelopment

Mr GUY (Northern Metropolitan) — My question is to the Minister for Planning. Noting that the planning minister said an independent auditor was appointed to oversee all of the decision-making process in relation to the Windsor Hotel development, I ask: whose decision was it to limit the second probity auditor — RSM Bird Cameron, the one the minister said would provide absolute confidence in the planning system — to conduct its inquiry on material produced only from 11 March onward?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Guy's interest in this matter and any matters around the Windsor Hotel. As I have said on a number of occasions before, I am happy to answer any questions about this matter. So enthusiastic was I to answer questions about these matters that I was also prepared to front the committee. Unfortunately — —

Honourable members interjecting.

Hon. J. M. MADDEN — Can I just take up Mr Finn's unruly interjection? I will not be tempted by his unruly interjection.

The PRESIDENT — Order! I remind the house that interjections are unruly and can be disruptive to the house. Obviously there tends to be a little leeway given during question time, but that is exactly why interjections become unruly.

Hon. J. M. MADDEN — Thank you for that guidance, President. As I have said on a number of occasions when asked about matters around these reports or in relation to the appointment of the auditor or any of the technical issues around the appointment of the auditor, my instructions to the secretary of the department were to put in place a probity auditor to ensure that people could have full confidence in the planning process surrounding the Windsor development.

I know from the comments made by the opposition and from the no-confidence motion it moved in this chamber that it will do anything it can to undermine not only this process but also the planning process across the state generally. There is no doubt about that. We have seen that on a number of occasions when bills have come before the Parliament.

My direction was to the secretary of my department. No doubt my department's secretary made the call specifically on the relevant advice. I do not know what that advice was; I have not seen that advice. He would have made that decision of his own accord, based on whatever legal advice he may or may not have received. This question is not unlike a question I had in this chamber during the last sitting week about the details of the appointment of the auditor. If I had said I appointed him or I had some understanding of the appointment or any of those matters, opposition members would have said, 'Of course you should not have been involved in the appointment of the auditor'.

The only contact I had on this matter was to ask my secretary to put in place a process around probity that would give everybody the appropriate confidence around these matters. That has been undertaken. I have released the two reports. The PricewaterhouseCoopers report is in relation to the events prior to that date, and then of course there is the probity auditor's report after that date. Both of those reports — I have said this publicly, and I will say it again and again — have highlighted that all statutory obligations have been complied with and people should basically therefore have full confidence in the process surrounding the Windsor.

Supplementary question

Mr GUY (Northern Metropolitan) — Given that the second probity auditor was heavily limited in its scope of work to simply sighting ministerial briefs, permit applications and any other material post 11 March, I ask: why was the auditor prevented from investigating government advisers and the planning minister and his office, and does this not show that this second audit —

the one the minister said would provide absolute confidence in the planning system — was a farce?

Hon. J. M. MADDEN (Minister for Planning) — In relation to whomever the probity auditor wanted to speak, there were no limits from my position in relation to whom he could spoken to or wanted to speak to. The probity auditor could have spoken to me or to any advisers in my office and I would have been happy to entertain that. That was not the case, and nor did the probity auditor elect to do that, because the important issue here — —

Mr Barber interjected.

Hon. J. M. MADDEN — I take up Mr Barber's unruly interjection. The important issue is that the planning process in the state of Victoria is a rigorous, transparent and accountable one. If all of the statutory obligations have been complied with and the planning process itself delivers not only transparency and accountability through the statutory process, then accordingly there should be full confidence in the planning process and the decisions that come from that process.

Planning: Hotel Windsor redevelopment

Ms MIKAKOS (Northern Metropolitan) — My question is to the Minister for Planning, the Honourable Justin Madden. Can the minister update the house on the recent planning approvals relating to the Hotel Windsor?

Hon. J. M. MADDEN (Minister for Planning) — There is no doubt many of the — —

Mr Finn interjected.

Hon. J. M. MADDEN — I take up Mr Finn's unruly interjection. Time and time again Mr Finn is the squeaky wheel on the other side of the chamber but unfortunately he does not get the oil. If he had the good oil, he would be on the front bench. Time and again you make out that you carry a lot of credit in this place and that you carry a lot of currency in the Liberal Party, but unfortunately that currency does not extend to Mr Baillieu, because if Mr Baillieu felt your currency was worth cashing in on, he would have you on the front bench.

The PRESIDENT — Order! I ask Minister Madden to address his comments through the Chair.

Hon. J. M. MADDEN — He would have you on the front bench. When you get to the front bench, you call me, Mr Finn.

The decision I made last week around the $200 million refurbishment and redevelopment of the Hotel Windsor involved quite a rigorous process, and in determining the application I considered a number of matters, in particular the Hotel Windsor advisory committee's report, the provisions of the Melbourne planning scheme, the comments from the City of Melbourne and the National Trust, and submissions from other objectors. They were all put through the public process — the submission process that went to the advisory committee. As well as that, one of the comments that was made to the advisory panel endorsing the project was made by City of Melbourne staff.

But there was one other submission supporting the project, and I look towards Mr Dalla-Riva because no doubt he would support that decision. Mr Dalla-Riva, the opposition spokesperson for industry and state development, the opposition spokesperson for major projects and a member for the Eastern Metropolitan Region — —

Mr Viney — Who was that?

Hon. J. M. MADDEN — Apparently Mr Richard Dalla-Riva made a submission. He said, 'You will appreciate that I am nothing short of in favour of the Hotel Windsor's major redevelopment works and this is no more evident, as I outlined to Parliament on 29 July 2009'.

I am not going to repeat the member's statement from 29 July 2009, but it is quite illuminating. It points out what a significant project it is. Mr Dalla-Riva not only says that it is a significant project, he also mentions how enthusiastic he is about the tower, the curtain draped behind the original fabric of the hotel building. I am pleased that in spite of all the noisy backbenchers in the opposition and the unruly comments that come from the opposition and the backbench, finally, on the front bench of the Liberal Party we have somebody who is not only prepared to wear his heart on his sleeve and say what he feels in relation to a project but almost hint at a policy announcement.

I welcome Mr Dalla-Riva's comments — and can I say that in terms of his own party he is one of the few who might from time to time even show a glimmer of leadership, because he is prepared to put his money where his mouth is. He is prepared to front up and make a commitment about what he believes the future holds for Melbourne and Victoria.

I have been pleased to make the decision, and I have been pleased to announce the decision, but most

importantly I am also pleased that the opposition spokesperson supports the project. As I mentioned on the day of that announcement, and I will continue to make the point, based on the advice that has come to me what is particularly important about this project is that it not only secures and guarantees that the Windsor Hotel will continue to be a hallmark of Melbourne but it will also ensure that the hotel itself will be of a 5-star standard with the appropriate facilities of a modern 5-star hotel. That will ensure its viability long term and also ensure that that viability assists in managing, maintaining and enhancing the heritage characteristics of that building into the future for all Victorians.

Planning: Box Hill development

Mr ATKINSON (Eastern Metropolitan) — My question without notice is also to the Minister for Planning, Mr Madden. I note that the minister has called in a 38-storey mixed-use tower development for the corner of Carrington and Station streets in Box Hill, a development which was refused planning approval by the Whitehorse City Council and which is widely opposed by many people in the community, including his federal Labor colleague Anna Burke, who has called it an unacceptable burden on the public. I ask: why has the minister called in the development, which has already been assessed and rejected by the Whitehorse City Council; what is he doing to address objections raised by the council, the community and his federal Labor colleague; and how can the community be confident that the project will actually be assessed on its planning merits?

Hon. J. M. MADDEN (Minister for Planning) — This is a particularly important project on a number of fronts, because in terms of our policy commitments as a government — and I highlight the word 'policy' because I am not sure opposition members know how to spell the word, let alone how to deliver one — —

Mr Finn interjected.

Hon. J. M. MADDEN — When you are on the front bench, Mr Finn, you come and call me.

Mr Finn interjected.

Hon. J. M. MADDEN — When you are prepared to front up like Mr Dalla-Riva, you come and call me, Mr Finn.

The PRESIDENT — Order! The minister, through the Chair.

Hon. J. M. MADDEN — This is a particularly important project in the context of government policy around what we have announced as central activity districts — in a sense a multicentred city. The issues that I understand are paramount in the minds of members of the community and also the council, particularly around the management at ground level, are many of the issues around traffic and public transport. I know that members of local government at the City of Whitehorse are very conscious of issues around Box Hill station and how to enhance that.

Mr Atkinson — And parking.

Hon. J. M. MADDEN — I mentioned that: traffic management. And parking as well; I would put that in the context of traffic management. They are issues that of course will be of great concern to all locals, as well as I suppose the height of the tower, remembering that already, I understand, a permit has been granted for a tower but that the tower that is now proposed is likely to be higher than the one for which there is a current permit. There are a number of issues that need to be considered.

What is important in the context of this project and other projects that have been called in by this minister — and I will put it in the economic context first of all as well as a policy context for Mr Atkinson — is that whilst the housing and construction sector is booming in this state, the commercial building sector is falling behind.

One of the elements that has been a great contributor to the ongoing employment and economic activity in the commercial building sector has been the federal government's stimulus package, combined with the making of decisions and determinations on commercial projects sooner rather than later, particularly those that might offer the opportunity for high employment numbers; that is not to say projects will or will not go ahead, but it is to resolve these matters sooner rather than later.

In the instance of Mr Atkinson's nominated project, it would no doubt go to the Victorian Civil and Administrative Tribunal and it might be in the VCAT line for some time before it is resolved for or against the project. The idea of having this project called in is to get a decision made sooner rather than later; it is not to say the project will or will not go ahead.

The process again relies on a planning system which has transparency, which has rigour and which is accountable. I am confident that the statutory mechanisms we have in place to deal with that will ensure that whatever decision is made in relation to this project people can have full confidence that all the

statutory obligations required for the making of that decision have been complied with. I look forward to having this matter resolved sooner rather than later so that people can, in a sense, move on with their lives, whatever the determination may be.

Supplementary question

Mr ATKINSON (Eastern Metropolitan) — I agree with the minister: it is likely to be resolved sooner because the developer is expecting a decision within two weeks, when the panel hearings were held only last month! I note that, just as with the Windsor Hotel development where the National Trust's objection rights were compromised by the process concocted by the minister, the West of Elgar Residents Association has also criticised the secrecy associated with the panel hearing for the Box Hill development.

Given that the developer has already said the project will be 'redefined' after the panel hearings without further public consultation, is this not a sham panel assessment process just as the Windsor Hotel process was: the minister's position is already determined and the community is being asked to go through hoops when there is absolutely no opportunity for it to influence this decision, and the integrity of the process has been compromised yet again?

The PRESIDENT — Order! I was quite patient there. Mr Atkinson knows full well that supplementary questions should relate directly to the answer given by the minister. Mr Atkinson's question, which was almost a monologue, is really pushing it.

Hon. J. M. MADDEN (Minister for Planning) — I note that this question was asked by Mr Atkinson, who is a backbencher. I know he is a local representative in that area, so I reflect the fact that he is a local and has asked his question from a local point of view. I note that Mr Guy did not ask the question, because I think — —

Mr Vogels — What's that got to do with it?

Hon. J. M. MADDEN — It is very important, Mr Vogels, because I do not believe Mr Guy would have put on the record criticism of the independent panel process, which is a highly regarded element of the planning system. I take offence — I am not going to raise it as a point of order — on behalf of Planning Panels Victoria. I will put this in context. Planning Panels Victoria has some of the best and most highly regarded experts in the field, who make assessments — —

Mr Atkinson — And some of the leading Labor Party members.

Hon. J. M. MADDEN — Again, if Mr Atkinson feels so strongly about Planning Panels Victoria — because I do not believe Mr Guy would — he should put it more broadly on the record and move it as a motion. No doubt I will take his words and send them off to Planning Panels Victoria to let its members know how he regards them. What Mr Atkinson is implying reflects the Maclellanesque days of old, where you made a determination without any process: without any independent advice and without any independent process for submission.

The stakeholders, the locals and local government representatives, are entitled to make and have no doubt made submissions to Planning Panels Victoria. They would have made those submissions in the same way that anybody else makes a submission to Planning Panels Victoria. The great thing about that submission process is that a public report is presented to me and I release that report at the time of my decision so that people know whether I have taken that advice or not. That is critically important here and critically important for the transparency of the planning process. If I go against that report, then I am accountable for that — and I also explain why I may or may not have done that. If I support that planning panel and its advice to me, again I will release it and make statements in relation to it.

I caution Mr Atkinson about criticising Planning Panels Victoria, which is comprised of individuals of the highest calibre and character.

Mr Atkinson — Don't bother. I've been around the block a few more years than you have.

Hon. J. M. MADDEN — I know Mr Atkinson does not have much regard for me, because that has been made very public time and again through the processes of this place.

I caution Mr Atkinson, Mr Guy and the opposition for criticising the independent panel process and the expertise there that provide advice to the minister, because what Mr Atkinson is implying is that he would do away with that process. If he is saying that he would do away with that process, then he should put it on the record. He should put on the record that he would do away with the independent panel process.

First of all that would give clarity around his policy position in this area: he would make it very clear that he is happy to do away with the independent advice and that he would be very happy to do away with the

publication of that independent advice. Again, if that is what Mr Atkinson is saying to this house, he should make it very clear, put it on the record and make a policy commitment around the accusations that he is making against Planning Panels Victoria.

Employment: regional and rural Victoria

Ms DARVENIZA (Northern Victoria) — My question is to the Treasurer, John Lenders. Can the Treasurer update the house on the current regional unemployment figures, particularly in the Goulburn-Ovens-Murray region, and let us know how these figures highlight the cooperation between the Brumby Labor government and the federal government in undertaking job creation projects in northern Victoria?

Mr LENDERS (Treasurer) — I thank Ms Darveniza for her question and her ongoing interest in jobs in regional Victoria. The Australian Bureau of Statistics has just announced its figures for both the quarter ending 31 December 2009 — the most recent quarter — and the year to date. Both sets of figures show that regional Victoria had the strongest jobs creation of any regional area in Australia. In fact the annual figure showed there were 26 000 more jobs in regional Victoria and 14 000 in Australia. There was a net reduction of 12 000 in the rest of the country and an increase in regional Victoria.

These figures go up and down from month to month, but what we have seen is more than 26 000 new jobs created in regional Victoria in the past year.

Honourable members interjecting.

Mr LENDERS — Mr Leane and Ms Pulford say it is a good thing, and they are right. What we find is that these figures did not just materialise; they are the result of policies put in place by state and federal Labor governments supported by an industrious business sector and a very skilled and cooperative workforce in Victoria. These things did not just happen; they happened because of a range of factors.

Ms Darveniza asked about state and federal Labor governments cooperating. A big part of this is the schools in every community which were funded partly by federal Labor and partly by state Labor, administered by a very competent state education department across these areas.

Mr Finn interjected.

Mr LENDERS — They were not my words, Mr Finn, but those of Barry O'Farrell, the Liberal Party leader in New South Wales, who said that this state is the engine room of the economy because of the actions of this state Labor government. Mr Finn should talk to Mr O'Farrell, who as an independent objective observer has an opinion on how the Victorian economy is going. It is more than just the housing component, and it is more than just the schools component.

There are three major infrastructure programs that deliver on this, and I will just touch on each of them. The first one is the food bowl modernisation project, where $1.9 billion of investment will free up 425 gigalitres of water so that there will be more water for the environment, more water for farmers and more water for urban communities. That has created jobs.

Ms Lovell interjected.

Mr LENDERS — Before Ms Lovell interjects again and scores the dumbo award in the *Weekly Times*, she should actually listen and note my figure of $1.9 billion — it was not $1 billion, it was $1.9 billion. She will find that the figure is actually 425 gigalitres, so I suggest she pauses and thinks before she interjects and gets herself into trouble again.

Then there is the north–south pipeline, which will create more than 1000 jobs, and also the north-east rail revitalisation project, which will provide long-term infrastructure with federal and state Labor cooperation, removing a deadlock and providing the standardisation that we have waited for for over a century.

I say to Ms Darveniza that I am proud to be part of a Labor government that is delivering jobs in regional Victoria and making regional Victoria a stronger place than the rest of the country. We have come a long way since a former Premier said that regional Victoria was the toenails of this state and that Melbourne was its beating heart. These are the things that make every part of Victoria a better place to live, work and raise a family.

Housing: Sunshine development

Mr FINN (Western Metropolitan) — My question without notice is directed to the Minister for Planning — and for the information of the minister, this is not a trick question. I refer the minister to the failed social housing project associated with the Sunshine RSL in Dickson Street, Sunshine. I further refer the minister to his response to my adjournment speech on this matter, which was received by me on Thursday, 11 March, of this year, and which concludes with the minister saying:

> This proposal is currently under assessment and my decision will take into account the comments of Brimbank council.

I ask how the minister reconciles that statement with a media release he issued on 22 December 2009, almost three months earlier, announcing:

> The Brumby Labor government has cleared the path for a $10 million social housing development in Dickson Street, Sunshine … planning minister Justin Madden has approved the housing development, saying it would be of great benefit to the community.

Will the minister inform the house which of his statements on this development is correct?

The PRESIDENT — Order! Did Mr Finn say that he had asked that question in December?

Mr FINN — No.

The PRESIDENT — Order! So the question has not been asked previously.

Mr Viney — On a point of order, President, my understanding is that this is a matter Mr Finn raised on the adjournment; he indicated that in his preamble. I seek your guidance as to whether that makes this question in order.

The PRESIDENT — Order! Raising a matter on adjournment does not affect a member's capacity to raise the matter as a formal question without notice.

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Finn's interest. Given that he has basically asked this question on the adjournment and no doubt will get a response, the fact that he is interested in asking the same question again obviously means that in his file he has a limited number of questions he can ask at any one time. I welcome Mr Finn's interest in this matter. I am also interested in Mr Finn's support of this project or lack thereof. I note with interest — —

Mr D. Davis — On a point of order, President, the minister well knows his job in question time is to answer questions put to him, not to attack the opposition. He would do well to get on and answer the question.

The PRESIDENT — Order! I find the point of order to be correct. It is not appropriate to criticise members who are asking questions. Whilst I am reasonably lenient in question time on criticism et cetera, I think some of the comments made by the minister fall into the questionable category.

Hon. J. M. MADDEN — I welcome Mr Finn's interest in social housing projects. I welcome it because in recent days there has no doubt been a lot of interest in social housing projects and the status of those projects.

Mr Finn interjected.

The PRESIDENT — Order! Mr Finn is not helping.

Hon. J. M. MADDEN — I note that a number of projects have been raised here by individual members in regard to the status of these projects and the degree of consultation around those projects. I welcome that interest, if it is a legitimate interest in proceeding with social housing and supporting that social housing project but with further consultation. But I do get concerned from time to time about comments made by members in this chamber under the veil of making out they support a project when they are looking for a reason to criticise a project. I take that into account in answering this question.

No doubt I have made a response to Mr Finn in relation to these matters and no doubt he will receive that response. In relation to the response that he got some time after announcements had been made, it sounds to me as if — —

Mr Finn — On the last sitting day — that's when I got it.

Hon. J. M. MADDEN — I am glad you eventually got it, Mr Finn, because eventually you will get a lot of things.

Mr Finn interjected.

Mr Atkinson — On a point of order, President, the minister seems to be fairly keen to carry on a conversation with the member across the chamber rather than addressing the matter through the Chair.

The PRESIDENT — Order! I thank the Deputy President for his assistance, but in fact it is clearly not a point of order. I remind the minister and Mr Finn, who asked the question, that if Mr Finn wants to hear the answer he should allow the minister to continue.

Hon. J. M. MADDEN — It would appear to me that the response Mr Finn got was held up in the system for some time. Because it was held up in the system, no doubt Mr Finn has had his question answered prior to the response he got through the press release that was issued at the end of last year.

Supplementary question

Mr FINN (Western Metropolitan) — I thank the minister for his extraordinary attempted answer. Now

that the Sunshine RSL has withdrawn its support for this development, is the minister in a position to inform the house of his current view on the Dickson Street project or does he need to run it past his media adviser first?

Hon. J. M. MADDEN (Minister for Planning) — On a point of order, President, I am not sure Mr Finn asked me for a view or actually asked me a question. I am not sure a view is what should be asked of a minister; ministers should be asked for a specific response in relation to their portfolio responsibilities.

The PRESIDENT — Order! I think Mr Finn is actually asking a supplementary question, but in the event that he was not and the minister is right, that he was asking for a view, Mr Finn can actually do that.

Hon. J. M. MADDEN — As long I am not offering an opinion? Is that right, President? I am just concerned about the difference between an opinion and a view. I am happy to give both. I am happy to give Mr Finn an opinion of himself, and I am happy to give a view in relation to the project.

In relation to my opinion of Mr Finn, it is better that I say nothing at all. But in relation to my view of this project, if a project is withdrawn, there is no project. If Mr Finn is supporting a project — if he is advocating strongly for a project and actively endorsing a project — or if he is not endorsing a project, he should put that on the record. If Mr Finn feels strongly about these social housing projects — as Ms Lovell and other members of this chamber do — or any other project, he should make a submission to either the minister or to the independent panel. We have some very squeaky wheels on the other side of the chamber, but when it actually comes to the good oil, doing the hard work — —

Mr Finn — Midnight oil!

Hon. J. M. MADDEN — It is burning the midnight oil, Mr Finn, in order to represent a particular view about these projects. Those opposite are relatively silent unless it relates to trying to stall a project. I compliment Mr Dalla-Riva because he seems to be the only person on the crossbenches who is prepared to stand up for something. I am not sure the opposition is prepared to stand up for the development industry or the particular community group or even the construction industry.

If the opposition had its way, there would be virtually no construction in this state. It has already done that through the growth areas infrastructure contribution, it tried to do it through the DAC development assessment committees, and now it is trying to do it through social housing. If it has a position on construction, it should be put it down as policy, recorded in this place, and then we can debate it accordingly.

Ordered that answer be considered next day on motion of Mr FINN (Western Metropolitan).

Information and communications technology: government investment

Mr MURPHY (Northern Metropolitan) — My question is to the Minister for Information and Communication Technology, John Lenders. Can the minister update the house on how the Brumby Labor government's Collaborative Internet Innovation Fund will promote new technologies that improve the lives of Victorians?

Mr LENDERS (Minister for Information and Communication Technology) — I thank Mr Murphy for his question. I am delighted to get a question on ICT (information and communications technology) from him. The Collaborative Internet Innovation Fund is exactly the sort of government assistance to industry that will bring the best and brightest to Victoria with innovative ICT solutions that will improve the lives of our citizens in a real and meaningful fashion while harnessing the best intellect and innovation of our own community.

The fund has now made more than 25 grants to businesses and community groups on innovative areas, to which Mr Murphy alluded. If we think of what technology has done, we realise it has made an extraordinary difference to what our citizens can do, whether it be with some of the applications in the area of health, including digital breast screening for women, which can be analysed in another part of the state; whether it be in the education sphere, such as distance education, which has revolutionised the world for many of our students; or even whether it be in the communications of this Parliament, where the community can see us as MPs interacting and can get rapid access to what we say and hear our responses. There are many applications going forward, but there is much more that can be done.

Some of the grants for technologies that have been allocated to Victorians are in areas such as the best way to car-pool out of Docklands. One of the challenges we always have is that people want the innovation of car pooling going forward, but then it becomes problematic. For example, there might be 100 other people in your suburb or an adjoining suburb who wish to car-pool with you, but if your circumstances change that afternoon, the car pooling does not work. One

group of innovative Victorians has found an IT solution that assists with that. There are multiple other areas where this is in place and works.

The Moreland Energy Foundation, for example, has engaged residents in a zero-carbon initiative. The Birchip Cropping Group, for example, is educating land-holders on wildlife ponds and piped rural water systems. The only limitations on some of these applications is the willingness of innovative citizens to put their shoulders to the wheel.

This government is supporting these innovative industries to find ICT solutions where previously there have been gaps. I am still waiting for an ICT solution to how the opposition can find a consistent policy. We are still waiting for that. Perhaps we need an ICT solution that sifts out the spin from the substance in the opposition's policy development.

What I would say to Mr Murphy is that there is a lot of good work being done, and innovative citizens have great opportunities in this state. The ICT industry is one of the strongest growing parts of our new modern, innovative and diverse community that has helped Victoria generate jobs at a time of global financial slowdown. It is one of the things that makes this state an even better place to live, work and raise a family.

Planning: Sunshine development

Ms LOVELL (Northern Victoria) — I direct my question without notice to the Minister for Planning. I refer the minister to the social housing development in Dickson Street, Sunshine, for which the minister issued a planning approval last December, and I ask: will the minister confirm that he issued a planning permit despite there being excessive rock on the site and that the developer has now pulled out of the project?

Hon. J. M. MADDEN (Minister for Planning) — In relation to any particular project and the specifics around it — why a decision was either made or not made — I am happy to seek the technical details in relation to those determinations from my department to be provided to the member.

Supplementary question

Ms LOVELL (Northern Victoria) — A spokesperson for the government, Chris Owner, is quoted in last week's *Brimbank Leader* as saying that the project was not yet dead and that the government is determined to get the social housing units built in Sunshine, and I ask: where will the minister now locate these units and will he commit to a thorough planning process that involves the Brimbank council and local residents to ensure that they are satisfied with the new site and that the development meets local planning schemes?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Ms Lovell's interest in this matter. I hope the context of her asking the question is that she is enthusiastic about public or social housing, because I am not sure that that question expressed an enthusiasm for it. I am concerned that the questions I receive consistently in this place in relation to public and social housing are critical of public housing rather than supportive of it. I welcome Ms Lovell's interest, but I am not sure if she is enthusiastic about social housing or critical of social housing.

I make this point very clear in relation to the process around these projects — members of the opposition seem to forget this in terms of the process; if they understood the planning process when it comes to these public housing projects, they would frame their questions differently — that you could not possibly build any of these projects without getting information from the council in relation to how and where you might build them. You have to ask the local council for specific advice around a particular site — —

Ms Lovell interjected.

Hon. J. M. MADDEN — I can hear the squeaking from the other side of the chamber, but I am not sure whether it is supportive or critical of public housing. I will give Ms Lovell the benefit of the doubt this time only and pretend that she is enthusiastic about public housing.

The process is that we notify local government of the intention for a project to be considered. Local government has the opportunity to either inform us about its concerns regarding the project or consult very rapidly with its community in different ways. Some councils will elect to do that and some will elect not to do that. There is an opportunity for them to do that quite rapidly — that is, by knocking on the doors of the surrounding dwellings and notifying the occupants directly very quickly. That is not hard. They could at least do a quick survey. They do not necessarily have to do that, but they could do that if they wanted.

Mr Finn interjected.

Hon. J. M. MADDEN — There you go, Mr Finn. If local government wants to, it can undertake that process. Some choose to and some choose not to.

Mr Finn — I did.

Hon. J. M. MADDEN — Well done, Mr Finn. I hope that gets him a promotion to the front bench to show Mr Baillieu's commitment to the western suburbs. When the Leader of the Opposition in the Assembly, Mr Baillieu, is committed to the western suburbs he will put Mr Finn on the front bench; otherwise Mr Finn's words are not worth a cracker.

Thank you for listening, President. I make this point: local government has the opportunity to consider the project and have an input to the government as the planning authority, either to express concerns or to have the matter considered in more detail by an independent panel. It can have those matters considered. If a local council — whatever local council that might be — elects not to either express some concerns to us or have those matters reconsidered, then we take that as support from the local council.

I say to Ms Lovell: I am not the proponent of these projects; I am the planning authority. They are considered on their merits. If people believe there are issues that do not warrant merit, councils and local communities have an opportunity to ask for those matters to be reconsidered, otherwise those projects proceed as per the application. We welcome the opportunity to build that social housing because as a government we are proud of social housing and the delivery of that social housing. We wear our hearts on our sleeves, because again the most vulnerable in our community — and I know Mrs Coote knows this — sometimes do not have the opportunity to have input into the planning system.

We welcome the opportunity to deliver well-considered social housing with input from local government. If local government elects not to make that contribution or input, then we assume the project is well supported, and we wholeheartedly endorse those projects with enthusiasm.

Bushfires: fuel reduction

Mr VINEY (Eastern Victoria) — My apologies for the delay, President, I did not realise we were up to no. 4! My question is to the Minister for Environment and Climate Change, Gavin Jennings. Can the minister update the house on any new initiatives announced by the Brumby Labor government that will assist in making Victoria as fire safe as possible?

Mr JENNINGS (Minister for Environment and Climate Change) — I thank Mr Viney. I can understand why Mr Viney might be a bit put off — it has been a very long sitting week already, while I have been waiting to give my first answer of the week. This is an opportunity to share with the chamber the ongoing activities in terms of the fuel reduction burning program that we have been undertaking — —

Mrs Coote — Yes, Buangor — out of control!

Mr JENNINGS — I am very happy to reflect on one or two instances when we did go beyond the control lines and had to take some action. But I want to inform the house that during the course of this financial year we have actually undertaken 426 burns, of which two in the last week have created some difficulties by getting out of their containment lines.

I want to indicate to the chamber that since 15 February, when I joined the Premier in announcing that we were starting the fuel reduction burning program earlier this autumn, we have lit 193 fires in those subsequent days. At this point in time we have burnt somewhere in the order of 66 000 hectares during the course of this financial year with great success in terms of community engagement, community support and bringing resources to bear to try to make sure burns are appropriate in terms of protecting strategic assets, human life, environmental values and our water catchments into the future. Indeed this is something that we will continue to do.

During the course of 2008–09 we undertook 608 burns across the Victorian landscape — somewhere in the order of 154 000 hectares — and this year we have already undertaken 426 and have a number of others in a planned stage. By the end of this month, when we anticipate there will have been burns of somewhere in the order 90 000 hectares, we will be well and truly beyond any target we have achieved in recent history.

I have been invited, by interjection, to comment on a couple of burns last week that got beyond containment lines. One at Aireys Inlet commenced on 16 March and was put out on 17 March. That went marginally beyond containment lines, but it stayed on public land in that it was contained on public land. Indeed we allocated significant resources to it: somewhere in the order of 128 people worked on that fire, and somewhere in the order of five aircraft and ground support contained it. At no stage were communities at risk from that fire, as indeed was the case at the Mount Buangor State Park. I know that area particularly well. My family used to visit that area at Christmas time in the late 1960s and early 1970s so I know where that fire started and I know where it finished. It finished somewhere in the Beaufort area, and it burnt for a number of days. We allocated more than 200 staff to that fight.

Mrs Coote — How many days?

Mr JENNINGS — In fact, four days.

Mrs Coote — How much did it cost?

Mr JENNINGS — The good news about it, from Mrs Coote's interjection, is that quite often I am asked about the large-scale burning which may not have any strategic value, but large-scale landscape burning is something I am invited by her side of the chamber to undertake. This is one instance in which our intervention in the landscape was a bit larger than we might have intended. Nonetheless, at no stage were community lives or assets at risk in this fire, and I am pleased to say again that it was contained within the public land estate.

Despite the slightly hypocritical form of interjection and baiting that I have been subjected to in this place for a long period of time in relation to this matter — you are damned if you do and you are damned if you do not — we will continue with the program and will try to get a balance between protecting community life and assets, and protecting environmental values and the ecological integrity of our public landscape. That is what we are committed to doing, and we will continue to dedicate resources to achieve that.

Hazardous waste: Tullamarine

Ms HARTLAND (Western Metropolitan) — My question is for the Minister for Environment and Climate Change, Mr Jennings, and it is in relation to the Tullamarine toxic tip site. I have asked Mr Jennings a number of questions over the years about this site, and just over a year ago a new group was set up — the Tullamarine Landfill Rehabilitation Advisory Committee (TLRAC). I and the community were promised that this would be a fair, free and transparent process, but unfortunately it has failed.

The community observers were locked out of the process just on six months ago, and about two weeks ago Transpacific Industries (TPI), with the support of the Environment Protection Authority (EPA), closed down TLRAC. The committee will be replaced by 4 meetings a year that will be a report-back mechanism rather than the 12 that currently occur, but there will be no discussion and no debate on technical issues. The minister's government claims to be transparent in its dealings with community on such matters, and if that is so, why it is that he has allowed the EPA to disregard the reasonable concerns of the community who live near the Tullamarine toxic tip?

Mr JENNINGS (Minister for Environment and Climate Change) — In most instances I welcome Ms Hartland's concern and interest in this matter, and overwhelmingly I do because I know that for some time she has been associated with protecting communities involved in community activity involved in the name of achieving better environmental outcomes, and that is something I identify with and congratulate.

Sometimes though the passions and ownership of these issues may get in the way of a satisfactory resolution. Unfortunately the process that I committed to, the EPA committed to and the owners of the Tullamarine landfill — TPI — have been committed to in terms of engaging in a structured process to deal with community concerns, as Ms Hartland indicated, has proved to be an angst-ridden situation, where there has not been a great meeting of minds in relation to the agenda and undertakings of that group and to an agreed sharing of method of community engagement.

Unfortunately we have seen a situation develop as sometimes happens — and I do not want to necessarily apportion blame — that the observers want to take over the responsibility of the panel and the group that has been formally constituted — and that has been the political dynamic around this issue in Tullamarine. I am also aware from extensive briefings that I have undertaken from the EPA in relation to this matter that there is a disjuncture between what might be the level of community knowledge and engagement broadly speaking within the Tullamarine community as distinct from that of the members of the local community as they comprise this group.

I am not saying anything beyond what I have just said specifically about the ongoing commitment, passion and concerns of the individuals involved. However, I have to say that there is not necessarily a great follow-through in relation to community conversations. My interest is in improving the degree of information and community conversations that take place more broadly within the Tullamarine community, to appreciate the strengths and weaknesses of the current proposal and what issues may need to be addressed in terms of remedying and rehabilitating the site in question, and having ongoing monitoring of the health and wellbeing of the local community. That is an issue that I continue to be committed to see through and that the EPA continues to see through.

I call upon all stakeholders to try to stay focused on the best way in which that could occur, rather than people going out of their way to derive conflict from this matter and prevent a constructive work program being achieved into the future.

Supplementary question

Ms HARTLAND (Western Metropolitan) — Having been one of those observers, I think Mr Jennings's comments about the community are crass and rude, and he obviously does not have any understanding of its concerns.

Mr Murphy — On a point of order, President, a question should not ask for or contain opinions.

Honourable members interjecting.

The PRESIDENT — Order! In response to the point of order, in fact it is correct. Ms Hartland's comments about 'crass and rude' are argumentative to say the least, and I ask her to withdraw them.

Ms HARTLAND — I withdraw those comments.

How does Mr Jennings now propose to deal with the local community's justified concerns about the Tullamarine toxic tip site?

Mr JENNINGS (Minister for Environment and Climate Change) — I am becoming more and more a shrinking violet as my public life continues, but I can understand that Ms Hartland may get a bit of a head of steam up because in fact she has had a bit of steam up, along with other people in the community, about the process that is in question. The propriety and ownership of this process has been a particular problem. If people concentrate on providing a contribution which is positive and engaging as opposed to one that is destructive, then we will be better off. I know a number of people who are not participants in this process who have always wanted to reserve their right to come and talk to me outside that process and bypass it. I am quite happy to have full community engagement on these matters.

Ms Hartland interjected.

Mr JENNINGS — Ms Hartland is being a bit provocative today, but it is a one-off. It is an unusual series of interventions coming from the other side. My interest in this matter has been continual. Over summer I had a lengthy conversation at the market with somebody who was a participant in this process. The conversation went on for the best part of three-quarters of an hour. It was a spontaneous conversation.

Mrs Coote — You talking all the while. They could not get a word in edgeways. Poor people, I feel sorry for them.

Mr JENNINGS — No, I do not think it was generated by me. In fact on the rare day that I might have had off over summer I might have been looking for some relief rather than spending the best part of an hour in a conversation about this matter. However, I was prepared to engage in it then, I would be prepared to engage in it in the future and I am prepared for us to find a constructive way forward rather than to hurl abuse at one another.

Rail: infrastructure

Ms TIERNEY (Western Victoria) — My question is to the Minister for Public Transport, Martin Pakula. Can the minister advise the house of measures undertaken to improve rail reliability and infrastructure on the metropolitan network?

Hon. M. P. PAKULA (Minister for Public Transport) — I thank Ms Tierney for the question. The Brumby government is committed to improving the reliability of the rail network. Yesterday I was down at North Melbourne, in fact at E-gate, to announce the details of a $145 million works package to improve reliability across the metropolitan rail system. For the period to the end of June that package is anticipated to have delivered 10 kilometres of new rail line laid across various metropolitan lines, 225 kilometres of track grinding to improve wheel adhesion, 117 kilometres of new ballast tamping to pack the stones under the tracks, keeping them aligned and improving ride quality, 16 kilometres of overhead contact wires replaced, 3 electrical substations upgraded to improve power supplies to the system, 16 new light-emitting diode signals installed along the Frankston line, 9 sets of points replaced, 4 station platforms resurfaced, and the upgrade of the Burgundy Street rail bridge in Heidelberg.

Through the new eight-year operating contract with Metro Trains Melbourne, funding for rail maintenance has been increased by $500 million over the life of the contract for a total spend of $1.8 billion. Those works are being complemented by the major improvement projects like the Westall and Laverton rail upgrades and the South Morang extension. This maintenance work will help to reduce cancellations caused by infrastructure faults and also, as a consequence, improve the on-time running of services.

Metro has also announced that it has recruited 8 apprentices across substations and rail signalling, with a further 10 apprentices to start in signal maintenance in the second half of the year. I know Mr Leane would appreciate that, because most of those are in fact apprentice electricians. Metro has also been hard at

work over the past three and a half months improving tracks by replacing wooden sleepers with concrete sleepers. By 30 June this year it will have laid 28 500 concrete sleepers to improve track stability.

As part of last week's community cabinet I was able to visit the place where those concrete sleepers are manufactured: a concrete sleeper manufacturing facility in Ms Tierney's electorate, Austrak. Austrak gave me the opportunity to see firsthand the manufacture of this critical element of rail infrastructure. To date Austrak has already manufactured hundreds of thousands of concrete sleepers for the Victorian rail system and thousands more for systems in other states as well.

This company, because of the massive increase in concrete sleeper replacement, is now operating 7 days a week, 24 hours a day, and has considerably increased its employment in Geelong. Those things are all designed to meet the increased demand being put on Austrak by Metro and by V/Line because of this large increase in maintenance and large increase in the manufacture of concrete sleepers to replace timber sleepers. Those works are all being carried out by Metro, not only sleeper replacement but also the replacement of wiring and the replacement of track, are designed to increase and improve the reliability of our system.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Treasurer) — I have answers to the following questions on notice: 9508, 9588, 9661, 9670, 9700, 9710–17, 9722, 9724–32, 9735, 9803–05, 9898, 9926, 9927, 9932, 9938, 10 057, 10 061, 10 072, 10 126–35, 10 167, 10 173, 10 174, 10 188, 10 247, 10 252, 10 283–91, 10 308–15, 10 439, 10 464, 10 466–68, 10 474, 10 479, 10 480, 11 070, 11 112, 11 238, 11 427, 11 469, 11 511, 11 674.

PETITIONS

Following petitions presented to house:

Rock Eisteddfod Challenge: funding

To the President and the Legislative Council of Victoria:

This petition of residents of Victoria draws to the attention of the house the failure of the state government to fund the important and popular Victorian secondary schools Rock Eisteddfod.

The petitioners register support for the Rock Eisteddfod as a major showcase for the artistic talent of many thousands of Victorian secondary students. The music, dance and drama spectacular promotes healthy living and an active life. It builds students' self-esteem through teamwork, all in a drug and alcohol-free environment.

The petitioners therefore request that the Legislative Council of Victoria support the reversal of the decision to no longer fund the Rock Eisteddfod.

By Mr DRUM (Northern Victoria) (25 signatures).

Laid on table.

Electricity: smart meters

To the Legislative Council of Victoria:

The petition of citizens of the state of Victoria draws to the Legislative Council's attention the Brumby government's mismanagement of smart meters, in particular:

the Auditor-General's finding that the project cost has blown out from $800 million to $2.25 billion, all of which will be paid for in higher bills;

the Auditor-General's finding that the electricity industry may benefit from smart meters at the expense of the consumers who pay for them;

the unfairness of many consumers and small businesses having to pay for smart meters before they are installed; and

findings by Melbourne University that many families will have to pay around $300 per annum in higher electricity bills as a result of Labor's smart meters.

The petitioners therefore request that the Legislative Council require the Brumby Labor government to immediately freeze the rollout of smart meters across Victoria until it can be independently demonstrated that consumers will not be forced to pay for the Brumby government's mistakes in the smart meter project.

By Mr VOGELS (Western Victoria) (379 signatures).

Laid on table.

Housing: Flemington

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council the plight of residents of the high-rise public housing estate in Flemington during heatwaves.

The petitioners therefore request that:

(a) the Office of Housing immediately address the needs of residents of high-rise public housing by installing means for adequate air circulation and/or cooling;

(b) the Office of Housing immediately address the needs of elderly, vulnerable residents or families with young children who live in high-rise public housing and risk adverse health and wellbeing during heatwaves and days of extremely high temperatures;

(c) the Department of Human Services work with local councils to ensure that adequate facilities are available for residents of the Flemington housing estate during heatwaves and days of extreme temperatures.

By Mr BARBER (Northern Metropolitan) (99 signatures).

Laid on table.

Ordered to be considered next day on motion of Mr BARBER (Northern Metropolitan).

VICTORIAN COMPETITION AND EFFICIENCY COMMISSION

Getting It Together — An Inquiry into the Sharing of Government and Community Facilities

Mr LENDERS (Treasurer), by leave, presented final report, September 2009 and government response.

Laid on table.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Review 2009

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

Laid on table.

Ordered that report be printed.

Mr EIDEH (Western Metropolitan) — I move:

That the Council take note of the report.

The functions of the committee are to review all bills introduced into Parliament, to review regulations, report on redundant acts and undertake specific inquiries that may be referred to the committee either by a house of Parliament or by a minister.

The committee is fortunate to have the ongoing assistance of Associate Professor Jeremy Gans as its human rights adviser. This report includes a summary of the committee's observations and experience in undertaking its important responsibilities in respect of reporting to the Parliament on bills that may contain provisions incompatible with the Charter of Human Rights and Responsibilities.

The committee expresses its thanks to Associate Professor Beth Gaze for her considerable assistance and guidance in respect of the committee's difficult inquiry into exemptions and exceptions to the Equal Opportunity Act 1995. The inquiry saw significant public and media interest and resulted in over 1800 written submissions being received by the committee.

The committee held a public hearing and made 59 recommendations in its final report tabled in Parliament in November 2009. The committee has been fortunate to have the continued and dedicated support of a professional secretariat and I take this opportunity to thank our senior legal adviser, Andrew Homer, for effectively leading our team during 2009. The committee is also indebted to Helen Mason for her experienced guidance in the scrutiny of regulation and to Simon Dinsbergs and Victoria Kalapac for their efficient management and administrative support during the year.

Motion agreed to.

Alert Digest No. 4

Mr EIDEH (Western Metropolitan) presented *Alert Digest* No. 4 of 2010, including appendices.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Commissioner for Environmental Sustainability — Strategic Audit 2010.

Crown Land (Reserves) Act 1978 — Minister's Order of 6 March 2010 giving approval to the granting of a lease at Torquay Foreshore Reserve.

Essential Services Commission — Review of the Victorian Rail Access Regime: Final Report, February 2010 (three volumes).

Legal Profession Act 2004 — Practitioner Remuneration Order 2010.

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

Ballarat Planning Scheme — Amendment C137.

Brimbank Planning Scheme — Amendments C119 and C123.

Casey Planning Scheme — Amendments C112 and C131.

Greater Bendigo Planning Scheme — Amendment C126.

Hume Planning Scheme — C113.

Manningham Planning Scheme — Amendment C88.

Mildura Planning Scheme — Amendment C65.

Moreland Planning Scheme — Amendment C81.

Murrindindi Planning Scheme — Amendment C27.

Strathbogie Planning Scheme — Amendments C21 and C47.

Wellington Planning Scheme — Amendment C53 (Part 2).

Wodonga Planning Scheme — Amendment C58.

State Services Authority — The State of the Public Sector in Victoria, 2008–09.

A Statutory Rule under the Infringements Act 2006 — No. 17.

Subordinate Legislation Act 1994 — Ministers' exemption certificates under section 9(6) in respect of Statutory Rules Nos. 14, 16 and 17.

BUSINESS OF THE HOUSE

General business

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

That:

(1) precedence be given to the following general business on Wednesday, 24 March 2010:

(a) notice of motion no. 25 of 2010, standing in the name of Mr Dalla-Riva, relating to the production of certain Office of Police Integrity documents;

(b) notice of motion no. 32 of 2010, standing in the name of Mr D. Davis, relating to the production of certain documents relating to the review of the Victorian Funds Management Corporation by Dr Mike Vertigan;

(c) the notice of motion given this day by Mr D. Davis relating to the production of documents and data used in the collation of the *Your Hospitals* report;

(d) the notice of motion given this day by Mr D. Davis demanding the government comply with the Council's resolution relating to the production of documents relating to planning applications for all the public and social housing developments for which the Minister for Planning is or was the responsible authority;

(e) the notice of motion given this day by Mr Barber, requiring the government to comply with the Council's resolution relating to the production of documents relating to the register of the exercise of powers delegated by the Minister for Planning;

(f) the notice of motion given this day by Mr D. Davis demanding the government comply with the Council's resolution relating to the production of documents relating to health services integrated performance reports;

(g) order of the day no. 12, debate on a motion to take note of the letters of the Attorney-General of 9 March 2010;

(h) the notice of motion given this day by Mr O'Donohue relating to a reference to the Law Reform Committee; and

(i) order of the day no. 10, resumption of debate on the motion relating to local community problems; and

(2) this house authorises the President to permit the notices of motion, general business, listed as (1)(d), (e) and (f) above to be moved and debated concurrently.

Motion agreed to.

MEMBERS STATEMENTS

Greensborough swimming pool: redevelopment

Mr ELASMAR (Northern Metropolitan) — I attended the launch of construction of the new aquatic and leisure centre in Greensborough on Friday, 12 March. The mayor of Banyule and his fellow councillors led the event, which celebrated a multimillion-dollar world-class venue for the use of children and families in the city of Banyule. This jointly funded venture is money well spent for the enjoyment of generations to come and the many additional jobs it will bring to Victoria.

Darebin Community and Kite Festival

Mr ELASMAR — On another matter, on Sunday, 14 March I attended the Darebin Community and Kite Festival in All Nations Park, Northcote, where my parliamentary colleagues and I were welcomed by the Darebin mayor, councillors and senior staff. There were many wonderful multicoloured kites. It is now a highly popular annual event, and I congratulate Darebin councillors and officers for their efforts in ensuring the success of this festival.

Cultural Diversity Week: Syrian Orthodox Women's Association Festival

Mr ELASMAR — On the same day, celebrating Cultural Diversity Week, I attended the inaugural

Syrian Orthodox Women's Association Festival. There were many stalls displaying Aramaic arts and crafts and there was wonderful music and dancing. The festival was enjoyed by everyone, especially the proud recipients of sporting trophies which I was delighted to present. It was a great family occasion. My thanks and appreciation go to all the people who put so much effort into the festival.

Breastfeeding: shopping centre facilities

Mrs PETROVICH (Northern Victoria) — I would like to take this opportunity to highlight an issue facing women of child-bearing age in our shopping centres in Victoria. Breastfeeding an infant in a public place raises eyebrows among some members of our community. Some women choose to ignore this antiquated attitude while others choose to go to their car in the car park or use the nursing mothers rooms provided. Whilst everyone agrees that breast milk is the best food for human babies, facilities available to mums and babies are not always of a very good standard. It should be acknowledged that the planning around an outing for mum and a new baby requires lots of preparation and strategies, and from memory probably deserves on particular days a high score for maximum degree of difficulty — and for dads too, Mr Guy!

I would like to highlight today an issue which was raised with me last week by a young woman who was assaulted while breastfeeding her one-week-old son in a cubicle at a busy shopping centre. She had gone into the cubicle provided and started to feed her son when a man opened the light curtain at the front of the cubicle and entered. When she spoke to me last week she was still distressed. The perpetrator has been caught because he was identified by security videos at the centre, but the young mother was concerned for other women and babies.

On the morning of the assault the perpetrator had been to five other shopping centres and had been able to approach other breastfeeding women. The reason this predator was able to approach these women is that in many instances these facilities are not secure; there is no lockable door and only a light curtain for privacy but not security. A breastfeeding woman is in a very vulnerable position and needs to be able to feel secure and relaxed when feeding her baby. I highlight this issue because we currently do not seem to have any standards around these facilities.

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

Electricity: smart meters

Mr HALL (Eastern Victoria) — I want to convey to the government the ire of many of my constituents about being charged for the so-called electricity smart meters, meters that many of them do not yet have, and for meters which it seems will have no practical benefit for some time, possibly years to come. This government has mandated that all Victorian homes and businesses will have one of these so-called smart meters.

If there was some benefit to consumers in terms of cost reductions or even convenience, then perhaps you could mount an argument that they be paid for by the consumer in the same way as consumers pay for other utility infrastructure which comes in the form of supply or availability charges. But there are no benefits and, according to a newspaper report this morning, it seems there will be no benefits for some time to come. My view is that consumers should not be paying for new meters until they are able to realise some benefits from them. This is another example of Victorians paying for the incompetence of this Brumby government.

Hazardous waste: Tullamarine

Ms HARTLAND (Western Metropolitan) — My statement today is on behalf of the Terminate Tulla Toxic Dump Action Group, which has asked me to inform the Minister for Environment and Climate Change that it believes that Transpacific Industries (TPI) disbanded the Tullamarine Landfill Rehabilitation Advisory Committee with the Environment Protection Authority's support because the EPA is unwilling to face questions concerning the poor rehabilitation of the Tullamarine site.

For two years both parties have refused to address community concerns. The EPA's statement that TPI has achieved world best practice and one of the best hazardous waste caps in Australia is contrary to all evidence. Furthermore, the EPA appears to be encouraging TPI to proceed with plans for the future use of the site before ensuring that it is rehabilitated to the maximum extent achievable, including capping, thereby placing TPI's economic interests ahead of EPA's duty of care towards the community and the environment.

The TPI process replaces 12 meetings with 4 report-back sessions at which there will be no debate about technical issues. The contempt of the EPA and TPI for this community could not be better demonstrated. As there is no proper consultative process our community will have to approach the minister directly for answers

to the serious questions and problems facing this site. Members of this community will continue to publicly campaign for the safe rehabilitation of this toxic dump, and I will continue to support them.

Planning: On Luck Chinese Nursing Home

Mr TEE (Eastern Metropolitan) — I rise to welcome the decision of the Minister for Planning to amend the Manningham planning scheme, which will pave the way for an expansion of the On Luck Chinese Nursing Home in Manningham. This is a great outcome which has considerable support, and indeed bipartisan support, in the local community. The member for Box Hill in the other place, Mr Robert Clark, has indicated that there are many residents of Chinese background in the community, and he noted the importance of a nursing home where people can speak the language or the dialect, eat cuisine that they are used to and enjoy cultural activities. He has also noted the excellent care provided by the current On Luck facilities. The federal member for Menzies, Mr Kevin Andrews, has also been fulsome in his support for the planning application by the Chinese Community Social Services Centre.

Despite the importance of the projects and the need in the electorate, the member for Warrandyte is opposed to the amendment of the planning scheme. This opposition is surprising. It is a slap in the face for local Chinese elderly residents, it is a slap in the face for his state and federal Liberal colleagues, and it shows that the member is totally out of touch with the needs of his local community.

Parks: Kilsyth South retarding basin

Mr O'DONOHUE (Eastern Victoria) — I congratulate Karen Martin and the Friends of Liverpool Road Retarding Basin Group who, after vigorous lobbying from various members of Parliament, including me and the member for Kilsyth in the other place, David Hodgett, have forced Melbourne Water to back down on its plan to greatly reduce the ability of the local community to use and enjoy that wonderful park. I am glad that Melbourne Water has seen common sense.

Princes Freeway: safety barriers

Mr O'DONOHUE — On 12 March the Minister for Roads and Ports, together with the members for Gembrook and Narre Warren South in the other place, met at Soldiers Road, Berwick, for an announcement regarding new wire rope barriers on the Princes Freeway. After a simple question from a constituent, it became apparent that the minister did not know what he was announcing.

The minister stated that VicRoads, using its data, had decided where wire rope barriers would be installed and that they would only be on the roadside, not on the median strip. After phone calls to VicRoads later that afternoon it was revealed that the minister was wrong and that he actually did not know what he was announcing.

Moreover, it has become clear that it is going to take Minister Pallas nearly 12 months to build 5 kilometres of wire rope barriers along the median of the Princes Highway, one of the last pieces of the road between Waurn Ponds and Pakenham that does not have median separation. As the Princes Freeway-Princes Highway is a main route to Melbourne for residents of Gippsland, this is a critical issue for my constituents. There have been both fatal and serious accidents along this part of the road. Twelve months is too long, and so I call on the minister to expedite this critical piece of road safety work so it can be completed as soon as possible.

Breast cancer: fundraising events

Mr DRUM (Northern Victoria) — I would like to congratulate the Otis Foundation for its successful fundraising golf day at Bendigo on Sunday. The day kicked off with the Murray Meander group handing the Otis Foundation a cheque for $75 000. The Murray Meander is a generous group of 40 teams which travel down the Murray over the course of a week in February raising money for both the Otis Foundation and also for prostate cancer awareness as they go. Along with Assembly members Peter Walsh, the member for Swan Hill; Peter Crisp, the member for Mildura; and Paul Weller, the member for Rodney, I joined part of this year's Murray Meander as a member of The Nationals' team.

I was stunned on Sunday when the Murray Meander group handed over a cheque for $75 000 at the fundraising golf day. This money, as well as the many thousands of dollars raised on Sunday, will allow the Otis Foundation to continue to offer respite accommodation and retreat breaks for over 10 000 women and their families around Australia as they face their battles with breast cancer.

I congratulate the general manager of the Otis Foundation, Jane Anderson, all the volunteers who helped out with both the Murray Meander and last Sunday's event, and the founding director of the Otis Foundation, Dr Andrew Barling, on their professionalism and commitment to women who are

suffering in this fight against breast cancer, and on their vision of offering all these women a quality retreat or a break from the grind that accompanies the process of cancer treatment.

L'Oreal Melbourne Fashion Festival

Ms PULFORD (Western Victoria) — I congratulate the organisers of the L'Oreal Melbourne Fashion Festival, and in particular Laura Anderson, chair of the fashion festival, and Karen Webster, festival director, as well as the board of directors that support them. The fashion festival is now in its 14th year. It is an incredibly dynamic festival that showcases our fashion industry, an industry which, importantly, creates a number of jobs and high-value exports. The festival is a celebration of innovation and creativity, and many industries in Victoria that the government works with have that in spades.

Last year's festival was enjoyed by some 370 000 people and made a direct contribution to the Victorian economy of almost $55 million. Unlike most fashion festivals around the world, the Melbourne fashion festival has public access tickets, and they sell like hotcakes. This is something that is now being emulated in other places based on the success of Melbourne's festival.

I was pleased to attend the designer forum on 15 March, along with 200 or so designers, industry representatives and retailers, and be treated to words of wisdom from some people who have achieved considerable success in a very competitive industry: Michael Angel, Tony Glenville, Linlee Allen and Gabriele Hackworthy. It was one of many fabulous events enjoyed in Melbourne last week.

Warrambeen Film Festival

Mrs COOTE (Southern Metropolitan) — I wish to congratulate the organisers of the inaugural Warrambeen Film Festival held on Saturday, 13 March 2010. It is a recognised fact that country Victorians have limited access to high-quality films, but the organisers of the Warrambeen Film Festival have now established a world-class festival in rural Victoria for the access and appreciation of country Victorians.

Warrambeen is a working farm 1½ hours west of Melbourne. Thirteen blocks of films were shown over the day in the heritage-listed woolsheds and undercover sheep yards and they attracted a 98 per cent capacity audience. The evening saw the use of a spectacular inflatable outdoor screen. One of the aims of the festival is to highlight a local interest film. This year the festival film was a local story based on the Scottish immigrants who built the dry-stone walls across Victoria in the 1880s.

The director of the winning film will be involved in generating a local story each year and creating a film making this part of rural Victoria a focus. This initiative generated tens of thousands of dollars for the local community, community groups and traders. Local families flooded through the gates during the day.

The Warrambeen Film Festival highlights the creativity and ingenuity of young rural entrepreneurs, and all Victorians should support it in the years to come. This is a wonderful opportunity for Victorians to be leaders in the film industry throughout Australia.

Wonthaggi: centenary

Mr SCHEFFER (Eastern Victoria) — I congratulate the people of Wonthaggi on the township's 100th anniversary and the magnificent celebrations that were held over the weekend. Huge numbers were attracted to the vintage car rally, the human-powered grand prix and the centenary celebration ball, but the huge street parade, the classic garden party and the official opening of the underground part of the State Coal Mine were the highlights. Hundreds of people joined Jacinta Allan, the Minister for Regional and Rural Development, and Martin Ferguson, the federal Minister for Resources and Energy and Minister for Tourism, at the official opening of the newly restored underground mine.

As members know, Wonthaggi was established in 1910 by a state government decision to open the coalmine as a result of the New South Wales strike that disrupted coal supplies, bringing Victoria's railways to a standstill. The State Coal Mine operated between 1910 and 1968, and it was the miners and their families and their incredible hard work that forged the identity of this immigrant community. Wonthaggi was a union town. Members of the Wonthaggi Miners Union paid a levy to provide family medical services involving the dispensary, dental clinic and hospital, while the workmen's club ran a cooperative store. Conditions in the mine were appalling, causing many deaths through methane explosions. The Great Depression saw lay-offs and a five-month strike.

With the closing of the mine in 1968, many thought Wonthaggi would die. But the energy and spirit of the community, together with the Victorian and commonwealth governments, rallied to rebuild. I pay tribute to everyone who contributed to making the

centenary weekend celebrations the phenomenal success they were.

Government: advertising

Mr VOGELS (Western Victoria) — The Auditor-General has found that in 2002–03 this Labor government spent $125 million on advertising. This increased to $195 million in 2008–09 and is predicted to reach $214 million by the end of the 2009–10 year. I predict that in the next few months leading up to the state election the Brumby government will spend another $200 million-odd on propaganda.

This taxpayers money could have been much better spent on roads, public transport, increasing police numbers, health, education, water supplies, and additional long-term and respite accommodation for frail, elderly people and those with disabilities. With 206 officers per 100 000 people, Victoria has the lowest number of operational police officers per capita of all the states in Australia, compared with 236 in New South Wales, 265 in Queensland, 287 in Western Australia, 303 in South Australia and 308 in Tasmania. These figures come from the Productivity Commission's *Report on Government Services 2010*. According to the Australian Education Union *State of Our Schools* survey of April 2009, 72 per cent of schools do not have enough money to deliver their education programs, 85 per cent of schools need equipment upgrades and 88 per cent of schools rely on fundraising to provide basic services.

It is not defensible for this Labor government to spend hundreds of millions of dollars on promoting itself through spin and rhetoric while basic services are being neglected.

Highett: community hub

Ms HUPPERT (Southern Metropolitan) — On Monday, 15 March, I had the pleasure and privilege of opening a new community facility in Livingston Street, Highett. The new facility provides a home for the Highett Senior Citizens group, the Highett Greek Seniors group and the Highett neighbourhood community house. The redevelopment of the former senior citizens centre was a $590 000 project delivered by Bayside City Council and made possible by funding of $430 000 from the Victorian government's Modernising Neighbourhood Houses program and community facility redevelopment initiative. Bayside City Council contributed the balance of funds for the project.

The member for Mordialloc in the other place, Janice Munt, who also attended the opening, has been a long-term advocate for these facilities in Highett, as has Terry O'Brien, a former Bayside city councillor. I congratulate them and the committees and other volunteers of the three community groups involved in the project for their hard work in making this possible.

The project has resulted in a fully accessible community hub for people of all ages and abilities, providing a range of activities as broad as computer training courses, cooking classes, card games, indoor bowls and exercise classes, and together with the adjacent children's centre and youth club it provides a real focus for the people of Highett. The project is a good example of what is possible when community groups and governments work together with local people. It has resulted in a facility which will deal with the changing needs and challenges of an ageing population in the area.

I note that none of the Liberal representatives from the area serviced by this facility bothered to come to this important launch.

Mrs Petrovich — Were they invited?

Ms HUPPERT — They were indeed invited. I have seen the invitation list.

Harmony Day: city of Manningham

Mrs KRONBERG (Eastern Metropolitan) — The Manningham Interfaith Network is to be congratulated on its splendid response to Harmony Day celebrations. Last night at the Manningham Centre in Doncaster more than 250 people from many faiths came together with cohesiveness and common purpose. Speakers such as Rabbi Yakov Glasmann emphasised the need for us all to celebrate our humanity and common values and importantly to focus on the things that unite us.

The people assembled had blessings bestowed on them by the Baha'i faith's representative, Mahdokht Mahboobi, Buddhist Julie King, Uniting Church minister Jason Kioa and Hindu priest Brahmachari Gautamjii. There was a Jewish prayer from Ben Alexander, a Muslim prayer by lmam GuI Saeed Shah and a Sikh prayer from Ravi Singh Walia. Hauntingly beautiful singing filled much of the program. Contributing to this uplifting aspect of the event were the children from the United Muslim Migrants Association, a very large choir of children of many faiths from the Serpell Primary School, and the Catholic Yarra Deanery's youth singers. The evening was attended by many faith leaders across the

municipality, including Bishop Suriel, Coptic Bishop of Melbourne and Affiliated Regions, representing the Coptic Orthodox Church, the headquarters of which are in Donvale.

On behalf of the community I wish to extend heartfelt thanks to the organisers of this important annual event, especially the acting president, Ben Alexander, OAM, the Reverend Dr Christopher Page, Pauline Smit, Garry Nolan and their team.

V Australia: South African service

Mr EIDEH (Western Metropolitan) — On Thursday, 18 March, I was very pleased to join our industry and trade minister, Jacinta Allan, and Virgin boss Sir Richard Branson at the landing at Melbourne Airport of V Australia's first direct flight from South Africa to Melbourne. This occasion marked the commencement of V Australia's thrice-weekly direct flights from Johannesburg to Melbourne of the new Boeing 777 aircraft, which has 361 seats and the capacity to bring over 37 000 passengers to Melbourne each year.

This new direct passenger, business and freight route is an important service between Victoria and South Africa, which is Australia' s largest trading partner on the African continent, and is vital to the growth of Victoria's export sectors, such as tourism and international education. The V Australia service will strengthen trade and investment links between Victoria and South Africa and cater to the growing number of South African visitors here. In 2008–09 we had more than 16 000 South African visitors, and that number is expected to grow to more than 21 000 in the next eight years.

V Australia is among five new international airlines which in the past 18 months commenced services to Melbourne Airport. This emphasises Victoria's success in attracting more international airlines. The service will be available in time for the soccer world cup in South Africa later this year, and the Super 15 Rugby Union competition next year, which will bring five South African teams and their fans to play the Melbourne Rebels team. I commend V Australia for helping to strengthen tourism, trade and investment links between Victoria and South Africa.

Ambulance services: Bellarine Peninsula

Mr D. DAVIS (Southern Metropolitan) — I rise to make a comment about ambulance services in our state. The story from Saturday night in Geelong and on the Bellarine Peninsula is nothing short of horrific. A young man, Daniel Lowry, sought an ambulance after a fight — and we know there is a rising tide of violence and violent crime in this state under John Brumby and his Labor government — but on this occasion, after he had been bashed, he was not able to get an ambulance. There was no ambulance available for 1 hour in Geelong and on the Bellarine Peninsula. That is a disgrace, and Victorians will be very angry. This is the responsibility of John Brumby and his failed government, and they have to accept responsibility.

In 1999 John Brumby said he would fix the health system in Victoria. Instead it has deteriorated massively. He said he would pay attention to the basics. I say that when an 18-year-old man has been bashed and is bleeding and needs to go to hospital urgently, he needs an ambulance. In this case the police were faced with a terrible situation. They were forced to take Mr Lowry in the back of a divvy van to the emergency department to get the treatment that he needed. He later had surgery.

I have to say it is not good enough. The health minister, Daniel Andrews, and the Premier, John Brumby, have to come out of their bunker and explain what is going on on the Bellarine Peninsula. They need to explain why people like Dale Lowry and his father were not able to get the assistance that they needed on the peninsula at that time. Geelong is our second biggest city. Proper ambulance services are needed there, and they are not being provided by John Brumby and his government.

CREDIT (COMMONWEALTH POWERS) BILL

Second reading

Debate resumed from 11 March; motion of Mr JENNINGS (Minister for Environment and Climate Change).

Mr GUY (Northern Metropolitan) — I rise to speak on the Credit (Commonwealth Powers) Bill 2010. In doing so, I make it known that the Liberal-National party coalition will not be opposing the bill. While we do have some concerns with it, we do not have enough concerns to do anything else but not oppose the bill. We will make some statements on both those points.

Clearly this is a bill that adopts national consumer credit legislation. It refers Victoria's legislative powers over certain consumer credit matters to the commonwealth Parliament and provides for transitional matters in doing so. This issue had its genesis some

time ago under the Howard government, and former ministers such as Joe Hockey and Chris Pearce, whom I know quite well, had much to do with the bill's formation. In a past life before I entered Parliament this issue was something of interest to the Australian Securities and Investments Commission (ASIC), which was my employer at the time.

As I said, this has been a long time coming. The consumer credit website, which is run by the federal Treasury, states:

> The Council of Australian Governments (COAG) reached an in-principle agreement on 26 March 2008 that the Australian government would assume responsibility for regulating mortgage credit and advice, including non-bank lenders and mortgage brokers, as well as margin loans. COAG also agreed to investigate what other credit products, such as store credit and personal loans, best sat within the commonwealth's regulatory responsibility.
>
> Subsequently, on 3 July 2008, COAG agreed that the Australian government would assume responsibility for regulating all consumer credit products.

As I said before, credit must go to those who initiated this process under both the former Howard government and the current federal government and brought forward this piece of legislation by which we are adopting a national consumer credit position and referring our legislative powers over certain credit matters to the commonwealth. It has been quite important in terms of federalism in this country and a seamless transition of credit law between states.

The consumer credit website states also:

> The development of a national consumer credit regime is an important initiative that will address the deficiencies that have long existed in credit regulation by establishing a consistent and robust consumer credit protection framework that is flexible, competitive and adaptable for a rapidly evolving sector both domestically and internationally.
>
> At the 2 October 2008 meeting, COAG also agreed to the implementation plan for the government to assume responsibility for all areas of consumer credit.
>
> The government agreed to implement national credit regulation in two phases, to make the transition as smooth as possible.
>
> It was agreed that phase 1 will be in place by mid-2009 and phase 2 by mid-2010.

It is obvious, as has been noted in the lower house, that, as we are debating this bill in March 2010, we have not proceeded in the original time frame. There is a belief that the current phase 1 will be implemented by 1 July 2010 and that phase 2 should be in place by 1 January 2011 and possibly 1 July 2011 in other jurisdictions.

While the bill has had some delays the opposition does not oppose it. We think it is important and sensible that in modern-day Australia consumers have a set of credit regulations that are uniform from state to state. That brings back some old issues of Australian federalism, which I might touch on a bit later, but we on this side of the house agree — and obviously government members agree in bringing forward the COAG-agreed bill — that it is important that all states have the same laws in relation to consumer credit.

It makes little sense for businesses and states to be running along five or six different regimes across Australia. This is obviously important in places like Albury and Wodonga, Tweed Heads in New South Wales, or even Renmark in South Australia and Mildura in Victoria. Those are large population centres, some situated close to each other, near a state border. It is common sense that in this country we conduct business on issues such as consumer credit the same way across our state borders.

I note there are jurisdictions in some federally structured countries around the world — such as Canada, which is a confederation — that do not have laws as seamless as Australia has, particularly in relation to issues like credit. Even in the United States, as members would probably know, there are income tax-raising powers at the state level. We on this side of the house believe it is important, while not sacrificing states' rights, that in relation to consumer credit we have the basics correct between the states so that our economy can operate both nationally and at a state level to the best of its ability going forward into the 21st century.

Obviously the referral of the consumer credit powers is achieved through Victoria, the other states and the commonwealth adopting the commonwealth's national consumer credit protection legislation, referring to the commonwealth the power to legislate in support of amendments to the commonwealth legislation and repealing the relevant parts of Victorian legislation that will be dealt with by the Australian government.

The relevant commonwealth acts are the National Consumer Credit Protection Act 2009 and the National Consumer Credit Protection (Transitional and Consequential Provisions) Act 2009. These two acts are the national credit laws which received royal assent on 15 December 2009. These national credit laws introduce a single uniform licensing system for those who engage in credit activities anywhere in Australia. Credit providers, finance brokers and others who provide credit assistance or act as intermediaries will be

required to hold an Australian credit licence from 1 July 2011.

The national licensing scheme will be phased in from April 2010, allowing time for the industry to prepare. Excluded areas of state responsibility relate to state taxation, the reporting of estates and interests in land, the priority of interests in real property, and state laws relating to state statutory rights such as water rights. Those points are important to take into consideration.

As I said, the opposition has some concerns about the bill but they are certainly not enough to persuade us to vote against the bill as it stands. While we believe a sensible national uniform set of credit regulations in Australia is important, we note that an issue has been raised by the Scrutiny of Acts and Regulations Committee (SARC) in this Parliament. It was raised ably by my colleague the member for Malvern in the other place. In *Alert Digest* No. 3 of 2010 SARC reports that a number of concerns have been raised about the interaction between Victoria's Charter of Human Rights and Responsibilities and some aspects of the national credit legislation which will be adopted by us through the passage of this bill.

I have been informed that this has been the case with a number of bills that concede powers to the commonwealth. The government needs to understand, now that it has passed the charter of human rights, that it is not a document that applies to one bill and not to another bill, or that something fades in here and something else fades out there. You either adhere to it or you do not. This side of the house looks for consistency when the government deals with its charter, the one it introduced into Parliament with much spin and hype. In that sense the government should be consistent in how it manages the charter.

As I said, issues in relation to the bill's consistency with the charter were raised by SARC, and seemingly they have not been addressed by the government. While this side of the house and indeed the government support sensible cooperative federalism, we obviously want to make sure that we abide by the laws that have been passed in this state and legislate consistently with those laws — the government's laws of the day that have been hyped up to much fanfare. As we know, the government introduced the charter of human rights, but it appears to be just paying lip-service in that it applies to some laws and not to others. While we on this side of the house have that concern, it is obviously not enough for us to vote against the bill, but we point the government in the way of consistency in relation to the charter. I imagine the government will take note of that.

In conclusion, as I said from the start of my contribution, we on this side of the house are supporters of cooperative federalism in Australia. We do not believe all our powers and certainly all our money and responsibility should be handed over to Canberra. In fact one of the reasons that people like me were elected to state Parliament is that the people in our state are the best people to make decisions on matters that affect Victorians. I do not believe the people sitting on level 21 of the MLC centre at Woden should be making planning decisions for Victoria, for example. I am keen to have the federal government stay well out of planning decisions in Victoria — I do not care what the colour of it is. The same is true with a range of other issues: Victorians should take control of their own affairs. This is not a dated mechanism, as some say it is — quite the contrary: it is important that local people take control of their affairs. Planning is one area that we in Victoria should remain firm on.

We are supporters of cooperative federalism and believe it is important that credit laws and issues such as personal credit and managing personal responsibilities in terms of finances are national matters and that the same parameters apply to all Australians, whether they choose to live in Bundaberg or Moe or Port Augusta. Australians should be entitled to have the same level of protection and the same level of consumer credit, no matter where they live. It is important to note that Victoria will retain the ability to take these powers back if the current or any future federal government or indeed any federal parliament were to misuse them in a way that did not benefit the state of Victoria. We on this side of the house believe that is an important provision: it gives the Victorian government through the Governor in Council the ability to revoke the referral of powers to Canberra. It is an essential safeguard for us.

Having said that, we believe the move to introduce national consumer credit legislation offers benefits to consumers and business in Victoria and indeed across Australia as a whole, but it is important that we have the safeguard that Victoria will retain the right to repeal the legislation and the referral if we believe it is being abused by the current or any future government in Canberra. On that note I conclude my remarks and say again that the coalition will not oppose the legislation.

Mr BARBER (Northern Metropolitan) — The Greens will support this bill, along with the other parties in the chamber and for that matter other chambers around the country and the federal Parliament itself, which has already dealt with the proposal. In that sense Ms Pulford and I wonder how much value we will add here. Apparently this is a bill that has already

been passed by the federal Parliament, where the federal Greens supported it. While it does not exactly break new ground in Westminster democracy, the legislation sets up a useful federally regulated scheme for a range of people who offer services in the finance industry. It is a truism that it is good to have a federal scheme for regulating people who offer services across the border or move across the border from time to time.

However, there is one issue that we will be pursuing with the minister: the proposed timing of one particular set of provisions relating to finance brokers. This bill refers our state powers to the federal government; it is a referral bill under section 51 of the federal constitution, but it is also a repeal bill in that it will repeal certain sections of our existing credit regulation regime. In the process we have heard from those who are advocates for consumers a concern that while certain provisions in the state jurisdiction will be repealed, the concurrent federal jurisdiction powers have not yet come into play, and it is possible — we are still discussing this with the government — that there could be as much as a six-month period when no particular regulation will apply in relation to one group that will be regulated by this bill.

I am reasonably sure that consideration of the bill will be deferred before it reaches the committee stage. That should give us the opportunity to meet with the various parties and consumer advocates, if possible, to discuss that clause and how it relates to the federal scheme, and hopefully to reach some agreement. I will say no more about the bill, but should we find ourselves in that position I will address that particular concern in a clause-by-clause discussion.

Ms PULFORD (Western Victoria) — I am pleased to speak in support of the Credit (Commonwealth Powers) Bill 2010. As Mr Guy indicated, there is some history to the gestation of this legislation. In 1993 the states and territories initially entered into uniform arrangements for the laws that regulate the provision of credit, largely for personal and household use. From that point a uniform consumer credit code was enacted, a template to ensure consistency across state borders. A great deal of uniformity was achieved through the work of those state and territory governments long before us. However, further work has been done in this area.

Previous speakers have referred to the Productivity Commission's report of May 2008, which considered the regulation of consumer credit and recommended that responsibility for the regulation of credit providers and intermediaries providing advice on credit products — finance brokers — should be transferred to the federal government, with enforcement to be undertaken by the Australian Securities and Investments Commission.

There is now a greatly devolved credit supply available. The industry has changed considerably in a relatively short time. We live in a time when you could be reading the Sunday papers, and after you pull out the junk mail you can head down to one of those big stores and get yourself a TV for nothing more than the price of the pen used to sign your life away. Without making light of the situation, many credit providers that are connected to large retailers, chains and franchises provide an opportunity to make big purchases at times when funds are tight on the home front, so items need to be paid for over a number of pay periods — for example, a family with a young baby, and their washing machine has just blown up or the fridge has gone on the blink a week before Christmas. That type of credit provides great flexibility to many consumers.

The flip side is that very often the minimum repayments required under credit contracts are considerably less than the amount required to repay the debt, and after what is often an extended interest-free period a much higher than market rate of interest kicks in. This type of credit in particular is extensively advertised and promoted by retailers as a good long-term option, with no payments and no interest for 12 months or even up to 36 months in some cases. An optimist would be feeling pretty good about signing up for something where no payments are required for 12 months or where the bulk of the money lent did not need to be paid back for three years.

This legislation refers the Victorian government's powers to the commonwealth to establish a new national scheme. It regulates credit provision and protection for consumers. That will provide support for the enactment of the National Consumer Credit Protection (Transitional and Consequential Provisions) Act 2009. Important features of this act include a uniform licensing scheme and measures that will eliminate gaps and regulatory inconsistency across state borders. Many activities of credit providers and finance companies cross state borders. It does not take an overly active imagination to consider the experience of people living on state borders who take out a line of credit from a provider that is based not far down the road from them but is operating in a different regulatory framework.

As Mr Barber indicated in his opening remarks, it is also important to consider the way in which our role is changing with the increasing frequency of the enactment of nationally consistent legislation. Often this is of great benefit to consumers, businesses,

employers and organisations that provide goods and services across the spectrum of the economy. On an increasingly frequent basis the state refers powers or adopts legislation that must, for its effective operation, mirror the legislation of other jurisdictions.

I am a member of the Scrutiny of Acts and Regulations Committee, which is required to consider the impact of legislation in light of the Charter of Human Rights and Responsibilities. In its report tabled in the Parliament on this and other legislation SARC comments on the impact of referring legislation to a jurisdiction that does not have a comparable human rights charter and the way that poses a threat to the integrity of our own human rights charter, which is an important instrument for government and all public institutions in Victoria.

I commend the bill to the house.

Motion agreed to.

Read second time.

Ordered to be committed later this day.

EDUCATION AND TRAINING REFORM AMENDMENT BILL

Second reading

Debate resumed from 25 February; motion of Hon. J. M. MADDEN (Minister for Planning).

Mr HALL (Eastern Victoria) — It is my pleasure to speak on behalf of the coalition on the Education and Training Reform Amendment Bill, and I indicate at the outset that the coalition will not be opposing the bill.

Teaching is a very noble profession, and I say that despite the fact that I was a teacher by profession before entering this chamber. I continue to acknowledge the fine work that teachers in this state undertake both in our public and our private school systems. We have some very fine individuals who contribute enormously to the development of young people in this state, and that needs to be recognised by all, and this debate provides us with some opportunity to do that.

It is a difficult job to command the attention and get the understanding of young people. It is not always an easy task. Teachers need to be multiskilled. It is not simply a matter of imparting a curriculum to students; it is also about working with them, engaging them, responding to their personal circumstances and sometimes being a social worker as well as an educator, so it is a multifaceted skill that teachers in this state undertake, and they need to be recognised for it.

We have a problem in this state, and in other states of Australia too, in attracting enough qualified people into the profession. I welcome initiatives undertaken by this government to attract talented individuals to the profession, but we need to do more. Regional schools, in particular, still have some difficulty in filling particular subject areas with qualified staff, and again we need to be continually applying whatever initiatives we can to ensure that we get the best people to enter the teaching profession and assist in the development of young people in Victoria. I state those views on the teaching profession by way of opening comments, and I hope that this bill assists in some small way towards upholding the integrity of the profession and also attracting more people to it.

The bill makes some changes to the composition of merit protection boards and some minor changes to the registration process to provide for senior secondary courses, but the main amendments are those relating to the Victorian Institute of Teaching (VIT).The Victorian Institute of Teaching is a body with a relatively short history. It became fully operational on 1 January 2003, and with its formation it had a charter to recognise, promote and regulate the teaching profession.

When it was introduced there was a commitment to review it after a five-year period, and indeed it was reviewed in late 2007. In terms of the functions undertaken by VIT of regulation and registration of the teaching profession, previously the registration function was undertaken by a body called the Teachers Registration Board, and that applied when I was teaching in this state — one had to be registered and approved by the Teachers Registration Board. The Victorian Institute of Teaching took over that aspect as one of the functions assigned to it in the legislation.

The Victorian Institute of Teaching was also, as part of its charter, to promote the profession, to be the champion of the profession and to be proactive in correcting uninformed public comment about the role of teachers. Indeed, some would argue that the performance of the VIT in that respect is nowhere near as good as we hoped it would be. The review of 2007 identified the fact that there was a very strong level of dissatisfaction across the teaching sector in respect of the role that VIT played in terms of its promotion of the profession, and in this amendment bill we are seeing a significant change in the charter of the Victorian Institute of Teaching so that the institute will no longer have responsibility for promoting the teaching

profession, but promoting its own role will be added to its functions.

It seems to me that there will be a void left there. As I said in my opening comments, teaching is a noble profession; it needs to have a champion, and one would have thought that its own professional body, the Victorian Institute of Teaching, probably should be the body undertaking that role, yet it seems that VIT has not been able to handle that dual function of regulation and registration as well as promotion of the profession.

If one examines some of the other professional organisations that represent other professions — for example the institute of engineering and others that are professional bodies — they perform a dual role in terms of registration and regulation as well as promotion, and to my mind it seems there are a number of other professional organisations that successfully undertake that role, that go out and champion their members and that participate in recruiting and trying to expand the number of people within that professional area. Therefore it surprises me that the Victorian Institute of Teaching has not been able to undertake that function of promoting the profession, and it is therefore deemed that the role will be taken from it. That is a real disappointment in respect of the Victorian Institute of Teaching as there are many other organisations which — satisfactorily to my mind, at least — perform that function.

Perhaps we should go back to a simple register body like the teachers registration board so that the institute would then be better placed to promote the profession, because in the absence of that body doing it, who will do it? Will government do it? Will the teacher unions do it? Perhaps they should all have a role to play there, but it seems to me that there will be a void, and that will be to the detriment of the profession. Many teachers who contributed to that 2007 review process were justified in their criticism of VIT in respect of that component of its charter, and they were perhaps justified in suggesting that a payment of a fee simply was not good value for teachers; it seemed to be a collection process rather than getting some real value back for the registration fees they pay.

The legislation, as I said, is the outcome of the 2007 review, which changes in some fairly significant ways the structure of the Victorian Institute of Teaching. Apart from that directional change which I indicated — that the institute will no longer have responsibility for promoting the profession — there will also be some changes in terms of the composition of the governing body of VIT. It will now have a smaller council, consisting of just 12 members, and there will therefore be some changes to the composition of that organisation.

Perhaps some of the more significant changes to the role undertaken by the Victorian Institute of Teaching are in respect of its ability to investigate matters within the profession, particularly issues associated with teachers and a need to investigate those matters. I notice there is a change of definition from ‘fitness to teach’ to ‘suitability to teach’. The government claim, by way of this legislation, is that this will broaden the different criteria that the institute will be able to look at in terms of a person’s suitability to teach — that is the terminology that is now going to be used.

The institute will now be able to initiate its own investigations and deliver a range of sanctions under the act. Previously, if the VIT in an investigation it was undertaking came across matters that it felt needed further investigation, it was unable to investigate them without having a complaint lodged. As I understand it, this new bill will enable the institute to initiate its own investigations and broaden the range of sanctions that can be applied as a result of those investigations. Those sanctions could range from cautioning or reprimanding a teacher to cancelling their licence or suspending it for a period of time. It is appropriate that there be a broader range of options available to the institute as an outcome of any investigation it may undertake.

On the issue of police checks, powers given to VIT by the bill will enable it to have more regular police checks undertaken. The coalition has no argument with that. I have mentioned there will be a change of definition from ‘fitness to teach’ to ‘suitability to teach’. Under the criterion of suitability to teach there will also be greater powers to require not only medical examinations but also advice from other experts to assist VIT in its deliberations about the appropriateness of a particular person being registered to teach in the state of Victoria.

The bill also provides for the extension of the provisional registration period from one year to two. When teachers first seek registration it is usually for one year initially, and an assessment is made after that period of time to see whether that person has performed satisfactorily in their role as a teacher. Because we are now seeing some people initially entering the profession without formal qualifications, the extension of provisional registration from one year to two years can be helpful. In fact one of those programs, Teach for Australia, was initiated by this government, and I think it is a very worthwhile, valuable program. Under that program professionals sometimes come into the teaching area while there is still some effort required for

them to gain a formal teaching qualification, so they would start teaching in Victorian schools under supervision. I can understand the logic of extending provisional registration from one year to two; it will be helpful in some instances.

I also note that under the changes provided for in the bill annual registration will now be possible instead of what I think were five-year registration periods in the past. It will be possible to do that annual registration process online. I note one of the current criteria for retaining registration is that a teacher is required to demonstrate commitment towards ongoing professional development. A criterion for retaining registration is that they have to complete 100 hours of professional development over a five-year period. Now that registration is going to be annual, I wonder whether that criterion, a requirement to undergo that level of professional development, is still applicable and how that might fit in with annual renewal of registration. That is not clear in my mind.

I note a commentary in the *Age* of 8 March of this year entitled 'More teeth for VIT watchdog' which says:

> Expanded powers will give the regulator more scope to investigate and act on teacher misconduct …

The article mentions that:

> Last year, VIT disciplinary panels dealt with 15 cases of misconduct.
>
> They cancelled the registration of seven teachers and suspended five others for behaviour ranging from inappropriate physical contact with students to poor performance and theft of school property.

The institute also dealt with other teachers who were involved in a range of sexual offences, and I will not go on to quote all of those offences. If my memory is correct, we have something like 40 000 registered teachers in this state.

As I said at the outset, teaching is a very noble profession, and if we are only looking at a handful of cases within a workforce of that size it speaks well for the quality of the people in that workforce. It also might reflect the fact that VIT does not have the powers that it seeks. Perhaps these additional powers to initiate its own investigations will bring about an increased workload and lead to more investigations and more sanctions being applied to those who are not performing at the level that we would all hope for.

The annual report of the Victorian Institute of Teaching is always good reading. It outlines the activities of the institute over the previous 12 months, sets out functions et cetera. In preparation for this debate I have had a brief look at the report to remind myself of the role of VIT. It is an easy-to-read document and one which I commend members to look through if they are interested in the work of the Victorian Institute of Teaching.

As I said at the outset, the coalition will not be opposing this piece of legislation, but it is important that we have a strong regulatory framework for the teaching sector in this state. That is what the government claims we have in this bill — an improved framework for the regulation of teachers.

I conclude my remarks by again expressing my disappointment. It seems to me that we are now left with a void in that we do not have an acknowledged body to promote the profession of teaching. That is to the detriment of the profession, and it is something this government needs to turn its mind to. The profession needs to turn its mind to it, and perhaps the teacher unions also need to turn their minds to how we can promote this profession now that that responsibility has been removed from the Victorian Institute of Teaching staff.

I agree that the institute did not promote the profession well in the past, but we need to put in place a structure. We need to give some organisation the responsibility for promoting this profession, because it is a profession to which we struggle to attract sufficient numbers of people. We need a champion of the profession. This piece of legislation, by removing some of those functions from VIT, has created a void, and that is going to be a challenge for all of us.

Finally, I am aware that some amendments to the legislation may be put forward by the Greens, but as yet I have not seen them — I do not think they have been finalised — so it is difficult to make any commitment to them. The coalition would like to see the amendments in writing so that it can analyse and compare them with the current legislation. I for one would be comfortable if that means a deferral of the committee stage of this legislation until the next week Parliament sits. That would give the coalition ample time to scrutinise any amendments that might be put forward by the Greens or anybody else.

With those remarks, I again indicate that although we will not be opposing this bill, we do have some concerns. In particular we are disappointed that we will be left with no champion of the very noble profession of teaching in this state.

Ms PENNICUIK (Southern Metropolitan) — The Education and Training Reform Amendment Bill does

a number of things with regard to the Victorian Institute of Teaching (VIT), as outlined in its purpose clause. The bill proposes changes to the investigation of registered teachers by widening the grounds on which a teacher can be investigated and requiring that a teacher undergo a health assessment. It will provide for the appointment of a medical panel and will broaden the role of informal hearing panels, widen the sanctions available to hearing panels, alter the constitution of merit protection boards and the council of the Victorian Institute of Teaching, provide for registered schools to have ongoing registration with respect to accredited senior secondary courses and make consequential and miscellaneous amendments to the principal act. Another provision in the bill will reduce the teacher registration period from the current five years to one year.

We understand the bill before us is the result of a review of the Victorian Institute of Teaching which was undertaken by F. J. and J. M. King and Associates and which concluded in March 2008. It is interesting to read in the executive summary of the report that the institute was established nine years ago under the Victorian Institute of Teaching Act 2001. In 2006 this act was repealed with the proclamation of the Education and Training Reform Act. The review of the VIT resulted from a government directive after five years of operation. The report says that the decision to review the institute was in part due to the range of stakeholder views expressed during the consultation phase and the breadth of functions included in its charter.

One important sector with views about the VIT would be teachers. It would be fair to say — and I think Mr Hall touched on this in his contribution to the debate — that teachers have not been enthusiastic in their support for the Victorian Institute of Teaching. I know this because I was a teacher and I have a lot of friends who are still teachers. They expressed concern about the role of the institute, in particular its lack of activity in its role of promoting the teaching profession, which is one of its objectives. Mr Hall referred to that quite a lot in his contribution.

I note that the Australian Education Union (AEU), in its submission to the review of the VIT, comments that the institute:

> … has done little … in 'giving recognition to the importance of teachers work' and 'promoting a better understanding of the work of teachers by those outside of teaching and building up public confidence in the profession'. Its lack of achievement in these areas has created a growing gap between the VIT and the profession it has been set up to promote and regulate. The AEU believes that how to make the institute valuable to teachers is one of the core issues which should be addressed in the review.

The AEU goes on to say that it gives qualified support to the continuation of the VIT but believes that:

> … the outcomes of the review should include a substantial improvement in the role of the VIT in publicly supporting the profession, no increase in registration fee rates above the CPI, improvements to provisional registration and a process for extending the definition of 'teacher' in the act to cover early childhood and TAFE teachers as well as those teaching in schools —

which is not part of this bill.

The VIT was originally sold to teachers as an independent, professional body which would publicly advocate on behalf of the profession when it came under attack from politicians or uninformed comment in the media. The overwhelming opinion of teachers in government schools, according to the AEU and according to my conversations with teachers, is that the VIT has not performed in this area. That is an ongoing concern for teachers.

Also the Victorian Independent Education Union in its submission to the review on the VIT stated that:

> … one of the significant concerns of members … is that the institute has failed over the first five years of its operation to promote the profession of teaching particularly in the face of criticisms of the profession.
>
> Particularly over the last few years there have been numerous unsubstantiated allegations made in the media and political arenas which have been general attacks on the competence and values of teachers as professional educators. These criticisms, in turn, have acted to undermine public confidence in the profession and teachers' own morale. The institute has been silent in response to these attacks.

The Teachers Alliance has called for the abolition of the Victorian Institute of Teaching. I had a look, as I am sure every member did, at VIT's website and noticed that the members elected and appointed to the Victorian Institute of Teaching look like very good people, and I am sure they are. But it is of concern that when you speak to teachers you find that confidence in VIT is very low, and I am not sure that this bill is going to improve that situation. In fact I think it is going to worsen it.

It is interesting that the review came out with 38 recommendations. Most of them are picked up in this bill, but some of the most significant changes that were called for by the teaching unions in particular have not been picked up. We already have an issue about teacher confidence in the VIT, but none of their concerns have been picked up in the bill. In fact the concerns they have raised about the VIT and its functions have increased from their perspective and from my point of view as well.

Let us go back to the philosophical question of what an institute is. If you look at the dictionary, you see that an 'institute' or 'institution' is a society or organisation for the promotion of science, education or a field or profession. Given the name of the Victorian Institute of Teaching and given the dictionary definition, you would assume that that body is there for the promotion of the teaching profession; and that is one of its current objectives under the act, but this bill will remove that. The Victorian Institute of Teaching will become a registration body, a regulatory body and an investigatory body regarding teachers. The powers given to it under this bill are broadened compared to what they are now, so you would assume that the current level of confidence is not going to be improved by this bill.

It is interesting that the review suggests that there be a name change. If there is going to be a streamlining of the functions of the institute and the removal of its role as an advocate for teachers and the promotion of the teaching profession, as Mr Hall said, it will have a new role of promoting itself. But it is not going to promote teachers or the teaching profession. It is pretty amazing that the role of promoting the profession will be replaced with the role of promoting itself as the regulator.

That was what the review recommended. It also recommended a proposed change of name to the Victorian education professionals board to reflect the shifting of functions, which I agree would better reflect the new functions given to the institute under this bill. It is interesting to look at the names of similar organisations around the country. In Queensland, Tasmania, South Australia and the Northern Territory they are called boards of teacher registration or teacher registration boards. In Victoria it is the Victorian Institute of Teaching and in Western Australia it is the Western Australian College of Teaching. I did not work out whether the functions of the Western Australian college are exactly the same as those of the Victorian Institute of Teaching, but I think it has a promotion role. In New South Wales the body is the NSW Institute of Teachers. It is interesting that around the country these bodies go under different names and that the review recommended changing the name of the VIT.

During my research on this bill I spoke to the teacher unions. Although you would have to say they reiterated in our conversations their concerns about the lack of confidence that teachers have in the VIT, there were other main issues raised with me about the bill. The Australian Education Union raised the issue of the annualised renewal of registration. Currently under the act teachers are registered for up to five years. The union agrees with the change of timing for registration from December to September but has concerns around annualising the renewal process, particularly the impact this will have for teachers on family leave and other types of leave and for part-time teachers and casual relief teachers. Currently the five-year renewal allows flexibility for teachers in these circumstances, particularly for teachers on family leave who are balancing family responsibilities.

I notice that in New South Wales there is annual renewal, and that is what the review recommended, but it seems to me it is for the benefit of the VIT rather than for the benefit of teachers and that there could be some flexibility in those arrangements, particularly for teachers who are not in full-time employment at the time they are re-registering.

There are new provisions for permission to teach contained in the bill, whereby a person who is not a registered or qualified teacher could be given permission to teach in a particular instance for a particular period of time. I note that period is up to five years. It is interesting that that can be arranged whereas the registration of teachers is going to be annualised. However, the union is supportive of that, given the bill provides that the employer must have made attempts and can demonstrate that it has made attempts to find a registered teacher in the particular area to fulfil that role.

As I have mentioned, the AEU has strong concerns regarding the removal of the role of the VIT to promote the profession, and this is a strong theme throughout the bill. I too have concerns, having looked at the bill and at the role of the VIT as a registration and disciplinary body, that the bill widens the powers of the VIT to look into misconduct of teachers that is beyond serious.

The AEU in particular has raised concerns about the bill giving the VIT broad and unrestricted powers, which will have an impact on employer-employee relationships in a school. As Mr Hall mentioned, it will mean a considerable increase in the workload for the VIT, and possibly stretch its resources. There is a concern about how the institute will manage all of this in a fair and timely manner.

Given that the VIT concerns itself with the registration of teachers, I am not convinced that it should be concerning itself with any misconduct that would not have the potential to result in the deregistration or non-registration of a teacher. Any other misconduct matters should be dealt with by the school in the normal way. Even though I have read widely on this issue, it is

unclear; and I am not convinced that widening the powers of the VIT to involve itself in any misconduct of a teacher, which may result in some disciplinary action at the school level, should be the business of the VIT.

The AEU raised concerns about processes and procedures around the powers to investigate teachers without complaint or notification — the sort of own-motion investigations that can be undertaken by the VIT. It has said that if there are clear guidelines, it is able to support them. I have my concerns about that. We do not want the VIT turning into some sort of Star Chamber.

The provision in the bill for deregistration by mutual consent is widely supported, and I support it. All the representative teaching bodies have raised concerns about the total reduction of the numbers on the council, although it is good that they are supportive of the retention of the six elected positions remaining on the reduced council.

The Victorian Independent Education Union has also raised concerns that the bill does away with the committee that used to conduct informal hearings and impose penalties and sanctions, while legal representation of a teacher can only happen at a formal hearing. The union would like to see — and I think it would be natural justice — legal representation applying at the informal hearing panels and the medical panels. They are the main concerns that have been raised with me about the bill, and they are valid concerns.

Mr Hall mentioned that I would be proposing amendments to the bill. I apologise to the Council that those amendments have not yet been returned to me from parliamentary counsel. I have notified all parties of the intention of the amendments, so at least they have had time to consider them. The intentions of the amendments basically go to the concern I have with the broadening of the powers of the VIT to involve itself in areas of misconduct. There are several clauses of the bill which this would affect. The effect would be to take out the amendments in the bill which amend the act to allow the VIT to look at misconduct — that is, not serious misconduct or serious incompetence. It would basically retain the status quo, that the VIT only concern itself with serious misconduct that has been referred to it.

Another amendment I am having prepared would allow teachers to have legal representation if they appear at a medical panel or any other panel covered by the bill so they would not be required to appear at one of these panels unrepresented. Given natural justice, it would be very difficult not to agree with that amendment.

I am also having prepared an amendment to give some discretion under the act to review a decision to refuse an application for registering or deregistering a teacher on the grounds of a prior sexual offence. That was also a recommendation of the review. It is also supported by the teacher unions. The Australian Education Union, in its submission to the VIT review, stated:

> The AEU recommends that the existing legislation concerning the VIT be amended so that a discretion is provided to the institute when it considers applications for registration or is involved in considering the suspension or cancellation of a person's registration on the grounds that the person has been convicted or found guilty of a sexual offence within the meaning of the Education and Training Reform Act.

The Victorian Independent Education Union, in its submission to the review, sought an:

> … amendment to the current act to allow:
>
> (i) right of review to VCAT on a decision to cancel a teacher's registration for a sexual offence.

Members may remember a case in Orbost in East Gippsland in 2005, which was given a lot of coverage at the time, whereby a teacher was deregistered and refused permission to teach. That case highlighted the problem with the act at the moment. It was publicised that this particular teacher had been convicted of a very minor offence a long time before he started teaching. Everybody — the community, his school, the principal — supported the teacher continuing to teach, but that person has been lost to teaching because the act is so rigid and does not allow extenuating circumstances, which there clearly were in his case, to be taken into account in the deregistration. He was supported by the community, the school, the students, the parents and the principal as being a valued teacher they did not want to lose, but because there was no right of appeal under the act, that teacher was lost.

Everybody has called for the act to have at least a provision for an appeal on the grounds of extenuating circumstances. The Greens have supported police checks for teachers. We also support the provision under the act whereby if somebody is convicted of a sexual offence, then they immediately cannot teach, which is what the act says at the moment. It also says that if that conviction is quashed on appeal, then the person can teach again. The problem arises if at some time in the past somebody has been convicted of a very minor sexual offence but is not a sex offender or a child-sex offender and is clearly no threat at all to the students or the community. There should be some way

that they can appeal that decision; under the act currently there is not. I would presume that there would be very few people to whom that may apply. It is quite difficult to ascertain how the act works in practice, but that is something I might follow up in the committee stage.

My main concerns with the bill are echoed by those in the teaching profession. The VIT has not fulfilled its role in promoting teaching, and this bill is going to take that role away from it. If the function of the VIT is to now be just a registration board and a regulator, then I agree that the name of it should change to reflect that. The minister and the review have said that some other body should take up the advocacy role for teaching. Maybe there should be another body set up, a professional association that teachers can join that will promote the profession. I also agree with the AEU that if we are going to have this body registering teachers, it should include TAFE and early childhood teachers as well so it covers the whole gamut. At the moment it just applies to primary and secondary school teachers.

With those comments, I look forward to the committee stage of the bill, whenever that may come about, when I can query the minister who has the carriage of the bill about certain provisions.

Mr SCHEFFER (Eastern Victoria) — I speak in support of the bill. The amendments to the Education and Training Reform Act involve widening the grounds on which teachers may be investigated to include, for example, a health assessment. The bill provides for a widening of informal panel hearing powers, the appointment of a medical panel to deal with complaints against registered teachers and a widening of the sanctions that will be available to those panels. The bill also makes changes that enable a teacher who has been granted a conditional registration to apply to have the condition reconsidered and altered. The bill makes alterations to the membership of merit protection boards and to the council of the institute to enable ongoing registration for schools that offer accredited senior courses such as the Victorian certificate of education or the Victorian certificate of applied learning.

The Victorian Institute of Teaching was established in 2001, and it has played a key role in regulating and promoting the profession in Victoria in a way similar to other professional boards. The institute has played an important role in maintaining high teaching standards through ensuring that only qualified people can register as teachers before they can work in a Victorian government, independent or Catholic school. The institute has also played a very important role in promoting teaching as a profession — or at least it was intended to play that role. Since its establishment it has supported the development of professional standards, and it accredits pre-service teacher training courses. The institute has also had the responsibility to investigate instances of misconduct and incompetence amongst members of the profession. Overall, I think the Victorian Institute of Teaching has generally been a successful innovation of the Labor government and has benefited the teaching profession across the state.

In 2007 the government instigated a review of the institute which made 38 recommendations. The government responded to that last year, and I understand it accepted most of the 38 recommendations. In general, the review found that the institute should focus on the regulation of the teaching profession and that this would assist in sharpening the institute's purpose and enable it to better meet the expectations that the community had of it. Under the amendments contained in this bill, the work of the institute will be focused on developing a more effective teacher registration system, and it will no longer have responsibility for promoting the profession itself.

The institute's role in regulating the teaching profession guarantees that teachers who are granted registration meet clearly defined standards relating to their academic qualifications and to their competence to teach, as well as having an appropriate character to follow this profession. The bill proposes a change to the current criteria used to assess prospective teachers who apply for registration — namely, that the powers of the institute be extended by broadening the criteria used to determine whether applicants are suitable.

Currently, applicants are required to meet the test of 'fitness to teach', which relates to personal character. The common law definition of 'fit and proper person' means that the individual in question is of good fame, integrity and character and has not been found guilty of an offence.

The bill proposes that the test for initial registration be broadened to 'suitability to teach', which will allow additional scope for the institute to include criteria relating to a person's physical and mental health. In determining suitability to teach, the institute will continue to require the applicant to undergo a criminal record check or to provide information about whether or not they have a criminal record. The institute may also require an applicant to provide references and reports that will provide evidence of their suitability to teach. The provisions of the bill will enable the institute

to take account of a teacher's record in other parts of the country.

The bill will provide the institute with a greater capacity to examine a teacher's conduct and impose sanctions where it is found that there is evidence of misconduct. Previously the Victorian Institute of Teaching only had the power to investigate complaints concerning serious incompetence, serious misconduct or questions about continued fitness against a registered teacher, and this has apparently meant that where a teacher's misconduct was not found to be serious the hearing panel was unable to impose a penalty. This is clearly unacceptable. The bill introduces a range of appropriate sanctions that a hearing panel can impose to deal with misconduct that needs to be sanctioned but is not of a very serious nature. Examples of such sanctions might involve further professional development, counselling, conditions being placed on a teacher's registration or even suspension of their registration.

Misconduct that cannot be regarded as serious is usually dealt with by the teacher's employers and the expectation is that this will continue to be the case in the future. However, the bill provides the institute with the power to act in circumstances where the registered teacher has no current employer or where there is a public interest that needs to be protected. In these cases the institute can investigate, even where there has been no formal complaint lodged, so that anonymous complaints, for example, can be acted upon. That is not possible under the present legislation.

The review found in relation to some complaints about teachers' behaviour that on further investigation the behaviour was found to actually have to do with the teacher's ill health or an issue with alcohol or some other drug. The bill, therefore, gives the institute the power to convene medical panels where a teacher's performance is likely to be seriously or detrimentally affected by some kind of medical condition, whether it is of a physical or mental nature. Under the provisions of the bill the panel will be empowered to place a condition on the teacher's registration or to suspend the registration for a period of time. Again the teacher may be directed to undergo counselling or some appropriate medical treatment, further professional development or training, or even to work under the supervision of a colleague.

Of course care needs to be taken in these circumstances to protect the rights of the individual teacher, and the bill sets up a number of safeguards. The hearing panel, for example, is required to only impose conditions on a teacher's registration where it is demonstrated that the behaviour may be a danger to students, colleagues or members of the public. Also the teacher in question and the institute are required to agree upon the medical practitioner who will undertake the assessment. Where no agreement is reached, the chair of the Council of the Victorian Institute of Teaching will appoint a suitably qualified medical practitioner to undertake the assessment.

The final matter I would like to mention briefly is the changes that the bill makes to merit protection boards. These are independent statutory bodies which were established under the Education and Training Reform Act 2006. Their role is to advise the minister and the department of education on matters relating to the principles of merit and equity as they apply to employment and promotion in the teaching service. Merit protection boards also hear reviews and appeals on decisions taken under the act.

The bill provides for the membership of merit protection boards to be expanded to include a new class of employees within government schools, and for their structure to be changed to increase the number of members available to hear appeals and grievances. The provisions of this bill will see a widening of employee representation on merit protection boards through the inclusion of education support employees to hear the grievances and appeals lodged by individuals from this group of workers. That seems to me to be a very good thing.

To accommodate this proposal, the structure of merit protection boards will be changed so that the Governor in Council may appoint persons nominated by the minister to be chairpersons; persons nominated by the secretary of the department; and persons nominated by the minister after expressions of interest from employees of the teaching service in government schools have been called for. This last group includes principals, teachers and education support employees. That change will ensure that a board set up to hear an appeal or grievance from an education support employee, for example, has representation from that particular class of workers.

The amendments contained in this bill I think build on the achievements of the Education and Training Reform Act and, as I said earlier, do implement most of the 38 recommendations that came out of the review of the operation of the VIT. The amendments will update the act and I think they will improve the operation of the institute and strengthen its capacity to uphold standards in our schools. On that basis I commend the bill to the house.

Mrs PEULICH (South Eastern Metropolitan) — I also wish to make some remarks on the Education and Training Reform Amendment Bill 2009, a bill designed to reform the functions and operations of the VIT (Victorian Institute of Teaching), the government statutory regulatory authority of the teaching profession. Just over here in this corner of the chamber I think there are four teachers: Ms Pennicuik, Mr Hall, Mr Kavanagh and me. Let me say that between the four of us there was not a single person who was impressed with the functioning of the VIT as we have experienced it. I might be putting words into Mr Hall's mouth but certainly the other three of us have not been impressed by it.

I recall several years ago looking at the details of re-registration. I am a teacher of some 14 years experience, I have been a faculty head and a marker of the Victorian certificate of education, and I have a masters of education. When I actually had a look at the paperwork that was required I thought why would anyone bother? It is a bureaucratic nightmare. The fact that teachers leave in droves and go into other professions and do not maintain their registration is certainly not surprising to me, given the way the VIT is structured.

I also share a number of the concerns that have been outlined by Ms Pennicuik. That is not to suggest that the opposition will be supporting her amendments. Obviously the opposition reserves the right to look at those and consider them, but I certainly share some of her views about the structure of the VIT. It is intended to be a regulatory framework for teachers in the state, and yet little has been done to enhance the profession. It mandates a number of professional development hours, and yet there is seemingly no link to that particular requirement either in recommending the type of professional development that needs to be undertaken or even in offering and running seminars. I do not know whether they are sufficiently staffed or have the capacity for that, but as Ms Pennicuik said, one would think such an institute should have an educative function, and clearly that does not appear to have been the case.

The change in the function of the VIT is probably consistent with what has been happening in the United Kingdom. Over time this institute of teaching will become an inspectorate by another name, and we can cloak it any other terms. I am not arguing against that. I do not have the same reservations as Ms Pennicuik about self-initiated investigations. We need to take a proactive approach to the problem of underperforming schools and underperforming teachers. There is going to be a whole range of considerations and debate about how that is best done, but I suggest that we have not been doing it well at all. The people who pay that price are those who come through the system — that is, our young people, who are our most precious resource.

The opposition is not opposing the bill, but obviously has some concerns about the overall operations of the VIT, some of which I have mentioned. It was a structure established in 2001. When it was established I recall expressing concerns about it. At the time I was a member in the Assembly, and my concerns were labelled as opposition scaremongering. Time has proven that the concerns that were raised then have eventuated and have been exceeded.

The legislation follows the independent review of the institute that was undertaken in 2007, which Ms Pennicuik mentioned was inconsistent with some of the work by key stakeholders, in particular teachers. Sometimes these calls are difficult to make, but clearly a lot of areas have not been addressed despite this review. The bill strengthens and extends the institute's role as a regulator and decreases its promotional responsibilities as far as the teachers are concerned, but the institute acquires this new role of promoting itself. That is very much consistent with the government's agenda, which is to promote the organisations and not the people within it. I have a real problem with that, because it will end up being a splurge in government advertising with no direct benefits to Victorians.

Ms Pennicuik's reference to a system of putting the TAFE, early childhood, primary and secondary school teachers into a single body, perhaps with different divisions, has some merit, but clearly this model does not even contemplate this. That may belong to a different model — that is, a registration body rather than one that fits into this model. This legislation is just trying to patch up some areas of concern; it does not really address some of the key issues.

The main provisions of the bill widen the grounds on which the institute can investigate registered teachers in order to determine if they are meeting the required standards of professional conduct. As I said before, this has been on the horizon for some time. The Blair government inherited it and continued with it, and clearly it has now migrated across the seas.

The proposed changes also allow for the VIT to initiate those investigations into matters of potential misconduct without a prior complaint or notification from the employers. Whilst obviously that has some merit, there is also the prospect of investigation through controversy, and that opens up an entire Pandora's box. Some of Ms Pennicuik's amendments deal with some

fairly difficult issues. Whilst I am not forecasting how the opposition will vote on that, they are issues that merit some debate and serious policy consideration.

I am cautious of any arm of government being allowed to initiate investigations into matters of potential misconduct without prior complaint. You can then end up with incursions into personal liberty and freedom. If the matter does not impinge upon the teacher's professional conduct, that nexus needs to be made very difficult for an arm of government to pursue.

At present the VIT is only empowered to conduct an inquiry when a complaint has been made. Mr Hall mentioned that there were very few complaints from the 40 000 or so teachers who are registered. Dare I say, we have a teacher shortage; there are many more qualified teachers than those who are registered. We need to investigate why that is the case. The loss of experienced teachers is reflected often in the culture of our schools and in the difficulty the schools have in managing the increase in antisocial behaviour, which is being reported to me on a regular basis by parents, teachers and school communities alike. Experience counts for a lot, and we have done very little to retain experienced teachers in the system. Often principals like to weed out the experience because experience is more difficult to manage. Those things need to be revisited.

Today I received a response to a question on notice in relation to the amount paid out to teachers because of stress. It is not the information I am going to cite, although a substantial amount has been paid out over 10 years. Some $60 million has been paid out to teachers in compensation for problems with stress or those that have a stress-related cause. It is certainly a lot of money; that is a lot of school halls — $60 million over 10 years. But one sentence that caught my eye more than any other is the admission that the department does not currently collect data on the reasons for teacher resignations.

I cannot envisage why a department or major corporation or large business would not do that sort of work to find out why it is that people are exiting the system. Especially when we have a chronic shortage of teachers it makes no sense whatsoever. For 10 years we have had a teacher shortage and it is worsening. Clearly there has been no proactive action undertaken by the succession of failed education ministers of this government. Therefore we have resorted to implementing a program based on Teach for America. Teach for Australia, which was made possible through arrangements under the Victorian Institute of Teaching legislation, enables teachers to acquire teaching qualifications as they are teaching and addresses the areas of concern in relation to duty of care.

There are some attractive aspects of that program. Certainly when I spoke with the Teach for America people in New York I was given some interesting information on the outcomes. But at the same time it seems to me that if we tried to keep our experienced teachers and looked at the reasons why they are exiting, we might not have the chronic shortage of teachers. I know experienced teachers are more expensive and the department and principals might be keen to reduce their numbers, but we have some serious behavioural problems in our schools, and we need experience.

The enthusiasm of young teachers is fantastic, but you cannot substitute experience. The Minister for Education's admission in a response to a question on notice that the department does not currently collect on the reasons for teacher resignations is clearly a significant failing. The VIT should be working with the department to identify the reasons why good, experienced teachers are leaving. These are the professional development and status issues that the VIT ought to be concerned with but clearly has not been.

The amendments will also allow the VIT to require teachers who are under investigation to undergo health assessments to determine whether their conduct is being adversely affected by ill health, either mental or physical, and for an increase in the range of disciplinary responses available to the VIT. In some regards that might be better done at a local level. Some positives can come out of the requirement to undergo a health assessment because the person will be able to gain the professional assistance and medical treatment required.

I share the concerns of the shadow Minister for Education that the VIT should be conducted by and for teachers. It should not be just a side project where the Minister for Education appoints people and makes recommendations. In that regard that dovetails into Ms Pennicuik's comments. Clearly these amendments fail that test. Currently the VIT is governed by a 20-member council, comprising 8 teachers and 2 principals elected by Victorian teachers and principals, 9 members, including the chairperson, as the ministerial nominees, and the Secretary of the Department of Education and Early Childhood Development or the nominee of the secretary. The legislation reduces the membership of this council from 20 to 12 and changes the mix of appointed members as well, although all members must be practising teachers.

There is still a substantial amount of money tied up in the institute. The total revenue in 2008–09 was nearly

$10 million, which included over $8 million sourced from fees and $1 228 183 in grant money from the Department of Education and Early Childhood Development. That is a lot of money; that is a lot of bananas. One would like to know that there was some benefit for the teaching profession rather than just for the machinery requirement of government. Did Mr Kavanagh say the registration fee is now $98?

Mr Kavanagh — I paid $125.

Mrs PEULICH — I understand that included a police check. I am not sure how many police checks are required through the various processes. You would think you would only need to pay once for that information to be accessed, but clearly that registration fee is substantial and a lot of teachers do not believe they are getting value for money. I agree, and one of the reasons I agree, apart from it being bureaucratic, is that I cannot see any value for money, which is why I allowed my registration to lapse. Ms Pennicuik raised some good points regarding annual subscriptions, especially about teachers on family leave. I see no reason for annual renewals, except perhaps to provide greater flexibility to assess the ability of teachers to gain registration, but surely that could be a more streamlined system. This is going to make it more bureaucratic and difficult even though it will be online. The former Registered Schools Board generated only $1 million a year from teacher registration fees; now the figure is nearly $10 million. The proposed annual $3 million intake outlined by the Labor government in 2001 has certainly been overtaken many times over.

I will not go into the review's findings or the new definitions. I have spoken about that. This is a de facto system for instituting inspections. In the United Kingdom they are called snapshots of teaching. It does not matter how you cloak it; it means something similar. I am not necessarily philosophically adverse to that system existing, but I am not sure exactly how it is going to work in with schools and the department.

As I mentioned before, Teach for Australia is a concept stolen from Teach for America. It is outlined as action 16 on page 28 of the *Blueprint for Education and Early Childhood Development*, which claims the department is committed to attracting the best people for teaching. Minister Pike claimed that this was a world first. That is only the case if you count copying, because it certainly is not a world first. As I said before, these are good things, but it is better to make sure that we have a regular flow of qualified and experienced teachers and new blood coming through. This is not impossible, but it has not been done over the lifetime of this government.

The 2008–09 annual report states that the institute had granted 3862 individuals registration with permission to teach. This represents approximately 3.5 per cent of the 109 749 persons granted teacher registration. In 2009 it was not 40 000; it was over 109 000. These are people who generally do not have the necessary teacher qualifications but have gone through the Teach for Australia program or a career change program, which has allowed them to be registered for five years. That will be reduced to three years, and they will be required to undertake approved tertiary study, including at least one year of approved teacher education. However, they have the prerequisite knowledge and skill to teach a specific part of the school curriculum. Whilst I think we need to be flexible and get the best talent we can into our schools, properly qualified teachers are very important. Teaching is not a skill learnt easily or on the job.

A satisfactory national criminal history check, which is a condition of suitability for registration, is also a requirement for permission to teach, and that is appropriate. Suitable persons who have appropriate qualifications but no prior independent teaching practice may be granted provisional registration. The report goes on to outline the numbers, and some substantial numbers have been coming through.

The Victorian Institute of Teaching has indicated that it has no data on why teachers do not maintain their registration. That is a failure of the VIT. Just as the minister had no idea about why people left the teaching service, the institute has no indication as to why persons do not maintain their registration. This is a shortcoming and failing of the VIT, especially when there is a chronic shortage of teachers.

In closing, I have many concerns. I raised many of them in debate when the Victorian Institute of Teaching Act was introduced in 2001, and I have reiterated these concerns today. I do not believe the government has got its mind around effective education policy for the 10 years it has been in power. There has been mismanagement at various levels: the Building the Education Revolution program; the loss of open space, with numerous ovals being gobbled up by slapdash project management; enormous wastage that saw the New South Wales teachers union calling for an audit, as I called for one last year; the mismanagement of the modernisation of schools; forced amalgamations disguised as school regeneration projects; and the current move to a national curriculum, which raises a number of concerns.

There are so many concerns in education that I cannot believe the government thinks it is an area in which it is

performing well. The most important and deceptive claim it made on being elected was that education was its no. 1 priority. We saw how important it was. Had it not been for the federal economic stimulus funding, most schools would have had access to very little money for their facilities.

The physical resources maintenance system, which we put in place when we were in government, has become virtually redundant. As I mentioned before, schools are now forced to ingratiate themselves with their local Labor MP in order to have some prospect of gaining funding. That is inappropriate and offensive. Children in our school communities deserve better. The government's education policies have been lacklustre over the 10 years it has been in power. The VIT has been an underperforming organisation, and I am not sure these reforms will fix it. However, they are governance reforms, and we will stay tuned.

Mr ELASMAR (Northern Metropolitan) — I rise with pleasure to speak to and support the bill, which amends the Education and Training Reform Act 2006. As a member of the Education and Training Committee, and even before that, it has always been my philosophy to champion the ethos of all kids being given a solid foundation by being provided with the best education possible, regardless of whether they live in a housing ministry unit or in a mansion.

In order to ensure that the teaching service across Victorian schools has the best, brightest and most highly trained educators, the Victorian Institute of Teaching was established in 2001 as a professional body for the teaching profession. The VIT continues to reflect the Brumby government's commitment to improving Victoria's education services. Its establishment was part of a broad range of reforms implemented in the education sector to improve the quality of teaching in all Victorian schools.

The bill includes amendments to section 2.6 of the Education and Training Reform Act 2006 which will facilitate changes to the Victorian Institute of Teaching arising out of the review of the institute conducted in late 2007. The review, which received more than 270 submissions from stakeholders, found that there was a role for the institute, but it was one with a more streamlined single focus to avoid potential overlaps with the core roles of other major stakeholders. The amendments to section 2.6 of the act will give effect to reforms that will improve the efficiency and effectiveness of the VIT.

Under the proposed reforms contained in the bill the institute will be governed by a smaller council of 12 members, which will be able to focus on leadership and strategic planning. In addition the council will be invested with more powers to investigate and resolve complaints about incompetent teachers or accusations of serious misconduct on the part of teachers within the education system. The council will maintain its composition of both appointed and elected members with broad representation from Victoria's diverse education sector. As with the previous council, those elected will be practising members of the teaching profession. The reformed council will be strengthened and will be able to further develop its regulatory role in Victoria's ever-changing and evolving education system. These changes to the size of the council will improve the function and efficiency of the decision-making process. Bigger is not always necessarily better.

The changes to section 2.6 of the Education and Training Reform Act contained in this bill will have direct benefits for teachers, schools, children and families. For this reason I support the bill and its agenda for the more streamlined and effective operation of the Victorian Institute of Teaching.

Mr DALLA-RIVA (Eastern Metropolitan) — I am also pleased to make a comparatively brief contribution to the Education and Training Reform Amendment Bill. In so doing I indicate that the opposition, as I understand it, will not oppose the legislation.

A range of issues were been expressed by Mr Hall in his detailed contribution, which was a very detailed contribution, and obviously with his experience and understanding of the portfolio and the bill it is not something that I wish to replicate. I also note Mrs Peulich's contribution. She also has been a teacher and obviously brought to her contribution a breadth of experience and background, and she was erudite in terms of the issues she raised.

I was also pleased to see the work of the parliamentary library on this bill. We do not often acknowledge the library services and the research that parliamentary officers do. Research brief no. 3, published in February 2010, gives a very good historical background in terms of how the Victorian Institute of Teaching established itself, and the reasons why we now have this bill and its necessary amendments.

I was reading about the initial stages in the establishment of the VIT. Submissions were received by the Ministerial Advisory Committee for the Victorian Institute of Teaching (MACVIT) in May 2000, which was in the early period of the Bracks government when it was trying to find its feet and work out what on earth it was doing when it fell into

government. This is probably one of those rare occasions when something good did fall into its lap. It was interesting to read the recommendations of MACVIT, and I must digress and say that you can always tell an education bill because everything has an acronym. Of course MACVIT later became VIT, and this is similar to what happens with acronyms within the Department of Health. I hope the transport portfolio will not go the same way, but I digress totally.

MACVIT received approximately 10 000 submissions, with 85 per cent of respondents supporting the establishment of the institute, being the VIT. The bill was passed in 2001, the institute became operational in 2003 under a charter, and then there were further amendments in 2007. I quote from the briefing paper:

> In 2007, the Victorian Institute of Teaching Act 2001, along with 10 other acts relating to Victoria's education and training system, was repealed and replaced by the Education and Training Reform Act 2006 …
>
> This bill is obviously a further amendment, and it comes as a result of a review after five years of operation, in late 2007. The Department of Education and Early Childhood Development commissioned a review and came up with a range of findings. I do not wish to go into too much detail, but they were published in March 2008, and the review contained a range of issues which we now see as part of the bill.

The library research brief was very well put together by one of the research officers, Dr Catriona Ross, from the parliamentary library. For the record, it is always good to receive that research and get a background on bills, because despite the fact that people, and particularly the Minister for Public Transport, who is in the chamber, think we know everything, we do not necessarily know everything.

There are some areas of concern about the bill, which is typical of this government. One is the issue surrounding control. The government likes control. It does not want to put people into positions over which it does not have control. Only today I saw an opposition media release about the issue of the planning panel for the Windsor Hotel, and it seems that the people appointed were mates who will allow the government to have control over the process.

The same thing applies here. Members are appointed by the nomination of the minister; every other appointment involves a process which appears to be open but then ultimately the minister nominates those appointments. Clause 6 of the bill refers to the membership of the merit protection board and the pool of appointed persons. New section 2.4.45A, which clause 6 inserts, states:

> The Governor in Council may appoint to the pool —
>
> (a) persons who have been nominated by the Minister —

and —

> (b) persons who have been nominated by the Secretary —

who happens to be selected by the minister and reports to the minister, and —

> (c) persons who are employees in the teaching service who have been nominated by the minister after calling for expressions of interest …

It will be interesting to watch the process of appointments of those persons. As we know from the freedom of information process in this state, attempting to obtain information that way does not work because you do not get anything; and if you do obtain some information, the relevant bits are all blanked out anyway. That is probably the main issue with which I have concern.

I think the VIT can now have broader parameters to investigate teachers, and I think we have to be careful about how we do that too. There have obviously been issues raised in the media over the last few years about teachers and their past behaviours and how VIT has dealt with them. I do not want to go into each of those matters in particular, but the institute obviously needs to be aware of how it deals with that, and I will not make any further comment on that. There is also a provision for deregistration by mutual consent, which will shorten the time taken to conduct the hearings.

In terms of the permission to teach provision, the application for permission to teach will become more restrictive. I think there are some concerns about how that will pan out, and obviously time will tell. It is probably seen as a useful tool for schools to provide a broad education, but obviously the granting of permission to teach may become of itself more restrictive.

The final point is the VIT registration. It was interesting to read that it is changing to an annual online renewal of teacher registration instead of the current five-year provision. I guess one could argue that five years is a long time and that between registration lots of things change. We know that any Labor government likes to extend these time limits. I remember years ago that the Labor government was desperate for money so it made our driver licences into 10-year licences so that it could get some extra cash flow into its coffers when it was broke. Thank God for the Liberals who brought us back to some semblance of a state, even though the other

mob always claims that it has returned glory back to Victoria.

I return to the bill. I do not think there has been any rationale for annual registration. Given that there is a clogging of the system when dealing with the renewal of the five-year registration, it will be interesting to see how the one-year registration goes. It will also be interesting to note the processes that will be put in place to ensure that there is a checking mechanism, given that there will be a significant increase in the number of registrations and that they will be online.

With those few points of debate — and the fact that I doubled the time taken by the previous speaker, which I did not intend to do — I will end by saying we will not be opposing this bill and we look forward to some improvement, although there are, as I indicated, some sinister bits and pieces in the legislation which will probably play out in later years.

Mr KAVANAGH (Western Victoria) — As a former teacher I also feel an obligation to say a few words about the Education and Training Reform Amendment Bill 2009. I recall when the Victorian Institute of Teaching (VIT) was first established several years ago. I clearly recall it was not a popular move with most teachers. At the school I taught at some teachers decided they would not join the VIT and would not pay the required fees. On the last day open for them to join they decided they would pay the fee and join the VIT, because they were told if they did not join, they would not be able to continue teaching and should not come back to school the next day. However, it seems to me that over the subsequent years the institute has not become much more popular with teachers than it was at the beginning. A lot of teachers expressed resentment at paying for an institution which seemed to have the sole practical effect of making their lives more difficult.

In my own case I probably do not expect to teach again, whatever the result of this year's election, but last month I paid, as Mrs Peulich said, $125 for re-registration with the VIT for one year. That included a certain amount — I think it was $45 or so — for another criminal record check. I think I have had one done every time I have re-registered with the Victorian Institute of Teaching. Over the years I have paid what adds up to quite a lot of money to prove that I do not have a criminal record in order to retain membership of the Victorian Institute of Teaching.

Like Ms Pennicuik, it seems to me that VIT has not done much to fulfil one of its primary obligations or purposes, which is to raise the status of teachers. Raising their status in the community is a job for teachers to do themselves, and they have not done a bad job of it. When you look at lists of well-regarded occupations and professions, teachers along with nurses are quite high on those lists. They are much higher than used-car salesmen and politicians.

The bill will introduce more disciplinary and investigatory roles and powers for the VIT. Frankly, I have reservations about that. As Ms Pennicuik suggested, a lot of the disciplinary procedures should remain with the school itself. However, I am not strongly opposed to the bill. I understand it will be deferred after today's second-reading debate. I look forward to hearing and voting on Ms Pennicuik's suggested amendments in the future.

Ms MIKAKOS (Northern Metropolitan) — I am pleased to rise to speak in support of the Education and Training Reform Amendment Bill. As part of the continued process of education reform in our state this bill will make a number of amendments to the Education and Training Reform Act 2006. It represents yet another step forward in ensuring that young people in Victoria are given the very best educational opportunities available. It is worthwhile to reflect on the changes that have occurred in education reform since the Brumby and Bracks governments first came to office in 1999. We have invested over $7.9 billion in our education system and funded almost 10 000 new teachers and staff, resulting in smaller class sizes and better education outcomes for our young people.

The bill is primarily designed to improve the role, responsibility, structure and operations of the Victorian Institute of Teaching. Since its establishment in 2001 the VIT has operated to recognise, promote and regulate the teaching profession. At its inception the government promised to conduct an independent review of the institute after five years operation to assess the institute's objectives, effectiveness in achieving those objectives and any changes that might be required to its functions and structure. Following the recommendations of this review by the Department of Education and Early Childhood Development in 2007, this bill aims to strengthen and extend the institute's role as regulator and decrease its promotional responsibilities. The bill also includes provisions that are not related to the institute. These include amendments to the constitution of the merit protection boards, provisions to ensure that schools that provide an accredited senior secondary course, such as the Victorian certificate of education or Victorian certificate of applied learning, have ongoing registration to do so. It also makes a number of minor corrections or clarifications to the operation of the act.

Coming to the issue of the Victorian Institute of Teaching, the recommendation made in the 2007 review was that a streamlined regulatory body was the most appropriate way to support the continued professional standing of teachers. As such, the institute would function more effectively in its role as a regulator if its powers to investigate the conduct of teachers and impose satisfactory sanctions were wider.

I say at the outset that the work teachers do is enormously important. I recall very fondly a number of teachers from my primary, secondary and university education. They had an important influence on me — on my education and also on the values that I developed as an individual.

Our teachers are enormously important, and I agree with Mr Kavanagh's comment that generally our community places a great deal of value on teachers. They are certainly held in higher regard than politicians and, in the case of my previous profession, lawyers. The work they do is enormously important in shaping future generations. That is why when we originally introduced legislation establishing the Victorian Institute of Teaching I thought that was a very good idea, and it was something I strongly supported. Lawyers, medical practitioners and many other professions are also regulated in this way. They are required to register and have some form of a renewal of their registration.

The reason many of these bodies have gone down that path over the years is to ensure and encourage professional development in their professions. I note that in the case of the Victorian Institute of Teaching when a person is renewing their registration — which currently occurs every five years — they are required to declare that they have met the registration requirements. This includes the completion of at least 50 days of teaching, educational leadership or equivalent practice in the previous five years and the completion of at least 100 hours of professional development in the previous five years. The requirement for professional development is particularly important, but it is not something that teachers should be anxious or concerned about. It is important that people keep up to date with the latest practices, technology and other ways of thinking about how they conduct themselves in their professions. That professional development is a means by which the Victorian Institute of Teaching can play an important role in developing our teachers in the future.

Clause 11 of the bill inserts a new definition into section 2.6 of the principal act to introduce the concept of 'suitability to teach' — a much broader term than 'fitness to teach' — which encompasses an applicant's physical and mental health as well as their criminal record and past teaching record, their character, reputation and conduct. This will strengthen community confidence in the fitness and suitability of teachers in our schools. The amendments to the bill will also see the functions of the institute strictly limited to the promotion of the role and activities of the institute as distinct from the promotion of the role of the teaching profession. This was identified in the review as a way of making sure the institute's functions would not conflict with the responsibilities of other stakeholders in the education system. This change is further designed to ensure that the institute can focus on its role as a regulatory body.

The bill also makes changes to the composition of the board of the VIT. The institute will be governed by a smaller council of 12 made up of a mixture of appointed and elected members. This will take into account the broad diversity of the education system in that it will provide, for example, elected members representing the government, Catholic and independent school systems and one registered teacher employed in a government school for students with disabilities or impairments. It is great that representatives from the broad diversity of the education system will be included on the board of the institute. The bill also allows for a more streamlined and effective approach to teacher registration renewal. That will move from a five-year process to an annualised straightforward online process, thereby shortening the administrative time spent on it by teachers. This will coincide with the teachers' payment of their annual membership fee so that both processes occur at the same time.

The bill also makes changes to the inquiry powers of the institute. Currently the institute is prevented from dealing appropriately with certain conduct by teachers. Under this legislation the institute will gain stronger powers in relation to the assessment of teachers for initial registration and the investigation of teachers who are the subject of a complaint or allegation. The bill contains an important addition to the act which will allow the institute to initiate an investigation into a matter relating to a registered teacher without a complaint, if it reasonably believes that the teacher is seriously incompetent, engaged in misconduct or serious misconduct, unfit to teach, or that a registered teacher's ability to practise is seriously affected or likely to be affected by physical or mental impairment. To this end the institute will be able to require the investigated teacher to undergo a health assessment, and if this is refused, to convene a medical panel to require the teacher to complete a health assessment by a registered health practitioner appointed by the panel.

The other aspect of the bill I want to quickly touch upon relates to enhancement of the operation of merit protection boards. Merit protection boards are independent statutory bodies established under the act to hear reviews and appeals relating to certain decisions made under the act in regard to the application of principles of merit and equity in the teaching services. The bill proposes to amend the structure of membership of the boards so that board members will be selected from a pool of appointed persons which will contain three groups. Each board will consist of three members, with one member to be selected from each group. The most notable amendment in the bill is the widening of the category from which members are to be chosen. It now includes all employees of the teaching services employed in government schools, which, in addition to teachers, encompasses principals, executives, assistant teachers and other staff. This will increase the availability of members to hear matters and more importantly ensure that matters relating to each group will be heard by a panel that will include a member of the same employment classification.

The final point I want to touch on concerns the provisions relating to registered schools having ongoing registration to provide courses. The bill seeks to ensure that registered schools that are approved to provide an accredited senior secondary course such as the Victorian certificate of education, the Victorian certificate of applied learning or the International Baccalaureate diploma have an ongoing registration to provide the course. At the moment such schools are registered to provide those types of courses for only up to five years and having to seek registration every five years places an unnecessary burden on schools. In conclusion, I believe this bill reflects the government's commitment to improving Victoria's education system and the quality of our teachers. It is a very worthwhile bill, and I commend it to the house.

Motion agreed to.

Read second time.

Ordered to be committed later this day.

LIVESTOCK MANAGEMENT BILL

Second reading

Debate resumed from 11 March; motion of Mr JENNINGS (Minister for Environment and Climate Change).

Ms LOVELL (Northern Victoria) — In speaking on the Livestock Management Bill 2009 I say at the outset that the coalition will be moving an amendment to this bill, and I ask that it be circulated.

Opposition amendment circulated by Ms LOVELL (Northern Victoria) pursuant to standing orders.

Ms LOVELL — This bill is totally new legislation, and its purpose is to regulate livestock management not only in Victoria but around the nation. I believe there will be amendments made in other states and territories to reflect the same amendments this bill will make to the law in Victoria. The legislation will be the vehicle through which national standards for livestock management will be implemented not only in Victoria but right around the nation. It is enabling legislation to provide for national standards for livestock management to be implemented by regulation. The bill does not provide that these regulations will be subject to the Subordinate Legislation Act — in other words, they will not be disallowable, and that is why we are moving our amendment.

The new standards are being developed by the Primary Industries Ministerial Council, which is made up of the state, territory and federal ministers for primary industries. The bill's explanatory memorandum tells us that a series of new national standards relating to animal welfare are being developed by the Primary Industries Ministerial Council. As I said, in other states and territories similar legislation is being introduced or a process for incorporating these standards into existing legislation is being established. I am informed that in Victoria it was not considered appropriate for these provisions to be incorporated into existing legislation, and that is why we are here debating a new piece of legislation.

In Australia we have many existing quality assurance programs that govern food production, including the management of livestock. These current quality assurance programs are in many cases some of the best in the world, and they have allowed us to react quickly and deal with biosecurity and other issues as they have arisen.

The explanatory memorandum also tells us that in total 22 codes of practice will be adopted nationwide. The first of these Australian standards and guidelines relates to the land transport of livestock, and the next two standards to be developed relate to sheep and cattle production. The legislation in its current form will require mandatory adoption of those 22 codes, and the coalition is concerned that the mandatory adoption of codes of practice abdicates the responsibility of this Parliament to have the final say over Victorian law. We are concerned that sometime in the future a code

adopted as a national standard may not necessarily be in the best interests of Victoria; therefore we have proposed our amendment, which will allow a code to be disallowed by either house of the Victorian Parliament.

In my opinion this is the right thing to do, given that it is the democratically elected members of this Parliament who should have the final say over Victorian law. Australia is a large continent, and I believe every member of this place would recognise that there may be some differences in the appropriate handling of livestock in Victoria compared to, say, outback Western Australia or the Northern Territory, particularly when it comes to the matter of stock numbers per hectare.

Another concern the coalition has with this legislation is the use of the term 'reasonable'. The terms 'reasonable' and 'reasonably' are used 18 times in this bill, yet they are not included in the definitions. Because it is not defined, the term 'reasonable' is subject to an individual's interpretation, and when it comes to animal welfare what one person deems to be reasonable may not necessarily reflect the views of another. An example of this is the practice of mulesing. While farming groups consider this to be a necessary procedure to prevent sheep becoming flyblown, which causes enormous distress to the animal, the People for the Ethical Treatment of Animals group has an entirely different view, and I am sure these two groups would have a very different view of what is reasonable on this issue.

The legislation also deals with biosecurity issues for livestock industries, which provides another good reason to support the coalition's amendment so that Victoria can have the final say over what livestock may enter our state. I will give examples of how this situation could go horribly wrong for Victoria. In the past few weeks the federal government, on the advice of its advisers and bureaucrats in Canberra, has been keen to open our borders to the importation of beef from countries infected by bovine spongiform encephalopathy. Fortunately common sense prevailed and the federal minister withdrew his support for the importation of that beef. Another example to do with horticulture rather than livestock is the recommendation of bureaucrats and advisers in Canberra to allow the importation of apples and pears from fire blight affected countries — an action that would have been absolutely devastating for my home area of the Goulburn Valley and other pome fruit growing areas in Victoria.

These examples show that the management of the Victorian livestock industry and biosecurity is too important to be left to others, and that is why the coalition has proposed its amendment. It will give the Victorian Parliament the right to disallow a code if it is not in the best interests of Victorians. I encourage members to support the amendment.

Ms PENNICUIK (Southern Metropolitan) — The explanatory memorandum to the Livestock Management Bill that we have before us today explains by way of background that a series of new national standards relating to animal welfare is being developed by the Primary Industries Ministerial Council via a national process where:

> … PIMC, in consultation with industry, has agreed to the development of *Australian Animal Welfare Standards and Guidelines* that will apply in all jurisdictions.

The phrase 'in consultation with industry' is important to note, because there is not much consultation with the community or with particular groups that represent animals and animal welfare; it is consultation with industry. The bill before us and the process that is occurring at a national level are about implementing a set of standards that suits the livestock industry and does not necessarily pay too much attention to the welfare of animals.

I have to say at the outset that the framework for Australian codes of practice for the welfare of animals, which will now be turned into minimum standards — and the word 'minimum' is also one to note — around the country is nowhere near as progressive as those seen in other jurisdictions around the world, in particular the European Union but also many states of the United States, where animal welfare standards are much more progressive than they are in Australia. This process is not moving us forward at all in terms of animal welfare standards.

The process is to result in legislation in all jurisdictions to provide for the integration of these national standards, or minimum standards, so as to ensure that the content of the standards remains consistent. The legislation provides that non-compliance with a nationally endorsed standard would be an offence. That is true to some extent in this bill, but not entirely true. The explanatory memorandum goes on to state that the first of these Australian standards and guidelines relates to the land transport of livestock. The next standards relate to sheep and cattle. Several others will commence, another 22 in total, based on the current codes of practice. In addition, the recently developed model code of practice for the welfare of pigs can also be integrated into state and territory legislation.

Members will recall that on 21 November 2007 I moved in this house to disallow the model code of practice for the welfare of pigs, which was the revised code of practice. From my point of view, and those who are concerned with animal welfare, the code of practice for the welfare of pigs was misnamed. It should have been called the code of practice for the welfare of the pig industry. It was not a code of practice for the welfare of pigs because it allowed the continuation of the confinement of sows in sow stalls up until 2017. These practices are being outlawed in the European Union and all around the world. That is the framework we are working with in this bill.

The Minister for Agriculture, Mr Helper, said in his second-reading speech that the Livestock Management Bill will meet four broad needs. It will provide a framework for the implementation of agreed standards of livestock management, including standards for animal welfare — again, not 'animal welfare' in a progressive sense, but 'animal welfare' in the status quo sense as to the minimum standard applied in any state or territory — biosecurity, animal health and traceability. There are already standards in place for biosecurity and traceability issues. It is just a matter of nationalising them. Animal health is about whether the animal is healthy enough in terms of its commercial value, not in terms of its welfare. Health is not the same as welfare.

Mr Helper said the bill:

> … will address the current commitment by Australian governments for national consistency in relation to the adoption and enforcement of livestock management standards;
>
> it will provide a co-regulatory mechanism that will facilitate recognition of existing industry compliance arrangements that operate to demonstrate effective compliance with required livestock management standards …

Yes, it is a co-regulatory approach, and we have that across many sectors of the economy. A co-regulatory approach suits industry. Mr Helper said industry will be able to demonstrate effective compliance with required livestock management standards. These compliance standards, described in the bill as quality assurance programs, are those devised by the industry for the benefit of the industry. Again, they are not necessarily for the welfare of animals.

The minister also said the bill:

> … will address issues and complaints regularly received by government related to aspects of livestock management, particularly animal welfare, biosecurity and traceability, which cannot be resolved under current legislation and are often the basis for significant community attention or concern.

I presume he means concern about the welfare of animals, an issue that is raised by many in the community and by organisations such as Animals Australia and the Royal Society for the Prevention of Cruelty to Animals. I am not sure the bill is necessarily going to achieve those aims.

While the Greens do not object to regulation that is more nationally focused, we are concerned about a move towards minimum standards, a lowest common denominator for animal welfare, as appears to be the case in this particular framework being set up at the national level to be legislated in the states and territories.

The minister claimed that animal welfare groups are supportive of the bill and the national system. There are animal welfare groups that are not supportive of the standards and codes of practice that are already in place.

The explanatory memorandum mentions that the Primary Industries Ministerial Council is developing the standards. An organisation called Animal Health Australia is actually developing the standards. It is a private for-profit company that has been commissioned to undertake the task by the ministerial council. According to its website:

> Animal Health Australia is an innovative partnership involving the Australian government, state and territory governments, major livestock industries and other stakeholders. We work with our members and stakeholders to strengthen Australia's national animal health system and maximise confidence in the safety and quality of Australia's livestock products in domestic and overseas markets.

The stakeholders that Animal Health Australia means are: the Australian government's Department of Agriculture, Fisheries and Forestry; all states and territories; all livestock industries, including the Australian Alpaca Association, the Australian Chicken Meat Federation, Australian Dairy Farmers, the Australian Duck Meat Association, the Australian Egg Corporation, the Australian Honey Bee Industry Council, the Australian Horse Industry Council, the Australian Lot Feeders' Association, Australian Pork, the Australian Racing Board, the Cattle Council of Australia, Equestrian Australian, the Goat Industry Council of Australia, Harness Racing Australia, the Sheepmeat Council of Australia and WoolProducers Australia. Listed under 'Service delivery/non-program participants are the Australian Veterinary Association, the Council of Veterinary Deans of Australia and New Zealand, and the CSIRO's Animal Health Laboratory. Associate members are the Australian Livestock Export Corporation and the National Aquaculture Council.

Now if that is not an industry-stacked body, I do not know what is. In other words, there is no animal welfare presence at all except for the Council of Veterinary Deans of Australia and New Zealand and the Australian Veterinary Association. But they are looking at animal health, not animal welfare. Health is not welfare.

We are very concerned about the process that is being undertaken to come to these standards. It is unacceptably dominated by animal industry groups and facilitated by a private company. The rhetoric suggests consultation with all interest groups and there is a lot of throwing around of terms like 'animal welfare', which deflects attention from the fact that this system really only serves industry.

In the existing environment for codes and standard setting for the next phase of regulation, this consultation refers to allowing groups like Animals Australia and others which are genuinely interested in animal welfare to make submissions and then to let them sit around a table as part of a reference group after the writing group under Animal Health Australia has already drafted the standards and codes. Then those groups like Animals Australia are completely ignored. The proof that we have of this is that their input is never reflected in the finished codes and standards, which routinely include nothing recommended by the groups representing the interests of animals. That is the problem with the system. The system must either be changed or in the meantime be amended to provide for equal numbers of representatives of genuine and established animal welfare groups, not just government representatives who purport to be there to advocate for animal welfare.

The minister might claim that the process is consultative, but we know that it is not and that the regulations are being written by a industry-stacked committee. There is no recognition or understanding of how to move Australia's whole framework regarding livestock into the 21st century, as I have mentioned is happening around the rest of the world. In addition the federal minister, Tony Burke, has explicitly stated that he would not support any move relating to the labelling of animal-derived food products to inform consumers about the processes involving animals leading up to the final product.

This is an important issue because a significant part of the bill is about exempting a large part of the industry that has quality assurance programs in place. If a member of an industry — a particular farm or feedlot — is operating under a quality assurance program, they can be exempt from certain conditions under this bill, including being pinged for an offence under the legislation, if they are complying with a quality assurance program. We all know that these quality assurance programs are far from perfect, despite the claims to the contrary. The supermarkets which oversee them are not necessarily the best way to deliver animal welfare outcomes.

In our briefing we asked about quality assurance programs and how they will operate under the bill, and it was interesting that there seemed to be an inordinate amount of faith placed in the consumer to drive Australia towards better animal welfare outcomes through their purchasing power. We certainly would agree that consumers have a role to play and that they are in many ways voting with their feet and trying in many cases to choose products that result in less distress and suffering to animals. People in large numbers purchase free-range eggs, for example, but there are very big problems with consumers being able to accurately choose free-range eggs, particularly in a supermarket setting. We know, for example, that many companies have caged or battery hens producing eggs and perhaps only a small offshoot involve free range. All of those eggs are delivered at the same time to the supermarket and some sort of differential labelling goes on even though they come from the same facility. The problem is that we are moving to a co-regulatory system here and so the majority of facilities will be exempt from many of the provisions of the bill because they are complying with a quality assurance program.

In the rest of the world many countries are operating under a more progressive system, particularly in the European Union where there are directives regarding animal welfare provisions that member states have to enact in their own legislation, and they do. Provisions apply for animal welfare in all the livestock industries, in particular with regard to sheep, cattle, pigs, hens and marine animals.

Sitting suspended 6.30 p.m. until 8.03 p.m.

Ms PENNICUIK — As I was saying before the dinner break, under this national scheme producers operating under quality assurance schemes will be virtually self-governing.

I was talking about the failure of Australian governments to take the lead in terms of introducing progressive animal welfare provisions in the codes of practice that exist already and in the new standards, which will be minimum standards based on those existing codes of practice. For example, in the context of battery hens, countries that are moving towards or have adopted established international best practice are embracing — far more quickly than anything ever done

here in this country — a system that does away with cages anywhere near as small as our biggest cages.

In Victoria the most recent code introduced an increase in the minimum cage size from 450 square centimetres to 550 square centimetres, which is applicable to all cages commissioned after 1 January 2001, with existing cages to have a life of 20 years from the date of manufacture or until 1 January 2008, whichever is later, when they must be decommissioned or modified to the 550-square-centimetre minimum. In the European Union, however, cages as tiny as our standard cages will be banned completely from 2012. Any eggs produced in the EU from that point on will come from hens kept in cages of 750 square centimetres or from legally defined free-range operations. Unlike in Victoria, where the term 'free range' can apply to a whole spectrum of practices that are not envisaged by the conscientious consumer wishing to buy genuinely free-range produce, the term is legally defined in Europe. Many European countries have also voluntarily gone much further and enacted their own legislation to stop cruel battery practices.

When consumers purchase free-range eggs, usually paying more to do so, they want to contribute to ethical operators of genuinely free-range operations. However, there is no accurate information on food product labels about the realities of factory farming in this country. Consumers therefore do not know what they are eating, where it came from, what to demand or what to push for in terms of alternatives.

I have concerns about the lack of a framework for a culture of moving towards better standards of animal welfare in this country. I know that I cannot change that with my contribution to debate on this bill, but I would like to take the opportunity to urge those at the national level to amend the system so that the consultation process that is being headed by Animal Health Australia, where the codes and standards are being written, meaningfully and properly includes animal welfare groups and ensures that they have a proper seat at the table, because at the moment the process is deeply flawed and is stacked in favour of industry requirements.

One of the codes of practice that is being developed for this bill is for the transport of poultry, which already states that the maximum time without water for poultry being transported is 24 hours. We understand the abattoirs that sell the spent hens, as they are called, for pet food have appealed and are attempting to get that increased to 30 hours. Thirty hours without water is obviously cruel, inhumane and unacceptable, as is 24 hours, for that matter.

The wool industry and Australian Wool Innovation have already decided and agreed to stop mulesing by 2010. However, the new draft code, which will presumably be out in 2010, contains whole sections on mulesing. This is not compatible with an agreement to stop mulesing in 2010.

Overseas jurisdictions that recognise and work towards best welfare practice do so through legislation. Establishing a sound system cannot be achieved through a quasi-private system. It creates too many buffers between the government and its responsibilities and separates it from what is essentially a very substandard arrangement in terms of processes and outcomes for animal welfare. Victoria and Australia lag behind the world in terms of internationally recognised and established best practice.

The measures that are being adopted overseas in terms of animal welfare, and in particular in relation to intensive farming and battery cages et cetera under the European Union directives, need to be adopted here. The national government and the state governments need to take the lead. It cannot be put off forever. Supermarket quality assurance programs are not going to bring it about.

Other examples of where we lag behind are sow stalls, which have been totally banned in Sweden since 1994; in the United Kingdom since 1999; in Finland since 2006; in Switzerland since 2007; and in the Netherlands since 2007. Under an extensive quality assurance scheme in the UK castration of male pigs is not allowed. As a result, castration is not carried out in the UK or Ireland. Both countries have extensive pork industries. Sow stalls have been banned in Florida since 2002 after a six-year phase-out period; in Arizona since 2006, again with a six-year phase-out period; in Oregon since 2007; and in Colorado since 2008, with a 10-year phase-out period. In Florida this was done through an amendment to the constitution. In Oregon and Colorado legislation was passed. In none of those places has such an important legislative area as animal welfare been hived off to private companies, leaving consumers to forge change through their buying choices.

There are issues that are still up in the air in terms of standards and guidelines for land transport of livestock. Objections have been raised in particular to the minimum standards regarding spent hens and time off water, which I was talking about before. The time without food for bobby calves is 24 hours, and I understand the industry is trying to have that increased as well. Animal welfare groups have raised the issue of use of electric cattle prods on pigs.

Another concern about the bill was raised in the statement of compatibility. The bill engages section 8 of the charter through clauses 10, 48 and 50, which provide exemptions for certain livestock operators — for example, clause 50 establishes that if a livestock operator operating under an approved compliance arrangement commits an offence of endangering people or animals or risks disease, they are not liable for committing the offence. Minister Helper states in the statement of compatibility:

> Clauses 10, 48 and 50 of the bill engage the right of equality before law because it provides that offences under the regulations and specific offences under the proposed act will not apply to persons operating under an approved compliance arrangement.

Obviously this amounts to equal application before the law and needs to be very well justified. However, the only justification in the bill is where it provides:

> … for persons operating under an approved compliance arrangement to be suspended — that is, 'not approved' in specified circumstances. These instances include where there has been behaviour or inactivity that would constitute a breach of the livestock management standards as well as where their behaviour is inconsistent with the basis for approval of the compliance arrangement. This will, as can be demonstrated in the draft *Approved Arrangement Guidelines for the Livestock Management Act*, include non-compliance with prescribed offences. This suspension will result in the offence provisions applying to that person, including in the first instance.

In fact clause 20 merely provides:

> (1) The Minister may revoke or suspend the approval of a compliance arrangement if the Minister considers that —
>
> (a) there has been a failure to comply with the approved compliance arrangement and the failure is so serious that it cannot be dealt with by increased monitoring …
>
> (b) a controlling authority has committed an act or omission that constitutes a major non-conformance with the approved compliance arrangement …

In other words, even a serious failure to comply can easily not attract any sanction whatsoever. It seems that prima facie monitoring will be the course of action that is taken, but if the failure to comply is so serious as to require other action, then the minister may revoke or suspend the approval.

The minister seems to think this provision and the offence provisions cancel each other out, thereby remedying the encroachment on the right of equality before the law. That is not the case, because the offence provisions that apply to those not acting under the approved agreement have a lower threshold for failure to comply — that is, one must knowingly, recklessly or negligently fail to comply to commit the offence. Under suspension clause 20, the failure must be so serious that monitoring will not suffice.

We understand that this bill is part of a national arrangement to harmonise livestock management issues across the country. My concern is about the lack of any movement in this country towards real progressive standards for animal welfare, as is happening elsewhere around the world. It cannot be fixed under the provisions of this bill, and I want to take the opportunity to alert members, the community, the ministerial council and national and state governments that Australia continues to lag behind the world in terms of animal welfare standards.

If we are going to move towards a system of nationally uniform legislation regarding animal welfare — and I understand this bill concerns biosecurity, traceability and health standards as well — then we should be looking at best practice. But this bill deals with minimum standards and exemptions from those standards for people who are supposedly complying with a quality assurance program which is put together by the industry. We know from experience in many areas of regulation and with the co-regulatory model that that quality assurance model, such as in occupational health and safety and the environment, has not always worked to the benefit of health and safety or environmental standards. It is disappointing to see that happening in this case. The government and its advisers went to some trouble to explain the bill to me, but I have to say that even though they have explained the provisions I still have these wider philosophical or real concerns that we are not moving forward in this country in terms of animal welfare.

The Greens will support the amendment put forward by Ms Lovell. The amendment provides that regulations under the bill can be subject to disallowance by a house of Parliament, as is the case already with the codes of practice for animal welfare. There is no reason why regulations which are going to be based on those codes should not be subject to disallowance by a house of Parliament. I understand the reasons put forward by Ms Lovell may not be the same as the reasons put forward by the Greens for supporting the amendment, but needless to say the types of regulations that can be promulgated under this bill will be quite wide ranging and will have a profound impact on the welfare of animals in this state and the rest of the country. That is an issue of great concern and interest to me and to my Green colleagues and, may I say, to many people in the community who continue to be concerned that we allow such practices in terms of battery hens, sow stalls,

the clipping of piglets' teeth without anaesthetic and other practices in animal husbandry in this country. I would suggest that is a concern of the majority of Australians, who would like to see this country move towards better animal welfare standards. We languish around the absolute minimum in animal welfare standards in Australia.

Ms DARVENIZA (Northern Victoria) — I am pleased to make a contribution to debate on the Livestock Management Bill 2009 and in doing so indicate that I support the bill. The government will not be supporting the amendment moved by Ms Lovell because it does not believe it is needed. I would like to refer to a number of comments that have been made by speakers on the other side. In relation to the opposition's amendment, it is the government's view that the standards-making process along with the adoption and endorsement process of the Primary Industries Ministerial Council, with its political oversight not only by this state's minister but also by all states and territory ministers, as well as the public consultation that is taking place and importantly the regulatory impact statement of benefits and costs and the current ability of the Scrutiny of Acts and Regulations Committee to recommend a disallowance, all go to ensuring an effective and rigorous process for the industry and community acceptance of the livestock management standards. For that reason we will not be supporting the amendment.

I would also like to go to another matter that Ms Lovell raised in her contribution. She queried the definition of 'reasonable'. The word 'reasonable' is in clause 32 in relation to actions of the inspectorate. I want the chamber to understand that under the gazettal process there will be effective training of inspectors about the legal interpretations of what is reasonable and what constitutes a reasonable belief. That said, the challenge in determining what is reasonable action or belief will be minimised under the bill in that it prescribes clear, verifiable and measurable standards, which the code of practice does not currently do.

I would like to move now to some of the comments that were made by Ms Pennicuik of the Greens.
Ms Pennicuik said the government is too soft in enforcing animal welfare standards and relies too much on industry and the community. That matter was misconstrued by Ms Pennicuik. The industry will need to comply with the standards and the government will be focused on inspecting the industry. This is the first time that those standards for animal welfare as well as for biosecurity and traceability will be mandated. They have not been mandated before; they have been only in a code of practice. This will address the complaints and issues that were previously unable to be addressed under the code of practice because there was no enforcement of the standards. This bill will strengthen animal welfare enforcement.

This bill will also address the recommendations of several national regulatory reviews, including the recommendation for a nationally consistent approach to the regulation of agreed standards. The bill also consolidates all of the standards that relate to livestock management and will enable a focused enforcement approach with a single compliance mechanism for the industry. This will reduce the burden of red tape and the duplication that could exist. The bill, by providing for inspection under a co-regulatory regime, will minimise the regulatory burden as standards are integrated in the future. That is what we want to have; we want to have the standards integrated and not have duplication. What we want to have is easily understood national standards so people can know exactly where they stand, whether they are consuming a product or whether they are in the business of farming and raising the product. This bill will ensure that Victoria maintains its clean, green image and that we are able to demonstrate due diligence in livestock management systems. The proposed standards will provide the community with the assurance that the livestock management practices are appropriate and effectively enforced.

The Livestock Management Bill is a new bill to provide a framework for the recognition of nationally agreed standards for livestock management, including animal welfare, biosecurity and traceability. Victoria considers that these nationally consistent and agreed standards that are reflected in the legislation will provide assurances to customers and the general community regarding how livestock management is practised in Victoria and across the country. They will also assist in maintaining productivity and market access for the livestock business. We believe this bill will achieve these goals.

The legislation that currently regulates the industry, the Livestock Disease Control Act 1994 and the Prevention of Cruelty to Animals Act 1986, has a narrow focus towards addressing more extreme and specific issues such as cruelty to animals and the emergency management of diseases. The integrated standards that must be met by livestock operators will result in compliance with the current interpretation and application of those acts. The bill will provide a framework to underpin the agreed Australian and Victorian standards relating to livestock management, including standards for animal welfare, animal health and traceability. The government regularly receives complaints relating to aspects of livestock management

and the standards adopted by primary producers. Many of these complaints cannot be resolved using the legislation I mentioned previously.

In recent years the community's attitude has changed and its expectations have changed as well. People are now seeking more and more assurances that livestock management practices are conducted in accordance with clear, legislated and consistent standards and that legislation is in place to ensure that there is compliance by livestock producers. The bill will strengthen the legislation regarding those issues and provide clarity on expected practices for all livestock operators.

The Primary Industries Ministerial Council has approved a business plan for the development of national animal welfare standards, and the National Biosecurity Committee is currently discussing the establishment of national biosecurity management standards. The bill is supported by the Victorian livestock industry, and there is wide industry support for the development of nationally endorsed standards. There is also an expectation by the industry and a commitment by the government that these standards will be underpinned by legislation to ensure consistency. The government wants consistency across the state and nationally, and that is something the industry, consumers and the community also want.

The bill will provide for a co-regulatory mechanism to demonstrate compliance with the standards. It will enable existing industry compliance arrangements — that is, the quality assurance schemes, which Ms Lovell mentioned in her contribution to the debate — to be used to demonstrate compliance with the standards. An approved quality assurance scheme can be a regulatory, commercial or industry-based scheme. Such schemes will be assessed by the Department of Primary Industries and approved when the schemes can demonstrate that the entities participating in them are achieving consistent compliance with the standards. Under the terms of approval the scheme administrators would be obliged to provide access to audit findings and to regularly report on compliance with the standards. All instances of non-compliance with the standards will be subject to enforcement action under the sanctions policy, irrespective of whether or not the producer is a member of an approved quality assurance scheme.

As with all the bills the government brings before the chamber, this bill has been through a wide-reaching, rigorous national consultative process. It has not been a short process; it has gone on for two years. It has been a very public and transparent process. Industry and the community are supportive of these national standards and of regulations that mandate acceptable livestock management practices. I understand that the public consultation process ran for some 60 days during 2008 and resulted in 116 submissions. I have also been advised that a high percentage — 28 per cent — of submissions were from recognised industry groups and that another 14 per cent were from animal welfare organisations and animal rights groups. It is clear that all the main stakeholders were consulted in putting this bill together before bringing it to the Parliament. As I said, it has been an open, transparent and public process, and submissions and information have been available on the website for everybody to see.

Industry considers that this is the first time that nationally consistent standards have been considered for livestock management. This will result in a less costly and less burdensome approach, which will benefit everybody who is involved. This is a good bill, and I believe it deserves the support of all members of this chamber. I consider it to be a very well-considered mechanism by which standards can and will be implemented in Victoria. I commend the bill to the house.

Mrs PETROVICH (Northern Victoria) — I rise to support the coalition's proposed amendment to the Livestock Management Bill. There is a real fear today that if the bill is passed without this amendment, the regulations will not be subject to disallowance by the Parliament. If we do not have the opportunity of disallowing those regulations the fear is that the regulations will be pushed through, making life and management of the livestock industry more difficult.

The coalition is supportive of the national system. Historically there have been problems moving stock interstate, and we support the national approach which alleviates some of those cross-border anomalies. We also have consistently supported quality assurance programs, and those people who access farms can see which cows or sheep in which paddocks have been treated and for what. Currently we have different regulations from state to state, and an example of this can be seen in the Johne's regulations. We do support that national consistency.

I would like to highlight some of the concerns that have been raised with me about the duplication and increasing amount of red tape for the agriculture industry. It is clear that much work has been done over the last 10 years to improve animal welfare, and the livestock industry on the whole can be very proud of its credentials in this respect. I am concerned to ensure that this bill and other regulations that are introduced do not impose additional costs on an industry which has

certainly had its own set of difficulties over the last number of years. It has had at least 13 years of drought and the price of fodder and fuel and everything else has certainly pushed many of our primary producers towards being in a poor financial position, so it is important that we do not introduce anything that is too onerous for them. There are already a number of very good quality assurance programs running, so we should not reinvent the wheel. Programs such as Murray Goulburn's MilkCare, ClipCare for Wool and Flockcare are good examples.

Biosecurity is a very important part of the 22 codes of practice which will be turned into the national standard, and there will be a number of challenges as the other states introduce similar legislation; the states are introducing similar legislation so that these standards can be incorporated into existing legislation. Victoria does not have this benefit because it was believed that its legislation was not going to work well enough with these changes. We have a whole new piece of legislation which I know has caused ripples in the agricultural industry, and people are very nervous that it will cause duplication and additional red tape.

The first standard relates to the land transport of animals, and the next two standards for introduction are for sheep and cattle. There is also a recently developed code for the welfare of pigs. It is important to note the great improvement in farming practices concerning animal husbandry, much of which is not understood by groups such as People for the Ethical Treatment of Animals, known as PETA, which insist that the mulesing of sheep is cruel. These people have obviously never had to treat a fly-blown sheep and have no understanding of the distress to that animal. We have made some great improvements in this practice, which is a historical practice. I know the wool industry has done an enormous amount of research in this area to do everything possible to make those animals comfortable, but to see a fly-blown sheep and then trying to treat it is a very sad thing and also a very unpleasant job for those who have to do it.

Biosecurity is the key to some of these standards, and we have experienced the devastation and loss of profits to the equine and racing industry because of equine influenza, highlighting the importance of biosecurity and the possibility of traceability of livestock producers through the industry. It is particularly important to the food chain and the 'paddock to plate' industry.

I know the potential problems of biosecurity, as I have experienced them in dealing with the group of people living along the Goulburn River in my electorate when Melbourne Water workers went onto their land to build a pipeline. Despite the ability of those people to appreciate the conditions surrounding the pipeline, they did not appreciate the biosecurity measures that had been put in place. They did not wash down their vehicles or even their boots. They had tiny little tubs of disinfectant on the side of the road which 10 or 20 people had walked through, despite this being an area that was completely devastated by bovine Johne's disease and which cost the agricultural industry in that area millions of dollars. No wonder the people living in this area have been terrified by the possibility of devastation to their business. This is a very real threat. These people would be very pleased that we are tightening biosecurity measures. However, I find it strange that the government talks the talk but in many cases does not walk the walk.

When talking about reasonableness, one needs to consider clause 32, which states:

> (1) This section applies if an inspector believes on reasonable grounds that —

and further —

> (3) … there are reasonable grounds to believe that —
>
> (a) it is reasonably necessary …

Because of things I have seen in my role in another life I have some concerns about enforcement. The word 'reasonable' comes up 18 times in the enforcement part of this bill, but there is no definition of 'reasonable' in the definitions at the front of the bill.

It brought to mind a case that I raised in this house when I had not long been elected to this place. It was a terrible case of animal cruelty in Kyneton, where 30 horses were allowed to starve to death because the woman concerned decided she was getting out of Arabs and getting into quarter horses. It was a most appalling sight. Many of those horses had tried to eat their way out of their yards. The reason I raise this matter is not to relive the horror of that place — there were dogs dying on chains; the whole thing was like Belsen for animals — but because there is a particular flaw with respect to the prosecution of people who wilfully cause an act of cruelty to animals. I hope as a result of raising it today — and I hoped this the last time I raised it — there may be a possibility of putting some real resources into the Department of Primary Industries and in particular the RSPCA, which is dreadfully underfunded. I do not think it has a very good strike rate on prosecutions; I think it needs to be given real tools to prosecute these people. When you have a wilful act of cruelty, so far as I am concerned the book should be thrown at those responsible for it. The

reasonableness part of this bill does cause me some grief. I would like to see that part strengthened. This is very ambiguous. You can rabbit on about reasonableness 18 times, but I suggest there is no meat with the potatoes in that provision.

I would like to highlight another issue which was raised by the member for Benambra in the other place, Mr Tilley.

Mrs Peulich — A very good member!

Mrs PETROVICH — He is a very good member and a great representative for his community. He raised the issue of wild dogs. Some members may not understand the effect that wild dogs have on agriculture and the link between farming practices and animal cruelty, but if you have ever been out in a paddock where wild dogs have ripped the insides out of your sheep, you would quickly recognise some very good reasons why you would want to ensure that sort of cruelty was stopped. It is the most appalling death; it costs farmers in the highlands of Victoria thousands of dollars in losses.

Not only that, there is a real issue with the wild dogs who are unvaccinated — because they are pretty hard to catch — spreading things like hydatids and neosporosis. If we are talking about protecting our primary producers from the threat of unrestrained breeding of wild dogs, then that is something that is quite poignant and needs to be raised as part of this bill. It was a very good point that I wanted to reiterate today. I will not go on for much longer, although I probably could.

Mrs Peulich — You are doing a very good job so far.

Mrs PETROVICH — Thank you, Mrs Peulich. I think that will probably nearly do me for today. I would like to commend the amendment to the house.

There were various things that Ms Pennicuik said today about the raising of chickens and the watering of chickens which I had some disagreement with.

Ms Pennicuik — I am glad to see you are concerned about it.

Mrs PETROVICH — I am concerned about poultry, and I just want to clarify something. Chickens do not survive for very long without water, and somebody who wanted to cart them for 36 hours without water would produce a lot of dead chickens. It does not seem very reasonable to me that a person who is moving live chickens for butchering would want to do that. I wanted to clarify that point and a number of others. I commend to the house the amendment to be proposed by the Liberals.

Mr HALL (Eastern Victoria) — I have been listening to the debate on this bill from both sides of the house, and it seems there is not a lot of difference in the views being expressed here. All sides of the house and all parties seem to appreciate the importance of the subject of this bill — that being livestock management and particularly the need to develop suitable codes of practice to ensure the best management of the welfare of livestock.

In terms of what this bill seeks to achieve, there is not a lot of difference between the parties represented in this chamber. If you look at the second-reading speech where the minister outlines what he sees as the four broad needs being met by this legislation, you will see it says the first is:

> … the framework for the implementation of agreed Victorian and Australian standards relating to aspects of livestock management —

et cetera. The bill talks about having national consistency, a premise that we on this side of the house would strongly support, and the need to resolve complaints and issues arising from various modes of livestock management. There is not a great deal of controversy from any political party on the direction in which this bill is heading and the framing of it.

However, a proposed amendment has been circulated by Wendy Lovell and the coalition. I strongly support that amendment. I do so because I have a long-held belief that regulations made under any act of Parliament should be disallowable by either house. I have made that point in this chamber before, and I will continue to make it until such time as it becomes a common practice with all law that goes through this chamber.

This bill provides us with a perfect example of why that sort of amendment is required — that is, why that disallowance provision is important in this particular case. This bill has been described variously as framework legislation or enabling legislation. As I understand it, it will enable codes of practice for various livestock that will be developed by the Primary Industries Ministerial Council to be adopted by Victoria as law. I understand that over time there will be 22 codes of practice developed into regulations under this bill. The minister says the first is likely to be the Australian standards and guidelines for the welfare of animals during land transport, and also the pig code — the Victorian standards for the welfare of pigs. As I understand it, these standards are being developed

nationally by the Primary Industries Ministerial Council. Victoria has representation on that council, and that is good.

We also agree that there needs to be national consistency, but you never know when there may be special needs in any state which are slightly different to what is being applied nationally. It may be that for a special reason Victoria has need to adopt a slight variation to a national code of practice that is being developed. It may be that we think we have been outvoted on the ministerial council. We may think that what has been arrived at by the ministerial council is inappropriate for a particular livestock industry here in Victoria. The ability at any one time to disallow a regulation made under this act is extremely important.

Beyond that, and referring to enabling legislation, if regulations are made under any act, they are essentially a delegation by the Parliament for somebody else to construct the law. However, we — being the members of both chambers of Parliament — are the ones who are ultimately responsible to the people of Victoria for the law. We should have some ultimate responsibility for the delegation that we have given to somebody else to create that law. That is why it is my strong view that the Parliament should always have the ability to disallow a regulation if it is deemed appropriate to do so. That is one of the reasons I have strongly supported this amendment and other such amendments.

Another clear recent example of this issue was the liquor licensing regulation. This house allowed that legislation to go through. The coalition moved an amendment to disallow regulations made under that act, but the government and the Greens did not support it. We all know that the issue of liquor licensing has caused a furore in both metropolitan and rural Victoria. We as a Parliament should have the ability to review regulations of that nature.

We can all agree with the intent of the bill — there is no argument with it — and we all understand the desirability of having national standards. We all understand the desirability of having mechanisms by which complaints can be better dealt with, and I concede that it appears that complaints can be better acknowledged under this bill. There are quite frequently complaints on these matters. I know that the code of practice applying to the broiler industry is one that has been the subject of great controversy over the years.

We need to have ways in which we can deal with complaints about livestock management, but, as I said, it is most important that we as a Parliament retain some oversight and some responsibility for any regulations made under this act. Codes of practice for the management of livestock is an extremely important subject and I, for one, do not want to see our responsibility abrogated and total control for the development of these codes of management handed over to one body. I support the legislation, but I also believe it could be improved by the adoption of this amendment.

I am pleased to hear that the Greens are prepared to support the amendment that Ms Lovell will put forward and I urge the government to think again. The proposed amendment will not harm the legislation in any way at all. In fact it will enhance it and I think the government should be supporting it.

Mr P. DAVIS (Eastern Victoria) — I will make a few brief remarks on the Livestock Management Bill. I have a mind to oppose this bill because of the very nature of what I regard as the abrogation of legislative responsibility which is cast by the terms of the bill. Anybody who is aware of my record will know that I have had a very keen interest in animal welfare issues as a legislator and have been actively involved in supporting legislation over time that develops and further enhances the management of our livestock industry and deals with the welfare of animals. However, that support has always been on the basis that the Parliament has always had the opportunity to participate in consideration of how the laws which affect animals and the people who are responsible for their husbandry will be overseen — that is, that the Parliament itself can determine whether the regulations or codes of practice which are adopted are reasonable in all circumstances. Therefore there have been disallowance provisions in previous legislation.

This bill sets out a framework which goes to a national construct consistent with a view that has been in vogue in recent times; it is something the Prime Minister would describe as cooperative federalism. I am a great believer in the notion of competitive federalism. I think Victoria should have the best law, not the second-best law. This law is inadequate because it asks the Victorian Parliament to completely abstain from any further involvement in oversighting the standards for livestock management in this state and hands that power to what others have described as ‘faceless bureaucrats’. I include in that description the very people Ms Darveniza referred to as being the national industry leaders. This is because, in reality, the so-called national industry leaders are often the people who assist in developing policy which adversely affects the farming community and the livestock industry. I

will instance two unfortunate examples of that policy of which I have personal knowledge.

Let us turn the clock back a couple of decades to the collapse of the wool reserve price scheme and the trauma that has caused across the pastoral industry in Australia. We have gone from a national sheep flock of over 200 million in 1988 to less than 70 million today and many farmers have had to leave the land because of the financial circumstances brought about by the mismanagement of that scheme. I lay the responsibility squarely on the commonwealth Wool Marketing Act 1987, introduced by a former Minister for Primary Industries and Energy, John Kerin. That legislation effectively gave industry leaders the capacity to make all the key decisions in regard to managing that scheme. I would never give that capacity to so-called industry leaders.

An instance in Victoria of equally great shame in terms of public policy were the industry leaders at the time. In 1996, when the first cases of ovine Johne's disease were detected in Victoria, the then Minister for Agriculture, contrary to the advice given to him by senior departmental veterinary advisers, agreed with the industry in regard to an eradication program. Anybody who had firsthand insight into the tragedy at a personal and family level that that poor policy led to would know that you do not put industry leaders in charge of public policy. Policy should be ultimately determined by ministers on advice from all stakeholders, including the relevant departments and, importantly, consultation with members of Parliament who might actually know something about the subject. Ms Darveniza is dead wrong when she says we can rely on the bureaucrats, including industry leaders.

As a matter of principle it is critically important that the Parliament should never willingly delegate its authority, its power, its responsibility for oversight of the law, including regulations, standards and codes of practice. Therefore I have to say that I think this is a bad bill insofar as it is limited by not having a disallowance provision within it.

Clearly I can only bring myself to support this bill on the basis that the regulation disallowance provision is inserted as proposed by Ms Lovell, because as the minister says in his second-reading speech, the bill sets up a framework for agreed standards at a national level which become applicable to all categories of livestock to which a particular standard applies from the point of birth to slaughter. He goes on to state:

> Those responsible for meeting the standards include all individuals and enterprises involved in the husbandry, handling, management, ownership, transportation and/or slaughter of livestock.

That means these standards are law; they are indisputable. We have an obligation in that regard.

There is also in my view a con in the way the government is trying to persuade the Parliament to agree to this bill. It talks about the quality assurance (QA) process and quality assurance schemes and says, 'Don't worry, it will all be okay because these will be industry-agreed QA schemes'. The reality is, as the minister says in his speech, that the mechanism by which a standard will be adopted 'may demonstrate compliance'. In other words, it is a consideration for the ministerial council but it is not mandatory that there be recognition of a QA program. It is clear, as the minister says, that:

> All instances of non-compliance with the standards will be subject to enforcement action under the sanctions policy, irrespective of whether the entity is a participant in an approved quality assurance scheme.

That is important. On the one hand the minister is saying, 'Maybe we will take into account a QA program', but on the other hand, even if there is best practice under a QA program participated in and even if the issue relating to the welfare of livestock is transgressed, it is inevitable that there will be a compliance action against the party involved. I do not accept the assurances being given by the Minister for Agriculture and the minister representing that minister in this place. My concern is that we need to observe the proper role of the Legislative Council, which the current government and its predecessor insist is as a house of review. That being the case, let this house of review do its work and have the capacity to scrutinise and disallow regulations.

There is one final comment I wish to make, probably at the risk of offending my dear friend and colleague Ms Pennicuik, for whom I have the most enormous regard, but I am not sure about her qualifications to discuss mulesing. Anybody who has ever been associated with the sheep industry, or more particularly the merino sheep industry, in Australia would know that the major animal welfare hazard in that industry is fly strike. It has been and will remain so in perpetuity. There are presently no remedies to deal absolutely with fly strike. One of the mitigations that is available in a husbandry sense for merino sheep farmers is the Mules operation, which by way of background was developed in the 1930s but did not become common practice until after the Second World War when farmers were progressively made aware of it, and by the 1950s it was fairly standard.

I do not think many farmers would like to admit to it, but prior to that time there were very large losses of merino sheep to fly strike which was unable to be controlled simply because of the reality of fly strike in merino sheep. I speak with some personal knowledge of this, because my family has been involved in agriculture in this state for more than 170 years, I was a practising farmer for more than 30 years and I have qualifications in farm management. I have also been actively involved in public policy as an industry leader, about which I was so pejorative a moment ago, and I have had responsibilities in government for welfare matters.

Through you, Acting President, I suggest to Ms Pennicuik, if she would like to know more on this subject, that I would be delighted to provide a fully chaperoned, escorted, what I will call silver-service, Rolls Royce — —

Honourable members interjecting.

Mr P. DAVIS — I think the equivalent of a Rolls Royce today is a Toyota Landcruiser, but let me say in rather colloquial terms we will give her a silver-service, Rolls Royce tour of some merino sheep grazing operations to see firsthand how the business is done, and she might have a great deal more sympathy for the stress that fly strike causes farmers. From my point of view when I was a sheep farmer the last thing I would want to do on any Christmas Day was to go out and treat fly-struck sheep. That was the reality for me and for most sheep farmers when there was a particular seasonal event, usually unseasonal rain or a wet period, where a fly strike problem occurred and you had to attend to your sheep before you enjoyed your Christmas lunch.

Most sheep farmers would be delighted to be able to share some roast lamb with you after you have enjoyed treating some fly-struck sheep, just like most sheep farmers have to do. In any event I do not agree with Ms Pennicuik that it would be desirable in 2010 to bring in a sheep management standard that would prohibit mulesing as a matter of law in this country, because were that to occur the people who brought that standard in would be responsible for the deaths of tens of thousands of sheep in a most unsatisfactory and in my view cruel way. Ms Pennicuik has that wrong.

With no further comment, I am quite delighted to say that while it is a one-line amendment that Ms Lovell is proposing, I absolutely and enthusiastically support it, and should it be adopted I will have great delight in not opposing the bill.

Mr KAVANAGH (Western Victoria) — This is one of those occasions when perhaps the Democratic Labor Party's vote in this chamber may influence an outcome, and therefore I feel obliged to explain my vote. The bill before us, the Livestock Management Bill 2009, if passed, will empower the commonwealth to regulate the treatment of livestock in Australia not just in particular states but throughout the country if other states follow suit. Ms Lovell for the coalition has proposed an amendment to empower either house of Parliament to disallow a regulation that is imposed by the commonwealth pursuant to this power. Her proposed amendment is supported by the Greens for reasons that I think are dramatically opposed to her own.

Mrs Peulich — Diametrically opposite.

Mr KAVANAGH — Diametrically opposite is perhaps a better way to put it. The coalition perhaps seeks more flexibility in the way that livestock are treated, and the Greens seek to impose a higher standard in the treatment of livestock. In this case my feelings are more similar to those of the Greens.

It is not improper at all to eat animals. We have canine teeth in our heads, suggesting that it is quite proper and natural for us to eat animals. However, many people suggest that animals have rights. Animals do not have rights, but we human beings have responsibilities. Our power and intelligence gives us a responsibility to treat animals well, even perhaps in the process that leads to us eating them. Therefore I would be anxious to see some aspect of our standard of living, which is increasing, devoted to the improved treatment of animals.

When people are extremely poor they cannot afford to do much else but eat what they can, and that includes animals, and perhaps they do not treat them in ways that we regard as desirable. In many parts of the world I have seen people in poor countries treating animals in ways that would quite frankly horrify us. As we get richer and become better educated and able to afford to treat animals better, we should treat them better. We should, where possible, prevent causing them pain, prevent cruelty towards them and treat them decently.

I have always thought that if we are going to slaughter animals, we should slaughter them separately. It has always seemed to me that any animal who is 50th in a line, and the first 49 have had their throats cut, would understand that they are about to be next. That is horrible. If it cost another 50 cents a kilogram for beef to slaughter animals separately, then we should do it.

The amendment proposed by Ms Lovell would empower Parliament to disallow some of the regulations proposed by the commonwealth. If the Parliament is not allowed to disallow that, who should be? Parliament traditionally in our culture is the repository of the combined wisdom of the people. Parliament's discretion should not be fettered in the future. We should not say that future parliamentarians are not going to be as clever as we are. Sometimes Parliament gets it wrong, but we also often get it right, and we should not prevent Parliament making decisions in the future for the benefit of animals, among many other things.

Mr Philip Davis and some other speakers have referred to mulesing and how it can be an emotive thing when you see it, even on television. It can be horrible. In any intelligent debate on mulesing, Mr Philip Davis for example, or his equivalent in a future Parliament, could speak to the Parliament and persuade them that this is necessary and perhaps in the interest of the animal. If it is, then I am sure that future parliamentarians would be persuaded by the logic of that argument, and therefore it is my intention to vote both for the bill and for Ms Lovell's amendment.

House divided on motion:

Ayes, 37

Atkinson, Mr	Lenders, Mr
Broad, Ms	Lovell, Ms
Coote, Mrs	Madden, Mr
Dalla-Riva, Mr	Mikakos, Ms
Darveniza, Ms	Murphy, Mr
Davis, Mr D.	O'Donohue, Mr
Davis, Mr P.	Pakula, Mr
Drum, Mr	Petrovich, Mrs
Eideh, Mr	Peulich, Mrs
Elasmar, Mr	Pulford, Ms (*Teller*)
Finn, Mr	Rich-Phillips, Mr
Guy, Mr	Scheffer, Mr
Hall, Mr	Smith, Mr
Huppert, Ms	Somyurek, Mr
Jennings, Mr	Tee, Mr
Kavanagh, Mr (*Teller*)	Tierney, Ms
Koch, Mr	Viney, Mr
Kronberg, Mrs	Vogels, Mr
Leane, Mr	

Noes, 3

Barber, Mr (*Teller*)	Pennicuik, Ms (*Teller*)
Hartland, Ms	

Motion agreed to.

Read second time.

Committed.

Committee

The DEPUTY PRESIDENT — Order! We are dealing with an amendment, of which Ms Lovell has given notice, and I have been advised that clarification of two other clauses is required by Ms Pennicuik.

Clauses 1 to 9 agreed to.

Clause 10

Ms PENNICUIK (Southern Metropolitan) — Clause 10 states that:

> … a livestock operator who carries out a regulated livestock management activity under an approved compliance arrangement is not required to comply with —
>
> (a) section 7 or 8; or
>
> (b) any provision under the regulations that creates an offence for failing to comply with a prescribed livestock management standard.

Sections 7 and 8 are about systematic assessments and the content of those. Why is it that an exemption has been granted under the act for an operator who is operating under a quality assurance or compliance arrangement?

Hon. M. P. PAKULA (Minister for Public Transport) — I am advised that they will not have to carry out a systematic risk assessment because they will already be on a quality assurance program as part of the criteria required for carrying out a regulated livestock activity under an approved compliance arrangement.

Ms PENNICUIK (Southern Metropolitan) — That was in regard to clause 10(a). Is the minister saying that if they are operating under a compliance arrangement, which is really a quality assurance program, they do not have to carry out a systematic risk assessment under sections 7 and 8? Under clause 10(b) such an operator is not required to comply with 'any provision under the regulations that creates an offence for failing to comply with a prescribed livestock management standard'. Why?

Hon. M. P. PAKULA (Minister for Public Transport) — I am advised that they are not exempted ad infinitum. As they are already on a quality assurance program they are deemed in the first instance to comply. Obviously if there is a suggestion that an offence has been committed, then that would be investigated and they would be subject to the law to the same extent that they would otherwise have been.

Ms PENNICUIK (Southern Metropolitan) — That is what the advisers tried to tell me during the briefing, but I cannot see in the bill where it says what the minister has said. He has just said it is not ad infinitum, but there is no provision in the bill that tells me there is some time span when this runs out. The bill says they are not required to comply with it, full stop. I want to

know how the minister can tell me that that is not going to apply ad infinitum and that at some stage in the future they will then be required to comply. Is the minister saying to me in his answer that if it comes to the attention of the inspectors that somehow they are not complying, they will maybe be investigated, but if it does not come to their attention, this clause will apply? I am very concerned about this exemption clause, which is one of the reasons why the Greens voted against the bill.

Hon. M. P. PAKULA (Minister for Public Transport) — I can advise Ms Pennicuik that under clause 21 of the bill they can be suspended from being accredited. In addition, an inspector may issue a notice of suspension under clause 49, which says:

> (1) This section applies if —
>
> (a) an inspector reasonably believes that —
>
> (i) a livestock operator is operating under an approved compliance arrangement and has contravened, or failed to comply with, a notice …

Ms Pennicuik asserts that there are no provisions in the bill which back up the assertion made by the minister or the minister's office, and I suggest that that is not the case.

Ms PENNICUIK (Southern Metropolitan) — It seems the only sanction is suspension. Is that the only sanction under clauses 21 and 49 — a notice of suspension?

Hon. M. P. PAKULA (Minister for Public Transport) — Ms Pennicuik has the bill in front of her. Clause 21 provides for suspension. Clause 49 provides for suspension. That would appear to be the case in regard to those two clauses.

Ms PENNICUIK (Southern Metropolitan) — It is as I believed then, that the only sanction is that an inspector may or the minister may suspend someone for failing to comply with a standard.

Hon. M. P. PAKULA (Minister for Public Transport) — Ms Pennicuik should also turn her attention to clause 50, which provides for penalties in addition to suspensions.

The DEPUTY PRESIDENT — Order! We will deal with clause 50 later.

Hon. M. P. PAKULA — We are going to deal with clause 50. It is not correct to say that suspension is the only sanction; there are penalties in the bill as well.

Ms PENNICUIK (Southern Metropolitan) — I thank the minister. What I am trying to get at is that it is not clear in the bill how this is going to work. I am trying to elucidate that for the benefit of the Council, the committee and the members of the Victorian public. I think we have probably exhausted clause 10.

Hon. M. P. PAKULA (Minister for Public Transport) — I think that is a comment rather than a question.

The DEPUTY PRESIDENT — Order! It is, but Ms Pennicuik is entitled to make it.

Clause agreed to; clauses 11 to 49 agreed to.

Clause 50

Ms PENNICUIK (Southern Metropolitan) — Clause 50, which is headed 'Offence to endanger people or animals or risk disease', states:

> (1) A person who engages in a regulated livestock management activity must not knowingly, negligently or recklessly act or fail to act in a manner that results in serious risk —
>
> (a) to human health;
>
> (b) to animal welfare; or
>
> (c) to biosecurity; or
>
> (d) of spreading disease.

The penalties are then listed:

> (2) A person does not commit an offence under subsection (1) if the person was —
>
> (a) acting reasonably in good faith; or
>
> (b) acting reasonably in the public interest.
>
> (3) An accredited livestock operator is not liable to be prosecuted for an offence under this section if the act or omission occurred in the course of operating under an approved compliance arrangement unless the approved compliance arrangement is suspended in respect of that operator under section 21 or 49.

The minister mentioned that before. Is the effect of this clause that a person who is an accredited livestock operator will be exempt from the above clauses unless they have been suspended under a former section of the act, or a former act or omission? It is not clear.

Hon. M. P. PAKULA (Minister for Public Transport) — I am advised that the way the bill will work is that various penalties that will apply under specific standards will be detailed in the regulations. Clause 50 is for more serious offences, and the order of

proceedings would be that under either the provisions contained in clause 21 or clause 49 an operator would be suspended and the penalty regime outlined in clause 50 would then be applicable to them.

Ms PENNICUIK (Southern Metropolitan) — Yes, that is a very good reason for moving a disallowance motion on the regulations. As the minister has just said, this will all be outlined in the regulations. Just for clarification, does subclause (3) mean that unless an operator has been suspended, under clause 21 or 49 — that is, if they are not a suspended operator — they are exempt from the rest of clause 50?

The concern with the bill is that the system will operate like responsible care in the chemical industry, for example, which is a shining example. An operator can simply sign up to a program and they will be exempt under the act unless they somehow come to someone's attention. Because they have signed up to a quality assurance and compliance program and they are accredited it is deemed that they are exempt unless somehow they have come to someone's attention, so they could be committing an offence. They could be committing an offence even if they are an accredited operator — that is my point — and they are exempt from this clause. Is that right?

Hon. M. P. PAKULA (Minister for Public Transport) — I was waiting for the question. I would have thought, if Ms Pennicuik is expecting that people are going to be fined or penalised, by definition that occurs after an offence has come to someone's attention. Regardless of the particular wording of that provision, that is a matter of common sense.

People are fined or penalised when bad behaviour or incorrect behaviour has come to the authorities' attention. As I indicated at the outset, Ms Pennicuik seems to want me to interpret for her words that are reasonably self-explanatory. What the words of the clause say is that for the penalty provisions under clause 50 to apply to an operator within the definition of subclause 3 of clause 50, that operator would first have to be suspended under clause 21 or 49, and then they become liable to those penalties. In other words, yes, after it has come to the attention of an inspector who then suspends them, they are liable to the penalties. I cannot imagine a scenario in which someone could be liable to penalties had their activities not come to someone's attention.

Ms PENNICUIK (Southern Metropolitan) — Yes, but the problem with the clause is that it is worded so that the person is, under subclause 3, exempt from subclauses 1 and 2 unless they have been suspended for some other reason somewhere along the line and not for this particular offence. That is what it says. What the provision there says is that they are not subject to this clause; they are exempt.

Hon. M. P. PAKULA (Minister for Public Transport) — I am advised that your interpretation is not correct. They do not have to have been suspended for a different offence. The offence that creates the suspension can be the same offence which brings about the penalty.

Ms PENNICUIK (Southern Metropolitan) — With respect, I do not agree that that is how it is worded, but you are going to assert that. My point that I lost before was the one where you said that the exemption is not meant to last indefinitely. There is nothing under this clause that says it will not last indefinitely. It only states that the person will be exempt unless they have been picked up under clauses 21 or 49. I have just whizzed back and had a look at clauses 21 and 49, and they do not necessarily apply to the offences under clause 50.

It is confusing as to how this is going to operate in practice, particularly as you have stated that the way it will operate is that it will be promulgated in the regulations that we have not seen yet. I think there is a concern about how the enforcement regime in this bill is going to work.

Hon. M. P. PAKULA (Minister for Public Transport) — President, I am not sure I enjoy being verballed. I advise Ms Pennicuik that I did not say that. I said these penalties here are in clause 50, and other penalties for other acts would be contained in the regulations. The penalties in clause 50 are for serious offences.

To me, the language of subclause 3 is clear. The confusion is being created by Ms Pennicuik's contribution. The provisions of clause 50(3) say quite simply that an accredited livestock operator is not liable to be prosecuted for an offence unless they have been suspended. It does not suggest anywhere that that suspension has to be in regard to a different offence. It just does not say that.

Ms PENNICUIK (Southern Metropolitan) — But clauses 21 and 49 do say that. The other thing is that clause 21 states 'the minister may' and clause 49 states 'an inspector may'. My question is: why, if there has been a contravention under the act or the regulations, do those clauses not require that the minister or the inspector 'must', rather than 'may', suspend the operator?

Hon. M. P. PAKULA (Minister for Public Transport) — Deputy President, I am in your hands, but I was under the impression that clauses 1 through 49 had already been agreed to.

Ms PENNICUIK (Southern Metropolitan) — Except they relate to this clause, and the minister himself is referring me to those clauses.

The DEPUTY PRESIDENT — Order! I agree with Ms Pennicuik on this one. Whilst we are not dwelling on clause 49, essentially we are dealing with clause 50. But where it does have a reference back and there is a need for clarification as to how clause 50 operates, I think the question is valid.

Hon. M. P. PAKULA (Minister for Public Transport) — I would suggest to Ms Pennicuik that the reference to the term 'may' rather than the term 'must' is because it provides the relevant inspector with a degree of discretion.

The DEPUTY PRESIDENT — Order! Is there any further discussion in respect of this clause?

Ms PENNICUIK (Southern Metropolitan) — Only to comment that clause 10 and clause 50 exempt people who are operating under a compliance arrangement and their suspension for not complying with prescribed standards is further limited by the discretion of the minister or the inspector. This conversation has only gone to confirm my reservations about the whole compliance regime of this bill.

Clause agreed to; clauses 51 to 62 agreed to.

Clause 63

Ms LOVELL (Northern Victoria) — I move:

Clause 63, page 39, after line 22 insert —

> "( ) The regulations are subject to disallowance by a House of the Parliament.".

This is a small amendment, as Mr Philip Davis pointed out. It is a one-line amendment to this bill, but it makes a huge difference to the way this bill will operate.

I thank each of those people who contributed to this bill and outlined their reasons for supporting this amendment. Mr Kavanagh said there may be a difference of objective between the coalition and the Greens in supporting this amendment, but I do not think so. I think ultimately the reason that everybody supports this amendment is that we support this Parliament maintaining the power to make law in Victoria. It is a common-sense amendment that will ensure that a democratically elected Parliament will always have the right to disallow a code of practice being inserted by regulation into our law. With those few remarks, I move the amendment standing in my name.

Hon. M. P. PAKULA (Minister for Public Transport) — I rise to briefly advise the house that the government does not support the amendment moved by Ms Lovell and will not be voting for it. I say in support of that position that the process of consultation has been a rigorous one. The standards set out in the bill were developed over two years. They have had full industry, government and community involvement. Regulations under this bill will be disallowable by the Parliament if the disallowance is recommended by the Scrutiny of Acts and Regulations Committee. An impact on the community and industry identified in any regulatory impact statement is one of the grounds on which SARC will be able to recommend disallowance.

A number of contributions have suggested that somehow the sky will fall in if the bill does not provide for disallowance. In fact since 2008 this Parliament has passed 28 principal acts with regulation-making powers. In all of those instances the regulations have not been disallowable, and we have not had the kinds of negative consequences that the opposition has suggested will be the case if the regulations are not disallowable instruments. We do not believe a provision for the disallowance of the regulations is in any way necessary. With those few words, I simply indicate to the chamber that the government will not be supporting the amendment.

Ms PENNICUIK (Southern Metropolitan) — As foreshadowed, the Greens will support the amendment. As I said in the second-reading debate, the standards that are based on the existing codes are minimum standards for animal welfare and in no way — at the moment anyway, and unfortunately there does not seem to be any move toward it in Australia — do they reflect best practice in animal welfare around the world. Certainly we would be looking to improve them as they come forward as regulations.

The issue is that those regulations are wide ranging and can have significant impacts on animal welfare. This committee stage has further confirmed the need for the amendment, given that the minister has said that the compliance measures under the bill will also be subject to regulation. Given the concerns I raised about the compliance regime, particularly under clauses 10 and 50, have not, unfortunately, been allayed by the minister's answers to my questions, there is further support for Ms Lovell's amendment.

Committee divided on amendment:

Ayes, 21

Atkinson, Mr	Kavanagh, Mr
Barber, Mr	Koch, Mr
Coote, Mrs	Kronberg, Mrs (*Teller*)
Dalla-Riva, Mr	Lovell, Ms
Davis, Mr D.	O'Donohue, Mr
Davis, Mr P.	Pennicuik, Ms
Drum, Mr	Petrovich, Mrs
Finn, Mr	Peulich, Mrs
Guy, Mr	Rich-Phillips, Mr
Hall, Mr	Vogels, Mr (*Teller*)
Hartland, Ms	

Noes, 19

Broad, Ms	Murphy, Mr
Darveniza, Ms	Pakula, Mr
Eideh, Mr (*Teller*)	Pulford, Ms
Elasmar, Mr	Scheffer, Mr (*Teller*)
Huppert, Ms	Smith, Mr
Jennings, Mr	Somyurek, Mr
Leane, Mr	Tee, Mr
Lenders, Mr	Tierney, Ms
Madden, Mr	Viney, Mr
Mikakos, Ms	

Amendment agreed to.

Amended clause agreed to.

Reported to house with amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL

Referral to committee

Message received from Assembly advising of following resolution:

That the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009 be referred to the Dispute Resolution Committee for consideration under section 65C of the Constitution Act 1975.

ADJOURNMENT

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

That the house do now adjourn.

Bendigo Senior Secondary College: redevelopment

Ms LOVELL (Northern Victoria) — I raise a matter for the attention of the Minister for Education. It is not only a matter which concerns me but one which the Liberal candidate for the Assembly electorate of Bendigo East, Michael Langdon, has asked me to raise on his behalf. It is about reports of dwindling state school enrolments compared with increasing private school enrolments and the effect this is having and will have on Victoria's largest Victorian certificate of education (VCE) provider — that is, Bendigo Senior Secondary College. With dwindling state school enrolments in mind, my request of the minister is that she ensure Bendigo Senior Secondary College is able to provide the best facilities and learning environment for Bendigo students by ensuring that the school's third master plan is funded and implemented to prevent dwindling enrolments and declining year 12 completion rates.

The recent Australian Bureau of Statistics Schools Australia report revealed that the number of private students in Victoria increased by 37 000 between 1999 and 2009 but that state school enrolments rose by just 13 000. This trend is even starker in Bendigo, where the enrolment numbers for the largest VCE provider in the state, Bendigo Senior Secondary College, have remained relatively static with only a slight increase in 2010 despite Bendigo's booming population. Of even greater concern is that according to On Track data, between 2007 and 2009 the number of students completing year 12 at the college has dropped by 26 per cent. However, during the same period enrolments at Catholic College Bendigo and Girton Grammar School have soared, with both reporting record enrolments this year. Year 12 completion rates have also increased at both these schools, with Catholic College Bendigo's completion rate increasing by 11 per cent and Girton Grammar's by 9 per cent.

Bendigo Senior Secondary College is a very good school with a principal and staff who strive to provide the very best education to their students. Unfortunately they are attempting to do so in buildings that are in desperate need of maintenance and upgrading because the school has been neglected by Labor over the past 11 years. The condition of the school's facilities may well be the reason parents are choosing to follow the state trend of turning away from state schools because of badly maintained classrooms, increasing threats to student safety and low literacy and numeracy standards.

The college has a student population of about 1800, but it has 25 portable classrooms, some of which date back to the 1950s, that need replacing with permanent facilities. Other classrooms and facilities are also in

desperate need of maintenance. Labor has a backlog of unfunded promises to the college, including a 2001 promise by the Bracks government of $1.5 million to replace the portable classrooms and its 2005 promise of $4 million to allow the school to expand into the neighbouring site of Bendigo jail, which has been decommissioned.

Bendigo Senior Secondary College has been waiting 10 years for funding for new classrooms and almost 5 years for funding to expand onto the site of the old Bendigo jail. However, Labor has delivered nothing but two dusty, unfunded master plans. Now a third master plan remains unfunded, with no clear time line for the delivery of works under the master plan. The Bendigo community will be extremely disappointed if this third master plan is not immediately backed with funding.

Wild dogs: control

Mr HALL (Eastern Victoria) — I raise a matter for the Minister for Agriculture concerning wild dog management. I am compelled to again raise this matter for the attention of the minister again given correspondence I have recently received from constituents Gordon and Sally Moon from Wulgulmerang, one of the many farming families in East Gippsland whose livelihood is seriously impacted upon by the presence of wild dogs. Gordon and Sally recently wrote to Vaughan Kingston of the Department of Primary Industries outlining the impact of wild dogs on their farming operation. They have resorted to measures like installing 3.5 kilometres of dog-proof fencing; purchasing alpacas to run with their flock of sheep, which proved unsuccessful; engaging persons to hunt and trap the dogs; working with local dog men to set traps and lay baits; yarding up the sheep at night; standing guard all night; and even conducting dog drives.

Despite all these measures, their stock losses have been enormous. Gordon and Sally said that between April and August 2008, 150 of their ewes were killed. Between September and October that year 110 ewes were killed and their crossbred lambing was down by 40 per cent. In May 2009, 68 ewes were killed, in July that year 43 ewes were killed, and it goes on. If you look at their merino lambing percentage, you see it was down by 20 per cent and they only had 331 lambs out of 539 ewes. In 2008 they bred 239 ewe lambs, and between September 2008 and September 2009 they lost 238 ewes to wild dogs.

Those figures are devastating to this family, from both an economic perspective and from the perspective of concern for the family members and their wellbeing. More needs to be done. I have raised this issue with the minister before, but I again ask him to use the opportunity of the forthcoming May parliamentary budget to do more to address this problem. There can and should be more continuity of dog-proof fencing in the high country — not just a single 3.5 kilometre fence but fencing for many kilometres; we need to get serious about baiting in terms of both bait strengths and the use of aerial baiting; we need to consider the use of traps and the increasing of that trap size; and we also need to consider the fact that the requirement to check those traps daily reduces the effectiveness of dog trappers. As one of my constituents said, making dog trappers check the traps each day, simply lays a fresh human scent that deters the dogs away from them. We could put on more dog trappers as well.

We need to make an all-out assault on wild dogs, because currently they are making an assault on both farms and native animals, so I call on the minister in the May budget to put more resources into this very important problem for Gippslanders.

City of Moreland: North Coburg parkland

Ms HARTLAND (Western Metropolitan) — My adjournment matter tonight is for Mr Pallas, the Minister for Roads and Ports. On 14 March I joined around 300 community members of the Merri and Edgars Creeks Parkland Group for an event called Walk in the Park. The large community gathering met to appreciate their parklands, to get informed and to again call on the government to gift this land to the community.

The land is owned by VicRoads, and there is a real threat that it will be sold to developers. But the future of this highly valued parkland can and should be community open space.

I have been attending community meetings and events in relation to this issue since 2006. I am surprised that a government that can take away council planning rights with the blink of an eye has not been able to solve this issue in four years.

The need to preserve open space in Melbourne's metropolitan area has never been more critical. The population is increasing, the proportion of residents in apartments is increasing and the livability of Melbourne constantly faces significant challenges from overcrowding, traffic congestion and lack of public transport, amongst other issues. The Coburg area in particular is facing all these issues, with the redevelopment of the Pentridge and Kodak factory sites and the Coburg Initiative.

The community has already made significant investments in the park. Its taxes purchased the park originally, and for more than 30 years its rates have maintained it. Moreland council has spent in the vicinity of $2 million on the parkland over that time on behalf of its residents. The community has invested 30 years and $2 million in this parkland. The Edgars Creek area provides a wonderful and unique opportunity for the government to act responsibly in the face of urban density challenges and to support the community of Moreland and surrounding areas.

The action I ask of the minister is to gift the Merri and Edgars creeks parkland to the community, ensuring that this valuable land can be retained as open space for current and future use. I ask the minister to gift this land to the Moreland City Council on behalf of the residents.

Police: western Victoria

Mr KOCH (Western Victoria) — My issue is for the Minister for Police and Emergency Services, and it relates to the number of abandoned single-officer police stations across western Victoria.

Small regional towns often suffer from isolation and a lack of community services. Police officers at stations throughout western Victoria are a valuable asset to small communities in many ways. When police stations are left to languish unattended for extended periods small regional communities are placed under unnecessary stress. One-officer stations in western Victoria that currently remain unmanned include Jeparit, Cressy, Gordon, Smythesdale and Lexton. In fact Lexton has been unmanned for over three years. For the past two years Jeparit has been left without a full-time police presence. Residents claim crime within the town has increased as a result. Due to part-time policing the station often remains closed, making it harder for residents to report crime.

The seriousness of crime in Jeparit reached new heights recently when a Jeparit nurse was stabbed. Jeparit is a close community where residents were previously comfortable sleeping at night with their doors left unlocked. This is no longer the case. In the days after the crime, police from Nhill and Rainbow searched for the offender without success. Residents are questioning whether this incident, and others that have occurred within the town, would have taken place had their station been manned. Residents believe that only the reappointment of a police officer to the town will restore community safety.

A public meeting was held in Jeparit last week. The meeting was attended by local councillors, my colleague and the member for Lowan in another place, Hugh Delahunty, and Horsham police superintendent, Graham Arthur. At the meeting members of the local community expressed their desire for a permanent police presence in Jeparit and were relieved to be told that a full-time police officer's position in Jeparit would soon be advertised. Many were upset to hear that new specialist squads in Melbourne were currently drawing officers from western Victoria.

Western Victorian communities are still being short-changed by the Brumby government and the Minister for Police and Emergency Services, Bob Cameron. The minister must get serious about maintaining a police presence in western Victoria. He must recognise that quick police response times and the presence of police in small communities are formidable deterrents to crime and play an essential role in maintaining law and order in these small vibrant communities.

My request is that the minister, as a matter of urgency and public safety, establish and maintain a police presence in all townships across western Victoria where police stations exist. This should be undertaken immediately to curtail crime in western Victoria, offering these communities the securities afforded to larger centres.

Traffic Accident Commission: claims management

Mr DRUM (Northern Victoria) — My adjournment issue is for the Minister for Finance, WorkCover and the Transport Accident Commission, Mr Holding, and it relates to a constituent who has suffered unthinkably since the death of her husband seven years ago. Lyn Coutts was widowed on Christmas Eve 2002 after a car accident killed her husband and left her two children seriously injured. Her daughter, now 12, sustained an acquired brain injury that will affect her for the rest of her life. Her son, now 9, had his leg so badly broken that it must be intermittently rebroken to extend it, and he also needs a knee replacement.

Lyn and her children received very little in the way of Transport Accident Commission assistance for the first five years after the crash. It seemed that TAC officers in Melbourne did not understand the isolation of trying to run a farm and the enormous effort and distress involved in attending repeated appointments at the Royal Children's Hospital in Melbourne.

In 2008 Lyn began to receive some support, thanks to an external case worker. She now receives an allowance from the TAC for each of the two children, but her farm is drought affected and she remains under

extreme financial pressure. She is unable to take a full-time job outside the farm because of the care that her children require.

Lyn and her children have been affected psychologically by the accident and its never-ending ramifications. There are a complex and distressing range of issues that this family must try to cope with, and their needs are not being met by the TAC system at the moment.

I ask the minister to immediately investigate the TAC claims management system under which requests are either not acknowledged or are deferred and are denied for specious reasons or partly conceded to so they are all but useless. I also ask the minister to investigate a system that assumes families will have two parents, a constant sufficient income and residency in the Melbourne CBD. I also ask the minister to immediately review this family's claim in accordance with the objectives of the Transport Accident Act 1986, and particularly section 11(b), which states:

> … to ensure that appropriate compensation is delivered in the most socially and economically appropriate manner and as expeditiously as possible …

Department of Primary Industries: Kilmore East aerial spraying

Mrs PETROVICH (Northern Victoria) — My matter is for the Minister for Agriculture. The issue relates to aerial spraying of the Midway timber plantation at Kilmore East. There are considerable concerns about the health and wellbeing of those living close by, and it is my belief that the risk to public safety is too high as there is no requirement to advise what is being sprayed, who may be affected and when this is to occur.

The plantation covers an area of over 1000 hectares, and it is a real concern for children, stock, fodder and gardens, and of particular concern is the drinking water, as many of these people are on tank water. One constituent has asked me to find out when spraying will happen so he can disconnect his tank and wash down his roof.

Another real concern to the broader community is drinking water for the area of Broadford, as this area is in the catchment of the Sunday Creek, which supplies Broadford's drinking water. I am also informed that there is no requirement to inform the neighbours.

We are told that an aerial spraying permit has been issued by the DPI (Department of Primary Industries) and there is no requirement to refer to other authorities. There is an existing permit dating back to 1986 and this was issued by the Kilmore shire. This area has changed significantly since then, and I am sure that the environmental considerations have changed substantially in the last 24 years. My concern is for my constituents, their animals and our water supply. An officer from DPI told one constituent to move his cattle and that the vegetation, trees and garden would turn yellow but should come good in about a year.

The action I seek is that the minister step in as a matter of urgency to delay this process until a full investigation of the issue of this permit has been conducted and to ensure that this spraying is not allowed to proceed without all residents being notified and consulted.

Housing: rent increases

Mr O'DONOHUE (Eastern Victoria) — My adjournment matter this evening is for the attention of the Minister for Housing, Minister Wynne. It concerns representations I have had today from a constituent, Mr Millar. Mr Millar has been a tenant of the Office of Housing for the past 25 years. Today he received a letter from the Office of Housing stating that his rent would increase from $165 per week to $202 per week, a rise of $74 per fortnight. This is a significant increase, and it is also a significant increase for a gentleman who is on a fixed income. Mr Millar is most distressed at having received this advice without any prior notification about a review of the rent he has to pay.

This matter also affects many other people, as has been raised by other members in this place. Therefore the action I seek is that the minister investigate Mr Millar's particular situation and the way the Office of Housing has communicated with Mr Millar about his rental increase. I also ask the minister to review the increase to see whether dispensation can be given to Mr Millar because of hardship. I further ask the minister to review the way the Office of Housing communicates with its broader base of tenants. Many of these people are on fixed incomes and do not have significant savings or the capacity to pay increases of the type that Mr Millar has been asked to pay. I seek the minister's response to this issue as a matter of urgency.

Planning: South Yarra development

Mrs COOTE (Southern Metropolitan) — My adjournment matter this evening is for the Minister for Planning, and it is to do with the Argo Street, South Yarra, planning issue. A large apartment block is proposed for the narrow residential Argo Street on the former Argo Street hotel site. The residents are incensed at this inappropriate development. They have

lobbied the member for Prahran in the Assembly, Mr Tony Lupton, who in effect has placed the blame on Stonnington council.

However, the excellent mayor of the City of Stonnington, Tim Smith, wrote to the planning minister, and on 16 March the planning minister, who happens to be in the chamber, said:

> As with any development application, I expect council to review the merits of this proposal in accordance with the relevant controls contained in the Stonnington planning scheme. Should council consider there to be insufficient policy guidance to manage development applications in this residential area, council should undertake strategic work to implement appropriate controls and/or policies into the planning scheme.

In January 2007 the council sent an amendment C67 request to Minister Madden. In 2008 the minister's department told the council it had to identify further areas for high-density housing in areas accessible to public transport. In April 2009 a further letter from the DPCD (Department of Planning and Community Development) reiterated similar requirements to those in the September 2008 request. I note that all of Stonnington is accessible by public transport — train and trams. On 30 June 2009 there was a further letter from DPCD referring to Melbourne @ 5 Million and the need for further population work to supplement the housing strategy and neighbourhood character study.

The council's amendment C67 has been caught up in a series of ongoing shifts in the government's planning policy: firstly, the neighbourhood character overlays; secondly, new residential zones; thirdly, Melbourne @ 5 Million; and now the housing capacity study of metropolitan Melbourne.

Current state policy specifically encourages higher density housing on sites, like the Argo hotel site, within 400 metres of the activity centres and public transport. This is not the Stonnington City Council planning scheme; this is state policy. Mr Lupton should have been aware of this. The action I seek this evening is for the minister to clarify for Mr Lupton and the residents of Argo Street the current position required by his department in relation to this inappropriate development and to explain why the council's C67 request has not been acted on.

Water: Bacchus Marsh irrigators

Mr VOGELS (Western Victoria) — I raise an issue for the Minister for Water, the Honourable Tim Holding. It concerns the Premier's announcement last week that 3000 megalitres of additional water would be made available to Bacchus Marsh fruit and vegetable growers as part of the decision to ease Melbourne's water restrictions from stage 3a to stage 3. I am advised that the Bacchus Marsh vegetable growers have been unable to obtain from either the government or Southern Rural Water the actual price they will be asked to pay to purchase this additional allocation of water. These growers have been lobbying for months to receive additional water allocations to save their crops and farming businesses, but the water has to come at a cost that makes its use viable. At present Bacchus Marsh growers have been unable to obtain costings for this water or even information about when it will be made available.

What is really most concerning is that the cost estimates the growers are hearing on the grapevine — so to speak, excuse the pun — are between $1600 and $1800 per megalitre for this additional water. If these estimates are true, this is unethical price gouging which is taking advantage of farmers' desperate need for water. It would be more than double what they are paying now. At these prices the additional water would cost Bacchus Marsh growers between $4.8 million and $5.4 million. Farmers struggling to turn out a crop cannot afford to pay these water prices and will have to weigh up options such as letting their crops wither and ploughing them back in the ground, rather than watering and then harvesting.

The action I seek from the minister is that he urgently make public the cost per megalitre of water that has been made available for Bacchus Marsh irrigators so these farmers can make a financial decision on whether to use this water.

Rail: Eltham station

Mrs KRONBERG (Eastern Metropolitan) — My adjournment matter is directed to the Minister for Planning. For the best part of 12 months concern has been steadily rising in Eltham and its surrounding environmentally sensitive areas about the government's proposed expansion of train stabling at Eltham railway station. The Nillumbik Shire Council remains vehemently opposed to any additional train stabling in its central activities precinct as the proposal directly contravenes the council's strategic plan for the area. The council's plan is to provide extra retail and restaurant space along with affordable housing, some being dedicated social housing, in the air space adjacent to and above the station.

The common-sense approach for this type of project is to provide more activity and visitations to an area that outside of peak hours has become dangerous and moribund and is being neglected by this government.

The Eltham station is a site that unfortunately is a destination of choice for drug dealers, which parenthetically is due to limited policing capacity in the region. Adding yet another socially hostile piece of infrastructure to Eltham station will not only further alienate the general population and deny the travelling public adequate public parking spaces but is likely to accelerate vandalism and graffiti strikes. The Eltham Chamber of Commerce and Industry is also opposed to the train stabling. A recent survey conducted amongst the residents of Eltham revealed that 72 per cent strongly oppose additional train stabling. This crisis of confidence has been further exacerbated because Steve Herbert, the member for Eltham in the other place, has once again failed to stand up for his constituents.

I ask the minister to provide the house with details of his plans for direct consultation with the elected representatives of the Nillumbik Shire Council and the Eltham Chamber of Commerce and Industry and to elaborate on the precise form of genuine and open consultation on this issue that has taken place with the community in general. The climate of concern that exists arises from the disregard the minister has shown to the people of Eltham in not seeking local public opinion and not listening to the compelling, cogent and common-sense arguments against the expansion of train stabling in Eltham.

City of Brimbank: vermin control

Mr FINN (Western Metropolitan) — I wish to raise a matter for the attention of the Minister for Health concerning rats in Brimbank, something the minister may be aware of. This time I have to report to the house that it is the four-legged variety I am referring to, and to my knowledge they are not members of the ALP. During recent weeks a number of sightings of rats in the streets of Sunshine have been reported to me and there have been reports in the local newspapers about rats in the streets around food and rubbish that has not been collected by the Brimbank council. In fact I received an email last night that says:

> I would like to bring to your attention a very horrible situation in Sunshine area. We have a small family business in this area not too far from your office. I refer to a problem in Devon Lane, first right off Hampshire Road, down Devonshire Road. It is being treated as a dumping ground for food scraps and all sorts of rubbish. I called the council two weeks ago and was told that an inspector would look at the area. Nothing has been done so today my daughter called the council again to say nothing had been done — vermin everywhere, health issues et cetera. She was informed that we need to identify the responsible shops or owners.
>
> Surely in this day and age we can do better than live like a Third World country. I visited India a few years ago and saw the same kind of thing. We were robbed of all our computers last week with no hope of recovery and my husband has a brain tumour and he is very sick. I cannot believe that the council expect me to find who is responsible. I am at my wits end trying to live, never mind worrying that rats will enter our office and finish us off completely.

This is a very serious matter. As I said, these rats are not far from my own office. Although I have yet to see those vermin, I am told they are quite prominent in the Sunshine area. Whilst I am not suggesting to this house that we are about to see an outbreak of bubonic plague, this is something that is of enormous concern to those who travel around the Sunshine area, particularly on foot, and I have been known to do that myself from time to time.

I ask the Minister for Health, given that the state government-appointed administrators of the Brimbank council do not care about what happens in the streets of Sunshine, as a matter of urgency to dispatch state health inspectors who can see for themselves the problems in the streets of Sunshine and to do something about it before we have major public health problems in the Sunshine area. This is a serious problem. The people of Sunshine deserve better.

Geelong Hospital: elective surgery

Mr D. DAVIS (Southern Metropolitan) — My adjournment matter tonight is for the Minister for Health. It concerns Barwon Health, particularly the minister's responsibility to ensure that category 2 elective surgery patients who are serviced by Geelong Hospital are well looked after. This is currently not the case. Barwon Health has struggled over the last few years to deal with category 2 elective surgery patients. They are required to be dealt with within 90 days, but recently a significant flood of people has come into my office and pointed out the difficulties they face in getting proper assistance from Barwon Health and Geelong Hospital.

We saw in the last few days reports about a patient by the name of Colin Evans being reported in one of the Bellarine newspapers, and he certainly had an advocate in Kurt Reiter, the Liberal Party candidate for the Assembly electorate of Bellarine. Mr Evans had been sent a response by Barwon Health. He was initially diagnosed in July 2009. At the time of the response he had been waiting more than 240 days and was told he would need to wait another 204 days for his treatment.

Clearly these times are well outside the required 90-day period, and the Minister for Health should intervene in this matter. It is clear that he needs to find out what is going on at Geelong Hospital and why this problem is occurring. As I said, a number of patients have come to

my office recently seeking assistance in respect of category 2 elective surgery patients.

These are people who are often in significant discomfort and need to have semi-urgent assistance. You have to ask why a government spokesman would admit that the government knew it could do more to address the waiting list situation at Barwon Health. This is a government that is entering its 11th year in power. The Premier, John Brumby, promised in 1999 that he would fix the hospital system and said he would pay attention to the basics. I do not believe attention is being paid to the basics if a man has to wait 400-odd days when 90 days is the stipulated time period.

I ask the Minister for Health to seek an urgent report from Barwon Health about the situation at Geelong Hospital. Why are category 2 patients waiting so long, what is the impact on them, what does this hospital intend to do about it and what does the minister intend to do about it?

Water: restrictions

Mr P. DAVIS (Eastern Victoria) — I raise a matter for the Minister for Water. I refer to two statements in the announcement by the minister and the Premier of 16 March which centre on a decision to relax water restrictions in Melbourne in advance of this year's state election. The first was that 3 billion litres of environmental flow would be restored to the Thomson River, representing just 15 per cent of the 20 billion litres of environmental water being diverted annually to Melbourne.

The statement contained no indication as to when that trickle of environmental flow would return to the river, nor any longer term plan to restore the full flow. The announcement was framed with an air of finality from which the only conclusion to draw is that the Labor government has no intention of restoring the Thomson and thus ensuring vital flows for the Gippsland Lakes. That leaves the implication that the missing 17 billion litres are at least part of the source of the water supply that has enabled the government to ease Melbourne's water restrictions.

The second reference is to 5 billion litres of irrigation water being made available to farmers at Werribee and Bacchus Marsh. This is quite some coincidence following the move by Southern Rural Water late last year to allocate water to Bacchus Marsh farmers from a special drought reserve set aside in the Thomson Dam for farmers in Gippsland's Macalister irrigation district. The decision was taken unilaterally, without consulting with the Macalister farmers. The statement of 16 March pointedly did not explain where the 5 billion litres for Werribee and Bacchus Marsh would come from. By joining the dots it could be inferred it will come out of the Macalister drought reserve.

I therefore ask that the minister act to table a full explanation of these two decisions, which in fact are substantial subtexts to the announcement about Melbourne water restrictions, to inform the Gippsland community and I hope provide reassurance in respect of the Gippsland region's water entitlements.

Responses

Hon. J. M. MADDEN (Minister for Planning) — I have written responses to adjournment matters raised by Ms Darveniza and a number of other members. There are seven responses in total from 9 June 2009 to 4 February 2010.

There were a number of issues raised tonight. Wendy Lovell raised the matter of the Bendigo Senior Secondary College, and I will refer that to the Minister for Education.

Peter Hall raised the matter of wild dog management. It is funny that we have a bit of an animal theme tonight. I will refer that to the Minister for Agriculture.

Colleen Hartland raised the matter of open space in Coburg, and I will refer that to the Minister for Roads and Ports.

David Koch raised the matter of policing in western Victoria, and I will refer that to the Minister for Police and Emergency Services.

Damian Drum raised a matter specific to a constituent in relation to the Transport Accident Commission, and I will refer that to the Minister for Finance, WorkCover and the Transport Accident Commission.

Donna Petrovich raised the matter of aerial spraying and its effects on water supplies, and I will refer that to the Minister for Agriculture.

Edward O'Donohue raised specific rental matters relating to a constituent who is living in public housing, and I will refer that to the Minister for Housing.

Andrea Coote raised the matter of the Argo Street inn and the proposed development on the site and matters raised by the mayor, Tim Smith. As Mrs Coote mentioned, I have written to the council to highlight that if it wants strategic support in relation to the work it needs to do, I am happy to provide that. Other correspondence between the department and the

council was referred to, and I understand from correspondence the council has received from the department that the critical issue is the request to provide strategic work to justify their respective controls, and I understand that has not been forthcoming from the council.

At the end of the day councils' controls are determined by the amount of strategic work or the homework they do to justify those controls. In this instance I understand the council has yet to provide that justification or to do that homework, but if it has that and is happy to provide it, I am happy to entertain any specific controls that it might seek to implement. That was my offer, and I know the member for Prahran in the other place, Tony Lupton, has been a strong advocate for the community in relation to these matters. I am happy to have the department provide any support to the City of Stonnington that it may wish in relation to this matter.

John Vogels raised the matter of vegetable growers in the Bacchus Marsh area, and I will refer that to the Minister for Water.

Jan Kronberg raised the matter of train stabling in the Eltham area. Whilst I recognise that there are often issues around train stabling, if there are more trains, they have to be stabled in more places. I would be surprised if Mrs Kronberg was not supportive of more train services on the Eltham line, and as a consequence of more services and more trains on more lines, those trains need to be stabled. I would not expect that Mrs Kronberg would recommend the alternative of reducing those services. This is an integral part of that service delivery, but if Mrs Kronberg is suggesting that train services to the Eltham area should be reduced, I am sure that the Minister for Public Transport would be prepared to accept any comments in relation to that from Mrs Kronberg. I would be surprised if the community in Eltham did not want improved and increased train services, and part of that is having to stable those trains in the local area. That goes for all lines.

Bernie Finn raised a matter of waste in and around the Sunshine shopping centre and, appropriately, the vermin that frequent the area around his electorate office.

Honourable members interjecting.

Hon. J. M. MADDEN — I am being distracted by members on the opposite side. I am trying to focus on this matter. I am happy to refer the matter to the Minister for Health.

Mr D. Davis — How many storeys was it?

Hon. J. M. MADDEN — I am sure I can tell Mr Davis a lot of stories. That prompts me to say that Mr David Davis's matter in relation to Barwon Health was another long story that we heard in relation to criticisms of Barwon Health, and I am happy to refer those to the Minister for Health.

Philip Davis raised the matter of environmental flows in the Thomson River and associated tributaries, and I will refer that to the Minister for Water.

The PRESIDENT — Order! The house now stands adjourned.

House adjourned 10.31 p.m.