PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Tuesday, 2 December 2008

(Extract from book 17)

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By authority of the Victorian Government Printer

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Professor DAVID de KRETSER, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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Minister for Housing, Minister for Local Government and Minister for Aboriginal Affairs	The Hon. R. W. Wynne, MP
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Legislative Council committees

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

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

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

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

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

Joint committees

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Dr S. O'Kane

MEMBERS OF THE LEGISLATIVE COUNCIL

FIFTY-SIXTH PARLIAMENT — FIRST SESSION

President: The Hon. R. F. SMITH

Deputy President: Mr BRUCE ATKINSON

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Deputy Leader of the Opposition:
Mrs WENDY LOVELL

Leader of The Nationals:
Mr PETER HALL

Deputy Leader of The Nationals:
Mr DAMIAN DRUM

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

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TUESDAY, 2 DECEMBER 2008

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Tuesday, 2 December 2008

The PRESIDENT (Hon. R. F. Smith) took the chair at 9.36 a.m. and read the prayer.

BUSINESS OF THE HOUSE

Filming of proceedings

The PRESIDENT — Order! I advise members that I have approved the filming of question time and other business in the Legislative Council until lunchtime today. The filming will be done by a crew from RMIT and follows test filming done 18 months ago by the same producer. On this occasion the filming may be the prelude to a Channel 31 program about state politics and the Parliament.

ROYAL ASSENT

Message read advising royal assent to:

14 November

Health Professions Registration Amendment Act

18 November

Compensation and Superannuation Legislation Amendment Act
Dangerous Goods Amendment (Transport) Act
Local Government Amendment (Councillor Conduct and Other Matters) Act
Stalking Intervention Orders Act

25 November

Asbestos Diseases Compensation Act
Education and Training Reform Further Amendment Act
Gambling Legislation Amendment (Responsible Gambling and Other Measures) Act
Prohibition of Human Cloning for Reproduction Act
Racing and Gambling Legislation Amendment Act
Research Involving Human Embryos Act.

COMPENSATION AND SUPERANNUATION LEGISLATION AMENDMENT BILL

Clerk's amendment

The PRESIDENT — Order! I have received a report from the Clerk of the Parliaments notifying that he has made the following correction in the Compensation and Superannuation Legislation Amendment Bill:

In clause 8(2)(b), '1996' has been omitted and '1986' has been inserted to correct the title of the Transport Accident Act.

PROHIBITION OF HUMAN CLONING FOR REPRODUCTION BILL

Clerk's amendment

The PRESIDENT — Order! I have received a report from the Clerk of the Parliaments notifying that he has made the following correction in the Prohibition of Human Cloning for Reproduction Bill:

In clause 16(4)(f), line 27, the figure '11' has been inserted so that the line now reads 'cell (within the meaning of section 11).'.

PETITIONS

Following petitions presented to house:

Assisted reproductive treatment: legislation

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council deep community concerns about the Brumby Labor government's artificial reproductive therapy laws which will allow systemic denial of a child's links and knowledge to both biological parents to provide for:

(1) children born into lesbian relationships with the aid of donor sperm allowing only two mothers to be registered on the birth certificate;

(2) children commissioned through surrogacy arrangement to male homosexual couples allowing only two men to be registered on the birth certificate.

And that the undersigned petitioners reject the Brumby Labor government's proposal to systemically deny children knowledge of their parentage where it is known to create a generation of 'lost' children, unable to establish their identify, unable to access full medical facts when required and potentially exposing such children to other risks.

The undersigned therefore respectfully call on the Legislative Council and MPs of all political persuasions to reject Premier Brumby's misguided laws which fail to protect the best interests of all children as required by international covenants to which Australia is a signatory.

By Mr DRUM (Northern Victoria) (5 signatures)
Mrs PEULICH (South Eastern Metropolitan) (435 signatures)
Mr KAVANAGH (Western Victoria) (190 signatures)

Laid on table.

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

Water: fluoridation

To the Legislative Council of Victoria:

This petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council that the fluoridation of Victorian domestic water supplies without putting it to people of Victoria for discussion is illegal, and is also believed to be very dangerous to the health of your constituents.

The petitioners therefore request that you immediately refrain from this illegal, and indeed potentially dangerous act.

By Mr DRUM (Northern Victoria) (678 signatures)

Laid on table.

Rail: Lakeside station

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 urgent need for the construction of a Lakeside-Cardinia Road railway station to allow residents of the rapidly growing Cardinia shire to easily access public transport.

The petitioners therefore respectfully request that the Legislative Council of Victoria demand the Brumby Labor government to:

1. Begin the construction of a railway station for the Lakeside-Cardinia Road precinct now.

2. Improve the provision of vital infrastructure services to the people of Lakeside and Cardinia shire by creating a public transport service that is readily accessible, reliable and user-friendly.

By Mr O'DONOHUE (Eastern Victoria) (397 signatures)

Laid on table.

Ambulance services: Frankston

To the Legislative Council of Victoria:

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

By Mr O'DONOHUE (Eastern Victoria) (734 signatures)

Laid on table.

Public transport: Bentleigh

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 poor state of the public transport system servicing the residents of the Bentleigh electorate. Citizens feel trains, trams, and buses on the current system are unacceptable as they are overcrowded, infrequent and unhygienic.

The petitioners therefore request that the Minister for Public Transport moves to make a significant investment in trains, trams and buses servicing the residents of the Bentleigh electorate, for the purpose of increasing the frequency, numeracy, and both internal and external maintenance of the services.

By Mrs COOTE (Southern Metropolitan) (46 signatures)

Laid on table.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Redundant corporations laws

Mr O'DONOHUE (Eastern Victoria) presented report, including appendices, together with transcripts of evidence.

Laid on table.

Ordered that report be printed.

Mr O'DONOHUE (Eastern Victoria) — I move:

That the Council take note of the report.

Governments must always strive to keep their statute books as lean as possible without compromising the laws of particular jurisdictions. In that context the

Scrutiny of Acts and Regulations Committee was pleased to receive the reference from the Legislative Assembly to examine 12 pieces of legislation that appear on their face to be redundant, with the gradual migration of state-based company and industry regulation from the state of Victoria to the commonwealth. In conducting its investigation the committee was lucky to have the assistance of assistant chief parliamentary counsel Ms Annette O'Callaghan and Mr Adam Bushby, and Professor Ian Ramsay of the University of Melbourne, who conducted some work on our behalf.

In summary, the committee made four recommendations. It recommended that nine acts identified are redundant and could be repealed, identified a further two acts that need to be retained and recommended that consideration be given at a later time to the repeal of the Collusive Practices Act 1965. However, the recommendations made by the committee require further examination from government. Many of these acts are very complex indeed, and the committee had difficulty in engaging with stakeholders because of that complexity and the lack of certainty about the future of these acts. The committee recommended that government take the work done by the Scrutiny of Acts and Regulations Committee and engage with those stakeholders.

Much more work needs to be done by the government to reduce the regulatory burden on business, industry and individuals. The work done by this committee can assist with that process, but if the government is to achieve its stated targets for legislation reduction it needs to get cracking in the second half of this Parliament to ensure that the statute book is as efficient as practicable without compromising the laws and governance of Victoria.

Motion agreed to.

LEGISLATION COMMITTEE

Water (Commonwealth Powers) Bill

Mr ATKINSON (Eastern Metropolitan) presented report, including minutes of committee's consideration of bill and transcripts of evidence.

Laid on table.

Ordered to be printed.

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

That the consideration of the report of the Legislation Committee on the Water (Commonwealth Powers) Bill 2008 be made an order of the day for later this day and that it take precedence over all other government business.

Motion agreed to.

Assisted Reproductive Treatment Bill

Mr ATKINSON (Eastern Metropolitan) presented report, including minutes of committee's consideration of bill and transcripts of evidence.

Laid on table.

Ordered to be printed.

Ordered that report be considered on 4 December.

PAPERS

Laid on table by Clerk:

Chiropractors Registration Board of Victoria —

Minister's report of failure to submit 2007–08 report to the minister within the prescribed period and the reasons therefor.

Minister's report of receipt of 2007–08 report.

Crown Land (Reserves) Act 1978 — Minister's order of 18 October 2008 giving approval to the granting of a lease at Albert Park Reserve.

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

Banyule Planning Scheme — Amendment C52.

Bass Coast Planning Scheme — Amendment C96.

Baw Baw Planning Scheme — Amendment C58.

Boroondara Planning Scheme — Amendment C66.

Brimbank Planning Scheme — Amendment C81.

Cardinia Planning Scheme — Amendments C88, C92 and C122.

Casey Planning Scheme — Amendment C108.

Greater Shepparton Planning Scheme — Amendments C78, C106 and C114.

Kingston Planning Scheme — Amendments C73, C79, C93 Part 1 and C93 Part 2.

Knox Planning Scheme — Amendment C57.

Mansfield Planning Scheme — Amendment C8.

Monash Planning Scheme — Amendment C80.

Moira Planning Scheme — Amendment C34.

Moonee Valley Planning Scheme — Amendment C77.

Mornington Peninsula Planning Scheme — Amendment C113.

Mount Alexander Planning Scheme — Amendment C38.

Port Phillip Planning Scheme — Amendment C57 Part 2.

Stonnington Planning Scheme — Amendment C79.

Yarra Planning Scheme — Amendment C101.

Statutory Rules under the following acts of Parliament:

Building Act 1993 — No. 136.

Co-operatives Act 1996 — No. 133.

Guardianship and Administration Act 1986 — No. 132.

Magistrates' Court Act 1989 — Nos. 138 and 139.

Road Safety Act 1986 — No. 137.

Subordinate Legislation Act 1994 — No. 135.

Transport Act 1983 — No. 134.

Subordinate Legislation Act 1994 —

Minister's infringements offence consultation certificate under section 6A(3) in respect of statutory rule no. 133.

Minister's exception certificate under section 8(4) in respect of statutory rule no. 135.

Ministers' exemption certificates under section 9(6) in respect of statutory rule nos. 134 and 137.

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

County Court Amendment (Koori Court) Act 2008 — other than Section 10 — 18 November 2008 (*Gazette No. S307, 18 November 2008*).

Courts Legislation Amendment (Juries and Other Matters) Act 2008 — Part 4 — 1 December 2008 (*Gazette No. G48, 27 November 2008*).

Local Government Amendment (Councillor Conduct and Other Matters) Act 2008 — Part 4 — 2 December 2008 (*Gazette No. G48, 27 November 2008*).

BUSINESS OF THE HOUSE

General business

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

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

1. order of the day no. 12, resumption of debate on motion moved by Mr Hall relating to skills reform;

2. notice of motion given this day by Mr Dalla-Riva relating to manufacturing and industry;

3. notice of motion given this day by Mr D. Davis on reference to the Ombudsman;

4. notice of motion given this day by Mr D. Davis relating to Melbourne Central City Studios; and

5. notice of motion given this day by Mr Barber relating to production of Department of Transport documents.

Motion agreed to.

WATER (COMMONWEALTH POWERS) BILL

Legislation Committee

Report adopted.

Committed.

Committee

The DEPUTY PRESIDENT — Order! The committee of the whole would be aware that there was a Legislation Committee convened to consider this bill, at which meeting the minister was present. He provided answers to a range of questions at that meeting and a report was tabled in the house earlier this morning.

As I understand it, there is an amendment proposed for clause 3. Can I have an indication as to whether there are any other amendments proposed? I understand that is a no.

I have had an indication from two members that they wish to talk about the Legislation Committee report. That should have occurred at the time it was tabled. On this occasion I will allow brief comments on the Legislation Committee report. I ask members to confine themselves to no more than 5 minutes discussion of the report, given that the matters should have been dealt with, and in that sort of time frame, previously.

Ms LOVELL (Northern Victoria) — I wish to speak very briefly on the Legislation Committee stage of this bill and to thank those who gave their time to appear before the committee, especially the minister who was representing the water minister, Gavin Jennings. He appeared together with Mr Peter Harris, the Secretary of the Department of Sustainability and Environment, and Mr Phil Heaphy, the director of the intergovernmental group in the Office of Water within the Department of Sustainability and Environment.

Mr Jennings was very cooperative with the committee. He was generous with his time and in answering the questions that he took on the minister's behalf, and we thank him very much for that. However, not being the minister responsible, Mr Jennings was not always able to satisfy the questions that the opposition members wished to put to the minister. That was through no fault of Mr Jennings. Because he is not the minister who was responsible for this legislation, you could not expect him to have had the grip on the detail that the water minister would have shown, had he appeared before the committee.

I would also like to thank Dr Wendy Craik, who made the time available to attend the committee hearing. She took a special flight to Melbourne and put herself out to come and appear before the committee. She was generous with her time and in responding to the line of questioning that was put to her about this legislation. Unfortunately Dr Craik was also unable to satisfy the needs of the opposition.

It is disappointing that the government chose to avoid any real scrutiny of this legislation by denying leave for the Minister for Water, Tim Holding, to appear before the committee. You could only say that it is a sign of the arrogance of this government that it would ignore a request from the Legislative Council to have a minister from the Assembly appear before the Legislative Council's Legislation Committee. It is hardly an open and accountable way for the government to behave in answering questions about its legislation. You really have to wonder what it is trying to hide in this legislation, given that it went to enormous lengths not to allow the minister to appear before the committee.

It was equally disappointing that Mr David Downie, the general manager of the Office of Water, was not available to appear before the committee. I believe Mr Downie was offered, in addition to the days on which the committee conducted hearings, some extra days on which he could nominate a time when he could attend, but unfortunately Mr Downie was not available at any of those times. The minister and Mr Downie are the two people who are responsible for this legislation, and it is extremely disappointing that neither of them made himself available to appear before the committee. It makes us wonder what the government is trying to hide.

The DEPUTY PRESIDENT — Order! Given the nature of those comments, the minister might like to make a response. I have called the minister first, but Mr Barber has indicated he would also like to make some remarks. I will leave it to the minister as to whether or not he would like to respond now or hear both speakers and then make a response.

Mr BARBER (Northern Metropolitan) — I thank the Chair for his indulgence in this particular procedure, which is a new one for me. The Greens supported this bill being sent to the Legislation Committee, but with hindsight I now think differently about that. It was disappointing that the lower house minister sponsoring the bill did not appear, as other ministers from the lower house have in the past appeared, but that is for the government to make decisions about, depending on how full throated it wants to be in defence of its own legislation. It is not as though the lower house minister does not enjoy a bit of biffo anyway, so I am surprised it can hold him back.

But the disappointing aspect of this was that in the Legislation Committee not all members were involved in the process of rigorously going clause by clause through this bill to try to reach an understanding of what it is doing legally. That was the intent of the Greens. We did that in the Legislation Committee hearings, and we have done that throughout the process, but the other opposition members did not make use of the time in the committee hearings to rigorously contest the various legal issues. In my view this has, in fact, been the most complicated bit of legislation we have dealt with, both because of the way it has been drafted, if you like, between two different parliaments and because of the constitutional issues.

In future when it comes to consideration of whether or not a bill should go to the Legislation Committee, the Greens will be putting a much higher burden on what the intent of that process is to be. Our expectation is that it is a process that is to be used when legislation requires rigorous scrutiny, clause by clause, rather than being just another opportunity to perhaps have a bit of a policy debate.

Mr JENNINGS (Minister for Environment and Climate Change) — It was probably a sensible decision for me to wait until Mr Barber had spoken, so that I could start my contribution by agreeing with something that he argued for — that the Legislation Committee, I believe, should be used for the scrutiny of legislation and its various provisions and the way in which it interlocks with other pieces of legislation or other arrangements and tests them. That occurred to some degree during the Legislation Committee hearings I attended, but it was probably not the primary purpose of the consideration of this particular bill by the Legislation Committee, which was different to another bill that I have recently spent a lot of time considering with the Legislation Committee. I draw a contrast with

that case and assure the committee that when I appear before the Legislation Committee it is my intention to deal with the substantive matters in the bill. I have a reasonable track record of being able to represent the legislation, the government and other ministers in relation to the detail of their legislation.

In saying that, I do not want to invite a revisiting of all those issues today, but I think my track record of being able to cover the detail of pieces of legislation is not too bad. Despite the proposition put by Ms Lovell a few minutes ago, the people who appeared before the Legislation Committee with me were those from the Department of Sustainability and Environment charged with the responsibility of drafting the bill and negotiating agreements with the commonwealth and relevant agencies. We comprised a totally representative and appropriate group to discuss the nature of the bill with the committee.

Clause 1

Mr BARBER (Northern Metropolitan) — Can the minister advise the house of the current status of the legislation in the commonwealth parliament?

Mr JENNINGS (Minister for Environment and Climate Change) — I do not have an up-to-the-minute situation report of how the bill is travelling in the commonwealth Parliament, with the exception of the fact that I understand some opportunistic amendments were made to it in the Senate last week. The introduction of those amendments in any shape or form does not necessarily reflect the best interests of the people of Victoria.

Mr Drum — Whose opinion is that?

Mr JENNINGS — That is my opinion, Mr Drum, and I think it would overwhelmingly be the view of the Victorian people that we do not want intrusions by misguided or misrepresentative people in relation to the interests of Victorian water allocations and the interests of the Victorian people. On that basis the legislation will be considered by the House of Representatives and I believe will not pass that chamber in its amended form, so that will lead to some difficulty.

Mr BARBER (Northern Metropolitan) — My understanding is that it has already been rejected by the House of Representatives, but I am basing that only on a newspaper report.

Clause agreed to; clause 2 agreed to.

Clause 3

Mr BARBER (Northern Metropolitan) — I move:

Clause 3, line 29, after "economic" insert ", environmental".

This amendment relates to the definition in clause 3 of the bill of 'critical human water needs'. For the benefit of the chamber and anybody who reads this, the definition states:

> critical human water needs means the needs for a minimum amount of water, that can only reasonably be provided from Basin water resources, required to meet —
>
> (a) core human consumption requirements in urban and rural areas; and
>
> (b) those non-human consumption requirements that a failure to meet would cause prohibitively high social, economic or national security costs …

The purpose of this definition is to provide later in the bill for the referral of state powers over water to the commonwealth jurisdiction which, under a proposed bill not yet finalised in the commonwealth Parliament, will be able to override the states to provide for critical human water needs. The mechanism by which that federal bill will do that is, broadly speaking, via what is called the basin plan which, as we have now found out by following the debate through the federal Parliament, will not be prepared any time soon. In fact even when it is prepared it is likely to have a whole bunch of provisions that are delayed in their action.

What is my particular objection to this definition in the bill? It is that the only thing that has been left out of it is the environment. Critical human water needs here are defined to mean not only core human consumption requirements — that is, for drinking, washing and so forth — but also any other non-human consumption requirements that are considered to have prohibitively high costs. They include social, economic and national security, this last term being somewhat surprising.

My amendment proposes the insertion after the word 'economic' of a comma and the word 'environmental'. If members find it contradictory that environmental considerations could be making it into a consideration of critical human water needs, the misunderstanding is probably at the root of this whole debate, and that is that humans can be separated from the environment.

The argument may be put by the government that this would interrupt a common scheme of legislation and powers referrals that have been put up in every state. It is the same argument that was put in the federal Parliament. I argue that it will not. This bill provides for the referral of its powers by one state. My amendment

will extend to only one degree, but it cannot alter those other referrals. It would leave the federal government with slightly more power technically, but only in the state of Victoria. This is the whole basis of what has been wrong with this debate — that is, that the environment has frequently been used as the pretence, but it has rarely appeared in the action plan or the legislative powers put forward by either the former Howard federal government in its amendments to the commonwealth Water Act or the current federal government.

It has become clear to me also through the various discussions we have had around this bill and through piecing together various bits of information that in fact it is John Brumby who is writing the policy for Penny Wong and that amongst all this verbiage of legislation the proposal that ultimately will be signed off by two parliaments, in both of which my party is represented, is the one that has been agreed to by John Brumby. The return for that has been that the federal government is willing to put $1 billion on the table for a capital works project in the food bowl. Whatever powers of this Parliament may or may not have been referred, at the end of the day the stopper to including the environment is John Brumby's unwillingness to go that one step further.

This amendment is quite simply my way of expressing our willingness — I am seeking the support of the Parliament — to go that one step further and allow for management at the commonwealth level of the environmental asset that is one environmental entity, the Murray–Darling Basin.

Mr KAVANAGH (Western Victoria) — My party, the Democratic Labor Party, has been characterised in a way by its insistence that, wherever possible and appropriate, power should be exercised by the lowest level of government possible or perhaps even by communities.

The Murray–Darling Basin is not only Australia's most precious resource but its rivers are national or continental in nature, flowing as they do between different states. Therefore in this case it seems quite appropriate that the trans-state government — that is, the commonwealth — should have power over the Murray–Darling Basin. It might be particularly desirable for Victoria because, along with South Australia, it is downstream in that water system. It seems proper then that the commonwealth should have power over the Murray–Darling Basin.

Mr Barber's suggestion seems to have a lot of merit. The environmental considerations should be extremely important when regulating the Murray-Darling system. However, for the sake of consistency I think it is probably preferable to not take that step on this occasion. It would complicate this transfer of power in an unnecessary way. If the commonwealth is exercising its powers properly, as no doubt it will, and is giving consideration to human needs for water, and so on, that inherently demands strong consideration for the environmental future of the water system. Therefore, I will not support Mr Barber's amendment.

Mr DRUM (Northern Victoria) — The Nationals will be supporting this amendment. In doing so, we would like to touch on some of the issues that were flushed out, so to speak, through the Legislation Committee process in relation to critical human needs. I agree with Mr Barber's assertion that it seems to be government speak, that it is transferring these powers in the best interests of not only the people of Victoria but also the industries and the environment of Victoria. But when you look through the bill, the environment seems to be very much the poor cousin of that group.

Mr Barber interjected.

Mr DRUM — The Murray hardyhead, Mr Barber, is not one of my favourite species. As I understand it, it is a totally introduced species, and I do not think the locals even knew it existed until it came to prominence when the government was wasting many gigalitres of water trying to maintain its existence. But that is a separate issue altogether.

Certainly the idea of including the environment amongst the definition of 'critical human water needs' is commonsensical, and we support that. I think it is worth acknowledging some of the aspects that came out of the report of the Legislation Committee concerning the government's policies on taking water from the north of Victoria and piping it down to Melbourne, and the fact that all of the work that has been going on in the north has not actually produced any real water savings. What it has produced — and Wendy Craik, a witness before the Legislation Committee, was very clear in her evidence — is paper savings. There is a raft of paper savings that do not really exist and will not exist until the system starts to flow again and to run in a normal manner.

We are told that in 2010 we will have real water, not paper savings, going to Melbourne, but the government refuses to say how the real water will manifest itself when all the savings are paper savings. We support the fact that the issue of the environment is being brought forward in the debate, and we are happy to support its

inclusion in the definition of critical human water needs.

Mr JENNINGS (Minister for Environment and Climate Change) — I thank Mr Kavanagh for the logic he used in considering these matters. I share his view that it is appropriate that jurisdictions not only be alive to the best way to manage the affairs of their constituents but also mindful of how that harmonises with the interests of the broader community. We should exercise our minds about how we can find an appropriate balance between state-based legislation, commonwealth referrals, the appropriate interlocking regime of legislation and also, in the context of the Murray–Darling Basin, contractual arrangements that underpin water allocations and the agreements that have led to the creation of the Murray-Darling Basin Authority.

It is the view of the government of Victoria that we should ensure that the actions we take in the name of protecting Victoria's interests are not carried out in a way that does not allow the interests of the Murray–Darling Basin and national interests to be accommodated. That is the balance that we have tried to strike not only in the words that are used in the bill, which provides for the referral, but also in the way we have tried to establish that national framework of harmonisation of approach.

It is the aspect of national harmonisation of approach that leads to the greatest difficulty I have accepting the argument put by Mr Barber. In terms of Victoria's government's position on the referral, as a first order issue we have a different view from him about the consistency we are hoping to apply across Australian jurisdictions. Whilst Mr Barber does not see interjurisdictional alignment and consistency as a priority, they are a priority for the Victorian government. That is the first port of call in relation to the reasons why I, and the government, will not support his amendment. If we agreed to the amendment, the Victorian referral would not be consistent with other referral instruments. That is one argument.

The other argument is one that perhaps Mr Drum should exercise his mind about, given that under normal circumstances his first, second, third, fourth and fifth priorities are any interests in water allocation apart from the environment. That is his normal default position, which I have heard him express time and again. Even in his contribution this morning he indicated that allocations of water for critical human needs or to support economic or social activity within regional Victoria are his overwhelming priority, yet he supports Mr Barber's amendment, which puts in a potential additional barrier to the allocation of water for those purposes.

Mr Drum — That is not true.

Mr JENNINGS — I encourage Mr Drum — and I encourage other members to do likewise — to exercise his mind about the effect of this amendment. The amendment moderates the critical human needs definition within the referral.

The state of Victoria is actually saying to the Murray-Darling Basin Commission that however the water allocations occur throughout the basin, which include existing contractual arrangements and agreements that have been entered into and the water entitlements that actually come through to protect environmental flows, beyond that there needs to be an additional requirement to support critical human needs if required. Those critical human needs are then outlined to include not only human consumption but also support of economic and social activity and national security interests. What we are actually saying is that beyond the allocation that is being already secured for environmental purposes or a variety of other purposes, water should be directly put to the purpose of supporting human biological needs, or social and commercial needs and national security needs.

Mr Drum is supporting a resolution which would say, 'Even within that framework, we are putting the environment back in', which has already been accounted for before this issue. The environmental needs, in the mindsets of the government, this legislation and the Murray-Darling Basin Authority, have been considered before the application of this definition and the application of this allocation for critical human needs. A position of logic of the Victorian government is that environmental needs were not added to by environmental allocations being put back into the application of this definition.

I am advised that in the Australian Parliament, Mr Barber's colleagues from the Greens may have been more keen to narrow rather than expand the application of critical human needs. I am not interested in wedge politics but I understand that this might be conceptually a logical wedge that whilst the Greens in Canberra might be trying to narrow the definition of human critical needs, Mr Barber is trying to add to that volume.

I think it demonstrates that to resolve this matter, we need to have a clear sense of how the legislation works; we need to have a clear understanding of how the referral will work, the interlocking nature of the state

and commonwealth legislation, and ultimately we need to understand what this clause is about.

If we understand what this clause is about, putting environmental considerations into this definition does not help the positions adopted by either Mr Barber or Mr Drum, who are the two members who have spoken in favour of it today. For those cumulative reasons, the government will not be supporting the amendment.

Mr DRUM (Northern Victoria) — I thank the minister for his answer. Is it not true, though, that the way it is going to work going forward under the current arrangements is that water which has been stored for the environment is going to be used for industry anyway? The water that the government has effectively put aside under the current scheme of arrangement to do its job for the environment, at the government's whim here in Victoria, is going to be taken away and used for urban development and industry development in metropolitan Melbourne — is that not the case?

The DEPUTY PRESIDENT — Order! I think we went through that in great detail in the Legislation Committee, and the indication from every witness was that in fact that was not the case, that the water which is covered by this legislation is not the same water that the government is relying on for the north–south pipeline, which Mr Drum is referring to as being for metropolitan needs.

Mr DRUM — I think the Deputy President is slightly confused. What we are talking about here is water that has been saved from infrastructure improvements and stored as an environmental reserve. That water is in fact the water that is going to be used for metropolitan Melbourne, and that is the water the minister was saying in his speech just previously we have actually accounted for. We do not need to put the word 'environmental' into this part of the bill as a human critical need, because we have already catered for it in the environmental allocation that precedes this amount of water. What I am trying to push is the line that it is all the same water and that the government will use whatever water it wants to make sure there is something to run through its pipelines.

The DEPUTY PRESIDENT — Order! I indicate to the committee that I am not confused, that in fact I am simply reporting on what all the witnesses told the Legislation Committee. The matter might well be a matter of conjecture and debate, but I am certainly not confused.

Committee divided on amendment:

The DEPUTY PRESIDENT — Order! As a courtesy to the committee, I indicate that my vote is with the ayes.

Ayes, 20

Atkinson, Mr	Hartland, Ms
Barber, Mr (*Teller*)	Koch, Mr (*Teller*)
Coote, Mrs	Kronberg, Mrs
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

Noes, 18

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

Amendment agreed to.

Amended clause agreed to; clauses 4 to 26 agreed to.

Reported to house with amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

PROFESSIONAL STANDARDS AND LEGAL PROFESSION ACTS AMENDMENT BILL

Second reading

Debate resumed from 13 November; motion of Mr JENNINGS (Minister for Environment and Climate Change).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to rise to make a contribution to debate on the Professional Standards and Legal Profession Acts Amendment Bill. This bill combines amendments to the Professional Standards Act 2003 and the Legal Profession Act 2004. As an opening comment I make the point that the opposition

does not support the way the government has approached this bill because it is bringing together two completely unrelated issues — an amendment to the Professional Standards Act and an amendment to the Legal Profession Act — and amending both pieces of legislation in one bill. Two matters which have no connection are being brought together and amended by one bill. It is not the view of this side of the house and should not be the view of the government that it is acceptable to bring together two unrelated matters, two matters of material significance to the respective acts they are amending, and seek to combine them in one omnibus, catch-all piece of legislation. Effectively the house has been presented with the proposition that if you want the amendments to the Professional Standards Act, you must accept the amendments to the Legal Profession Act and vice versa. It is certainly the view of this side of the house that it is not acceptable to combine unrelated amendments to legislation in an omnibus bill in the way this piece of legislation is seeking to do, when there is no connection between the two matters that are the subject of the bill.

Turning to the first matter the bill addresses, the Professional Standards Act 2003 is to be amended. The purpose of that section of the bill is to recognise professional standards schemes that have been introduced in other jurisdictions with the intent that they apply to Victoria. Equally it allows professional standards schemes that have been created in Victoria to be extended to other state jurisdictions which allow interstate schemes to apply.

The bill sets out the mechanism by which schemes introduced in Victoria from interstate jurisdictions must be notified by way of notice in the *Victoria Government Gazette*. It sets out the mechanism by which a scheme that is introduced in Victoria and is to extend to interstate jurisdictions must be assessed by the Professional Standards Council of Victoria as to its adherence to the requirements of the interstate jurisdictions it is intended to apply to. The bill also gives powers to the council and to the minister to direct the council with respect to terminating a scheme from interstate. This aspect of the bill excludes certain types of claims under interstate schemes with respect to personal injury claims, where those schemes are extended to apply in Victoria. So that is the basic framework of the first part of the bill amending the Professional Standards Act.

This is an area where the Liberal Party has had some concern about how effective it has been. The professional standards regime was introduced via this legislation in 2003, and the purpose of the Professional Standards Act was to create a framework whereby professional groups in the Victorian community could establish a professional standards scheme that would be overseen by the Professional Standards Council of Victoria. As a consequence of members of professions adhering to those schemes, overseen and agreed to by the professional standards council, members of those professions would be entitled to certain relief with respect to professional liability issues.

The principal act arose from the public and professional liability insurance issues of the early 2000s. As a consequence of the collapse of HIH Insurance and terrorism activities in the United States, the insurance market was drying up, and it was becoming very difficult for community and other organisations to obtain public liability insurance. It was also very difficult for professionals to obtain professional indemnity insurance. The professional standards schemes were put in place firstly to assist those professions to obtain professional indemnity insurance and secondly to assist them to obtain that insurance at a cost that the professions could afford. That was the purpose for which the professional standards regime was established. Similar regimes were also established in other states.

However, the professions did not sign up to the professional standards regime in Victoria with any great rush; as late as 2005–06 only one professional scheme had been put in place. According to the most recent annual report of the Professional Standards Council of Victoria, three schemes are now in place — one relating to CPA Australia, one relating to the Institute of Chartered Accountants and one relating to the Victorian Bar. There has not been a huge rush, and certainly not a rush at the time the regime was put in place, for professions to adopt schemes under the regime that was laid down. We also have not seen any evidence from government that the introduction of the professional standards regime and the creation of the three schemes that are now in place have led to any reduction in the premiums paid for professional indemnity insurance or to any increase in the availability of professional indemnity insurance to those professions that are participating in the regime.

The other issue that was of concern at the time the regime was put in place was the need for any scheme that was proposed by a profession and agreed by the Professional Standards Council to be in the broader public interest. It could not simply be a scheme that was self-serving for the profession by limiting its liability and, in doing so, knocking out the rights and entitlements of parties who may have been seeking to undertake litigation with respect to members of that profession. The schemes had to be in the broader public

interest and they could not simply be self-serving for the particular profession concerned. I have to say that it is the view of this side of the house that the jury is very much out on whether the professional standards regime in this state has achieved its intended purposes as laid down in 2003, and whether the professions or the broader community are benefiting from the existence of this regime and the Professional Standards Council.

A further criticism this side of the house would make relates to the delay in bringing forward this legislation. New South Wales has had in place for more than 12 months — indeed, almost 18 months — legislation that allows for the adoption of interstate professional standards regimes, which is what this bill is proposing. If New South Wales, which in many respects is no longer a leading jurisdiction in Australia, can get that regime in place, it is regrettable that it has yet again taken the Victorian government and Attorney-General so long to come forward with legislation that introduces a consistent national framework for professional standards. We see time and again that, where there are issues of harmonisation between jurisdictions and where there is a need for common legislation to be introduced across jurisdictions, Victoria lags behind other jurisdictions in bringing forward that template legislation. This is yet another example of that.

The second, and entirely unrelated, aspect of the bill amends the Legal Profession Act 2004. As I said earlier, this is entirely unrelated to the issue of the professional standards regime, and for that reason the coalition does not support the way the government has brought this bill forward and tacked on an entirely unrelated issue.

The amendment to the Legal Profession Act relates to a decision of the Court of Appeal in the case of *Byrne v. Marles and Anor* which arose from a matter that went before the Legal Services Board. The bill seeks to codify the decision that there is no requirement for the legal services commissioner, when they receive a complaint about a practitioner, to in the first instance seek from the subject of that complaint a comment on the complaint before the legal services commissioner chooses to dismiss the matter on a summary basis. What the bill is saying is that the legal services commissioner need not seek a comment on the complaint if it is their intention to dismiss it. If the legal services commissioner proceeds to full consideration of the complaint then the practitioner will obviously have the opportunity to put their side of the case, but if the commissioner's intention is to dismiss the complaint, they are not obliged to seek comment from the party who is the subject of that complaint.

Likewise, where the commissioner is to determine whether the matter should be dealt with as a civil complaint or a professional disciplinary complaint the commissioner will not be obliged to seek the input of the subject of the complaint before making that decision.

It is not clear from the bill or the second-reading speech why it is desirable to restrict the capacity of the subject of the complaint to make input to those two decisions — on whether to address the matter as a disciplinary or civil complaint and whether to dismiss the complaint before proceeding. It is not clear to this side of the house that restricting the right for the party who is the subject of the complaint achieves anything in this process. It is conceivable that the legal services commissioner would be better placed to determine whether a matter should be dismissed, having heard input from the subject of the complaint rather than having to make the decision based purely on the nature of the complaint.

It is not clear that that aspect of the bill achieves all that much for the smooth running of the operations of the legal services commissioner and the Legal Services Board. The concerns within the profession about the effectiveness of those institutions and the way in which they have been addressing complaints and whether they have been the most effective and efficient mechanisms to deal with complaints within the legal profession are matters that have been raised with the opposition. It is perhaps time that the Attorney-General and the government turned their collective minds to the consideration of whether that is the best framework and whether that mechanism should be reviewed.

As I said, this bill deals with two entirely separate and unrelated matters. The opposition does not support the mechanism for dealing with two disparate matters by ramming them together in one bill, as is being achieved here this morning. However, it is not our intention to oppose this legislation.

Ms DARVENIZA (Northern Victoria) — I am pleased to rise and make a contribution on the Professional Standards and Legal Profession Acts Amendment Bill 2008, and in doing so support the bill. The bill amends the Professional Standards Act 2003 to implement model amendments for establishing a national framework for mutual recognition for state and territory professional standards schemes agreed to by the Standing Committee of Attorneys-General in 2007. The amendments to the Professional Standards Act change the provision mandating a review of the act and its policy objectives from being five years from the date of commencement to six years from the date of

commencement, and also make some other minor statute law revisions. The bill also amends the Legal Profession Act 2004 to clarify that the legal services commissioner is not required to take submissions from lawyers at the pre-investigative stage of complaint-handling processes when a complaint is lodged against a practitioner.

All states and territories have agreed to allow for a professional standards scheme approved under the professional standards legislation of one jurisdiction to be submitted to one or more other jurisdictions for gazettal and to take effect in those other jurisdictions. The implementation of these amendments in all jurisdictions will allow members of participating Victorian occupational associations to practise, under the cover of their home jurisdiction professional standards scheme, in any other state or territory without having to apply and pay another set of fees for a separate scheme in each other state or territory. Mutual recognition provides a cheaper and much more effective way for professional standards schemes to operate in a national context, recognising that the work of many professional service providers often involves moving in and out of and across states and territories.

That is particularly the case in my electorate of Northern Victoria Region, which runs along the Murray River and borders both New South Wales and South Australia. We have professionals working across borders all the time. In my region I know this change will be welcomed by professional associations whose members continually work in different jurisdictions in carrying out their work.

Importantly the Standing Committee of Attorneys-General model does not allow for an automatic mutual recognition of professional standards schemes. If an interstate scheme is to apply in Victoria and if a Victorian scheme is to apply in another jurisdiction, certain processes must be followed before a scheme can take effect. We want to ensure that any scheme that operates in Victoria is appropriate and, similarly, that Victorian schemes operating in other jurisdictions are appropriate. The mutual recognition amendments have been passed by the parliaments of New South Wales, the Australian Capital Territory and the Northern Territory. It is expected that these amendments will be implemented in the remaining jurisdictions in the near future.

The government has consulted widely on this bill, and it has support from the stakeholders that work in this area. We have consulted with the Victorian occupational associations, being the Victorian Bar, the Law Institute of Victoria, and with other peak bodies such as the Law Council of Australia, Professions Australia, which represents some 29 professional associations, and the Insurance Council of Australia. All stakeholders, including the legal services commissioner, have expressed unreserved support for the mutual recognition amendments to the bill before us today.

The bill amends the Legal Profession Act to clarify the role of the legal services commissioner following a recent decision by the Court of Appeal which ruled that the commissioner had denied a legal practitioner natural justice when the commissioner did not give the practitioner an opportunity to make submissions at the pre-investigation stage of the complaint-handling process after a complaint had been lodged against the practitioner. As a result of that decision the commissioner must now allow all practitioners to make submissions prior to the commencement of the investigation of an issue.

The amendments to the Legal Profession Act will clarify that at the time of notifying an Australian legal practitioner or a law practice of a complaint under a section in the act the commissioner is not required to give the practitioner or practice an opportunity to be heard or make submissions as to how the complaint is to be dealt with. Further amendments will clarify that the commissioner is not required to give a complainant, a law practice or an Australian legal practitioner an opportunity to be heard or to make a submission before determining whether or not to summarily dismiss a complaint.

This bill has been informed by extensive consultation with stakeholders and is supported by those stakeholders. It is a good bill, and it deserves the support of all members. I commend it to the house.

Ms PENNICUIK (Southern Metropolitan) — The Professional Standards and Legal Profession Acts Amendment Bill 2008 does basically two things. First, it goes towards facilitating a national framework for the mutual recognition of professional standards schemes, including insurance schemes, for all manner of occupations that have professional associations or bodies associated with them. The briefing we had with the department outlined how difficult that is in a federation. Even under this national framework that has been negotiated at a national level there are still slight differences in the acts applying in each state or territory.

The provisions in this bill seek to ameliorate some of those differences between the schemes in different states, so that the professional standards schemes of people who are operating across state borders can be

mutually recognised. There is one anomaly in the Victorian scheme: the bill requires New South Wales, South Australian or other state practitioners to conform to the Victorian scheme regardless of whether a slightly different scheme applies in their home states. Even though the bill purports to facilitate a national framework, it is not entirely true that we have a national framework, but perhaps we are working towards that as best we can in terms of a federation.

Another key amendment in the bill is to the Legal Profession Act, which clarifies that the legal services commissioner is not required to give a practitioner an opportunity to make a submission at the outset or beginning of an inquiry into a disciplinary complaint. We have ascertained that that is supported by the legal professional bodies. The legal services commissioner is meant to conduct an expeditious process. Allowing practitioners to make initial submissions would slow that process down and basically defeat the purpose of the procedures of the legal services commissioner. For those reasons, we will support the bill.

Mr PAKULA (Western Metropolitan) — I wish to make only a couple of brief comments on this bill as its detail was dealt with very well by Mr Rich-Phillips and Ms Darveniza; and I also commend the contribution to the debate by Ms Pennicuik. I rise to speak on the bill as a member of the Law Institute of Victoria and a former practitioner, albeit briefly.

It is important to stress that the days of legal professionals operating solely within the confines of their own jurisdictions are long gone. As interstate commerce and interstate legal disputes have become more and more the norm, so too has the practice of legal professionals, both barristers and solicitors, appearing in courts outside their home jurisdictions. As much as it might pain state governments and state parliamentarians, state boundaries are constantly being blurred by decisions of the commonwealth and, for that matter, by decisions of the High Court and of state governments when they come together with the federal government in bodies like the Council of Australian Governments.

The delineation of state responsibilities is now less rigid than it once was. We have seen that in such issues as those to do with water and in decisions of the High Court in various cases that have come before it under Corporations Law. Most notably in the last few years we have seen it in decisions on industrial relations; and going back even further, on environmental matters.

As a consequence it has become far more common for both barristers and solicitors to appear in interstate jurisdictions. A friend of mine was engaged in a mining dispute and for a matter of months appeared in court in Western Australia. Recently another former colleague appeared in the Federal Court sitting in New South Wales. Barristers and solicitors are doing that.

This sort of modernisation of the mobility of the legal profession makes it only reasonable that there be a modernisation of the professional standards environment and a harmonisation of the laws. I agree with Ms Pennicuik that this is not national harmony, but it is a step in the right direction. It does mean there will be less requirement for legal professionals to have multiple and conflicting covers. It will mean less expense for them and less expense passed on to the consumer.

Importantly the bill provides that legal professional indemnity schemes have to be amended in certain ways — the Victorian scheme before it can operate interstate, and interstate schemes before they can operate in Victoria. That is a provision of the bill designed to maintain integrity of the indemnity schemes, not just in Victoria but interstate as well. With those few words, I commend the bill to the house.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL

Second reading

Debate resumed from 13 November; motion of Hon. J. M. MADDEN (Minister for Planning).

Ms LOVELL (Northern Victoria) — It is with pleasure that I rise to speak on the Primary Industries Legislation Amendment Bill. In doing so I would like to say from the outset that the opposition will not be opposing this bill. However, we will be putting forward some amendments, which will be moved by my colleague Mr Hall, to improve one section of this bill.

This is an omnibus bill that amends eight acts of Parliament. I believe the government will also introduce an amendment to the bill to include

amendments to the Energy Legislation Amendment (Retail Competition and Other Matters) Act 2008. That will mean that nine bills are to be amended by this omnibus legislation. They are the Agricultural and Veterinary Chemicals (Control of Use) Act 1992, the Catchment and Land Protection Act 1994, the Domestic (Feral and Nuisance) Animals Act 1994, the Fisheries Act 1995, the Livestock Disease Control Act 1994, the Prevention of Cruelty to Animals Act 1986, the Veterinary Practice Act 1997 and the Impounding of Livestock Act 1994. The final piece that will be added by a government amendment will be the Energy Legislation Amendment (Retail Competition and Other Matters) Act 2008. As in this case and as is usual with omnibus bills, there are some sensible amendments and there are also one or two nasties hidden in the bill. However, the fact that the greater part of the bill makes sensible or practical amendments makes it hard to oppose such an omnibus bill.

I will talk about each of the acts individually, but the main provision of this bill is, firstly, to make amendments to the Agricultural and Veterinary Chemicals (Control of Use) Act. The main change here is to remove the need for an aerial sprayer to hold an insurance policy that is approved by the chief administrator and the need for the chief administrator to approve insurance policies for aerial sprayers. These requirements are being removed because it is considered to be a commercial decision of the sprayers whether they want to take out insurance or not. It is the only sector of the agricultural spraying industry that is required by legislation to have insurance policies. It has been decided that it should be a commercial decision of the sprayers whether they wish to have that insurance or not, so that provision is being removed from the act.

Aerial sprayers are usually highly skilled, and they provide a vital service not only to the agricultural industry but also to communities in times of bushfires when they often double as spotters or when their aircraft are used to cart water to fires. This is an industry where significant investment is made by business operators, and I think it is good practice for the government to remove that requirement and allow them to make those decisions on a commercial basis.

Other changes establish offences for selling contaminated agricultural produce and for a permit-holder failing to comply with permit conditions. The act is also amended with regard to the powers of an authorised officer to enter and search a premises with the consent of the occupant.

Changes to the Catchment and Land Protection Act 1994 include the requirement for the Minister for Agriculture to get advice from the Victorian Catchment Management Council before recommending to the Governor in Council that a weed or animal's classification as prohibited be declared, revoked or amended. The minister must also get advice from the affected catchment management authority of the region, and that makes sense because the catchment management authority in that region is well aware of the need for the declaration of a weed. The bill will also allow the Governor in Council to amend the classification of a prohibited weed or animal after recommendation from the minister.

Currently in communities in country Victoria weeds are a topic of hot debate between local government, land-holders and the department as to who is responsible for their control. Recently the state government offered interim grants to local governments for weed control, and I guess we all welcomed those grants because we welcome any commitment by the government to weed control. Weeds are a huge problem in country Victoria, but many of the local councils in country Victoria expressed a reluctance to receive the grants because they felt that by accepting them they would also be accepting responsibility for the management of weeds into the future. A decision really needs to be made on who is responsible for weeds. It is up to the state government to take a leadership role to make sure that the debate is settled and that there is appropriate funding available for the control of those weeds so we can get on with the job in country Victoria instead of letting the weeds get on with infesting more and more of our prime agricultural land.

Other changes to the Catchment and Land Protection Act include an amendment to the powers of authorised officers with regard to inspection. The bill removes the need, and associated penalty, for a person served with a land management notice to notify the secretary if they are not the occupier; and it creates a transitional provision to revoke all current declarations of prohibited pest animals and weeds to allow the Department of Sustainability and Environment to re-declare pests and animals which have previously been revoked.

The Domestic (Feral and Nuisance) Animals Act 1994 is also amended by the bill. It is an act we should all know well. I pay tribute to my colleague in the lower house, the member for Swan Hill, Peter Walsh, who did some research on this act. This is the 16th time this legislation has been brought into the Parliament to be amended since Peter and I were elected in 2002; it is legislation that we have debated many times before.

The current changes establish liability on the person in control of a dog which attacks; currently the liability is only on the owner. But now if someone else is in control of a dog, they will be responsible if that dog attacks someone or attacks stock. It will also enable a court to order a council to declare a dog menacing, regardless of who is in control of the dog. Currently that provision relates only to the owner. It will now rest with whoever is in control of the dog. It will also allow for the disposal of a dog which attacks, regardless of who is in control of the dog. Currently it only applies if the dog is in the control of the owner, but now it will apply to anyone who is in control of the dog. It will also allow the seizure of a dog suspected to have been urged or trained to attack or that has attacked. Currently the seizure of a dog is allowed only if the owner is found guilty, but the bill will allow the seizure regardless of whether or not the owner is found guilty. This certainly raises a lot of questions over what happens with wild dogs. In northern Victoria a number of wild dogs can be found on Crown land: so who is in control of those dogs? Is the Crown in control of them? An interesting debate could be held over whether the Crown is responsible for the attack on stock by a wild dog that has come off Crown land. I can see a few interesting or creative court cases coming out of these changes to the legislation.

Other changes to the Domestic (Feral and Nuisance) Animals Act include a relaxation from every three years to every four years of the requirement for councils to prepare domestic animal management plans, so reducing the burden on local government to produce these plans; it is always good when we can reduce red tape and burdens on business and local government.

The bill also amends the Livestock Disease Control Act 1994. It substantially increases penalties across a range of areas, such as for breaching disease control regulations and failing to properly identify livestock. It extends requirements relating to infected stock or stock suspected of being infected and the requirement to place notices at entry and exit points of infected land. The bill also creates offences for failing to comply with an inspector's notice regarding infected land, for failing to comply with a declaration of a restricted control area without a permit or if the permit is not properly adhered to, and for breaching conditions on entry and exit points in the restricted area. There will be increased penalties for those who breach disease control regulations.

I would like to talk briefly about what is happening along the route of the north–south pipeline. It is going through an area that has been subject to outbreaks of Johne's disease in the past, and the land-holders along that route are very aware of the need for them to adhere to biosecurity control measures and ensure that diseases are not passed from one property to another.

They have expressed to Melbourne Water and the government their concerns about the transfer of diseases from one property to another by the movement of Melbourne Water's workers throughout the area. They have asked Melbourne Water and its employees and contractors to comply with certain biosecurity measures, but unfortunately this is not happening and is placing farming enterprises at risk of diseases being transferred between properties. The land-holders are particularly unhappy about this.

This bill increases offences and penalties for not adhering to these types of measures, and yet the government's own authority, Melbourne Water, is not adhering to the needs of farmers along the route of the north–south pipeline. I urge the government to sit down with those land-holders with whom it has not yet negotiated land acquisition notices and seriously discuss this issue. The government is still allowing people to go onto properties and work; however, those people are not adhering to biosecurity measures.

Other changes to the Livestock Disease Control Act include an increase in the duration of an importation order from up to 30 days to up to 60 days, and the establishment of an offence for breaching the conditions of an importation order. The bill removes the requirements for licensing chicken hatcheries and testing fowls for pullorum disease, which testing is considered no longer necessary. It clarifies and extends the powers of inspectors. It extends the list of offences subject to an infringement notice; it increases penalties, and extends the period during which certain serious offences are to be filed to within three years instead of within one year. That will allow those cases to be heard later rather than within a 12-month period.

The next piece of legislation that will be amended by this bill is the Prevention of Cruelty to Animals Act 1986. The bill will repeal section 6(1A), which specifies what the act does not apply to, such as the slaughter of animals in accordance with the Meat Industry Act 1993. The bill will insert a new section 6(3) to give inspectors the power to determine whether something has been done in accordance with the Wildlife Act.

The bill will also amend the Veterinary Practice Act 1997 to facilitate national recognition of veterinary registration and allow state registration of a vet or specialist vet to apply nationwide. This is a very sensible amendment. It will also ensure that the

suspension or cancellation of registration in one state also applies nationwide.

The bill will allow the Veterinary Practitioners Registration Board of Victoria to share details of its register with registration boards in other states. This is a practical amendment. I live in an electorate that borders New South Wales, and I deal day to day with cross-border issues where people need to be registered in Victoria to operate in Victoria and registered in New South Wales to operate in New South Wales. Qualifications and business registrations are not recognised interstate. Many of our communities along the border, such as Mildura-Wentworth, Echuca-Moama, Cobram-Barooga and Albury-Wodonga, are truly one community, separated by a river in between which happens to be the state border. If you happen to live in Barooga but your business needs to be run from Cobram because that is where the main population is, or if you live in Moama and do most of your business in Echuca, in order to operate in both Cobram and Barooga or Echuca and Moama you often need to be registered in two states, so it causes a lot of issues for tradespeople and other professions.

Obviously vets suffer from not being able to go interstate and practise their profession because they need to be registered in both Victoria and New South Wales. National recognition of veterinary qualifications will mean that a vet now operating in Cobram can attend to an animal in Barooga, and a vet now operating in Wentworth can attend to an animal in Mildura. It will be a sensible solution to one of our cross-border issues. We have a lot of other cross-border issues, but they are for other debates.

The contentious part of this legislation and the part that the opposition has some problems with is the amendments to the Fisheries Act 1995. I will touch on them briefly and leave it to my colleague Peter Hall to discuss at length. As I have already foreshadowed, Mr Hall will be moving some amendments from the opposition that we believe can improve the bill.

What this legislation will do to the Fisheries Act is radically alter the way consultation is undertaken in the industry, as it will remove the requirement for the minister to consult specifically with the Fisheries Co-Management Council Victoria, fishery committees, the Fisheries Revenue Allocation Committee and recognised peak bodies. These will be replaced by round table forums. Under these new arrangements the Department of Primary Industries will be accountable for undertaking consultation and reporting back to the minister, who is also the decision-maker. This will mean that the department will be responsible for the structure of consultation into the future, and who will be included in that consultation will also be at the discretion of the department.

The opposition has received a number of emails and letters regarding this issue, and overnight we received more emails. I will not go into all the details of those emails, but a number of them opposed this change to the consultation forum and were quite strong in putting their case forward. As a result of our consultation with the industry I am concerned that without a legislative framework to support both the structure and consultation process and the inclusion of stakeholders as participants there is the possibility that at some point in the future — perhaps due to changes in personnel within the department or changes in relationships between the department and stakeholders — the consultation process proposed in this legislation may not deliver the results or the participation that stakeholders would desire. I urge people to listen to Mr Hall's contribution and support the very sensible amendments he will be putting forward.

Other amendments to the Fisheries Act under this legislation will mean that Murray cod will be established as a priority species by making it an offence to take this fish in commercial quantities. That will protect the Murray cod species from being fished out of the river. It also amends the definition of 'fish' to include terrestrial crustaceans, and ensures that the Fisheries Act can be enforced outside Victoria. This is because there are a number of fishing fleets that operate on the Victorian-South Australian border and dock at their closet port in South Australia rather than having to travel some distance to dock within Victoria. It is a sensible recommendation.

The amendments to the energy legislation proposed by the government — even though the government has not moved its amendments yet — will remove an error from the Energy Legislation Amendment (Retail and Competition and Other Matters) Act 2008, which was passed earlier this year. One of the purposes of that particular piece of legislation was to amend the Electricity Industry Act 2000 and the Gas Industry Act 2001 to preserve the energy consumer safety net provisions that would have otherwise expired automatically on 31 December. The government has identified that there is a technical error in the commencement provisions of the Energy Legislation Amendment (Retail and Competition and Other Matters) Act 2008, which will allow the safety net provisions to expire before they can be preserved. In order to preserve those safety net provisions the government is moving this amendment today. These

proposed amendments will correct the error and ensure that the act operates in the manner it was intended and that those safety net provisions will not expire before they can be preserved.

As I said at the beginning of my contribution, this is an omnibus bill involving nine pieces of legislation. It includes some very sensible and practical amendments and some other amendments that concern the opposition, such as the lack of legislative structure to support the consultation process under the Fisheries Act and the substantial increase in penalties throughout the bill. However, the number of sensible amendments make it difficult to oppose the bill. Therefore the Liberal-Nationals coalition will not be opposing this legislation.

Ms BROAD (Northern Victoria) — The Primary Industries Legislation Amendment Bill 2008 makes amendments to the Agricultural and Veterinary Chemicals (Control of Use) Act, the Catchment and Land Protection Act, the Domestic (Feral and Nuisance) Animals Act, the Fisheries Act, the Livestock Disease Control Act, the Prevention of Cruelty to Animals Act, the Veterinary Practice Act and the Impounding of Livestock Act, and is therefore something of an omnibus bill. In addition to addressing the amendments in the bill I will address some proposed government house amendments which add to the list of bills proposed to be amended by the bill before the house.

The amendments to the Agricultural and Veterinary Chemicals (Control of Use) Act will revise the definition of 'maximum residue limits' and 'contaminated' by reference to the maximum residue limits specified by the Australian Pesticides and Veterinary Medicines Authority; remove the requirement for agricultural aircraft operators to have an approved insurance policy; and create new offences for non-compliance with an authority and for a producer who sells contaminated produce. It will also make other minor and technical amendments which will improve the capacity of operators to operate in accordance with the relevant legislation.

Amendments to the Catchment and Land Protection Act will improve investigative and enforcement provisions. In particular the amendments will ensure that an authorised officer may enter and search land in order to determine whether the duties of a landowner are being complied with in relation to regionally controlled weeds, regionally prohibited weeds and established pest animals. The amendments will make other minor technical and administrative amendments.

As a member who represents Northern Victoria Region I am certainly aware that the overwhelming number of landowners seek to do the right thing in relation to compliance with controlling weeds and fulfilling their obligations under the relevant legislation. However, in relation to the small number of landowners who are non-compliant, these investigative and enforcement provisions are important because, as all country members and land-holders would be aware, only one land-holder needs to be doing the wrong thing to impact on land-holders all around them.

Amendments to the Domestic (Feral and Nuisance) Animals Act will ensure that the range of offences relating to dogs that attack persons and animals applies not only to persons in apparent control of the dog but also to the owner. The amendments will also require the preparation of domestic animal management plans by councils every four years instead of every three years, which brings those provisions into line with the period for which councillors hold office and will provide a benefit for councils in terms of meeting their obligations under this act. As someone who was brought up in the country and who witnessed the impact of dog attacks on other animals, I believe it is important to ensure that appropriate provisions are available to deal with people who are not doing the right thing in relation to controlling dogs, including owners of dogs.

Amendments to the Livestock Disease Control Act will increase the options for enforcement of disease control measures by creating strict new liability offences carrying lower penalties than existing offences, thereby providing greater flexibility in dealing with enforcement of these measures. They will repeal the requirement for chicken hatcheries to be licensed, repeal the requirement for testing for pullorum disease, suspend the requirement for licensing of semen-collection premises and approval of sires and make a series of minor and technical further amendments.

There are also amendments to the Prevention of Cruelty to Animals Act which will ensure that a specialist inspector is able to investigate whether the exemption for something done in accordance with the Wildlife Act applies, and make some statute law revision amendments. These amendments are all about reducing the regulatory burden and compliance costs in a series of ways that I have outlined, and they contribute to the ongoing process of streamlining and modernising legislation, to which the Brumby government is committed.

I turn to the amendments to the Fisheries Act and refer to the recent policy statement by the Minister for

Agriculture. The statement is titled *Consultative Arrangements for Victoria's Fisheries Resources*, and it is dated October 2008. It outlines in detail — and I will summarise only the matters contained within this policy statement — the strong record of the Brumby Labor government in consulting widely with fishery stakeholders. I can personally vouch for that; as the first minister responsible for fisheries in the current Labor government I think it is fair to say that in relation to all the portfolio responsibilities I had in that first term of the government, the fisheries portfolio certainly took its fair share when it came to time dedicated to consultation with stakeholders in recreational and commercial fisheries.

Over the period of this government it has demonstrated a strong track record in delivering its commitment to active and meaningful engagement with stakeholders, and in this policy statement the government outlines how it believes that commitment can be enhanced through the new fisheries consultative framework provided for in the bill through the amendments it makes. The current consultative arrangements have been in place for more than 10 years and were developed in Victoria by the previous government as the first attempt in Australia to formalise a co-management approach to fisheries management. I think most reasonable people would accept that, 10 years on, it is a reasonable thing to review and look at ways to improve those arrangements without that being seen as a reflection on previous governments.

It is important to note that the Labor government made a commitment at the 2006 election to review the Fisheries Revenue Allocation Committee, with the aim of ensuring that recreational fishers are well represented and that they have a strong say in how recreational fishing licence revenue is spent. That commitment was incorporated into the broader consultative review, and the government sees delivering on this 2006 election commitment as an important component of the bill. There is a report available on the stakeholder forums held as part of the consultation process for delivering on these amendments. The final report, dated September 2007, is titled *Fisheries Consultative Arrangements Review*, and it details the extensive consultations sought in support of the arrangements contained in this bill.

In summary the bill amends the Fisheries Act 1995 to remove the current statutory fisheries consultative bodies and also specific reference to peak representative bodies. In place of these highly prescriptive consultative arrangements the bill provides for a commitment to consult, and I underline that reference because I think there has been some misunderstanding about these amendments. The prescriptive arrangements are replaced by a commitment to consult having regard to defined consultation principles on a range of fisheries resource management decisions made from time to time by the minister or the Secretary of the Department of Primary Industries.

There is a detailed description available of the proposed new consultative framework, which involves the administrative appointment of a fisheries consultative body chaired by the Department of Primary Industries and composed of a member from each of the five key fisheries resource sectors. Its terms of reference will be endorsed by the minister and will focus on the body providing governance over the consultative processes undertaken by DPI in relation to the management of Victoria's fisheries resources. I commend these amendments to the house as coming out of that consultation process I have outlined in delivering a very specific election commitment by the state Labor government — one which is widely supported by fisheries bodies.

I turn now to the government house amendments, which I have foreshadowed, which relate to the Energy Legislation Amendment (Retail Competition and Other Matters) Act 2008. This act was passed earlier this year and assented to on 22 October. One of its purposes is to amend the Electricity Industry Act 2000 as well as the Gas Industry Act 2001 to preserve the energy consumer safety net provisions that would otherwise automatically expire on 31 December 2008. These safety net provisions were designed to protect consumers during the transition to effective retail competition and to then expire when no longer needed. Preserving them is an outcome of the Australian Energy Market Commission's 2008 report on retail competition in Victoria. The intent is that while use of the existing power to regulate retail tariffs will be restricted in the future, as recommended, non-price consumer protections will be preserved.

Unfortunately a technical error has been identified in the commencement provisions of the Energy Legislation Amendment (Retail Competition and Other Matters) Act 2008 that would allow the safety net provisions to expire before they could be preserved and continued in effect. The proposed amendments will correct this error and ensure that the act operates in the manner in which we believe the Parliament intended.

Amendments 1, 2 and 4 amend clause 1 of the bill before the house, the purposes clause, and the long title; they are consequential. Amendment 3 inserts a new clause into the bill. The new clause will amend the commencement provisions of the Energy Legislation

Amendment (Retail Competition and Other Matters) Act 2008 to ensure that preservation of the energy consumer safety net provisions is effective from 30 December 2008 and that automatic sunset on 31 December 2008 is thereby avoided.

I add to that explanation of that foreshadowed government house amendment that if the safety net provisions were to expire on 31 December 2008, they could not be reinstated until the 2009 sittings of Parliament and there would therefore be a gap in regulation in the intervening period. Vulnerable domestic customers in particular could be adversely affected, and the government could be criticised for allowing expiry to occur contrary to the intent of the Energy Legislation Amendment (Retail Competition and Other Matters) Act 2008. All members of the house would be well aware of the practical difficulties that are faced because of the very limited time remaining for parliamentary consideration of bills before 31 December.

In foreshadowing this government house amendment I urge all members to give consideration to the importance of ensuring that vulnerable domestic customers in particular are protected, as I and the government believe the Parliament intended when it passed the Energy Legislation Amendment (Retail Competition and Other Matters) Act 2008 earlier this year. I commend to the house that foreshadowed government house amendment as well as the other amendments contained in the Primary Industries Legislation Amendment Bill 2008.

Mr P. DAVIS (Eastern Victoria) — Firstly, in speaking to the Primary Industries Legislation Amendment Bill 2008 may I say that I think it is an extremely long stretch for the member who has just spoken to ask the house to consider amendments relating to energy legislation which is not referred to at all in this bill. The title of the bill is specifically the Primary Industries Legislation Amendment Bill. I suppose one could argue that there is a connection between primary industry, being the production of the raw material to create energy — gas or coal — and the energy industry, but I am not quite sure you can link that with the retail market operations. Anyway, I will be interested to hear in more detail from the government how it is going to explain the fact that it has made a mess of the initial legislation and is now trying to make a mess of this bill by proposing to bring in amendments that have no relevance at all to it. I do not wish to waste a lot of time talking about that; it is just a very interesting and bizarre approach that the government is taking. I do not understand why the government has not introduced a separate bill to rectify the omissions.

The bill before us is clearly an omnibus bill, because it refers to an expansive number of acts relating to the management of our primary industries. I am going to restrict my comments to but one aspect of the bill — an aspect which the previous speaker laboured — and that is amendments to the Fisheries Act.

I make the point, as a concession, that I agree with Ms Broad that after more than a decade of having co-management arrangements in place it is perhaps timely for a review and for making improvements. That is what we should always be doing — trying to improve the way in which we go about regulating our natural resources. I am stunned by the government's proposal to completely repeal all the existing institutional arrangements, which have been in place now for more than a decade, in relation to consultation with all the stakeholders — the recreational fishers, commercial fishers, environmental interests and all those who have an interest in Victorian fisheries — given that all the government proposes to replace the model with is a commitment to consult. However, there will be no prescribed process about how that consultation will occur.

Ms Broad would know better than most in this chamber, having served in the portfolio with responsibility for fisheries, that it is not just something that affects people in a recreational sense. It might be a hobby and if changes are made it might be an inconvenience for the pursuit of that recreation, but fisheries licences have a significant property right. Members who were here in the last Parliament would find it hard to forget that the government extinguished commercial fishing licence entitlements to the Mallacoota lakes. The Casement family watched from the gallery as that legislation passed through this house. The family was in tears because of the government's complete lack of understanding about the impact that decision would have on their family, and the government's failure to recognise that there needed to be a proper consultation and compensation arrangement.

I have absolutely no faith at all in the government's commitment to consultation. This proposal to repeal the statutory requirements to consult with all the stakeholders in fisheries management is, frankly, a disgrace. The government needs to understand that the legislation around fisheries management must contain a requirement to consult and actually deal with the people who are directly affected by the changes in government policy and management of our fisheries. I simply put on record that I have no confidence in this government with respect to its dealings with fishers, fisheries and the management of our important marine resources.

The evidence is clear that the government is incompetent and unable to be trusted on these matters.

I flag that I look forward to further contributions to this debate and to the government's response to my charge, which is that it is not to be trusted on this question. The evidence is available for all to see, and I well understand the representations I have had in recent days with respect to these provisions in regard to fisheries. If stakeholders in the fishing industry are concerned, they should be. I am seeking from the government something more than we have yet seen to justify its decision to totally repeal all the provisions that give statutory security to stakeholders about being engaged in decisions that are made about fisheries. To ignore the requirement for a statutory obligation on government is unfortunate.

Therefore I indicate that while many other things could be said about particular aspects of what are in some respects significant amendments made by this omnibus bill, the predominant issue is the lack of trust by the people connected with the fishing industry, including recreational fishing, and those who are interested in the environmental and ecological management of our waterways; they will be concerned about the failure of the government, on behalf of the community, to require that the department have a proper process. I look forward to the government's response to my concern. I am sure other members will support my concern that this is not an appropriate legislative provision.

Mr BARBER (Northern Metropolitan) — As noted by previous speakers, this is a very broad omnibus bill which makes minor amendments to a range of acts. I will speak on two particular provisions that are the focus of the Greens' concerns. They relate to consultation arrangements with the fishing industry and to the proposal in the legislation that aerial spraying contractors will no longer be required, as a condition of their licence, to hold public liability insurance policies.

In relation to the fisheries consultation mechanisms, if you are consulting people about how they want to be consulted and they are not happy with what you propose, it is not a great start. While members of the government may believe they had all this nailed down, I am looking at only the representations that have been made to me in recent days. Members of a large number of different groups with an interest in fisheries — not just those who want to catch fish but also those who care about fish for the sake of the fish — have come forward and said they are not happy.

The provisions in the existing legislation create a statutory scheme of consultation. The Greens endorse that approach as a general principle. Where there are long-running, established groups with ongoing interests that are not going away any time soon, including interests in natural resources or features, it is totally appropriate to have legislated provisions for consultation, because legislation is the highest level at which government intent can be illustrated.

If members of that particular industry came forward and said its members do not want statutory provisions but some other scheme they have worked out and that relies on assurances and ongoing goodwill from the government, that is really a matter for them. We are happy to receive those representations, too. I gather, though, there will be more stages to this legislation and that, with a range of amendments that will be put forward, it may be that later today or at another time this week we will end up dealing with those particular parts of the bill. My understanding at the moment is that the coalition parties have a broad list of amendments which have the aim of effectively unwinding the intent of this bill, which is to abolish that statutory scheme.

If that is the best we can do for now, the Greens would support that approach, while government members go away and work out something better. It is my hope that government members will take a bit of a breather on this legislation, see if they can work out the politics over this issue and give us a good footing from which to take off.

Business interrupted pursuant to sessional orders.

QUESTIONS WITHOUT NOTICE

Manufacturing: targets

Mr DALLA-RIVA (Eastern Metropolitan) — I direct my question without notice to the Acting Minister for Industry and Trade. I note that it took the government exactly 700 days and two ministers to release a document on industry manufacturing. It is only 54 pages long, consists mostly of pictures, has dozens of text errors and is very light on substance. It is so light on substance that the Australian Manufacturing Workers Union state secretary described it as 'underwhelming'. Is it true that there are no measurable targets and objectives in this 54-page glossy?

Mr LENDERS (Acting Minister for Industry and Trade) — I thank Mr Dalla-Riva for his question. I am fascinated by the assertion that the length of a document is what you measure that document by. On that basis, if I had a choice between the Gettysburg

Address and some of the ponderous tomes I have read over time, I know which one I would rather read — something that is actually a bit succinct. If Mr Dalla-Riva's measure of a document is its length, then I think sadly there is a long way to go before he makes a meaningful contribution to industry policy.

The industry manufacturing statement is, as I have said to this house in Lakes Entrance and as I have said to this house in Melbourne, the next part of an extraordinary journey this government is undertaking shoulder to shoulder with the manufacturing industry in dealing with difficult issues that the industry is facing and the world economy is facing. It is a document that deals with the big issues of our time. It is a document that is out there dealing with these issues.

Mr Dalla-Riva talked about days. It is interesting that it has been 730 days since the last election, and the opposition does not yet have any policy in this area. Opposition members harp on and criticise, but there is not any policy. The significant point — and I look forward to Mr Dalla-Riva's supplementary question — is that we have a statement out there dealing with real issues and real people in real time in a real state in the real economy. We are dealing with the issues, and we will work with the stakeholders. It is not like the hot wind and rhetoric we get from the opposition.

Supplementary question

Mr DALLA-RIVA (Eastern Metropolitan) — I note that the Acting Minister for Industry and Trade indicated he had met with the various stakeholders. The Australian Industry Group obviously had a lot to say but was not included in this 54-page document. The government has been working on this document for several years now, and all the minister has managed is this vague and visionless 54-page glossy. I ask: will the minister set any industry targets for jobs and export growth, and if so, what will they be?

Mr LENDERS (Acting Minister for Industry and Trade) — Firstly, I would say to Mr Dalla-Riva that we have consulted with industry across the state. Whether it be industry groups, whether it be the trade union movement or whether it be individual industries, we have done that. If Mr Dalla-Riva had got to page 54, he would have seen a list of items that are being funded. If he goes back through the document, he will see what is being funded — that will help. If he is talking of measures, I suggest he go back to 2000 and the document *Growing Victoria Together*.

If he bothers to read that document, he will find measures that have been set in place which deal with export targets and growth targets which every single government department in every single cabinet submission has actually looked at and dealt with — as has the community — for the last eight years. If the opposition actually bothers to read the material that is around and if it bothers to look at it and analyse it, it will see the targets. They have been there for eight years and have been progressively adjusted over time. If Mr Dalla-Riva goes to page 54 of the Victorian industry and manufacturing statement, he will see a list of projects and items there — if it is too hard to read the first 53 pages.

Manufacturing: government strategy

Mr PAKULA (Western Metropolitan) — My question is also to the Acting Minister for Industry and Trade, John Lenders. Notwithstanding the typical cynicism of Mr Dalla-Riva, I would like to ask the minister whether he could explain to the house what the Victorian industry and manufacturing strategy means for Victorian manufacturing.

Mr LENDERS (Acting Minister for Industry and Trade) — I am delighted to take Mr Pakula's question on this issue. I hope all 10 questions and all supplementary questions today are about the industry and manufacturing statement, because it is a great statement from a great Labor government working in partnership with industry and following on from a great statement from a federal Labor government. We said we would come in with our own statement after the federal Labor government, and the state of Victoria has a statement.

Honourable members interjecting.

Mr LENDERS — I hear interjections about this statement. I refer the house to an article in the *Age* of 20 November, the day after the manufacturing statement was released by the Premier and me. The article quotes the managing director of Bombardier, one of Australia's most significant manufacturers, as saying:

> It —

the statement —

> shows they —

the government —

> have a level of confidence in the local industry, and we —

Bombardier —

> are pretty excited about that.

If we are starting off by saying what this statement does and what real people in real time in real industries in real places actually think of it, we could start with Bombardier.

Mr Pakula asked about what is in the statement, and there are a number of things in it. On the manufacturing side, which he asked about, it includes the Industry Transition Fund to deal with the particularly challenging times we are going through here and now, in real time, with the global financial crisis, fluctuating currencies and a lack of confidence across the planet. In addition, on a longer term and ongoing basis, it amends the Victorian industry participation policy (VIPP) to provide an even stronger focus on assisting small Victorian businesses to get work with the Victorian government in those areas — which Mr Dalla-Riva would know if he had read the document. There is a lot in this statement. It goes for page after page, and it builds on the work already done by this government over nine years to assist the manufacturing industry in creating more jobs in this state.

It is fascinating that while the state government is acting and working with industry, the largest single industry statement I have seen in my time in this Parliament came from the commonwealth government, which is seeking community and industry support and advice on how we can best assist manufacturing. Hundreds of people made submissions to the inquiries into the textile, clothing and footwear, innovation and export industries and to the most significant manufacturing inquiry of our time — that is, the automotive industry inquiry — but the lazy Victorian state opposition did not even bother to express its views in a submission to this significant inquiry, in response to which the federal government made the significant contribution of $6 billion dollars to assist the industry.

The shadow minister came into this house with his views, but I much prefer Mr Pakula's question on what the statement is actually doing for manufacturing. The statement builds on previous work, contains new initiatives dealing with the transition fund and strengthening VIPP and also links manufacturing to the important services and exports that run parallel to it. This government listens and acts, and this statement is but another part of making Victoria a better place to live, work and raise a family.

Water: washing machine rebate

Mr HALL (Eastern Victoria) — My question without notice is directed to the Minister for Environment and Climate Change. I refer the minister to the government's 2006 election promise and its further announcement in April 2007 that it would provide a $100 rebate for people who choose to save water by switching from a top-loading washing machine to a front-loading machine. Given that by the government's own reckoning such a measure would generate savings of around 60 litres per wash — which means per day, for most families — I ask the minister: does the government still intend to provide this promised rebate, and if so, when?

Mr Finn — He is on spin cycle!

Mr JENNINGS (Minister for Environment and Climate Change) — I thank Mr Finn for his interjection. I am not in a flat spin — some people on the other side of the chamber are quite often in a flat spin, but I am not one of them. I appreciate what is at the heart of Mr Hall's question, which is something the government has recognised — that is, the value of water-saving measures and the support and encouragement of wise investments to improve the efficiency of Victorian households. This includes more efficient whitegoods, and Mr Hall referred to washing machines.

We have engaged in a variety of rebate programs that have supported our citizens in changing over their whitegoods, installing insulation, installing solar hot water services and providing a number of rebate products that have been designed to assist in the transformation of Victorian households to make them more efficient. It is a feature of our current policies that we have seen a significant take-up of those rebate approaches in the past, something that we continue to be mindful of. That is in addition to the Victorian energy efficiency target (VEET), which is a legislatively mandated program of the Victorian Parliament which will be introduced from 1 January next year. There will be increasing opportunities for Victorian citizens to have their energy efficiency supported through the mechanisms of VEET, which will see significant investments in Victorian households. That adds to the efforts by both the energy and water task forces that have seen the installation of efficient products in many more people's homes.

In relation to the final delivery of the rebates Mr Hall specifically referred to, the government continues to consider the appropriate allocation and distribution of those rebates, when they should be available to the community and when they should be taken up. I note that when I was asked a question about a similar rebate scheme by Mr Hall earlier in the year and volunteered an honest answer to him, I did not necessarily do myself a great favour by answering him in that fashion, because even though I told him the rebates were

coming, he subsequently gave me a whack in the local paper about not delivering them. In relation to this — —

Mr Vogels interjected.

Mr JENNINGS — I advise Mr Vogels that that is in fact what makes me not quite deliver the ultimate answer here, because I do not want to get ahead of when the complement of rebate schemes may be coming, just in case there might be a misrepresentation of them. However, I can tell members that the government is committed to its range of rebate programs. It is committed to making sure they are delivered in combination with the policies I have outlined, and I think in collaboration with my colleague the Minister for Water we will be working on a timetable for the delivery of all our commitments.

Supplementary question

Mr HALL (Eastern Victoria) — The minister is right that I did give him a whack when I last asked a question on the issue and the rebate had not been delivered. I raised this matter on the adjournment on 8 August 2007, and the minister's reply came to me on 11 June 2008, 10 months later. The minister finished his correspondence to me by saying:

> The Rebates for Being Green appliance rebate is being finalised —

that is on 11 June —

> and I will ask that Sustainability Victoria contacts your office with further details when the rebates are available.

Sustainability Victoria has not contacted my office, and given the government's apparent distinct lack of interest in this matter, how serious is it in asking Melburnians to limit their use of water to 155 litres per day?

Mr Viney — On a point of order, President, the rules in relation to supplementary questions are fairly clear. Supplementary questions ought to relate directly to the original question or to the answer that the minister gave. The member's supplementary question related to previous correspondence about a matter raised some months ago.

Mr HALL — On the point of order, President, I claim my supplementary question does meet the criteria for supplementary questions in that it responded to the minister's answer and that, moreover, it was on the same topic around which the original question was framed.

The PRESIDENT — Order! In relation to the point of order raised by Mr Viney and the response by Mr Hall, I will relate again to the house what the standing orders say in relation to supplementary questions:

> Supplementary questions must be actually and accurately related to the original question and must relate to or arise from the minister's response.

I therefore rule the member's supplementary question out of order.

Industry and manufacturing statement

Mr EIDEH (Western Metropolitan) — My question is to the Acting Minister for Industry and Trade, Mr Lenders. Can the minister explain to the house how the Victorian industry and manufacturing strategy delivers for Victoria's service sector?

Mr LENDERS (Acting Minister for Industry and Trade) — I thank Mr Eideh for his question on how the Victorian industry and manufacturing statement relates particularly to the service industries.

Quite often when we talk about manufacturing, we talk in isolation rather than about how the two items of services and manufacturing that Mr Eideh mentioned relate strongly to each other, because a strong manufacturing sector relies heavily on a strong services sector. The two walk side by side in delivering jobs in Victoria.

The industry and manufacturing statement delivers more than $97 million over four years towards the services sector. It goes across a range of areas, and one that my colleague, Mr Jennings, as Acting Minister for Information and Communication Technology, is very familiar with is the work we are doing in the ICT area, including the VicFibreLink to deliver 1000 kilometres of competitive fibre-optic infrastructure in Victoria's regional centres. One of the things I hear when I go out into regional Victoria is how critical broadband is as a new means of communication. This fibre-optic infrastructure addresses many of the issues that Mr Eideh asked about in relation to how this policy statement will assist with the services — which are critical in their own right because 80 per cent of Victoria's employment and gross state product comes from services — and how those services then link back to manufacturing.

There are broadband improvements in TAFE and a suite of ICT skills beyond this, and there is a $35 million contribution towards tourism initiatives. There is also a contribution towards financial services

in that area; work on the carbon market, where Victoria has a great opportunity which I have addressed in this house before; and support in the aviation area, where we direct traditional international services between Melbourne and key markets.

All of these service items complement the more traditional manufacturing items to create high-value jobs in all parts of Victoria. The industry and manufacturing statement is this government's response — part of a response we have been building over a number of years — and it comes out immediately after the commonwealth government's statement. It is a good document, but what is important about it is that it builds on the work done over a number of years and links those service industries to manufacturing. We have to look at them as a whole, and they will add value to jobs and create more jobs in the state. This is an important part of making Victoria an even better place to live, work and raise a family.

Planning: population growth

Mr GUY (Northern Metropolitan) — My question is to the Minister for Planning. Noting the minister has previously stated in this house that the current urban growth boundary is sacrosanct and that we have enough land in it to last until 2030, I ask: given that the minister has admitted today his own forecasts were wrong, his population forecasts were wrong and his land supply forecasts were wrong as well, does the minister still stand by the outcomes of the Melbourne 2030 plan, given it has got nothing right?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Guy's question. I sometimes wonder how serious the opposition is about matters of planning when the government has just made probably one of the most significant announcements in the last three, four or five years in relation to planning. For the third question in the list today Mr Guy gets an opportunity to ask me a question, so I sometimes wonder how serious the opposition is when it comes to planning. But I welcome the question, because one of the great things about the plan we have for Melbourne, one of the things about the work we have been doing in planning and one of the things we have over and above many other cities — not only in this country but across the world — is good planning.

What does good planning do? Good planning delivers good communities. It delivers places where people want to live, it delivers jobs and it delivers places that people want to come to — and we know people are coming to Melbourne and Victoria in droves because of good planning. We have made a series of announcements today on the basis of the figures in *Building Our Industries for the Future*. These figures come out of the census figures, which come out of the intelligence we develop along with intelligence from local government.

Honourable members interjecting.

Hon. J. M. MADDEN — From the sound I hear across the chamber, I can tell there is a shortfall on that side.

On the basis of that intelligence, our figures projected into the future show that we will be a city of 5 million people sooner rather than later. The great thing about that is that, as opposed to others who do not have a plan, we have a plan that complements that growth. The announcements we have made today will, through our good policy and the planning we have done and continue to do — regardless of the scepticism on the other side of the chamber and regardless of their bitterness because they do not have a plan — ensure that going into the future Victoria continues to be the best place to live, work and raise a family.

Supplementary question

Mr GUY (Northern Metropolitan) — I thank the minister for his answer. Noting that population forecasting is central to everything a government does and that the minister has presided over three different population forecasts for Melbourne in less than one year, I ask: what confidence can Victorians have that he has population forecasting right for the third time, given that the government has got it so wrong, by so much, so often?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Guy's supplementary question, and I remind him that the commonwealth government conducts a census every four years. Those censuses reveal the enormity of the growth, and isn't that a good thing? If I remember rightly, when the Kennett government was in power people were leaving Victoria in droves, and the only way you could get planning responses out of the Kennett government in relation to policy was by making significant interventions.

We are different because we have a plan that complements growth and provides for livability, sustainability and affordability. It provides for the future and will continue to provide for the future, making Victoria the best place to live, work and raise a family. Our plan will make Melbourne not only a great place to live, work and raise a family but also a place that is affordable and where there are sufficient jobs so that people will come in droves from interstate and

from overseas, while others will remain in the state, continuing to have children and settle their families here.

The great thing about our plan is that the good work we have put in over a long period of time is benefiting all Victorians by enhancing the prosperity of Victoria. Regardless of the nay-sayers, regardless of those who do not have a policy and regardless of those who do not have plans, we will continue to do our planning to make Victoria the best place to live, work and raise a family.

Manufacturing: export initiatives

Mr LEANE (Eastern Metropolitan) — My question is to the Acting Minister for Industry and Trade, John Lenders. Could the minister inform the house how the recently released *Building Our Industries for the Future* statement will help grow Victorian exports?

Mr LENDERS (Acting Minister for Industry and Trade) — I thank Mr Leane for his question and his ongoing interest in jobs, particularly manufacturing jobs. He has broad experience in this area. The *Building Our Industries for the Future* statement is part of a three-pronged approach to assist exports, dealing first with manufacturing.

Ms Lovell interjected.

Mr LENDERS — If Ms Lovell does not like the statement being glossy, she can go to the web where she will see an un-glossy version, but both versions contain real information dealing with real issues for real people in real time and in real places.

Mr Leane asks what the statement is doing about exports. The export component of the statement commits $24.8 million over four years to assist with exports. It builds on the manufacturing industry, it builds on the services that provide leverage for manufacturing and it builds exports so that we can go beyond just Victoria and just Australasia. We can go on beyond that to export to markets across the world. To assist with that exporting, the statement does a range of things. There is the Leveraging Global Opportunities program, which gathers market intelligence and assists Victorian companies to go abroad and find niches for the great Victorian product. There is the Export Clusters initiative, the Opening Doors to Export plan and the Export Connections program. All these assist Victorian businesses to go out there and learn how to export. There is also Industry Champions, a program where we use our international network of industry leaders to go forward, and Victorians Abroad. All these things are critical for us, and one of the things we as a state have certainly seen with investment facilitation and export support is that Victoria needs to have a presence overseas.

I know Mr Rich-Phillips believes I should, as the minister travel, overseas a lot more. He believes that is very important, and I acknowledge it is important to travel. As a government we have put agents and officers around the world in key locations for Victoria, so that Victorian businesses can actually engage in other cities. Whether it be something as fundamental as a Victorian businessperson who might be in Chicago, San Francisco, Hamburg, Kuala Lumpur, Shanghai or a number of places where we have these global offices — somewhere to work with someone who has local knowledge — or whether it be someone to work with who has an understanding of local law and local circumstances, it means that a Victorian going into that market who is good at manufacturing their own product can do that much better at marketing it.

The Victorian industry and manufacturing statement builds on the strengths of Victoria and gives our manufacturers opportunities; it builds on service industries and brings that together with export facilitation so that Victorian businesses can do what they are good at — creating quality products with great workforces. This statement builds on a long, linear line of programs and initiatives to assist manufacturing and industry in this state.

Mr Atkinson — It's not a circular circle, is it?

Mr LENDERS — Mr Atkinson wishes to split infinitives, I believe. Going forward, this is an important part of making Victoria an even better place to live, work and raise a family.

Council of Australian Governments: reforms

Mr D. DAVIS (Southern Metropolitan) — My question is for the Treasurer. Does the Treasurer accept the Premier's view that the Council of Australian Governments conference ticked all the boxes, despite the infrastructure box being left completely empty?

Mr LENDERS (Treasurer) — I thank David Davis for his question. I am disappointed it is not on manufacturing, because the opposition likes talking about it but when the government actually has some great policies it wants to focus on something else. The Premier said COAG was a great outcome, and from Victoria's perspective it was a great outcome for a number of reasons. Firstly, if we look at the history of this federation — —

Mr D. Davis interjected.

Mr LENDERS — If Mr Davis wants to tick boxes, I am certainly happy to tick some boxes for him. On health and the delivery of services in hospitals, in relation to the largest single item in the state of Victoria's budget and probably the most important item for Victorian working families and citizens in their daily lives, which during the Howard government's reign was funded 50 per cent by the state and 50 per cent by the commonwealth, after 11 long years of the Howard government the state effort was over 60 per cent and the federal effort was under 40 per cent. So if we are talking of issues of significance and ticking boxes, what did COAG do?

Mr Pakula — Robert Doyle is happy too.

Mr LENDERS — Yes, that is right. The chairman of Melbourne Health would agree, the new Lord Mayor of Melbourne would agree — everyone but the Leader of the Opposition would agree. It is probably the single issue arising from government services affecting Victorian families more than anything else, so what did COAG do? COAG boosted the base. It provided $500 million extra for states and territories for the specific purpose payment, AHCA (the Australian health care agreement). It also changed the indexation level. We all know that costs go up in the health service. The opposition does not care about these details. Mr Guy and Mrs Peulich would rather exchange BlackBerry stories with each other — —

Mr Guy — Yes, because you're boring!

Mr LENDERS — Mr Guy may think it is boring, but if he wants to know how this government has increased from 1 million to 1.4 million the number of people who will go through a hospital over its term of government, he should listen — you need to run efficient systems and find funding. If Mr Guy finds that boring, I suggest he is out of touch with his electorate.

At the start of the last Australian health care agreement, the Howard government cut the indexation rate from 6.5 to 5.5 per cent. Anybody who knows the cost of health care knows that was a savage slashing and burning for the states. What the Rudd government has done, in cooperation with the states, is increase the indexation from 5.4 to 7.3 per cent, and it has boosted the base.

There are more boxes to tick. In addition there are significant national purpose payments that have come into place that deal with the skilling of the health workforce — and we all know the importance of having a health workforce — to achieve, for example, greater throughput through the emergency departments in our hospitals. These are all issues. It does tick the boxes.

On specific purpose payments and specific agreements in education it delivered a boost to funding — for example, one-tenth of the cost of educating a child in a government school in this state is now directly met by the commonwealth. This is a 25 per cent increase on what we inherited from the Howard government in terms of commonwealth funding to state schools. If we go to disabilities, we see there is a new indexation rate. If we go to social housing, homelessness and a number of other areas, we see the boxes were ticked.

We have now delivered services across the board. Victoria can always hope to do more, but now we have the most collaborative arrangement with the commonwealth government in living memory. It is delivering services where they matter to Victorians despite the difficult economic times the commonwealth faces. These are the things that help make Victoria and Australia an even better place to live, work and raise a family.

Supplementary question

Mr D. DAVIS (Southern Metropolitan) — I thank the Treasurer for his response. By way of supplementary, I draw attention to the Premier's change of posture on infrastructure spending. I quote from a recent National Press Club speech, where he said:

> A big lift in capital works — action from the commonwealth to significantly lift its commitment to infrastructure …

Compare this with now, after the COAG meeting, when the Premier is in effect prepared to lie on the ground and have his tummy tickled by the Prime Minister. I therefore ask: will the Treasurer guarantee that the full Eddington plan will be delivered, not cherry picked, as per the wishes of Sir Rod Eddington?

Mr LENDERS (Treasurer) — If we are talking about ticking boxes, let us put this into perspective. Firstly, this new commonwealth Labor government, in cooperation with state and territory Labor governments — and, I might add, a coalition government of some sort from Western Australia; it is an eclectic coalition, but a coalition nonetheless — is actually working to do a number of things.

Mr David Davis says we are not achieving fast enough, but let us look firstly at what he is talking about. The commonwealth has allocated $40 billion to be spent on infrastructure in the states and territories of Australia. Let us look at the historical picture. In the last five years this state government, through our general government

sector, has spent $14.7 billion on infrastructure, and that is before you start on things like the job-creating, water-proofing projects like desalination and the pipeline that the opposition opposes. During those five years when we put $14.7 billion into infrastructure, the commonwealth government — which was the Howard government for 80 long per cent of the time — put in $2.7 billion. The state put in five times the amount that the commonwealth did.

We now have a commonwealth government that is prepared to stump up and put in some more. Firstly, we are delighted that we have a commonwealth government that is willing to put money into infrastructure. It is long overdue and welcome. Secondly, we would like the commonwealth government to put in its infrastructure money even more quickly, but it is correctly saying that it wants to have the business case first. It actually wants to have a sound case. Its original proposal was for this to be during next year, but it has brought it forward. It will have sound business cases to grow Australia, and it is building on Victoria's plan to build on human capital so we have skills in our workforce and the infrastructure that goes with it.

For the first time — certainly in my time in Parliament — we have a commonwealth government prepared to stump up and put money there, despite difficult economic circumstances. So if we are ticking the boxes, tick for service delivery, tick for commitment to infrastructure and tick for dialogue with the states. These are the things that make Victoria and Australia better places to live, work and raise a family in a time of cooperative federalism.

Planning: population growth

Mr TEE (Eastern Metropolitan) — My question is to the Minister for Planning. Melbourne's population is growing at record rates. Can the minister advise the house of the Brumby Labor government's plan to manage this growth in a sustainable and responsible way?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Tee's interest in these planning matters, and I know he is particularly interested in the part of my answer that relates to Ringwood, but I will get to that in a moment. With the Premier, I had great pleasure this morning in releasing two documents. The first is *Victoria in Future 2008*, which tells us about the strong population projections going forward, and the response to that is *Melbourne @ 5 Million*, an update of Melbourne 2030 in relation to those projections. That population growth is a glowing endorsement by Victorians and those coming to Victoria of the confidence they have in Victoria.

I will just give a few highlights — —

Honourable members interjecting.

Hon. J. M. MADDEN — I will take up some of the interjections of Mr Barber and Mr Guy as I make some of these comments.

Victoria in Future 2008 states:

> In 2007, both Australia and Victoria recorded their highest … levels of population growth. Victoria's population grew by more than 80 000 due to:
>
> record numbers of babies (73 737) —

that is not a bad effort —

> being born …
>
> comparatively low levels of population movement to other states; and
>
> overseas migration.

Again, this is a glowing endorsement.

When we consider not only the high number of babies being born but also the significant number of people aged 65 and over, who are living longer, we see that no doubt all of these factors relate to great services in this state. The confidence of people coming here, the jobs, the housing affordability and the services that go with people's lifestyles mean that the growth will continue at a rapid rate.

On the basis of those figures I had the great pleasure of releasing *Melbourne @ 5 Million* with the Premier. One of the issues that needs to be recognised — —

Mr Barber interjected.

Hon. J. M. MADDEN — I take up Mr Barber's interjection about the urban growth boundary. This document highlights the need to investigate the urban growth boundary. We will see growth not only in the outer suburbs but also right across Melbourne and right across Victoria. I welcome not only the Liberal Party's response and The Nationals' response and that of the Liberals and The Nationals in coalition but also the Greens' response, no matter who they are in coalition with, in relation to these matters. You need to have a plan for the growth of Melbourne, and at the moment we have that plan and we have those answers.

The policies we have finetuned today relate specifically to the likes of the designated growth corridors and

activity centres as well as to accommodating jobs growth into the future. They build on the future of Melbourne 2030, particularly around community growth, jobs growth, infrastructure and service provision. As announced today, and this will interest Mr Tee, we will put even greater emphasis on the naming of a number of central activity districts, which we will be elevating, in a sense, so as to attract a more intensive focus on them. There are a number of these, including Dandenong, Frankston, Box Hill, Footscray, Broadmeadows and our old favourite Ringwood — and I know Mr Tee and Mr Leane have been passionate endorsers of Ringwood. I compliment those members on reinforcing that position.

Mr Atkinson — What about me?

Hon. J. M. MADDEN — I will put Mr Atkinson into the script as well.

Mr Jennings — Anybody else?

Hon. J. M. MADDEN — Do we hear any more bidders?

We will see greater job growth in these regions to complement that impending growth. Today's announcement is probably one of the most significant in relation to not only the plan and the shaping of Melbourne and the opportunities to develop in Melbourne but also the managing and complementing of that great growth that is providing prosperity for all Victorians, including the people of Melbourne. This has been a very significant announcement. I look forward to our introduction of legislation in this place on the basis of *Melbourne @ 5 Million*, when no doubt the opposition will have answers on where they would locate housing. I suspect opposition members will be divided on where housing should be located. I look forward to support of our plan.

Mr Atkinson — On a point of order, President, the house has been very tolerant of the minister's answer, which has rambled over a lot of things. He has been debating rather than answering the question, and now he is also flouting previous rulings in terms of provoking the opposition and commenting on opposition policies in an answer that is totally irrelevant to the question that he was asked.

The PRESIDENT — Order! The issue raised by Mr Atkinson is correct. Has the minister finished or does he want to continue with his answer?

Hon. J. M. MADDEN — I have finished my answer, President.

Animals: cruelty

Mr BARBER (Northern Metropolitan) — My question is to the Minister for Environment and Climate Change. A recent document relating to the wild dog trapping program put out by the Department of Primary Industries shed light on some aspects of that program from the point of view of animal cruelty. From the point of view of his responsibilities for the Wildlife Act and the Flora and Fauna Guarantee Act, I have two related queries. The first is: what information does the minister have about the taking of non-target species in the traps, and what information on that is required to be given to him by those running the program? Secondly, when wild dogs are trapped is there any work — —

Mr Thornley — On a point of order, President, I may be unfamiliar with the rules, but my understanding is that we have one question at a time during question time and if members have a further question, they should follow up with a supplementary question.

The PRESIDENT — Order! As a general rule that is absolutely correct. I ask Mr Barber to pick which one he wants.

Mr BARBER — I will take the first part of the question and see how I go.

Mr JENNINGS (Minister for Environment and Climate Change) — The intention is to trap me and not to trap dogs or any other species; the member's intention or hope is to trap me.

Mr D. Davis interjected.

Mr JENNINGS — Mr Barber's question acknowledged that the piece of work in question is a program that is the responsibility of my ministerial colleague, but after acknowledging that he went on to indicate there may be some consequences of that program for species listed under the Flora and Fauna Guarantee Act, for which I am responsible. I am happy to take my share of the responsibility, not necessarily for the original report but for its downstream consequences. I am happy to take advice from my department on that matter.

Supplementary question

Mr BARBER (Northern Metropolitan) — Just to navigate the ecological complexities for the benefit of members, in relation to the minister's responsibilities under the Wildlife Act, when dogs are caught in these traps is any analysis done or required to be done to determine whether the dog that was trapped was either a dingo or a wild dog? I can give the subspecies for the

benefit of Mr Thornley if any further clarification is required.

Mr JENNINGS (Minister for Environment and Climate Change) — It is pretty clear that Mr Thornley has a keen eye for a supplementary question, because he knew Mr Barber was just short of delivering it in his original question. As a matter of process, I thank the member for taking the point of order so we can punctuate this question in its various iterations.

Consistent with my substantive answer to Mr Barber, I acknowledge that action plans are required under the Flora and Fauna Guarantee Act to ascertain the ongoing viability of the dingo as a species in Victoria and to identify actions that may be putting that species at risk, of which this program may be one. I am happy to seek advice about whether the appropriate degree of analysis will be addressed in order to provide Mr Barber, other members of the community and myself with confidence about that matter.

Planning: urban growth boundary

Ms MIKAKOS (Northern Metropolitan) — My question is to the Minister for Planning, the Honourable Justin Madden. Can the minister update the house on the Brumby government's plans for ensuring that Melbourne's newest suburbs become connected, livable and affordable communities?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Ms Mikakos's question, her interest in these matters and the work she does, particularly as parliamentary secretary for this portfolio. As I mentioned before, this morning the Premier and I released *Melbourne @ 5 Million*. This planning update will provide great benefits for potential homeowners or house dwellers in the future. It signals our intention to expand the urban growth boundary to provide an additional 134 000 dwellings. This is in line and consistent with Melbourne 2030's growth areas policy. It is also consistent with the Brumby Labor government's commitment to keep at least a 15-year supply of greenfield land. The supply of land needs to be sequenced in its release. Land release needs to be orderly and well planned to give landowners, the development community, new home buyers and councils certainty. This will help Melbourne's house and land packages remain some of the most affordable in Australia, particularly among mainland cities.

As well as that, the investigation areas build on the work we have done in the growth areas defined in Melbourne 2030. In *Melbourne @ 5 Million* we have displayed where there is potential for the urban growth boundary to expand into those areas. We have also qualified the environmental issues that need to be considered in light of the proposed expansion. We are also conscious that we have presented a lot of land in those maps, some of which will be encumbered by floodways or quarries or will be affected by other environmental issues that will need to be considered in the investigation of those areas. Not all of those areas will necessarily be brought into the urban growth boundary, and many of them will have to be considered in light of those issues.

We have also qualified that where we provide additional housing in proposed or potential outer suburbs of Melbourne, we have to provide sufficient infrastructure of the right sort — infrastructure that will make sure people are accommodated properly and that they develop a sense of community. As part of that we have indicated that we will introduce a growth areas infrastructure contribution, and that is on the back of the windfall gain received when land outside the urban growth boundary is rezoned to inside the urban growth boundary. A contribution of the order of $95 000 per hectare will be required for land in the new investigation areas that is brought into the urban growth boundary. A contribution of $80 000 per hectare will apply to land brought into the urban growth boundary in 2005. This is consistent with previous announcements in relation to these matters.

It is important to make sure this is also combined with streamlining the process and bringing more land to market. If we bring more land to market quickly and efficiently, that will also put a lid on prices. This is about making sure that housing is affordable and that we maintain the competitive advantage we currently have across the eastern seaboard capital cities. It is also about doing justice to those communities to make sure they are well serviced with infrastructure.

As for the way in which these funds will be brought together, part of those funds will come from a growth areas development fund, which will be modelled on the successful Regional Infrastructure Development Fund. As well as that we are undertaking a review of what is currently seen as a complex arrangement of developer contribution charges at a local level. We are hearing from both sides of the equation — councils and developers — that those local development contributions can be cumbersome and that sometimes the people dealing with them are inexperienced. We believe that by investigating these, reviewing these and streamlining the processes and by giving more direction to councils and developers in relation to what they can expect, certainty will be brought into the equation in the delivery of new housing and the system will be

streamlined. At the end of the day we will have land released more quickly, more efficiently and at a lower price than the current process allows for. As well as that we are conscious that the rollout of these suburbs must be timely, sequenced and controlled in a manner that ensures we have adequate trunk infrastructure service provision for these centres.

From current projections — they go up and down depending on all sorts of circumstances and some unknown factors which arise — we know we will eventually reach the milestone of 5 million people living in Melbourne. Given the work we have done to date and the work we will do in the future, when it comes to Melbourne's population at 5 million, we will be ready.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Treasurer) — I have answers to the following questions on notice: 543–5, 1313, 1314, 1571, 1574, 1643, 1743, 2077, 2176, 2196, 2243, 2283, 2318, 2323, 2768, 2834, 2848, 2876, 2887, 2998, 3014, 3128, 3254, 3280, 3329, 3357, 3368, 3377, 3381, 3432, 3434, 3437–43, 3445, 3448–50, 3459, 3464–7, 3508, 3556, 3558, 3562, 3563, 3571, 3578, 3579, 3581, 3582, 3599, 3603, 3612, 3615–30, 3691, 3716, 3723, 4005, 4204–379, 4389–91, 4394–526, 4548–54, 4744, 4784–92, 4803, 4804, 5150–62, 5164, 5166, 5167, 5206–19, 5546, 5783, 5785, 5787–807, 5816–22, 5824–35, 5858–920, 6002, 6220, 6247–74, 6584.

Mrs COOTE (Southern Metropolitan) — I have a complaint about questions, which I would like to address to the Leader of the Government in this place in relation to answers to questions. May I have permission to do this?

The PRESIDENT — Order! Could the member explain that again?

Mrs COOTE — I have a number of questions on notice that I have not had answers to, and in many instances they are over 108 days late. I want to ask the Leader of the Government if he can investigate these questions and make certain I get replies to them. They are certainly not going to be here in a timely fashion — some are 104 days late already. I want to know if he can chase these up as a matter of urgency and make quite certain I can have them by the end of this week.

The PRESIDENT — Order! I assume the member has already written to the minister?

Mrs COOTE — It does not concern the minister, but rather a number of other ministers.

The PRESIDENT — Has the member communicated with all of them in writing?

Mrs COOTE — Yes.

The PRESIDENT — Then it is up to the ministers to respond at their convenience.

Mr LENDERS (Treasurer) — As you correctly said, President, there is a procedure whereby if an individual minister has not answered a question, the aggrieved member can write to that minister. If they do not get a response, then their course of action is to bring the matter to the attention of the house. I am not aware of having received anything from Mrs Coote, and I can check with my office whether I have received anything from her. However, I would say to Mrs Coote that there are 7658 questions on notice. The government seeks to answer questions on notice, but occasionally when it gets a question asking for the major capital works project of the strawberry industry advisory committee, it sometimes starts to query what it is being asked. We will endeavour to answer Mrs Coote's questions, and I will certainly endeavour to answer any questions that have been directed to me.

Mrs Coote — On a point of order, President, I did not ask about strawberries.

The PRESIDENT — Order! Mrs Coote, that is not a point of order.

MEMBERS STATEMENTS

Ukrainian holocaust: commemoration

Mr KAVANAGH (Western Victoria) — On Saturday I had the honour of attending a commemoration event for the Holodomor — the starvation of Ukraine; I was accompanied by Mr Guy and Mr Finn. The Holodomor was the deliberate theft of food from Ukraine with the intention of starving to death millions of people. Unfortunately between 7 million and 10 million people — men, women, children and babies — starved to death as a result of those actions conducted by the Soviet Union.

The ceremony on Saturday was at the Ukrainian Catholic Cathedral in North Melbourne and was presided over by Bishop Peter Stasiuk. Also represented there by Reverend Vasyl Kasian was the Ukrainian Autocephalous Orthodox Church. It was

organised by Stefan Romaniw and Victor Rudewych, who represent Ukrainian organisations.

It seems to me that a crime like that against humanity needs to be acknowledged and remembered. Perhaps even more importantly, the only honour we can do such victims is to take from their suffering and deaths a dedication that such a horrific crime against humanity will never happen again.

Water: unbundling system

Ms LOVELL (Northern Victoria) — The Brumby government's bungling of the unbundling of water from land continues to infuriate landowners across northern Victoria. I was contacted recently by a constituent angered by the lack of planning and foresight that had taken place before unbundling in relation to water syndicates. The Kyabram-based syndicate's 10 members own a water supply pipeline and are entitled to the use of 2 megalitres of water each.

Since the unbundling of water from land on 1 July 2007, syndicate members have experienced difficulties selling their properties due to a lack of clarity surrounding the ownership of water, which has resulted from unbundling. Because land-holders and Goulburn-Murray Water are unable to clarify who actually owns the water, potential buyers have been discouraged from buying properties without the assurance of availability of water.

My constituent believes the easiest thing to do would be to allow syndicates to rebundle their water and land so that there is no question over the ownership. From my discussions with Goulburn-Murray Water it appears that the government is considering rebundling syndicates, but only as an interim measure until it works out how to successfully unbundle syndicates. This demonstrates a clear lack of planning and foresight on the government's behalf regarding unbundling and water syndicates. It is going to be months or even years before my constituent's problems are resolved, and it is likely many more landowners are in a similar situation.

The Minister for Water must resolve this mess and ensure members of water syndicates have their water entitlements clarified.

Mitchell River: dam

Mr VINEY (Eastern Victoria) — I rise to congratulate Philip Davis, my colleague from Eastern Victoria Region, on his recent press release in which he finally joined with Mr Scheffer and me in campaigning against the damming of the Mitchell River. In a press release dated 1 December Mr Davis criticised recent comments on damming rivers in the Gippsland Lakes catchment. He says they 'completely ignore any understanding of the interdependency of Australia's icon inland waterway with its catchment'.

As members in this place know, for the last 6 to 12 months I have been campaigning strongly against the proposition from the coalition — and most particularly from The Nationals — to dam the Mitchell River and to send the water to Melbourne. In fact, we have had the farce of the federal member for Gippsland supposedly campaigning to clean up the Gippsland Lakes, which is already being undertaken by this government. At the same time, the member for Swan Hill in the other place has been on radio, as late as this morning, saying that all options are open. We have almost bipartisan support. The Liberal Party has finally joined the Labor Party on the question of the Mitchell River. I am not sure what the Greens think, but clearly The Nationals have yet to come on board.

Sitting suspended 12.59 p.m. until 2.03 p.m.

Weeds: control

Mr O'DONOHUE (Eastern Victoria) — The house has previously heard my concerns about the proliferation of weeds throughout the Eastern Victoria Region, particularly in the Dandenong Ranges, the Upper Yarra and the hills area of Cardinia. The proliferation of noxious weeds is a serious environmental concern; it is a serious concern for the tourism industry, particularly in the Dandenong Ranges, and at this time of year it is a very real issue with regard to fire prevention. Weeds, like other undergrowth, can provide fuel for fires. The Dandenongs have experienced fire before, and more needs to be done by the government to combat the scourge of noxious weeds throughout Cardinia and the Yarra Ranges.

I call on the government to adequately fund the respective local government areas — the shire of Yarra Ranges and the shire of Cardinia — so they can effectively combat this serious concern. The recent announcement by the Minister for Agriculture is nothing more than a re-announcement of a previous announcement. Very few dollars have actually hit the ground in those areas at this stage.

Rail: Lakeside station

Mr O'DONOHUE — The government must commit to building the Lakeside-Cardinia Road railway station as a priority as part of the soon-to-be-announced transport plan.

Braybrook College: year 7 presentation

Ms HARTLAND (Western Metropolitan) — On 24 November I was invited to attend Braybrook College for the year 7 presentation on palm oil. The Malaysian and Indonesian rainforests, which are home to indigenous communities, are under threat. Those people have been forced off their land and are often badly treated by the plantation owners. The habitat of many species is now under threat — the orangutan population in these regions may not survive another 10 years. These rainforests are being deforested purely to grow palm oil plants. These plants produce an oil that is used in cosmetics, shampoo, cleaning products and some food products, such as Tim Tams and KFC. The major concern is that it is difficult for consumers to choose not to buy products with palm oil in them because labelling regulations only require the words 'vegetable oil'.

I was impressed by the detail produced by the students. I believe I have a good understanding of many environmental issues, so I was alerted to become more vigilant about the products I buy. I have emailed the companies from which I purchase my cleaning and cosmetic products to check that they do not contain palm oil.

I would again like to thank the students and teachers at Braybrook College for their wonderful presentation.

Ford Australia: Geelong plant

Ms TIERNEY (Western Victoria) — On 18 July 2007 the Ford Motor Company announced that it would close the Ford engine plant in 2010. It was a dark day for Ford workers and a sad day for Geelong. A question mark hung over Ford's future, but with the change of government in November 2007 hard work began on a new car plan, and on 20 November 2008 the world changed for Ford Geelong. The new president of Ford Australia, Mann Burela, Premier John Brumby, Senator Kim Carr, Australian Manufacturing Workers Union officials Ian Jones and Dave Oliver, along with local Labor MPs, welcomed the news and celebrated with all Ford Geelong employees the fact that Ford Geelong will continue to make engines beyond 2010. This announcement will save 1300 jobs — 400 direct jobs at Ford Geelong and up to 900 in the components sector and associated industries.

Geelong knows that this announcement is the result of really hard work, responsive state and federal Labor governments, and robust manufacturing industry partnerships. Geelong also knows that this great news would never have occurred under John Howard's watch.

The car industry in this country is now going through a serious transformation. Whilst all this is occurring, members of the Liberal Party, on the other hand, are still wandering around trying to figure out where their starting blocks are. Presumably they have left them in a car boot somewhere. They cannot find the key, nor can they find the key to a good manufacturing policy.

South Eastern Metropolitan Region: website

Mrs PEULICH (South Eastern Metropolitan) — I am delighted and encouraged by the fact that since May 2008 more than 204 000 visitors have logged onto my website, ingapeulich.org, to view the various topics of interest that I have raised in relation to the South Eastern Metropolitan Region both in the media and here in the Parliament. It has been a monumental year, with a huge number of hits in relation to issues such as the Brookland Greens methane gas bungle, the lack of public transport services and the reliability of the three main train lines servicing the South Eastern Metropolitan Region.

I would like to send a special greeting and Christmas message to some of the regular visitors to the website — the Fairfax media network, Victoria Police, Southern Health, the City of Casey, the Department of Transport and some of the daily readers of ingapeulich.org, which has an average daily hit of 3500 visitors. I would also like to acknowledge the offices of the Minister for Finance, WorkCover and the Transport Accident Commission, Tim Holding, the member for Mordialloc, Janice Munt, the member for Narre Warren North, Luke Donnellan, and the member for Frankston, Alistair Harkness, all in the other place, who obviously spend their time visiting the website on a regular basis.

To all in the South Eastern Metropolitan Region, which is an electorate that is quickly approaching a population of 500 000 — thank you for your readership, interest in the issues and feedback. I send my best wishes to our online community for a safe holiday festive season.

Planning: Clarinda waste recycling plant

Mrs PEULICH — I am absolutely astonished that the Minister for Planning, Justin Madden, has allowed a 15-year permit for a waste recycling plant, a concrete crusher, in Clarinda — in the hub of a significant group of primary schools, secondary schools and preschools — without any consultation whatsoever.

Disability services: supported accommodation

Mr ELASMAR (Northern Metropolitan) — Together with the member for Ivanhoe in the Assembly, Craig Langdon, and the Minister for Housing, the Honourable Richard Wynne, I attended an event in November which was a celebration of the integration of 10 alcohol-acquired brain injury syndrome patients with 6 single tenants in the same unit block. The residents showed us around their new units. This is a terrific example of our Brumby Labor government putting money into good housing stock for the needy.

Heidelberg Primary School: maintenance

Mr ELASMAR — On another matter, I was very pleased to attend Heidelberg Primary School last week for the purpose of giving the school principal glad tidings about an injection of funds to the tune of $350 000 for much-needed maintenance works on the school buildings.

Lebanese independence celebration

Mr ELASMAR — On a further matter, I was very proud to represent our Premier, the Honourable John Brumby, at the Lebanese consulate on the occasion of the celebration of the 65th year of independence for the people of Lebanon. It was an event that was enjoyed by everyone. The people showed their respect for their mother country and at the same time their profound love for their adopted country, Australia.

Clearways: Stonnington

Mrs COOTE (Southern Metropolitan) — I congratulate all the new councillors within my electorate, the Southern Metropolitan Region, and wish them the very best of luck for their time on their councils. I thank all outgoing councillors for the services they have given to their communities and wish them the best of luck in their future endeavours. I urge the Brumby government to work with the new councils and implement policies in keeping with the desires of the community. It came across loud and clear that the community has a number of specific issues it wants the government to listen to. In particular I want the government to understand and look into the clearways issue, which is a major concern for the majority of councils in my electorate.

The former Stonnington City Council was strongly against the Brumby government's clearway policy, which is to extend mandatory clearway times on many of the city's major roads to the period from 6.30 a.m. to 10.00 a.m. and from 3.00 p.m. to 7.00 p.m. This policy would turn Stonnington into a freeway city of passers-by and would spell the end of small business in our community. The former council stood up for local retailers and residents and said the plan must not eventuate. I urge the new councillors to listen to the cries of the community and continue the fight against this absolutely draconian government policy.

The small business community is on the ropes, and the Brumby government is doing all it can to deliver the knockout blow. The small business community is copping the brunt of the economic crisis, and the Brumby government is determined to kick it while it is down.

Bendigo: industrial relations

Mr DRUM (Northern Victoria) — I would like to bring to the attention of the house the happenings of 25 November in Bendigo. I think it will go down as a very sad, very low day for the Labor Party. On 25 November this year the trade union movement in regional Victoria cried out that it had simply had enough. On that day regional TAFE teachers downed their tools and took strike action in protest at the pathetic wages this government pays them. Victorian TAFE teachers are paid an average of $13 000 a year less than school teachers, and they have accused Premier John Brumby and Skills and Workforce Participation Minister Jacinta Allan of refusing to negotiate in good faith.

Also on that day more than 100 angry union members from the police, ambulance services and fire brigade rallied outside the office of Labor MP for Bendigo West, Bob Cameron, who is also the Minister for Police and Emergency Services. The headline of the *Bendigo Advertiser* of 25 November said it all: 'We've had a gutful'. They have not been adequately resourced to defend public safety — an issue I have raised in this house many times. The emergency services workers — paramedics, police and firefighters — have said repeatedly that people are getting hurt and lives are now being lost because they cannot get the staffing levels and government resources they need. What response did these angry essential service workers get when they protested outside Mr Cameron's office? The windows were closed, the doors were closed and the whole office was shuttered. The *Bendigo Advertiser* headline of the next day said it best: 'Emergency! Where are you, Bob?'.

PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL

Second reading

Debate resumed.

Mr BARBER (Northern Metropolitan) — Before lunch I was discussing the consultation mechanisms in the existing legislation in relation to the fishing industry. Those with an interest in fishing, those with an interest just in fish and the marine environment — I am one of those — —

Mrs Peulich interjected.

Mr BARBER — I fish. I want to get a sticker made up that says, 'I fish and I vote Green'. I look forward to taking my little daughter fishing one day. I have been fishing ever since I was little. I hope she likes it; it is something I am already looking forward to. But in the area where I fish the fish have been getting smaller and smaller and are less frequently caught, so I, like many others, have a long-term interest in there being a sustainable fishery.

The other part of this bill the Greens have strong concerns about is the amendment to the agricultural and veterinary chemicals legislation that would mean that people carrying out aerial spraying — effectively crop dusting — would no longer be required to hold public liability insurance. I find that to be absolutely unaccountable. We are talking about people who fly very fast and very low and spray chemicals over land — chemicals that are so dangerous that there is an entire legislative and regulatory regime in place for them. We are suggesting here that they will no longer be required as a condition of their licence to hold public liability insurance. Think about it: this is an operation in which the guy may not even own his plane — he may have it under a finance lease — and if there is any damage done to individuals' health or to crops or property or livelihoods, those affected will be in the impossible situation of trying to sue someone who is not even backed by insurance. And as we well know from the chemicals area, there will be no chain of liability leading back up through manufacturers and suppliers.

The Nationals and the Liberals just waved this provision through in the lower house. I find that unaccountable. They do not care about country people, their health, their lifestyle or their businesses and, in some cases, their assets. We are moving down a track which is not the way they have gone in Tasmania, which is probably the other jurisdiction where people, chemical sprays and crops interact so closely and where the issues are so controversial. The Nationals and the Liberals are in fact looking out here only for the interests of agribusiness, the big end of town, for those people with whom they share an office.

The Greens are putting forward an amendment that will remove from the bill those provisions which would result in it no longer being necessary for a crop duster to run a public liability insurance policy. Let us face it, I cannot put on a dance at the Walpeup town hall without public liability insurance these days, so why would those who are involved in spraying dangerous chemicals, using a method which I would describe as dangerous aerobatics, not be required to either? I find that unaccountable. I have no further comments to make on this bill.

Mr HALL (Eastern Victoria) — I start by conveying to the house the sentiment that has been expressed in a recent newsletter written by Lynton Barr, one of my constituents in Swan Reach. Members may well recall that when Parliament sat at Lakes Entrance recently I mentioned him as someone who has made a big contribution towards recreational fishing in Gippsland. In the November 2008 newsletter *Around the Jetties*, Lynton Barr makes this editorial comment:

> We often hear of open government but I find it extremely difficult to get a response to letters directed to Fisheries Victoria. On one topic alone — namely, a conference on the fish habitat in Lake Tyers I have written on three occasions, the first in May 2008, and as yet have not had a response. This one-day conference was held at Orbost in 2006. I and one other angler were invited to attend. We travelled the 120 kilometres from home and attended this full-day meeting at our own expense. Since that time I have attempted to get a copy of a report which seems to have emanated from that day and which is written by the leader of that one-day meeting.
>
> Another report on the movement of estuary perch in the Snowy River presented in 2003 is not yet available because it has not been approved for release, and of course we are still waiting on the report on the movement of black bream presented over 12 months ago and which is still undergoing 'the stringent quality assurance program' prior to release. Most of the delayed reports have been funded from the general angling licence contributed by anglers.
>
> The problem is that in many cases it is years before the reports are released and they have lost their immediate value. Perhaps this is an issue that VRFish could discuss with the minister and the director of Fisheries Victoria. During my working career I was involved with one of the biggest government departments (education), and with the hundreds of letters I wrote on issues of the day, I cannot recall ever not getting an answer. Today the rules of communication between the department and the consumers, in this case anglers, seem to have undergone a considerable change, and open government and the public are the loser.

The sentiment expressed in that article is the sentiment that I feel about provisions in this piece of legislation which abolish the statutory requirements of government to consult with those with an interest in the very aspects of fishing. That issue is the one I will comment on in my contribution to this debate and, as was foreshadowed by the lead speaker for the opposition, Wendy Lovell, I have some proposed amendments in which I will seek to address some of these matters.

The view expressed by Mr Barr — which is not a lone view by any means but is a sentiment which has been expressed to me over a period of years from both recreational and professional fishers — is that the consultation between the industry and the department has been appalling. What Mr Barr wrote in that editorial comment is reflected in other comments which I have received with respect to this piece of legislation. I will not read out all the others because many of them shared the same view as Lynton Barr in his commentary.

The bill will, in the words of the second-reading speech, clear away the existing highly prescribed and rigid engagement structures that are in the Fisheries Act. The sections of the act from which these particular provisions are going to be deleted are contained in part 6 of the Fisheries Act titled 'Co-Management'. The amendments that are in front of us seek to, in large part, eliminate a lot of part 6 of the current Fisheries Act. It is important to understand what is actually being deleted. I will spend a couple of minutes outlining some of the particular clauses to be deleted.

The first is contained in section 90 of the Fisheries Act and deals with the establishment of the Fisheries Co-Management Council. I will come back to that. It is important for us to understand just what the Fisheries Co-Management Council is. The act says, in part, that it will consist of a number of members, and under subsection (3) it says:

> (a) 1 member is to be appointed on the nomination of the Minister …
>
> (b) up to 2 members are to be appointed on the nomination of the Secretary;

Other members will be appointed that have regard to the need for the members to have between them experience and knowledge in commercial fishing, fish processing, fish marketing, recreational fishing, traditional fishing uses, aquaculture, conservation and fisheries science. A large number of people with a diverse range of expertise sit on the Fisheries Co-Management Council. It is a recognised peak body.

With respect to the consultation there are sections within part 6 of the act that actually say the minister 'must' consult with, not 'may' consult, or that consultancy is a discretionary action. Section 90 of part 6 of the Fisheries Act says in many places that the minister must consult with these bodies.

The Fisheries Co-Management Council has its functions set out in section 91 of the Fisheries Act, and a couple of those are:

> (a) to promote co-management of fisheries;
>
> (b) to oversee the preparation of management plans under section 28 and to advise the Minister in respect of proposed management plans.

A number of functions are set out in section 91. It is important that we have this statutory recognition of the need for consultation in this industry. In the amendment bill before the house the government is suggesting, 'Trust us. We're going to work out exactly how we're going to consult with industry in respect of this after the legislation is passed'.

An important part of the Fisheries Act that is proposed to be abolished is in section 92, which requires the Fisheries Co-Management Council to report on its operation over the previous 12 months. That is a very valuable report, which I will make reference to in a couple of minutes. The current Fisheries Act provides also for the establishment of a number of fisheries committees so that we drill down and get the expertise in at least four different fisheries committees that are established under the act.

Sections 90 to 95 of the Fisheries Act will be repealed. We are very concerned about that because they provide for the legislative structure by which consultation takes place. If this legislation is passed, I for one simply do not trust the government to continue with any form of reasonable, structured and regular consultation with the fishing industry on a range of matters. The amendments I will move seek to address that issue by deleting the amendments the government has proposed to make to the Fisheries Act.

I find two documents useful in terms of members gaining some understanding of the extent of fisheries in Victoria and how they are managed. The first of these is a commercial fish production information bulletin produced annually by Fisheries Victoria. It lists all the different fish species and reports the catch period over a number of years. Of particular relevance is the year in which the document is published. It reports where and in what numbers fish are being caught. It refers to only

the commercial fish catch; it does not make any estimate of the recreational fish catch.

The more instructive document is the annual report of the Fisheries Co-Management Council, and it is one I look for keenly each year when it is tabled in Parliament. It comments on a whole range of structures. Part of its function is to make sure the Fisheries Act is being adhered to, and the council comments on that. It must also report and make comment on the fishing consultative committees. Importantly, it makes comment on the status of Victoria's fisheries resources. Not only does it give the raw numbers on how many fish are being caught commercially — as the government does in its report — but it also gives readers an account of each fishery and each of the primary fish locations in Victoria. For example, on page 29 of the 2006–07 document it refers generally to snapper. It reports on where snapper is caught in Victoria, the existing habitat conditions for snapper and why its presence might increase or decrease. It is a fulsome document that goes a lot further than the departmental statistics that are produced. I consider this to be a far more valuable document. This is the sort of thing that we as members of Parliament need to understand and pay attention to when we are making decisions on fisheries management in the future.

My great fear and that of my colleagues in The Nationals and the Liberal Party is that if we allow this piece of legislation to go through unamended, this work will not be done. The bill has no provisions that include an absolute requirement for consultation; rather, there is a set of guiding principles for consultation. In his second-reading speech the minister said the government will be guided by these principles, but there is no statutory requirement for the minister to establish an independent committee or other body to provide that advice. The government is basically saying, 'Trust us. We will deliver on a consultation framework'. I do not think that we are in a position where we can trust the government to do that.

Mr Barber — Or a future government.

Mr HALL — Or a future government, indeed, Mr Barber. The Fisheries Co-Management Council has been in place for a number of years. No matter who has been in government, the council has provided useful and independent expertise to help with the management of fisheries.

On the consultation structure, opposition members are happy to be talking about and debating what is the best structure for consultation between the industry and government. We would be more than happy to debate some of the alternatives, but none have been put on the table. Nor do we have any absolute guarantees that the government will listen to those people. While we are happy to debate the alternative structures, we are not happy to agree to the abolition of the current consultation structure in the absence of any other legislative structure being put in place.

Most people I have spoken to in the fishing industry acknowledge the current structure is not perfect. I do not think anyone would suggest in the debate today that it has always been perfect. But the fact that no alternative has been put forward makes us very wary. As I said, without a proposed framework in front of us we are not able to lend any support to those provisions of the bill.

I would like to comment on what the industry groups are saying and doing about this issue. Firstly, I refer to a comment by Seafood Industry Victoria in conjunction with VRFish and the Victorian National Parks Association. I received a letter dated 28 November from Mr Ross McGowan about the amendments to the Fisheries Act, and attached to the letter was a briefing paper headed 'Proposed amendments to consultative arrangements'. It gives some background and expresses the views of the signatories to the document, being Seafood Industry Victoria, VRFish and the Victorian National Parks Association. The first comment is:

> We support the principles of consultation as outlined in the amendment bill. However, we are strongly of the view that the consultative mechanism should remain statutory in nature and directly accountable to the minister. We believe that the consultative process between government and stakeholders would be strengthened by such a mechanism. The representative bodies should be established as a ministerial advisory committee.

It goes on to make several other points about that. In point 3 it says:

> The proposed legislation states that the process for consultation is discretionary.

That is absolutely true. Under the current proposals in this piece of legislation that the government is asking us to accept, there is no requirement — as there is now — to establish independent advisory committees. Nor is there any absolute requirement to consult at all; it will be purely discretionary. That is simply not acceptable to members of the coalition.

I want to be balanced and put on record the various views that have been expressed to me by a number of people. One group of people to whom I spoke during the course of the past week included representatives who have been part of the government's round table forums on fisheries. Somebody told me about them,

and I said, 'I haven't heard much publicity about these round table forums. Is that the sort of process the government will put in place as a result of this legislation being passed?'. That is not guaranteed because there have been no commitments to do so, either in the minister's second-reading speech or in any other utterings from government that I have read.

Merv McGuire sent me an email outlining who sits on the recreational fishing round table forums and what they actually do. Representatives of many organisations sit on them, including people who represent anglers associated with Native Fish Australia, the Australian Fishing Trade Association, the Australian National Sportfishing Association, Fishcare Victoria, the Australian Trout Foundation, the Futurefish Foundation, the Australian Anglers Association, VRFish, the Game Fishing Association of Victoria, the Charter Boat Association, the Boating Industry Association of Victoria and the Professional Fishing Instructors and Guides Association. A large number of people have been invited to the forums, which I understand are held every three months. I understand the first regional forum is to be held early next year. While these people advocate that this is a good forum and that it has worked very well, the government has not made any commitment to that framework for consultation in either the bill or the second-reading speech.

In the absence of any proposals within this amendment bill, we are reluctant to support it. If the government is going to work to continue with the recreational fishing round table forums, I would have thought it would have been possible for the government to outline that in the briefings or in the minister's speech or in any of the contributions to debate on the bill by other members of the government, but they simply do not. Members of the recreational fishing round table forums are urging us to support this legislation because they think they are going to be in a good position to undertake consultation with the government. I have to say that I am not so sure, because there is no definitive requirement for the government to continue that round table, nor have I heard the government say that it will do so.

There are a number of others who are suggesting different consultation structures. I received an email recently from Vincent Gannon, who is involved in the abalone industry. He has suggested a different framework for consultation. Having the debate on that may be part of the answer to setting up the consultation structure. I do not mind having that debate, but the government again does not seem willing to bring that about or provide that information to members of the opposition. Mr Gannon's letter to me includes that proposed framework. He made the comment:

> While the Fisheries Co-Management Council was not perfect, it is a far better option of consultation and independence than that currently being proposed, providing a guaranteed, independent statutory path of consultation and provision of advice to the minister.

He goes on, but I will not take that further.

Those points have been echoed by a number of other people who have contacted me in recent days. They include people such as Susan Alcock, who sits on a couple of the fisheries co-management committees, and Ross Hodge, who chairs the Abalone Fishery Committee, and a number of others who have some involvement in the industry as well. The issue that we really have some concerns about is the fact that if we accept this amendment bill, no longer will the government be required to consult with industry with respect to the many and varied issues associated with the fishing industry, both professional and recreational, in Victoria.

I found it incredible to read the following comment from the minister in the second-reading speech:

> The Brumby Labor government has a strong record of engaging a wide range of stakeholders when making decisions about the use and sustainable management of Victoria's fisheries resources.

I strongly disagree with that statement. I do not think it is true. I think it was incredible that the government would have the gall to throw that at us, particularly when you go back to where I started — that is, the dialogue that Lynton Barr, one of my constituents, has tried to have with the fisheries department. It simply has not been a two-way dialogue. That is a story that I am hearing from the industry, both recreational and professional, in Victoria.

When we get to the committee stage I will on behalf of the Liberal-Nationals coalition be moving amendments which will seek to reject the government amendments in this amendment bill to abolish the formal consultation structure currently provided under the Fisheries Act. It is a retrograde move. I would have thought the government would have been far wiser to at least propose to us exactly what forms of structures it is going to put in place after if this legislation is passed through the Parliament. It has not done that. People have been left clueless as to how consultation may take place. You cannot help but be cynical about whether there is going to be a lessening of the consultation between the government and industry. For that reason

we will be moving amendments in committee in respect of those particular matters that amend the Fisheries Act.

Debate interrupted.

DISTINGUISHED VISITOR

The PRESIDENT — Order! I draw the attention of the house to an ex-member of Parliament in the gallery, Tayfun Eren, a member for Doutta Galla from 1996 to 1999.

Debate resumed.

Motion agreed to.

Read second time.

Instruction to committee

Mr LENDERS (Treasurer) — By leave, I move:

That it be an instruction to the committee that they have power to consider amendments and a new clause to amend the Energy Legislation Amendment (Retail Competition and Other Matters) Act 2008 in relation to the commencement of the act.

Motion agreed to.

Ordered to be committed later this day.

CORONERS BILL

Second reading

Debate resumed from 13 November; motion of Hon. J. M. MADDEN (Minister for Planning).

Mr DALLA-RIVA (Eastern Metropolitan) — I am very pleased to make a contribution to debate on the Coroners Bill 2008, particularly as I was on the Law Reform Committee in the last term of Parliament where I went through a detailed examination of this report with my parliamentary colleagues. The review of this bill was an extensive process. I know that my colleague Mr Rich-Phillips may wish to raise some further issues in respect of this particular matter.

The facts are that the opposition will support the bill as it stands. I understand that there may be some amendments considered later in terms of moving forward, and I look forward to those amendments. Essentially the bill has a number of main provisions. It is important to put on record that this is about re-enacting with amendments the law in respect of the coronial system in Victoria. The coronial system is a very important system because it examines unexpected deaths, reportable deaths and a range of other deaths that may occur in our community. It also investigates fires. If I remember correctly from my time on the Law Reform Committee, the practice of fires being investigated by a coroner is a historical one that dates back to the motherland, so to speak, and has been carried over. I understand that under the bill this will continue to be the case, and so it should, because in that environment there are professional people to undertake such investigations.

The bill is quite extensive. It has around 100 pages and is quite detailed. As we see it, the main provisions clarify when a death is reportable, particularly an unexpected death in a medical context, the death of a person escaping custody or the death of a person the police are seeking to apprehend. There is also a general obligation to report a reportable death that has not been otherwise reported.

It is important that we clarify what is a reportable death, because a lot of concerns were raised about this in the inquiry, and they have been considered in the drafting of this bill. The bill alters the reviewable death system where there are deaths of multiple children in the same family to exclude most deaths in hospital at the time of childbirth. It also specifies that stillbirths do not fall within the jurisdiction of the coroner. As I said, I understand my colleague Mr Rich-Phillips may move an amendment in the committee stage proposing that this matter be brought forward. There was a lot of debate in the committee about this, and many submissions argued that stillbirths should not be considered by the coroner. The committee came to the view that that should be the case. However, we have to be fair dinkum in terms of what has occurred recently and some of the legislation that has been put forward. The issue of abortion has been brought into Parliament. Whilst this is not necessarily related to that, in light of the recent legislative changes in relation to abortion, the issue of stillbirths not being investigated by the coroner is perhaps more timely now than it was at the time of the review.

The bill also gives discretion to the coroner as to whether to investigate when a death is reported simply because it was unexpected or because there is no medical certificate stating the cause of death. I recall there was much debate in the committee at the time of the inquiry about the importance of determining when the coroner can investigate unexpected deaths and under what circumstances, and this has come through in the bill before the house.

The most suitable — if I use the word correctly — example is the death of an elderly person where, while the death is expected to a degree, it is also unexpected. This does not make sense, but if you go through the report, you will probably understand what I am getting at. The death of a person — of any of us here — may be more expected as they get closer to the end of their time on this earth. Even if a death is unexpected and a medical certificate is not provided, the bill provides the coroner with the discretion to investigate it, and that is important.

The coroner may investigate any death that appears to have occurred within 100 years of its being reported to the coroner. The coroner must investigate a death in circumstances where it occurred in Victoria, it was a reportable death under the definition in the bill, it occurred within the last 50 years and an interstate coroner has not investigated it. Time and again we have seen events that have occurred but have not been investigated by the coroner. In the last Parliament I made a statement about how my great-grandfather died in the bay and there was no investigation by the coroner. That was reported only recently when the coroner reviewed a number of deaths.

If the Country Fire Authority or the Metropolitan Fire and Emergency Services Board requests the coroner to investigate a fire, the coroner must investigate it unless they determine it is not in the public interest. Any other person may also request that the coroner investigate a fire. The garden shed that goes up in flames is not necessarily subject to a full coronial investigation — —

Mr Guy interjected.

Mr DALLA-RIVA — If a couple of cans of petrol ignite, as Mr Guy rightly points out — —

Mr Guy interjected.

Mr DALLA-RIVA — Indeed, if a tin of Mr Sheen explodes, it may not be subjected to a coronial inquiry. However, a significant fire would be considered by the coroner in the circumstances set out in the bill.

The bill also sets out the powers of investigation, including restricting access to a place where a death has occurred or to a fire area. It sets out powers of entry, search, inspection and possession and also the power to require a document to be provided or a statement prepared. This brings the bill in line with the more current, mainstream approach, ensuring that investigators clearly understand they have the necessary powers.

The bill also provides that the senior next of kin and other persons with a sufficient interest be provided with certain information, and that a senior next of kin may make suggestions regarding any removal of a body from a graveyard. I think that is important because, if my memory is correct, concern was raised in the inquiry about the processes undertaken for the removal of a body from a grave site. Certainly there needs to be more consideration of that.

There is expansion of the appeal and review rights to the Supreme Court, and this will include appeals in relation to determinations as to whether a death is a reportable one, autopsies and the release of a body in error by the coroner. I think one of the concerns that was expressed was the limited capacity of the appeal and review rights to the Supreme Court. Whilst it is embedded in the base bill that preceded this bill, the Coroners Act 1985, the fact is things have moved on and it gives greater clarity in terms of those appeal and review rights than perhaps had been there before.

This bill also allows the coroner to make recommendations to any entity, not just to ministers or public authorities. One of the things of great concern is that while the coroner may investigate a series of particular incidents that relate to road conditions across the state as a result of which there had been a number of deaths and make a suggestion to a minister as part of the recommendations, there is no provision for the coroner to follow up the suggestion with any entity; for example, if road signage is insufficient, the coroner should be in a position to perhaps refer the recommendations to companies which make signage for the road system across the state rather than reporting to the minister or VicRoads on the particular issue. That was one example I recall being put forward in the review. It is based on overseas experience where the coroner can make recommendations that would then be followed up and not be lost forever in the bureaucracy.

The bill specifies that the Coroners Court is to operate as an inquisitorial court. For those who do not know, or who have not had the fortunate, or unfortunate, experience of having gone to a coroners court, the coroner holding an inquest is not bound by the rules of evidence and may be informed by any matter or conduct an inquest in any manner the coroner reasonably thinks fit. Further, the inquest must be conducted with as little formality and technicality as justice permits, and should be comprehensible to interested parties and family members. Interested parties may make submissions and with permission examine and cross-examine witnesses.

We heard time and time again from aggrieved family members who felt that the court system was very adversarial. When somebody was there as a family member of a loved one who had died of a questionable medical condition, for example, they found that the whole process was almost like a murder trial. We heard various witnesses who gave evidence at the investigation say that they felt there needed to be more of an inquisitorial-type approach. Similarly, I understand those members who examined coroners courts around the world found that the inquisitorial process that is to operate under this new system in fact works better. Often it is the case that family members just want to hear the offending hospital or entity say sorry. By allowing as little formality and technicality as justice permits, it will almost certainly ensure that there is some level of comfort for the aggrieved family members and some certainty for the coroner that their investigation is done in an appropriate and professional way.

Having said that, however, obviously the Coroners Court does investigate matters prior to criminal charges being laid. There is a necessity for the court to hear evidence that may be able to be used in a situation where the investigating police or other agencies may wish to prosecute persons or entities who have caused or permitted a reportable death of a person and may wish them to be dealt with in a more formalised court appearance. I think that needs to be put in place.

The Coroners Bill will also set out a new regime for access to coronial records which removes the current presumption of public access. Unless otherwise ordered by a coroner, the findings and recommendations made following an inquest must be released on the internet. However, the coroner has discretion as to the release of documents and may impose conditions upon their release. As I said earlier, I think it is important to understand there will be occasions where release of documents may be prejudicial to matters involving murder, for example.

The bill establishes a coronial council to provide advice to the Attorney-General on the coronial system. From memory, I think that was one of the recommendations. Again, from memory I think this report was quite extensive and was a couple of thousand pages in length. The investigation ran over two terms of Parliament, and the report was presented in the last term of Parliament. Clearly there are further things that need to be done with this legislation. There is inadequate emphasis on prevention. As I indicated, we were concerned about ensuring that prevention issues were dealt with in an appropriate way and that there be the required follow-up of coroners' recommendations. We are not certain about what will occur.

We thought there should be a requirement for annual reports to list recommendations and responses by the relevant agencies, ministers or independent entities. There is also the issue about training coroners in the formulation of recommendations, because often the coroners can be magistrates working in country areas, and so on. There is an exclusion of stillbirths from the definition of 'death'. As I indicated, my parliamentary colleague Mr Rich-Phillips may move amendments in relation to some of those issues at the committee stage, and that may be a point he may wish to explore a bit further.

Some other areas such as legal aid and issues around families being represented at inquests could have been explored. But having said that, on the whole the opposition is certainly supportive of this bill. It is the start of a return to some of the issues that were brought out in that inquiry. I could refer to other areas, including the Victorian Institute of Forensic Medicine Act which I think is being amended, and a range of other issues.

As I said, often legislation comes in that provides for just a mishmash of changes, but this will be a significant change to one of the court systems that has a significant input into our community, and it will allow for greater clarity moving forward on the very important issue of what the coroner and the Coroners Court do. I commend the bill to the house.

Ms PENNICUIK (Southern Metropolitan) — The final report on the inquiry into the Coroners Act by the parliamentary Law Reform Committee was tabled in Parliament in September 2006. This bill is in part a reform strategy emanating from that inquiry. Among other things it aims to develop a framework to support a modern and responsive coronial system; improve communication with and services to families who interact with the coronial process; strengthen the role of the coroner in the prevention of deaths in the community; improve the delivery of coronial services; upgrade facilities at the Coronial Services Centre and in regional areas; improve education and training across the coronial system; develop clearer reporting and certification processes; and improve case records management.

In his second-reading speech in the Assembly the Attorney-General highlighted several aspects of this bill. In particular he noted the two key themes that emerged from the parliamentary Law Reform Committee's final report. The first is the need for the coronial system to improve services to families, and the

second is the need to strengthen the prevention role of the coroner. He noted that the objectives of the bill acknowledge the need to avoid unnecessary duplication and expedite investigations; encourage practices which acknowledge that a death is distressing for families and those associated with the deceased person, who may require referral for professional support et cetera; and note that the coronial system should operate in a fair and efficient manner.

A particular concern of the inquiry was the issue of deaths in custody or care. Clause 3 of the bill provides an expanded definition of a person who is placed in custody or care to include people who have escaped custody or whom the police are seeking to apprehend. We understand that this is consistent with the recommendations of the Royal Commission into Aboriginal Deaths in Custody.

I do not necessarily want to circulate my amendments now; I have already circulated some amendments to members who are speaking on and who have an interest in the bill. I have some amendments to clause 3 of the bill, which relate to people who need to be captured by and included in 'reportable deaths'. From our point of view one aspect that is missing relates to children or people in refuges and children in child care.

The PRESIDENT — Order! Do I understand Ms Pennicuik to want to distribute her amendments?

Ms PENNICUIK — President, I have circulated them. The amendments to clause 3 go to two things: firstly, they relate to people who would be included in 'person placed in custody or care'; and secondly, that there be included a category called 'immediate family', which definition would include all persons who are referred to in clause 4 of the bill as 'next of kin' in descending orders of hierarchy. Those people would be entitled to receive information from the coroner at the beginning of an investigation, and that information would include what will happen and what their rights and entitlements are in terms of a coronial inquest into a reviewable death.

One of the main reasons for the bill and the key theme emerging from the Victorian parliamentary Law Reform Committee inquiry was that the coronial system needed to be made more accessible for families and so-called next of kin in terms of their interaction with the coroner and the coronial system. We feel that, in the spirit of that, at the outset the coroner should be required to make the information available to all the immediate family of the deceased person and not just to — as the bill currently provides — the person known as the senior next of kin, because that assumes that the senior next of kin is going to, or is able to, include all the other persons encapsulated in the definition of 'immediate family' in the provision of that information. It is a flawed assumption that the senior next of kin would be able to in all cases, or would be inclined to in all cases, advise all members of the immediate family of what will happen and what their rights are, particularly in terms of their rights to participate in the process and their rights to legal assistance and, in some cases, legal aid.

The second key part of the findings of the parliamentary Law Reform Committee was about the role of the coroner in the prevention of deaths in the community. This is a very important role of the coroner. In my past life working in the area of occupational health and safety I came across coronial reports and I had some experience in the initial setting up of the National Coroners Information System. I experienced some frustration regarding coronial deaths and coroners' recommendations for how those deaths may be prevented in future and how that was — —

Debate interrupted.

DISTINGUISHED VISITORS

The PRESIDENT — Order! I apologise for interrupting Ms Pennicuik's contribution, but on the basis that our guests may leave before I have the opportunity to pay proper recognition to them, I wish to introduce to the Council our guests in the chamber today. They are a delegation from the Council of Representatives in the great country of Iraq, led by Sheikh Khalid al-Attiya, First Deputy Speaker, and the Second Deputy Speaker, Mr Aref Tayfour. Delegates, gentlemen: welcome.

Debate resumed.

Ms PENNICUIK (Southern Metropolitan) — It is a very important function. It is a great development that this bill will give the coroner's office a much more focused role in the prevention of death in the community by way of making recommendations. However, there is no requirement for the coroner to make comments or recommendations regarding prevention of death following a coronial investigation. We feel there should be a mandatory provision regarding that, and we have foreshadowed an amendment to that effect.

In my view there is an oversight in that the bill provides that the coroner can make a recommendation to a public authority or another entity, but there is no requirement that that public authority or entity respond

in any way whatsoever to the recommendation of the coroner or that it implement the recommendations or explain why it will or will not be implementing the recommendations of the coroner in respect of prevention of death — they could be workplace deaths, for example, or deaths on the road. In the lower house one of the speakers on the bill referred to exposure to chemicals. That is an area where there can be immediate deaths, and once the coroner's prevention unit is up and running and doing research into trends in deaths I am sure we will find there are trends in deaths with regard to exposure to chemicals.

As I said, these recommendations can go to public authorities or entities. If we are serious about this bill beefing up the coroner's office and giving it a focus on the prevention of death, there needs to be some onus on the entities or public authorities to which the coroner is going to make recommendations to actually do something about those recommendations. Otherwise the recommendations are just going into a void and engaging with those recommendations will be at the discretion of the public authority or entity. If we want the coroner's office to play that role, there needs to be a mechanism to make sure that the recommendations are engaged with.

We have foreshadowed some other amendments. Clause 8 of the bill refers to factors to be considered when a coroner, deputy coroner or other person is engaging with families. Clause 8 says that when exercising a function under this act a person should have regard, where practicable, to a number of things, including that death is distressing, that lengthy coronial investigations may exacerbate that distress, that different cultural beliefs and practices need to be taken into account, and that family members should be kept informed of what is going on and what their rights are et cetera, as I mentioned before. What I am concerned about here is the use of the term 'where practicable' in that clause. It seems to me that it is a bit of an escape clause. Given the focus of the bill on making the coronial process more friendly towards families and having regard to the feelings and cultural beliefs of families, to say the person should have regard to those issues where practicable is not strong enough. We will be proposing an amendment to insert words to the effect that that person must have regard to them considering all of the circumstances. That makes it stronger and makes it mandatory that the person do that.

Our amendment to clause 21 of the bill would mean that not just the senior next of kin but all members of the immediate family would be provided with information about the inquiry and what is going on with it. Clause 55 of the bill looks at the powers of a coroner at an inquest. I do not have an amendment to this clause, but I have a question I will ask the minister in the committee stage. Basically the amendments I foreshadowed this morning go to strengthening the provisions in the bill to assist families in their interactions with the coroner's office and to beefing up or expanding the prevention role of the coroner.

The Scrutiny of Acts and Regulations Committee has written to the Attorney-General with some questions. I draw the attention of the house to the fact that the answers to those questions still have not been provided — I certainly had not seen them before coming in here — by the Attorney-General. It is a concern that, when certain clauses in a bill like the Coroners Bill engage the Charter of Human Rights and Responsibilities and the Scrutiny of Acts and Regulations Committee writes to the minister seeking clarification about why they do so, the house should proceed to debate the bill without having the answers to those questions. As I have said before, this house needs to take that more seriously. In terms of the progression of bills through the lower house and the upper house, we should not be passing bills until we have had a full report on them from the Scrutiny of Acts and Regulations Committee, including answers to questions asked of ministers. Otherwise we do not have the full information before us. What is the point of sending bills to the Scrutiny of Acts and Regulations Committee if we are not going to take note of what it says about the bills that come before this Parliament and if we are not going to take the Charter of Human Rights and Responsibilities seriously?

While I have mentioned a few areas where I think the bill could be strengthened, in terms of its two key aims the Greens think it is a good bill that will make the coroner's office work better. We just believe those areas could be strengthened.

One of the last comments I will make is about the release of information from the coroner's office. Members might remember that last year we had before us a coroners bill which inserted into the Coroners Act a regulation which had been removed from the regulations at the request of the Victorian parliamentary Law Reform Committee.

It was removed from the regulations because it was regarded as being inappropriate, and then it was inserted into the act. That particular regulation — regulation 24 — allowed the coroner to release any information to any person, and that was of great concern to us. Members will remember that I moved an amendment to remove it from the act. I have looked

carefully at clauses 114, 115 and 116, and I have also had conversations with the Law Institute of Victoria, which was also instrumental in raising those concerns last year. I feel that while it is not 99 per cent or 100 per cent perfect, it is probably about 95 per cent perfect in preventing the inappropriate release of particular medical files from the coroner's office. It was the concern last time and is the concern going into the future that inappropriate private information, which in many cases could be irrelevant to a coronial inquest, could be released to any person. I am 95 per cent satisfied that those clauses address the issue. It was something I was very concerned about when looking at the bill.

With those comments I say that the Greens will support the bill, although we have a few amendments to put in committee and some questions that I will put to the minister as I have foreshadowed.

Mr TEE (Eastern Metropolitan) — I am pleased to rise to support the bill. The coroner performs a very important role in our community. The coroner is there to help grieving families. When a family is affected by the sudden, unexpected and indeed tragic death of a loved one, the coroner is the one who provides answers to what has happened and why. The coroner also has a broader function in relation to the community, which is to ensure that as a community we learn from unnecessary deaths. Where a cause of death is preventable the coroner provides advice about the steps we can take to minimise the risk of future injury and death.

This bill is about strengthening those two roles. It is about making the coroner more responsive to the needs of families, and it is about reducing the number of unnecessary deaths. To meet the needs of families the bill provides for increased access to information and increased sensitivity to their values and beliefs. It ensures that families are informed about their rights and about the processes and key events that occur throughout the process. Families will also be informed about counselling and other services. Again to help families understand the process, the bill provides that proceedings will be conducted with as little formality and technicality as possible, and where practical the coroner will take into account a family's spiritual and cultural needs. I note the amendment circulated by the Greens removes the words 'where practical' and requires that the spiritual and cultural needs be taken into account even where that is impractical. We will be opposing that amendment.

Another element of the bill enhances the preventive function of the coroner. The bill has as a purpose the reduction in the number of preventable deaths and fires though the findings of investigations. In addition the bill provides that recommendations can be made to any entity, and it expands the range of entities to which the coroner can make recommendations. Currently the coroner can only make recommendations to the minister and to public statutory authorities. In line with best practice and common sense this will be expanded to include any entity which may learn from the coroner's findings.

The work of the coroner will be supported by a prevention unit that will help the coroner develop recommendations and monitor the effectiveness of those recommendations. We want to ensure that what the coroner learns is translated into practice. That is why the recommendations need to be practical and effective and why we want to monitor the impact of the recommendations. A coronial council will provide advice to the Attorney-General on the operation of the coronial system. Together these two bodies will ensure that we have a coronial system which makes a difference, which is about saving lives and reducing the number of preventable deaths. We want to ensure that the coronial system we have put in place is subject to continual and ongoing improvement and that the coroner undertakes continual and ongoing improvement. The bill provides for the Judicial College of Victoria to deliver a specific training package for coroners to lift the standard. There also will be a Coroners Court workbench book, again to assist the coroner in doing his duty.

A number of important innovations will strengthen the power of the coroner to get to the truth and to find out what actually happened. The Coroners Court will be acknowledged as an inquisitorial court, ensuring that the coroner does not become bogged down in an adversarial process. We want to ensure that the coroner does not get bogged down in power plays between parties but rather has the capacity to dig down and find the real causes of deaths. The head of the Coroners Court will be a judge of the County Court, and that will improve the status and functioning of the court.

Another important innovation is in relation to the privilege against self-incrimination, which will be updated. Where the interests of justice demand it, the privilege against self-incrimination will be limited. Where the privilege is removed, a witness will be provided with a certificate so that the evidence they give cannot be used against them in other proceedings. This has the dual outcome of protecting a witness who is required to give evidence that might incriminate them. It protects them because that evidence cannot be used against them in other proceedings, but also it

allows the coroner to find out what has happened, to meet the goal of preventing further unnecessary deaths.

The bill deals with the issue floated by Ms Pennicuik about access to documents in the possession of the coroner, and that has been a controversial issue. Of course there must be a balance between the principles of open justice and individual privacy, corporate confidence and the public interest; there must be a balance between privacy and the public interest. I think this bill gets that balance right by protecting individuals and also by providing that the coroner can do his work in ensuring that open and public justice is delivered.

The bill goes a long way towards delivering and improving on the operations of the coroner. It ensures that the coroner is more responsive and sensitive to the needs of grieving families. The bill also goes a long way towards ensuring that the community will learn from unnecessary deaths and implements changes to ensure that those deaths will not occur again.

I want to briefly refer to the amendments that have been circulated by Ms Pennicuik. At first blush they appear in many ways to be unnecessary. In some ways they appear to be contrary to the spirit of the bill, which is focused on making a difference and having an impact on the work of the coroner. For example, an amendment proposes extending the scope of reportable deaths that are investigated by the coroner to include the death of a child that occurs in a child-care facility, an educational institution or a refuge for women or young persons. Deaths that occur in those circumstances will in the ordinary course of events be investigated. In fact it is difficult to imagine a situation where a death of that nature would not be investigated. I say that because of the very broad power of the coroner to investigate any death that appears to have been unexpected, unnatural or violent or to have resulted directly or indirectly from an accident or injury. The coroner has a very broad power to cover all these matters. The amendment is unnecessary; specifying a child-care facility or other facilities merely duplicates the power. I am unclear as to what is meant by the inclusion of the following provision:

> A coroner must comment on any matter connected with the death if the matter relates to the prevention of future deaths and other purposes of the Act.

This would open up a broadbased examination of issues that may not be relevant or helpful or lead to an improvement to the system. What we would have is an opening up of the process that would be so broad that the focus on practical steps to prevent deaths would be lost. I am opposed to these very broad and loosely drafted amendments.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to rise and make some comments on the Coroners Bill 2008. I commend my colleague Mr Dalla-Riva on his excellent contribution to debate on this bill. The bill rewrites the existing legislative framework with respect to the office of the coroner. The existing Coroners Act will be retitled the Victorian Institute of Forensic Medicine Act. The existing legislation contains provisions relating to the Victorian Institute of Forensic Medicine, and that act will move forward only as a piece of legislation enabling the institute. The provisions relating to the coroner will be removed from the existing act and re-enacted by virtue of the Coroners Bill 2008, which the house is considering this afternoon.

Mr Dalla-Riva has gone through the machinery provisions of the legislation with respect to the differences between the existing regime surrounding the coroner and the regime proposed in this legislation at some length, so I do not intend to go back over the mechanics of the bill. I want to make some comments on the coalition's position with respect to this legislation. We will not be opposing the Coroners Bill 2008, but it is important to consider what we are trying to achieve in having a Coroners Act and a Coroners Court.

When we look at what benefits exist from having a Coroners Court and a Coroners Act, the issues we should consider are preventable deaths and how we as a society can learn from the types of deaths that the coroner's office investigates. The definitions of 'reportable death' and 'reviewable death' are outlined in the legislation. The question is then: how can we as a community benefit from the investigations undertaken by the coroner in terms of preventing further deaths from like causes? That then raises the question of what type of framework we should have around the operation of the Coroners Court in terms of the reporting of outcomes and recommendations from coronial inquests and, importantly, on the follow-up of the recommendations from coronial inquests. We should ensure that they are followed up formally, as is the case with recommendations that come before the government either from parliamentary committees through the Parliament or from the Auditor-General, which all receive a formal follow-up with the relevant agency through the relevant minister. There is a question as to whether we have the appropriate reporting framework in place for the coroner's office and whether we need to do more to close the loop in terms of picking up coroners' recommendations and getting a formal response to them, either through the government directly or through a responsible agency that is the subject of a coroner's recommendation.

It is important that we recognise the benefit of coronial inquests. As I said, they are not conducted merely for the sake of conducting inquests. We as a community should benefit from the work that the Coroners Court does, and closing the feedback loop on coroner's recommendations may be a way of enhancing that.

Another issue that the coalition wishes to flag with respect to this legislation is the exclusion of stillbirths from the definition of death. The bill excludes stillbirths from the capacity of the coroner to investigate. Stillbirths are explicitly excluded from the scope of reportable deaths. It is the position of this side of the house that that is not the appropriate way to move forward. It is my intention on behalf of the coalition to move amendments, and I ask that those amendments be circulated.

Opposition amendments circulated by Mr RICH-PHILLIPS (South Eastern Metropolitan) pursuant to standing orders.

Mr RICH-PHILLIPS — Although there are a number of amendments that I propose to move in committee, they relate to one issue — that is, they introduce the capacity for the Coroners Court to investigate a stillbirth. The amendments will introduce a definition of 'stillbirth' and include it as a matter that the coroner can investigate. Importantly, I make the point that the provision with respect to stillbirths is intentionally narrow and limited. It is not the intention of the coalition that any person should be able to require an inquest by the coroner into a stillbirth. Our intention in moving this amendment is for one reason and one reason only — that is, to allow a mother of a stillborn child to recommend to the coroner that an investigation into that stillbirth be undertaken. I make the point that the amendment is very specific in that only the mother of a stillborn child can request that an inquest be held.

This is to get away from the issue of coronial investigations into abortions. It is not the intent of this amendment to allow coronial investigations into abortions, and that would not be a consequence of this amendment. This amendment has arisen because of a number of cases being brought to the attention of the coalition parties where children have died during the process of childbirth and there have been suggestions of medical malpractice or medical negligence having led to the death of those children prior to their being born, but as a consequence of the current constraints in the Coroners Act it has not been possible for the coroner to investigate those deaths, notwithstanding the fact that the mother who has lost a child in childbirth may have wanted that.

This is a very straightforward amendment being proposed by the coalition parties that will allow only the mother of a stillborn child to recommend to the coroner the investigation of that stillbirth. It does not go into the issue of investigations into abortions; the intention is simply to provide the mother of a child who is stillborn the opportunity to have that stillbirth investigated if she believes that is the proper course of action arising from concerns about medical malpractice or medical negligence during the course of that child's delivery. It is a very specific amendment to give comfort to mothers who regrettably find themselves in that situation. It does not have a broader application. I know the issue of stillbirths is a matter that has been contentious as far as the Coroners Act goes because it has always been tied back to the issue of abortion. This amendment is not about abortion; it is merely about providing the mother of a stillborn child who believes there has been medical negligence with the opportunity to have that stillbirth investigated.

The other area that the coalition will comment on is the new restrictions on public access to documents in the coroner's jurisdiction. As Ms Pennicuik noted, this arises out of a rather famous and unfortunate case where documents were used for purposes for which they were not intended. Our concern, though, is that these restrictions on the availability of documents may unduly restrict public disclosure of matters surrounding coronial inquests. The coroner, being given that capacity, will need to exercise that discretion with good judgement. Members on this side of the house will be keen to see how that provision works, because it represents a restriction on access to documents that currently does not exist.

The other matter I will comment on is the lack of availability of legal aid for families who wish or need to be represented at coronial inquests. While this is not something the coalition parties would necessarily expect or believe desirable to see codified in legislation, the availability of legal aid for coronial matters is something the government should investigate — as it should a whole range of issues with respect to the operation of Victorian legal aid and where it is and is not available. We certainly believe families involved in coronial inquests are appropriate parties to receive legal aid, so that is a matter we would like to see the government address.

As I said, this bill is a rewrite of the existing Coroners Act. It makes a number of improvements, as outlined by Mr Dalla-Riva, but nonetheless we have some concerns and will be proposing amendments. However, we will not be opposing the Coroners Bill.

Ms PULFORD (Western Victoria) — I am pleased to rise and make a few remarks about the Coroners Bill 2008. The bill coincides with the 20th anniversary of the Coronial Services Centre of Victoria, which has made a significant contribution to public health and safety. In December 2004, some four years ago, the Victorian Parliament's Law Reform Committee was given terms of reference to inquire into and report to Parliament on the effectiveness of the Coroners Act, to consider whether the act provides an appropriate legislative framework for the independent investigation of deaths and fires in Victoria and to make recommendations to prevent deaths and fires in Victoria and improve the safety of Victorians and on the provision of support for the families, friends and others associated with a deceased person who is the subject of a coronial inquiry. The committee was asked to recommend any area where the act could be improved, amended or modernised to better meet the needs of the community in these very difficult and sensitive areas.

After researching relevant laws, receiving written submissions and conducting public hearings, the committee's final report on the Coroners Act was released in September 2006. It made some 138 recommendations. The development of this bill draws extensively on the work that was done by the committee. The legislative changes we are discussing today are part of the Brumby Labor government's broad coronial reform strategy, which is designed in part to reduce the number of preventable deaths that occur in Victoria and to improve communication and services to families that are affected by an untimely death.

The Law Reform Committee's consideration of family issues highlighted the need for the coronial system to improve its services to families. The bill addresses issues like the need for families to be involved in the coronial process, measures to improve access to information and improvements relating to cultural considerations. The Lapthorne family's recent experience is but one example of how this area of the legislation needs to provide for better information to be made available to families. The bill will certainly improve the availability of counselling and services, and it will improve the need for the family of the deceased to be kept informed throughout an inquest.

The bill provides that the senior next of kin and other persons with sufficient interest in the investigation surrounding the death must be provided with certain information about their rights and the process that will be undertaken. The bill creates a right for the senior next of kin to provide suggestions about how an exhumation might be conducted. The state coroner must have regard for and be sympathetic to those suggestions.

The bill provides that the coroner must conduct an inquest with as little formality and technicality as the interests of justice being properly served will permit. The coroner must take steps to ensure that the inquest is conducted in such a way that will make it comprehensible to interested parties and members of the family who are affected by the death and who are present at the inquest.

The bill improves the system for reviewable deaths which was introduced in 2004 to deal with multiple child deaths in a single family or to a particular parent. The system was obviously designed to alert authorities to any circumstances where children may be at risk.

Since 2004 it has been noted that many reviewable deaths have involved children who were born in an intensive care unit and were not expected to live. These deaths often occur in complex or high-risk pregnancies, including pregnancies involving premature births of twins or triplets, or in situations where there are severe congenital malformations. The bill addresses the situation and also clarifies that the Victorian Institute of Forensic Medicine has an ongoing responsibility to monitor or investigate families once a case has been concluded. We believe this legislation strikes the right balance in this regard.

The bill will also strengthen the prevention role of the coroner. It seeks to establish a coroner's prevention unit in Victoria, which will be the first of its kind and will assist the coroner in the formation of recommendations about how to prevent tragic deaths. It will also be about how to monitor and evaluate the effectiveness of those recommendations.

The bill will assist the coroner's office to continue with the fine work that it has done, is doing and will continue to do in providing appropriate support to families having experienced tragedy, as well as in the work that it does in prevention in areas that have led to, for example, safety barriers around swimming pools and tractor rollover protection systems, just to name a few. With those few words I commend the bill to the house.

Motion agreed to.

Read second time.

Ordered to be committed later this day.

MULTICULTURAL VICTORIA AMENDMENT BILL

Second reading

Debate resumed from 13 November; motion of Hon. J. M. MADDEN (Minister for Planning).

Mr GUY (Northern Metropolitan) — It is a pleasure to rise to speak on the Multicultural Victoria Amendment Bill 2008 and to remark from the outset that the Liberal-Nationals coalition will not be opposing it. The bill formalises the structure and administrative changes to the Victorian Multicultural Commission following its merger with the Victorian Office of Multicultural Affairs. There are three main provisions to this bill. It enhances the function of the VMC, provides for the appointment of the director and other staff of the VMC and amends the reporting requirements of government departments in the area of multicultural affairs.

It is always an important topic for any Parliament, particularly this Parliament and other Australian parliaments, to talk about multicultural affairs, multicultural issues in the community and the support that we all have, or should have, for multiculturalism in Australia. I place on record the strong support of the Liberal-Nationals for multiculturalism in Victoria. There are members on our own side, just as much as there are on all other sides of Australian parliaments, from varied and interesting backgrounds.

Mr Vogels interjected.

Mr GUY — Mr Vogels, for instance, is Dutch and was born in Holland I believe. He has tried to teach us a few words in Dutch, which most of us get wrong, although I have tried to reciprocate and teach him words like zdrastvuitye and sche ne vmerla Ukraina. He has not got those right, but we are all giving it a shot. Mrs Peulich has an interesting background; as a young girl she came out to Australia from Bosnia. It is that kind of fabric that makes Victoria — and Australia — without doubt the best place to live in this world, simply because we live harmoniously in a wonderful mix of cultures and people who have come together to form the magnificent Victorian community. We should always support that.

Victoria has a proud history of participating in that great part of Australia that wants to accept more migrants, because this state acknowledges that multiculturalism makes us stronger. Multiculturalism and people from various backgrounds add to the strength of our community in every way, whether it is through festivals, food, culture or language. A community is only richer when there are people from varied parts of it who interact. Victoria is a wonderful cornucopia, if you like, of societies that have come together to make the one terrific society.

I am proud to be in a Parliament that recognises that — I think it is fair to say that all members of this Parliament do so — and in a state that is unashamedly pro-multicultural and has a history of being exceptionally tolerant and exceptionally welcoming to immigrants in the past from traditional places such as the British Isles, including Ireland, as well as to recent immigrants from Africa, the Middle East, South-East Asia and the Indian subcontinent. It is amazing to consider the many cultures that exist in Victoria, from the first peoples who came to this land many thousands of years ago as migrants themselves — that is, our own indigenous Aboriginal peoples who live in Victoria. They formed many nations in this country when they came to Australia, which some say was 40 000 years ago and others say was up to 100 000 years ago. They made a magnificent contribution to life here, and now, thankfully, we are acquainting ourselves better with the history of their many years in this land.

After the first settlers, in the 1700s and early 1800s we had the initial migrants from the British Isles. They brought with them such traditions as Christianity. The Westminster system of Parliament which we have today is a product of the first wave of European migrants to this country. During the gold rush the Chinese migrated here. People forget that people from China have been coming to this country for a very long time. Particularly in central Victoria it is well known that for a long period in Victorian history Chinese people have been settling here. Chinese Australians have been in that area for a long time, and they have made a terrific contribution — a very rich contribution — to our communities in central Victoria.

After World War II there were waves of immigrants to Australia who were not from the traditional area of the British Isles. I understand it was the policy of the then Minister for Immigration, Arthur Calwell, followed by the Menzies government and beyond, to accept people from new countries. They included the then Yugoslavia, which brought Mrs Peulich to Australia — certainly a positive move.

Mrs Peulich — Australia's never been the same since.

Mr GUY — You are dead right; it has never been the same since. Half of my own family made their way over in that great trek, when Europe was a mess and

divided. Australia represented new hope for a lot of people. On a number of occasions I asked my grandmother, 'Why did you choose Australia?'. Her family had the option of going to the United States, Britain, Canada, Brazil, Argentina or Australia. They looked at the map — they did not know anything about this country in the middle of nowhere — and at that stage I think they were glad it was the place furthest from Europe. They knew Australia was a safe and secure place. I think for many migrants, particularly those from post-World War II Europe, the allure was of a country that would reward you not for what you are but for who you are, the work you put in, your effort and your contribution to society. It has been absolutely fabulous, and Australia is now a product of all the people who have made this country what it is.

During the 1970s people came from Vietnam and other parts of South-East Asia. They brought more waves of cultural change to Australia that a lot of us were not accustomed to at that stage. They have proved to be an absolute delight in this country and have changed it, having brought in new ideas, thoughts and cultures that have enriched it as could never have been the case if they were not here. Since the 1980s, Japanese, Chinese, Middle Eastern and now African migrants have arrived. These new people have come in and enriched our country, making it a better place to live.

With all that, I say again that it is a pleasure to comment on this bill, because I am someone who is passionately in favour and supportive of multiculturalism.

Mrs Peulich interjected.

Mr GUY — Indeed, Mrs Peulich, I am wedded to it. In the past there has been debate — you hear this every so often, and it is not unique to Australia; it happens in all settler nations — in which people express concerns about multiculturalism. Most of the time those concerns are based on irrational fears. The reality is that new ideas and thinking enrich people's minds and society. We should embrace multiculturalism; we do not need to be frightened of it. We should make sure we educate people as much as possible. Rather than dismiss them out of hand, we should educate people to understand that multiculturalism can and does benefit a community and to understand why it makes communities stronger and better places to be.

The Kennett government moved a motion in this Parliament in the late 1990s which was supported at the time by the Labor Party. I will not refer to it directly as I do not want to pump it up. All members are aware of the debate on the issue in this country and the person who was involved at the time. It did not do that person, that issue or the supporters any favour, because it was based on irrational fears. The reality is that Victoria came out of the blocks early and said, 'We stand firm with all people who have come to this country and who have made this country a terrific place to live in'. I want to read the motion, which has only five points, into the record. It was important that this house passed it unanimously:

> That this house —
>
> (a) reaffirms its commitment to the right of all Australians to enjoy equal rights and be treated with equal respect regardless of race, colour, creed or origin;
>
> (b) reaffirms its commitment to maintaining an immigration policy wholly non-discriminatory on grounds of race, colour, creed or origin;
>
> (c) reaffirms its commitment to the process of reconciliation with Aboriginal and Torres Strait Islander people, in the context of redressing their profound social and economic disadvantage —

which is very important —

> (d) reaffirms its commitment to maintaining Australia as a culturally diverse, tolerant and open society, united by an overriding commitment to our nation and its democratic institutions and values; and
>
> (e) denounces racial intolerance in any form as incompatible with the kind of society we are and want to be.

As I said, both parties that were represented in this house at the time supported the motion. It was a positive move and a strong reflection of the good intentions and goodwill of this Parliament and all its members at the time. I pay tribute to Jeff Kennett as the former Premier of Victoria who brought the motion before the Parliament and did so deliberately to restate not just to our own people but to the world that we are a tolerant people. It is most distressing when some individuals try to sully Victoria's image as a terrific place in this world to which people can come to live a peaceful and harmonious life.

I will now make some comments about the bill, because I have gone on for 10½ minutes about my personal thoughts. In the 1980s and early 1990s the Victorian Multicultural Commission was known as the Victorian Ethnic Affairs Commission (VEAC), and the Victorian Office for Multicultural Affairs was known as the Office of Ethnic Affairs (OEA) and later as the Ethnic Affairs Unit. Prior to 1993 the VEAC and the OEA were in existence, even though the act established only the VEAC. There was much confusion about their respective roles.

After the Liberal and National parties came to government under Jeff Kennett, in 1993 we introduced the Ethnic Affairs Commission Bill that separated the VEAC from the OEA to give the Victorian Ethnic Affairs Commission greater independence, to formalise its structure and to streamline the commission. Importantly, it was designed to take the politics out of such an important issue in order to make the body more efficient and accountable. I say that again: it is important that we take the politics out of this issue, because we are dealing with people's communities, their livelihoods, their backgrounds and in many cases, if they are new arrivals, their vulnerabilities. It is important that people are not exploited in any way whatsoever.

The Kennett government also determined that the term 'ethnic' was not appropriate, and in the late 1990s it changed the name of the commission to the Victorian Multicultural Commission. The VMC was meant to be an independent advisory board to the Victorian government — a bridge to the various communities. In the past five years the Victorian Office for Multicultural Affairs and the VMC have had an unworkable relationship, with, I am informed, differences emerging between the director of the VOMA and the chairperson of the VMC. I also understand advertisements for new commissioners appeared in newspapers on 14 June but as yet no appointments have been made, which is a bit distressing because what that means is that the chairman is running a one-man band and dealing out moneys to community groups with little or no oversight — in fact, probably no oversight. I do not think that is a healthy position for the commission to be in, and it certainly needs to be redressed by the government as soon as possible. The commission currently allocates around $5.7 million to various community groups as part of its community grants programs. It has operating and salaries costs of around $3.25 million, so it has a total budgetary allocation of around $8.9 million.

Having noted those points and my thoughts on multiculturalism in Victoria, I again state that the Liberals and The Nationals do not oppose the bill. We support the passing of legislation which will formalise the merger. We strongly support multiculturalism in Victoria. Multiculturalism and people from all parts of the world have come together and formed in Victoria, a truly terrific place to be. It is a wonderful, peaceful, harmonious society. As elected members of this chamber we should all ensure that no person, whether it is one or two individuals or whoever, seeks to undo what has been built over nearly more than two centuries in this country and nearly two centuries in this state of harmonious living together. Whether there have been issues in the past, I think it is fair to say that we are a modern, contemporary society made from many peoples all around the world. That is a fabulous thing to be and a great tribute to all those people who have come to make Australia and Victoria their home. Their arrival in this place has made it a better place to be.

Ms HARTLAND (Western Metropolitan) — As the previous speaker has outlined a lot of the technical detail of this bill, I will not go over those details again. The Greens support this bill because we think multiculturalism is one of the great things about Melbourne and Victoria. By encouraging people from different ethnic backgrounds to migrate here, we are enriching the communities across the state. One of the great joys I have — and I think it is a joy for many other members of this chamber — is when I go to citizenship ceremonies and hear people's stories and understand why they have come to Australia and why they want to make this country their home.

I think we also have to have a bit of a reality check, too. Unless we are of an indigenous background, at some stage we have all been migrants or descended from migrants. Some of us may have come a bit more reluctantly than others. Obviously because I live in Footscray I see what great citizens we have from cultures all over the world. The census data for the city of Maribyrnong shows that 52 per cent of people were born in Australia, and 49 per cent of people state that English is not the only language spoken at home.

While multiculturalism is fantastic and while Footscray is a really exciting place to live, there are problems within a number of communities. The discussions I have had with a number of service providers, especially to culturally and linguistically diverse communities, suggest there are major problems with a lack of resources and a lack of funding, especially for a number of members of older communities who are now in their 70s and 80s. Many of them are extremely traumatised by their experiences in the Second World War. Dementia has begun and they have started to lose what English they had. A number of these communities feel they are somewhat invisible, such as the Polish community, the Ukrainian community, the Italian community and the Greek community, because they are communities that have been here for a very long time and are very established. I think we need to be looking at more services for those communities. The particular problem that has been pointed out to me by service providers is how difficult it is to get bilingual workers to go into people's homes.

There are also particular problems for newly arrived migrants. The problem I have noticed, especially in

Footscray, is that newly arrived students get six months at the Tottenham English Language Centre. Many of these students, especially some of the newly arrived Sudanese students, have been in camps for many years. Six months at the Tottenham English Language Centre is just not enough time. These young people probably need two or three years in a specialist school system to bring them up to the standards that are required in Australia. I think that would also help them greatly to fit in to the Australian environment.

As I said, Footscray is one of the really nice places in Melbourne to live. It has great food. As an Australian who was brought up on chops and peas, I think I would much rather be eating Vietnamese, Sudanese or Turkish food. You can get any kind of food in Footscray and it is fantastic.

Mr Guy — What about borsch?

Ms HARTLAND — No, you have to go to Sunshine for that. I know where every great eating place is in the western suburbs. I did not get to be this size because of a delicate diet. We will get off food now.

Mr Leane — What is a delicate diet?

Ms HARTLAND — I am not really sure. Anyway, back to the serious business of multiculturalism. The Greens absolutely support this bill. We think it is a really good thing, but we would like to see a reorganisation within local, state and federal government to really address the needs of both newly arrived migrants, especially refugees, and older people in the community who need specialised services.

Mr SCHEFFER (Eastern Victoria) — It is a pleasure to rise to speak in support of the Multicultural Victoria Amendment Bill. The objectives of the bill are to strengthen the capacity of the Victorian Multicultural Commission and to provide the way that government departments report on their progress in fostering and supporting the development of multiculturalism in Victoria. The Victorian Multicultural Commission is strengthened through providing it with additional functions that include a requirement to elicit the views of the wider community in matters relating to the development of multiculturalism in Victoria.

This consultative role has been longstanding practice for the Victorian Multicultural Commission. All members will have worked in one way or another with the commission, through its chair, George Lekakis, or through one of its 11 commissioners. The amendments in the bill do not so much introduce a new expectation as formalise a practice which already exists.

In February this year the government announced its intention to formalise the 2007 merger of the Victorian Office of Multicultural Affairs into the Victorian Multicultural Commission. The present bill makes good that commitment and gives the Victorian Multicultural Commission formal responsibility for the provision of services, funding and grants programs and for policy advice to government on issues relating to Victoria's multicultural communities.

As we have heard, all parties represented in this chamber have a strong commitment to the principles of multiculturalism. I know that each member of the Parliament fully endorses the right of every human being, irrespective of racial background, culture, religion or language, to participate wholly in the community. This value and aspiration is not only grounded in belief and principle; it is also grounded in a historical experience that tells us that Victoria's social, cultural and economic life has been positively shaped by successive waves of immigrants to this country. Our state now boasts a rich multicultural society that is open, inclusive and engaged with the rest of the world at both an individual and a community level, as well as through countless business and cultural interactions and international government-to-government and city-to-city relationships.

Since its election in 1999 the Victorian Labor government has built on the good work undertaken by previous Liberal and Labor administrations to strengthen social harmony and cohesion. We introduced the Multicultural Victoria Act, which proclaimed our state's commitment to multiculturalism and human rights. Also, amid considerable controversy, we introduced the Racial and Religious Tolerance Act with the intention of making racial and religious vilification unlawful. We also made a statement in this Parliament, in the presence of many community leaders, repudiating all forms of anti-Semitism and racism. In 2004 the Parliament amended the constitution to recognise Victoria's Aboriginal people and their contribution to this state and, as members would remember, in 2006 we carried the Aboriginal Heritage Act.

In previous contributions I have made to debates in the house on multicultural issues I have drawn attention to our failings as well as our achievements. Again, in thinking about the amendments the bill makes to the Multicultural Victoria Act, we need to be mindful of the fact that attacks on synagogues and mosques happen too often and that members of the Jewish and Muslim communities continue to be singled out and abused in our streets. Notwithstanding the formal apology to Aboriginal Australians delivered by the

Prime Minister, people of Aboriginal background continue to be disrespected and too often abused because of their culture. There is more to be done.

It is a myth that multiculturalism relates more to inner Melbourne and less to rural and regional Victoria. The post-World War II wave of immigrants spread all over Victoria, following the same paths and locating themselves in the same places as earlier settlers did. They came to the Latrobe Valley, for example, to work in the coal, energy and timber industries and in small business in the towns as well as on the land and in the professions. Immigrants took up dairy farming, especially on the drained swampland around Koo Wee Rup. In fact the family of the Leader of the Government, John Lenders, settled in Koo Wee Rup and were dairy farmers in that area in the post-World War II years.

The current population boom in Victoria is also impacting hugely on regional and rural Victoria. To take one example, an increasing number of people from the Horn of Africa and various areas of South-East Asia are settling in the Latrobe Valley and along the Bass Coast. Some of these people are experiencing very serious difficulties arising from the tough time they had in their places of origin. Many struggled with great adversity before they arrived in this country, traversing many territories and sometimes dealing with hostile authorities who placed severe obstacles in their way. Although they now have the opportunity to make a new beginning, we should not imagine that everything is sweet. For the new immigrant, every day is a struggle with language and culture. While there is much goodwill, new immigrants can also experience a deep sense of isolation and frustration and a profound sense of displacement.

Governments play an important role in setting community standards, and, as I said previously, both Labor and Liberal governments in this state have, to their credit, pursued policies that respect and celebrate Victoria's multicultural diversity. The Multicultural Victoria Act, in setting out the principles and values that this state adheres to, sets a standard for the community. The amendments in the bill make some changes that will formalise or improve the work of the Victorian Multicultural Commission. The new functions will not create any new powers for the commission.

The bill also formalises the requirements for government departments to report on their progress in addressing the needs of culturally and linguistically diverse communities. This is an important expectation that the community has of government departments, and it is a good thing that this bill formalises that requirement.

In conclusion, I congratulate the Victorian Multicultural Commission on its work. I especially congratulate its chair, George Lekakis, who has led the commission very ably for some years now. The commission plays a vital role in fostering cultural and social harmony in our community. I commend its work, and I also commend the bill to the house.

Mrs PEULICH (South Eastern Metropolitan) — I also wish to make a few comments and endorse some of the comments made by previous speakers on the Multicultural Victoria Amendment Bill 2008. First of all, I make the observation that Australia has come a long way from the time when I migrated to Australia in 1967. As a scrawny, skinny little kid of 10 I enrolled in school, having just started grade 3 — —

Mr Guy interjected.

Mrs PEULICH — Yes, I have changed quite significantly. I was looked up and down by the school administrators. I was reasonably tall for my age, so they decided to pop me into grade 6. It was a big jump, having only just started grade 3, and it caused all sorts of problems for me socially. I paid the price right through secondary school as well. I was probably one of the youngest students ever to do year 12, and I did not have the maturity to cope with such challenges. At that time there was no such thing as English as a second language. From time to time I was lucky enough to be withdrawn from class to go into a remedial English class as a way of giving me a helping hand.

At that time — and I am sure a few members who share my experience of diversity in Australia at that time would be able to relate to this context — I was, dare I say, regularly subjected to bullying. In fact I would probably say I was given a good old hiding on a regular basis. This was in Mrs Thompson's class in grade 6 at Middle Park Primary School. A very popular girl called Melody beat me up every Friday. For a whole year I endured it.

Having sat silently in the classroom for a whole year, absorbing everything like a sponge, I remember the turning point was Mrs Thompson having an oral spelling test and asking members of the class to spell various words. When she asked the class to spell the word 'accommodation', I timidly looked around and saw there was no-one putting up their hand, and I thought, 'Should I or should I not?'. I put up my hand and God forbid it was my very first utterance in the class. I spelt the word 'accommodation' correctly and

from then on I had a brood of friends. Apart from that I did have some friends from other multicultural groups who had supported me against Melody, who gave me a good old hiding, but at the end of that year I made sure I retaliated. I pushed her in the rubbish bin, and that was the last I heard of Melody. I do not think I have been bullied ever since.

I remember the food Ms Hartland spoke about — the chops and the peas. I remember my father actually lifting up the roast lamb, cut paper thin in Australia, and saying, 'Are we expected to eat that?' and 'Is that the entree?'. We tried all sorts of Australian food, including the sausages at the time. We would cook it and try it. It did not taste very good and we fed it to the dog, but even the dog would not eat it! Our experience of multiculturalism was very different. I certainly prefer the brand of multiculturalism we enjoy in Victoria and in Australia to, say, the coexistence model of Switzerland or perhaps the less cohesive model of Quebec. Certainly I think it is probably a better model than the melting pot model of the United States. Of course there are degrees of multiculturalism within that, but within our context I think we have a reasonably good model.

As has been said before, it has had the commitment of a number of people and parties, and significant people have shaped what we have today, not the least of which was Professor Jerzy Zubrzycki, who was passionate about this policy and was the chair of the social issues committee of the Immigration Advisory Council in the 1970s. That policy was picked up by former federal Minister for Immigration Al Grassby and by Malcolm Fraser, who was subsequently Prime Minister. We have built and improved on it. There is probably more than a nuance of difference under Labor governments, but we all embrace what multiculturalism tries to do in terms of promoting the social, the cultural and, more recently, the economic benefits of multiculturalism and, in doing so, promoting tolerance and understanding. We have moved on to celebrating diversity and differences, but we need to move further on and look at how we can calibrate and facilitate those benefits for immigrants themselves and for our community at large.

It is not just about making people feel unashamed to speak in their native language, as I experienced from the age of 10 through to the very first time I returned to my country of birth. In maturity I came to terms with who I was and realised it was not something to be ashamed of. When I was a child I used to walk 5 metres in front of my parents so that I was not heard speaking in their native tongue. So it is not about the personal benefits of coming to terms with who you are and feeling respected and accepted as a member of the community; it is not just about preserving and sharing the cultural benefits, be it food or music or various other benefits that not only individuals but the broader community benefits from. It is making sure we address those issues that prevent people's full integration and full ability to harness and maximise those differences and those opportunities that can come from those differences — for their own personal benefit and for the benefit of their families, the community, the state and the nation.

The opposition is not opposing this bill, but I have some grave reservations about the merging of what essentially ought to be an organisational structure that delivers outcomes and one that formulates the policy based on advice. The reason for that is unfortunately the Labor Party has never really been able to resist politicising that particular system and multiculturalism and using them for partisan gain. Recently I flicked through some issues of *Multicultural Victoria* magazine, and whilst multiculturalism is something that is embraced by everyone, by all political parties — the Greens have pledged their support and members of the Liberal Party have been longstanding supporters, as have the Labor Party and, no doubt, Mr Kavanagh — these publications, which are very costly and very colourful, feature page after page of photographs of Labor Party ministers and the Premier.

An honourable member interjected.

Mrs PEULICH — Absolutely. Unfortunately it has become promotional political material. In the summer edition of 2008, similarly issue 22 for spring 2007 and, more recently, the winter issue of 2008 there are so many photographs of Labor Party identities that one can hardly form any other conclusion than this is an abuse of those resources. This is not about promoting the Labor Party. This is about promoting the benefits of multiculturalism and delivering programs that will assist people and multicultural communities.

The Victorian Multicultural Commission was supposed to be an independent statutory authority. I note the chair is George Lekakis, who my mother used to work with and knows very well. He is obviously a longstanding card-carrying member of the Labor Party. I share the concerns of Matthew Guy that under his chairmanship there is a need to make sure the resources available to this organisation are dispensed and disbursed in an apolitical and non-partisan manner and that all groups feel the commission and other organs of this government have an open door policy for all of them, not just those seen to favour the local Labor politician or the Labor Party.

Irrespective of which particular background or country or nation they have come from, they all ought to have an open-door policy. As the shadow parliamentary secretary for communities and representing the South Eastern Metropolitan Region — also a very multicultural area — I go along to quite a few of these functions. It is interesting to note that at some of those functions that are not traditionally linked to the Labor Party there is not a Labor Party politician within cooee. Some of those communities tell me that they have given up on applying for grants because they know full well they will not get them. That is very sad. It should not be that resources are used for patronage, and I certainly hope they are not.

I note that the commissioners — and I understand the information has been decided on and they are soon to be announced — are a much broader range of people and are not just friends of the Labor Party. It is instructive to look at the annual report of the Victorian Multicultural Commission, especially the foreword written by Mr Lekakis headed 'Reflections and future directions'. In it he talked about how the merging of the commission and the Victorian Office of Multicultural Affairs has occurred in the last 12 months and that this formalises the arrangement, and he went on to talk about the merger, saying:

> … the VMC's fundamental role as an independent link between the community and the government has been augmented with the role of developing and providing policy advice in the area of multicultural affairs.

If you look at the magazines I have referred to, you will see they could hardly be seen as particularly independent. If the Labor Party or the government wants to advertise and promote itself, it ought to pay for it out of Labor Party funds. I note there is a significant emphasis on celebration and the provision of information; more of those funds need to be — as Ms Hartland pointed out — directed to improving outcomes. The key strategic activities should not just be reported on; the outcomes of those activities and how they improve the lives of newly arrived migrants and beneficiaries of any other funding, particularly those who have been beset by recent problems, should also be reported.

In particular I would like to mention some of the programs the opposition used to place a greater emphasis on during the former Kennett government. But before doing so I will refer to my having one of my staff members count up the number of political photographs.

Mr Guy — In each edition.

Mrs PEULICH — In each edition, which unfortunately shows the tendency to politicise the Victorian Multicultural Commission, and I suspect that now with the merger this will be even worse. I hope I am proven wrong, and I look forward in 12 months time to perhaps being able to get up here and eat my words. As I mentioned before, the winter edition of the commission's publication had 13 political photographs of Labor Party identities; the spring 2008 edition had another 13 political photographs of Labor Party identities; and the summer edition had 16 political photographs of Labor Party identities. I hope there will not be a further increase next year.

I would encourage the new structure to look at what it can do to help our newly arrived migrants, particularly those communities who may have specific problems — for example, the Labor Party has failed to provide focused or targeted assistance for employment services for immigrants, as the opposition when in government did under the community business employment program which the Labor Party quickly scrapped. I am always reminded of that adage — I cannot recall it exactly, but it is something to the effect of: give a hungry man a fish and you have given him a meal, but if you want to give him a lifestyle, make sure that you give him a fishing rod. What immigrants most want is the ability to tap into mainstream opportunities and to harness the differences they bring to benefit themselves, their communities and their families. I see Labor has not done that very much at all. Events and festivals are great, they are enjoyable, but they just do not go far enough.

Labor has failed to deliver on promises. Many of the promises detailed in the Multicultural Victoria Act have not been delivered. It has failed to support educational opportunities for newly arrived migrants. Ms Hartland spoke about the inadequacy of language programs for newly arrived migrants, and that needs to be considered. There has been a failure to provide coordinated and appropriate assistance and educational opportunities for refugees who have no formal education.

As part of the government's school closures and amalgamations program — I think it calls it 'renewal' or some other quaint term — it is closing down the Springvale Secondary College site in my area. It would have been an ideal location for a technical or vocational setting; it is right there on the railway line with a convenient link to Dandenong, which is the hub of many services that migrants access. It would have been an ideal location for a technical school or college. It is an idea that was supported by local councillors — Labor and Liberal — the local police, local traders and

the local community. But no, chasing the elusive dollar, because it is so wasteful, the government has decided that it will close it. I guess at the end of the day it will end up being for housing rather than a much-needed opportunity for Sudanese or Horn of Africa immigrants to access courses that will enable them to earn a living.

Basically there has not been a whole-of-government approach to the multicultural policy implementation, despite claims to the contrary. We had an intergovernmental committee to make sure that all policies and programs were tuned to delivering outcomes for multicultural communities. I do not see that as having been done effectively.

There is limited communication with multicultural Victoria, notwithstanding the expensive magazines. Most of the engagements outlined in the annual report under 'Bringing people together' are public relations, or PR, exercises, and I will quote from page 24:

> The commission is committed to promoting the benefits of our rich cultural, linguistic and religious diversity to all Victorians. Through publications, websites and mail-outs, and via a range of community engagements and its advocacy role, the commission continued to facilitate information flow and dialogue across and between government and communities. Community groups and organisations were also assisted with a wide range of forums and information sessions.

If you look at that detail you see that it basically means and refers to, as I said:

> publications, online resources and media announcements —

pretty much mostly in English, and to the funding —

> of local and major events —

and that certainly has its place. There are good opportunities for displaying a culture to be enjoyed by the broader community, especially the second-generation migrants of those communities for whom it is often a struggle to maintain or even learn their own native language, culture and cultural practices. Further on the article states the need to:

> recognise the substantial contribution that people from all over the world have made to the social, cultural and economic development —

and it talks about a community recognition program. That is all very good but, as a person who knows the importance of improving and enhancing capacity, I would like to see a focus more on the practical, capacity-building programs for our multicultural communities. It is not all about events, it is not all about PR; it is about helping people to harness those differences to the best extent they can.

The government has failed to facilitate a nationally recognised interpreter card after so many years. It has even failed that small hurdle, which would have allowed Victorians to access an interpreter across all tiers of government.

It has certainly failed our children in language education. I think there have been record low levels of LOTE (languages other than English) as a learning area. In particular I would like to stress the importance of culturally specific schools which offer an education within our education frameworks and the opportunities they provide to children to learn a LOTE within the normal timetable. The Saturday morning Victorian School of Languages has been an opportunity, but it does make it difficult for migrant children because it takes them out of things like sport and the weekend social activities other children enjoy.

I believe the failure of the government to properly coordinate and manage assistance to new arrivals to Victoria has resulted in a very ad hoc response from government departments and agencies with little genuine assistance. The gloss is all there. There is certainly a fair bit of celebration — there are quite a few festivals and all those things — but my view is that there needs to be a refocus, and I do not believe this new structure is going to deliver that. I cannot see the Labor Party being able to resist the temptation to use these resources and structures for the advancement of its political interests rather than genuinely helping our multicultural communities.

With those few words I would like to state that I hope the government does better, because there are too many risks for us to withstand as a multicultural community if we allow certain communities to fall behind. It is not just about political advantage; it is making sure that we are genuinely multicultural, that we support our multicultural communities and individuals and that no-one falls behind. I do not believe the government has performed adequately. I do not believe the measures reflect those outputs, and I look forward to the government improving its performance after nine years of what I see as pretty much failed opportunities.

Debate interrupted.

HEALTH: DOCUMENTS

The Clerk — I lay on the table the following documents received in accordance with the resolution of the Council of 12 November 2008, which required the documents to be produced by 4.00 p.m. today:

(1) 'Statement of priorities 2007–08 planning priorities' — Bayside/Alfred Health.

(2) 'Statement of priorities 2007–08 planning priorities' — Eastern Health.

(3) 'Statement of priorities 2007–08 planning priorities' — Peninsula Health.

(4) 'Unaudited operating surplus/deficit 2007–08' — Ballarat Health, Bayside/Alfred Health, Bendigo Health, Eastern Health and Peninsula Health.

(5) 'Unaudited performance indicators 2007–08 (end of financial year snapshot)' — Ballarat Health.

(6) 'Unaudited performance indicators 2007–08 (end of financial year snapshot)' — Bayside/Alfred Health.

(7) 'Unaudited performance indicators 2007–08 (end of financial year snapshot)' — Bendigo Health.

(8) 'Unaudited performance indicators 2007–08 (end of financial year snapshot)' — Eastern Health.

(9) 'Unaudited performance indicators 2007–08 (end of financial year snapshot)' — Peninsula Health.

(10) 'Unaudited cash flow statement 2007–08' — Ballarat Health, Bayside/Alfred Health, Bendigo Health, Eastern Health and Peninsula Health.

(11) 'ACHS accreditation status' — Ballarat Health.

(12) 'ACHS accreditation status' — Bayside/Alfred Health.

(13) 'ACHS accreditation status' — Bendigo Health.

(14) 'ACHS accreditation status' — Eastern Health.

(15) 'ACHS accreditation status' — Peninsula Health.

(16) 'Cleaning standards' — Ballarat Health.

(17) 'Cleaning standards' — Bayside/Alfred Health.

(18) 'Cleaning standards' — Bendigo Health.

(19) 'Cleaning standards' — Eastern Health.

(20) 'Cleaning standards' — Peninsula Health.

(21) 'Submission of data to VICNISS' — Ballarat Health.

(22) 'Submission of data to VICNISS' — Bayside/Alfred Health.

(23) 'Submission of data to VICNISS' — Bendigo Health.

(24) 'Submission of data to VICNISS' — Eastern Health.

(25) 'Submission of data to VICNISS' — Peninsula Health.

Debate resumed.

Ms DARVENIZA (Northern Victoria) — I am pleased to rise and make a contribution to the second-reading debate on the Multicultural Victoria Amendment Bill 2008. In starting I would like to pick up some of the criticisms made by Mrs Peulich in her contribution. I can appreciate some of the difficulties Mrs Peulich must have faced as a migrant child attending school in a new country and the changes and pressures that experience forced on her and her family. The way she was able to share that with the chamber was heartfelt but at the same time quite entertaining and humorous.

However, I have to take up a number of comments and criticisms Mrs Peulich made of the government and the Victorian Multicultural Commission. Some of the criticisms the member made were made on a false basis, and I would like to point those out. Mrs Peulich talked about refugee support, the need for refugee support and the inadequacies of refugee support. In her summing up she implied that the government had not done enough to look after the many refugees who have come to Victoria and settled here. I would like to let Mrs Peulich know, through you, Acting President, that in the last budget $17.7 million was allocated over four years for our refugee support strategy. That allocation was in the areas of education and health as well as in justice. While Mrs Peulich was busy criticising the Victorian government for its so-called lack of support, she failed to acknowledge the significant contribution in the last budget. She also failed to mention the cuts the Howard federal coalition government made during its years in government. It ripped the heart out of refugee settlement programs. It put in place temporary protection visas. It took away money that had enabled people to find housing and to settle. It took away the funding and provision for language education that Mrs Peulich spent some time talking about as a necessity for migrants. She failed to mention the neglect of refugees during the Howard government years, but it is the federal government that primarily has responsibility for the settlement of refugees.

Mrs Peulich talked about there not being enough information put out in languages other than English, and she criticised the commission for that. The Victorian Multicultural Commission has fought hard to ensure that the government has increased funding for interpreter services not only its use but also for use right across government. There has been a significant increase in funding for interpreter services — in fact $16 million has been provided in funding right across government. That means that in health, in education, in justice and in other aspects of human services where people need interpreting assistance when engaging with service providers they are able to access that assistance and are better able to get the treatment and care they require.

Going back to education, Mrs Peulich went on at some length about the need for education. She was critical of the government and said not enough was being done in education. Mrs Peulich failed to mention that funding for after-hours ethnic schools has been significantly increased in the time Labor has been in government in Victoria — in fact it has increased by over $4 million a year. We have more students attending those out-of-hours ethnic schools which our community groups find so important in maintaining their languages and ensuring their children are able to keep their language and learn it properly. We have more students than ever before attending out-of-hours ethnic schools, and greater funding going to individual students and to the schools that are providing those facilities for language classes.

I also want to talk a little bit about the funding that has gone to multicultural communities. In her contribution Mrs Peulich categorically said that we play politics with the grants and with the way the commission distributes funding to ethnic communities. That could not be further from the truth. There are no politics being played at all, and in almost every respect to do with multicultural affairs — and I have been involved in it for many years — —

Mrs Peulich — Then why have some groups given up?

Ms DARVENIZA — It surprises me that Mrs Peulich asks that, because in the many years that I have been involved with multiculturalism and with the many ethnic communities we have here in Victoria — and I have worked closely with a number of shadow ministers who have had responsibility for multicultural affairs — there has always been a bipartisan approach to the way we conduct ourselves, whether it be at a particular function or at meetings with an ethnic group or with ethnic leaders.

Just going back to funding, through the Victorian Multicultural Commission our government has increased funding for the many multicultural groups from $750 000 when we came to government in 1999 to over $9 million in this financial year, and that includes the refugee brokerage program, the promotion of harmony, the interfaith networking that I am sure many members of the opposition are familiar with and involved in within their electorates, as well as the cultural precinct initiatives. That is significant additional funding that has gone into supporting our multicultural communities. As a government we have put in that additional funding because we want to acknowledge and recognise the excellent work the groups do.

It is not about politics; it is not about where these groups come from historically or where they live now or how they vote. It is about the fact that we acknowledge and recognise the significant social, cultural and economic contribution those groups make to the Victorian community. The contribution made by the Greens recognised that apart from our indigenous Australians, almost all of us are the product of migration. We have parents, grandparents or great-grandparents who have made the move to Australia.

Under the leadership of George Lekakis the multicultural commission does an excellent job. It is out there all the time with community groups, and it broadly consults with them which is counter to what Mrs Peulich said in her contribution. There has never been a greater level of consultation, whether it be in regional areas such as mine in the Goulburn Valley where we have a very culturally diverse community, or whether it is in the suburbs of Melbourne. The commission has forged terrific links with community leaders, with faith leaders and with consulates, and of course it deals with a whole range of issues whether they be about an individual group's particular concerns or whether it be on a matter that goes further and involves the broader community. The multicultural commission is always there and does an excellent job.

The multicultural commission's publication is highly regarded. Many in the community look forward to it, particularly those in our ethnic communities. It clearly demonstrates the way the commission does its job and the amount of work that not only the commission does but of course the work done by the community leaders out there in the community.

This is a good bill. It formalises in a legislative framework the merger that took place. The amendments will enhance the functions of the commission. The bill provides for the appointment of a director of the commission and amends the reporting requirements for government departments in the area of multicultural affairs. Whole-of-government reporting was an initiative taken by this government to ensure that every government department makes a report to the Parliament about how its particular portfolio areas are providing services and information to culturally diverse communities. Of course it is the Bracks and Brumby Labor governments who put in place the Racial and Religious Tolerance Act and whole-of-government reporting, as well as the Multicultural Victoria Act that this bill amends. It is a good bill. It deserves the support of all members of this chamber, and I wish it a speedy passage.

Ms TIERNEY (Western Victoria) — I am pleased also to rise to make a contribution on the Multicultural Victoria Amendment Bill 2008. What we have before us this afternoon is a bill to enact an election commitment taken by the Labor Party to the 2006 election. That commitment was to merge the Victorian Office of Multicultural Affairs with the Victorian Multicultural Commission. We would not have included it in the policy statement on strengthening multiculturalism in Victoria if it were not for the fact that ethnic communities in Victoria supported it and asked for it.

The Premier made his annual statement of government intentions in February. He clearly outlined several elements that needed to be contained in the bill to fulfil our election promise. Firstly, it was to consolidate the administration of the multicultural affairs portfolio into a single statutory authority and to improve the efficiency and good delivery of multicultural activities, strategies and policies. Secondly, it was to enhance a whole-of-government approach to multiculturalism in this state and provide a greater community focus to enhance community input and participation and increase support to culturally and linguistically diverse communities. Thirdly, it was to improve the accountability of government departments in the area of multicultural affairs and to ensure the compatibility of the Charter of Human Rights and Responsibilities Act 2006.

If you go to the particulars of the amendments that are before us today, you will see that clause 4 is headed 'Principles of multiculturalism'. It makes a substitution in section 4(3)(e) of the act so that it will state:

> All individuals in Victoria have a responsibility to abide by the State's laws and respect the democratic processes under which those laws are made.

In existing part 3, 'Victorian Multicultural Commission', section 8 — which talks about the functions of the commission — there are two new subparagraphs: (f), which will provide for the commission to facilitate community input with respect to meeting the objectives of the commission; and (g), which will enable the commission to provide information and advice in the area of multicultural affairs to the government departments and other relevant bodies as necessary.

Following section 13 — still in part 3 — a new section 13A will deal with the director of staff of the commission:

> For the purposes of this Act, there are to be employed under Part 3 of the Public Administration Act 2004 —
>
> (a) a Director of the Commission; and
>
> (b) as many staff as are required to assist the Commission.

To section 14, 'Deputy Chairperson of the Commission', there will be two additions providing for one of the members of the commission or the director of the commission to be the deputy chairperson of the commission.

All of that so far is fairly straightforward. In part 4 there are some more significant amendments to section 19, which deals with the reporting requirements of government departments. These amendments add interpreting and translating services to paragraph (a), include the words 'and communications in the ethnic media' in paragraph (b), add the words 'including the identified needs of youth, older persons and women within these communities' to paragraph (c) and add a new paragraph (e), which refers to:

> the Department's progress under its cultural diversity plan to address provision for culturally sensitive service delivery to Victoria's communities …

A new paragraph (f) is also added. It refers to:

> any initiatives developed by the Department that meet the identified needs of culturally and linguistically diverse communities in regional and rural areas of Victoria …

That particular addition is quite heartening for many. I represent the electorate of Western Victoria Region, and we have a significant number of different ethnic communities. In Warrnambool and Colac we have fairly recently arrived Sudanese communities, while in places like Geelong we have a long tradition of having well-organised ethnic communities. I take this opportunity to congratulate Diversitat in Geelong for its ongoing work in this area. It does an excellent job in bringing together a whole range of communities on an ongoing basis, and that is typified by the very successful Pako festival held in Pakington Street each year.

Recently I attended a Sunday lunch with members of the Spanish community. It is clear that in the different ethnic communities we have, many of the older members work tirelessly to make sure members of the younger generation understand their language, culture and dance. We need to make sure there is support for the older generation to continue that education in those communities.

Section 19 of the act will also have a new paragraph (g), which refers to:

> any measures taken by the Department to promote human rights in accordance with the Charter of Human Rights and Responsibilities for multicultural communities.

All in all the amendments we have before us are reasonably straightforward. I cannot contemplate why anyone could possibly be opposed to what is before the house today. This bill brings about the formalisation of what has already occurred. The merger came into effect administratively on 1 May 2007, so this is an opportunity to formally amend the act. This is the last part of what is required in the exercise that has taken us from an election promise to a statement of government intent, to a lot of consultation and to the drafting of the bill before us today.

I have quite a different take on this matter from that of the previous Liberal speaker. I also cite Mr George Lekakis's foreword in the Victorian Multicultural Commission's most recent annual report, tabled on 28 October in this house. Mr Lekakis said:

> … since the merger, the VMC's —

the Victorian Multicultural Commission's —

> fundamental role as an independent link between the community and the government has been augmented with the role of developing and providing policy advice in the area of multicultural affairs. Community input garnered through regular consultations with communities and key stakeholders now directly feeds into the policy options that are developed.

That is a very significant element that needs to be underlined and supported.

In terms of my experience in the car industry for some 20 years prior to coming into this house, I lived in an environment that was almost like being in the United Nations! The car industry, as everyone knows, is often the first workplace that people in each wave of migration find their way to. When I started in the late 1980s there was a real mixture of nationalities that had come from war-torn Europe. We had a huge number of Italian, Greek and Yugoslavian workers as well as shop stewards. Over time we also saw an influx of Lebanese, Maltese and Turkish people and, during and after the Vietnam war, a number of Indochinese people. In the car industry it is not an issue of talking about multiculturalism; you live and breathe multiculturalism in every sense.

As a union we had to be mindful to ensure that there was clear communication between the union, union officials and the membership, that plain English was used at all times, that materials were translated and that, if required, interpreters were used. We needed to ensure that translations were done by people from the same ethnic community in their own language rather than using so-called expert interpreting or translating services that do not translate in the shop-floor language of that ethnic community. We had to be mindful and have a finger on the pulse on all occasions to ensure that there was real communication and that real multiculturalism was being kept well and truly alive.

I was privileged to have had that experience during that time. Many leaders of the ethnic groups ensured that there was respect amongst everyone. They considered family very important, they believed it was important to carve out a new life for themselves and the next generation and in particular they believed education was very important. In all of that it was clear they had a spirit of generosity and a strong sense of community. It was not just a matter of representing the people in the car industry who were working 9 to 5 or on shifts; it also meant being involved in each and every one of those communities — at weddings and engagements, in fundraising and in schools, and at funerals as well. It is the way the union operates and needs to operate.

It was also interesting to go to the shop steward committee meetings in the car industry. They were always very loud, boisterous and incredibly robust. Everyone got everything off their chest, and everyone knew how to communicate. We had almost every nationality represented as shop stewards. We then went further and had women elected as shop stewards to assist and partner other shop stewards. So the voices of women from different ethnic communities were also heard directly. That provided a wholeness that was important not just in terms of the shop floors at Ford, Toyota and Holden but also in terms of making the union a much better, stronger and healthier organisation.

It is with that background that I am pleased to speak today. I am also pleased to be part of a government that considers multiculturalism part and parcel of everything we do; it is incorporated in everything we do and is not an adjunct. The Premier himself is the Minister for Multicultural Affairs. In terms of his personal attitudes to a range of issues, one of the things he will never tolerate is disrespect for someone because they were born in another country, have skin of a different colour or speak a different language. He is very supportive of multiculturalism, not just in words but in every sense of his being. I am pleased to speak today, and I wholeheartedly commend this bill to the house.

Ms MIKAKOS (Northern Metropolitan) — I am proud to rise to make a brief contribution to indicate my strong support for this bill. As Victorians we have every reason to be proud of our state's cultural and religious diversity and of the unique contribution that generations

of migrants have made to the development of our state. With the exception of our first people, our indigenous people, Australia is a nation of immigrants. Forty-three per cent of Victorians were born in another country or have a parent who was born in another country, and Victoria is home to people from more than 230 countries who speak around 200 languages and celebrate 120 faiths.

As a member for Northern Metropolitan Region I am proud to represent an electorate that has many people of different backgrounds, languages and faiths. As a parliamentarian it has been an absolute pleasure to have enjoyed a very strong and positive relationship with the diverse communities that live in my electorate. It is a source of great inspiration and enjoyment for me to attend many of our culturally diverse communities' different celebrations and events during the course of each calendar year and to get to know more about their respective cultures and faiths.

Like many other Victorians I am the daughter of migrants, and I am proud of my family's heritage. I recognise the contributions that migrants — not only those who have Greek heritage like myself but also those from a multitude of cultures — have made to our wonderfully diverse society over time. As is the case for many children of migrants, I had the experience on many occasions of acting as an impromptu interpreter when growing up and in school. That certainly was an eye-opener. I know that in ways like this many children of migrants have gained a unique insight into the needs of migrants and refugees in our country. It has enabled me as a member of Parliament to understand and advocate for more support for our migrant and refugee communities in my electorate and also across the state in terms of the development of government policy and services.

I am pleased that Victoria remains a welcoming and accepting society that is built on respect for one another. Cultural diversity is one of our greatest strengths, and it is for this reason that Victorians from all backgrounds should be encouraged to participate in every aspect of our social, economic and political lives. It has been interesting in the course of this debate to note that many other parliamentarians have commented on their own cultural heritage or family background. Parliamentarians from overseas are surprised when they visit this Parliament and learn that there are parliamentarians here from many different ethnic backgrounds. It is something of which we as members of this place should be proud, and our state should be proud that we have people in this chamber from a wide range of backgrounds.

A person's identity is fundamental to their personal wellbeing. We all stand to gain as individuals and as a society if we enable people to not only retain and maintain their individual customs and traditions but also express their cultural identity within the wider community. Multiculturalism means different things to different people. To me it means being proud of your heritage, sharing that heritage with others, learning from each other and building bridges with people of different backgrounds in our community. We as individuals enrich our lives through the exchange of cultural identities. We must always remember where we have come from in order to know where we are going. Our cultural heritage is something that not only brings us together as a society but also propels us forward as a multicultural society. We are the envy of the world in many respects in terms of the harmonious and diverse society that we have in Australia.

The government acknowledges the critical role that our diverse communities play in maintaining and developing this harmonious society, and I want to acknowledge the important role that the Victorian Multicultural Commission plays in this. I believe it does a great job in helping our diverse communities develop various projects and events that celebrate our cultural diversity, and it helps keep this richness alive for future Australian generations. The Victorian Multicultural Commission recognises the achievements of established migrant communities in our state, and it also supports newly arrived or less well established communities to develop their own capacity. So the work of the Victorian Multicultural Commission, as I see it, is about strengthening communities, and it is about providing them with support, enabling them to retain the richness of their cultural heritage and share that with the rest of us in the state.

My experiences with the Victorian Multicultural Commission have always been positive and rewarding, and I want to take this opportunity to commend the commission, its chairperson, George Lekakis, and all of its staff on a job well done. I know that they are very well regarded and respected in the community, certainly amongst the various ethnic communities that I speak with regularly in Northern Metropolitan Region.

Victoria has developed into a society that is engaged with the rest of the world and one that provides an excellent example of the positive effects of cultural diversity. I believe this bill strongly reinforces the vision of the government to encourage and further enhance multiculturalism in our state. I do not take the view that no more work is required. I think more work needs to be done in the area of promoting multiculturalism.

At a time of increased international instability it is clear that some groups in our diverse community have been subjected to intolerance and discrimination. This is something that I abhor. As a parliamentarian I have visited my local mosques and engaged with my local Islamic communities to show them my support in this difficult time. I think it is important that all of us as parliamentarians extend support to those groups in our communities who are being victimised or unfairly tarnished by the actions of other people outside of their control or responsibility.

It is important that we as politicians play a leadership role in our respective communities in encouraging multiculturalism to promote a harmonious and tolerant society in our state. It is heartening that at the time One Nation was at its peak in Australian politics, a decade or so ago, it was actually our state, Victoria, that showed the least support for the disgraceful policies of that organisation, and I think it is important that at the state level the various parties in the Parliament have shown bipartisanship on the issues of multiculturalism. That is certainly something that I hope continues in the future. While in the past we have had policies promoted at a federal level that have sought to undermine that tolerant and harmonious society we have worked so hard to develop in this state, I hope those policies can be put behind us, can be rejected by all the parties in this Parliament and, as I said, we can show some leadership to the communities that we represent.

With those words I want to indicate my strong support for this bill. I believe generations of migrants and refugees have made an immense contribution to all aspects of our state. I think multiculturalism is the epitome of what it means to be a Victorian and an Australian, and I commend this bill to the house.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

PROSTITUTION CONTROL AND OTHER MATTERS AMENDMENT BILL

Second reading

Debate resumed from 13 November; motion of Hon. J. M. MADDEN (Minister for Planning).

Mr GUY (Northern Metropolitan) — There are times when you make contributions on issues that you are not fully familiar with, and I have to confess this is a bill that covers many areas I am not personally acquainted with. However, I will make reference to the fact that it deals with a number of serious issues. While I do not intend to speak for a long period of time, it is worth noting the Liberal and National parties' position on this bill, which is not to oppose it.

The purposes of the bill as such are very basic. It has two main purposes, which I will outline. They are to amend the Prostitution Control Act 1994 to introduce new provisions regarding relatives of licensees or managers, create offences relating to licensees being in effective control of a business, authorise the issuing of infringement notices for certain breaches of the act and provide for certain matters as constituting evidence of a prescribed brothel; and also to amend the Second-Hand Dealers and Pawnbrokers Act 1989 to provide that documents required to be made available to police may be required to be produced electronically or in paper form.

Noting that, I think it is fair to say we are all aware that prostitution is the oldest profession in the world, and it is not something that can be ignored as if it does not exist. It is pretty clear that regulation of the industry is important for the people who work in it to ensure that they have a safe, legal framework in which to operate and also to ensure that the best of health services are provided to them and to the people who engage in those services — so that we are not sanctioning an industry that is not only unhealthy but also able to exploit those who are engaged in it.

There are people who seek to engage in exploitation in the sex industry. We have seen one case recently of young girls brought out from Thailand — that was my understanding — who had their passports held by a person who was keeping them in Australia, in effect, as sex slaves. That was a disgraceful situation, and we should do our best to countenance anything that can be done in this Parliament or other parliaments to redress that type of situation and ensure that these circumstances cannot occur.

In short, the bill is about cracking down on the operation of illegal brothels, and that can only be a positive thing. The main provisions of the bill will expand the definition of 'associates' in the Prostitution Control Act to include relatives involved in the business. It is important to try to ensure that relatives of people who are engaged in the keeping of a brothel are brought under the banner of an associate but that someone who is completely uninvolved with the operation of the brothel should not get caught in that sense.

It also amends the definitions of 'brothel' and 'escort agency' to include the offering of prostitution services, not just the provision of such services. There have been a number of recent media reports drawing attention to issues of illegality in the sex industry. I understand this provision arose from media reports that were prominent some weeks or months ago which revealed that some local government authorities were engaging visiting agencies to see if prostitution services were being offered in order to ascertain if laws were being broken. In some cases this led to an extraordinary situation in which local government had to come to this level of surveillance to see if laws were being broken in brothels or in escort agencies.

The bill also inserts new requirements for a brothel licensee to be in effective control of the business and provides for certain breaches of the act to be enforceable via an infringement notice.

The bill provides that a police officer of the rank of senior sergeant or above can apply to a court for a search warrant relating to a suspected unlicensed brothel. I am informed that previously this could only be done by the rank of inspector or above. This provision is supported by the opposition. With ranks beneath that of inspector allowed to apply for search warrants, it will certainly be helpful to have more police able to obtain warrants to go into suspected unlicensed brothels. If more police officers are allowed to obtain warrants to search possible illegal brothels, there will be greater flexibility, and we all know that the police force in this state is overstretched at this point in time.

There have been some examples recently which have been pretty awful and disgraceful in terms of exploitation, particularly of young women who have come to Australia, I would hazard a guess, on a pretence, not knowing they would be detained as sex slaves by some pretty low people who would seek to confiscate their passports and hold them in that manner. It is important that we allow the police force the flexibility to have greater ability to search illegal or suspected illegal premises to ensure that these activities are not occurring.

The bill sets out a number of matters that a court may take into consideration in determining whether a premises is being used as a prescribed brothel. I will go through the various matters contained in clause 16 of the bill, which will insert proposed section 85A paragraph (1)(a) through to (e), including people entering or leaving a premises consistent with the use of a premises for prostitution services, appointments at the premises for what a reasonable person would believe to be the purpose of prostitution services and advertising where contact details are provided which can be linked to the premises offering prostitution services. Whilst a lot of it is circumstantial, the point is that these matters are listed in the bill. I would hope that by prescribing those situations in the bill we are not limiting ourselves to just those five key points, because situations may arise where those five key points are not necessarily relevant to a particular case. I hope that in specifying those five points we are not limiting ourselves and limiting the scope of investigations that may be necessary. Their inclusion appears to have been driven by a desire to make it easier to secure convictions against operators of prescribed brothels and for a Magistrates Court to declare that a premises is a prescribed brothel, because that is obviously a necessary step before it can be closed down.

There is some concern that listing those five key circumstances may limit the discretion of the court as well as the police and in fact have an opposite impact to what was intended by the legislation. Nonetheless, the opposition has mentioned that concern and hopes it is taken on board by the government. We do not mention it for any reason other than the hope that it is taken up and that it does not end up being a hindrance to the operation of the bill and the work of Victoria Police in conducting any kind of surveillance work or enforcement activities to counter illegal brothels.

Some other concerns I raise before I conclude my remarks include the fact that the bill does not seem to deal with what appears to be the duckshoving over enforcement of the Prostitution Control Act that goes on between Consumer Affairs Victoria, Victoria Police and local councils. In my electorate in the northern suburbs I have dealt with a number of residents who have time and time again reported what they believed was an illegal brothel operating in a residential premises. I will not name the area, but it was in the inner northern suburbs.

These residents — there were a number of them — had over many months confronted people at the premises,

gone to the council, gone to the police and gone to a range of government agencies to try to sort out this issue. This highlighted their frustration at the fact that it appeared nothing had been done or was going to be done. It was very obvious from spending a short time near the premises what activities were going on there. My understanding is that eventually it was found to be an illegal brothel. The residents were right all along, which usually is the case. I do not think people make allegations of this kind based on information that is not credible. It is pretty obvious to a neighbour of such an illegal operation as to what may be the case.

The bill appears to be poorly drafted in some instances. I am informed that it denies certainty to licensees. Not only must licensees conduct their business in accordance with the law but he or she must also conduct their business, as the bill states, 'in a suitable manner', under penalty of potential licence cancellation. That is obviously there for interpretation, as 'in a suitable manner' is obviously a subjective term.

I am informed also that new section 85A aims to provide that certain circumstantial evidence may be taken into account by a court in determining whether a premises is operating as an unlicensed brothel. The drafting of the bill, however, raises the possibility the provision might limit the court's previously broad discretion to consider relevant evidence, which is a point I have raised before. It could make it even more difficult for a court to secure the necessary order to see the winding up of that premises.

Noting these couple of points that I have just raised, as I said, the Liberal and Nationals coalition does not oppose the bill. We expect that the bill will lead to higher standards in the sex industry in Victoria in that sense. While in some respects the bill is too little, too late and flawed in its construction, my view is that any moves to crack down on illegal brothels operating in Victoria should not be opposed. Certainly those people who are engaged in the sex industry in Victoria, whether they are operating or working in it, need to have certainty. They certainly need to have the regulation that comes with any industry, for the sake of the security of not only those who are operating the premises but also those who are working in this industry and those who are engaging their services. Having said that, the Liberal and Nationals coalition will not be opposing this bill.

Mrs COOTE (Southern Metropolitan) — I have pleasure in speaking on the Prostitution Control and Other Matters Amendment Bill. I commend my colleague Mr Guy on speaking comprehensively about the details, aims and purposes of the bill. None of us wants to see illegal brothels springing up in the suburbs. We want to have proper controls, we want to know that the people involved in this area are not being exploited and we want to make quite certain that our neighbourhoods, our streets and our communities are safe.

I know a lot about prostitution and I know a lot about brothels. I was very pleased to have been a member of the Attorney-General's Street Prostitution Advisory Group, which was constituted in 2001 by the Attorney-General, Rob Hulls. The chairman was Richard Wynne, now the Minister for Housing. The work of the advisory group was a very interesting exercise because my electorate covers St Kilda, which has been one of the hubs of prostitution for probably as long as Melbourne has been a city. Prostitution is not straightforward. It is complicated and complex, with many different levels involved. As members are discussing today, we have illegal brothels. There are also legal brothels, there are street sex workers and there are also people in escort agencies who provide sexual activity and are involved in sexual acts.

The participants in this industry are not straightforward either. The stereotype of a prostitute would be somebody who is out there, drugged to the eyeballs, careering around and performing all sorts of acts, particularly on the streets. However, it is my experience that we have very different types of people performing prostitution acts. They are not just females; they are also males. It is important for members to understand that males are involved in large numbers. Male prostitution operates in a slightly different way from the female industry. Males involved in it have told me that it is a little like ordering a pizza: you ring and ask for somebody to come, they turn up at your venue or a mutually agreed venue and services are provided.

The street prostitutes are an amalgam of people. Over the years I have got to know a lot of street prostitutes. I have quite a lot of admiration for many of these women. Some are mothers raising money to support their children, who do not have any idea of what their mothers do. Others are drug addicts and others are being pushed by their so-called boyfriends, who are supposed to be looking after them. In fact one of these boyfriends told me that he would have his woman out on the beat during the night and by early in the morning they would have shot up heroin in their arms with the proceeds of her work. Today heroin is not so much the drug of choice on the streets; it tends to be other drugs. But drug addiction is still a promoter of prostitution for people who are trying to support their habit.

We have street prostitution in a number of areas of St Kilda. On St Kilda Road between Carlisle and Inkerman streets you will see the girls at all times of the day and night. It saddens me because these young women are out there at night in the rain and the heat. The interesting thing that these women tell me is that the busiest times of the day tend to be first thing in the morning, when a lot of tradespeople are on their way to work, and, ironically, on Friday afternoon, when they get the people in their BMWs with their baby car seats in the back, going back to their houses in Brighton and Hampton. So quite a diversified group use this area.

As I said, some of these girls are prostitutes to support their families, others to support their drug habit and some for other reasons. One girl I know was using the proceeds of her work to enhance her figure. She had a lot of so-called body work done. She was very popular out on the street, I might add.

Prostitution is a very difficult area. Some of these girls say they are young — it is a young woman's profession — and it gives them no security. They get into a spiral, particularly if they are drug users, and it is very difficult to break that cycle. But we are dealing with real people. When we are talking about prostitution we must remember that we are talking about people in our community who are there now and will be well into the future.

When the Attorney-General's Street Prostitution Advisory Group looked into street prostitution, we looked into a number of areas that were extremely contentious. We were dealing with the issues in St Kilda. I have to put on the record that the people in the city of Port Phillip are pretty open minded. They are open minded to the fact that the prostitutes have been there for a long time, as indeed have a lot of drug addicts, because there is a lot of infrastructure there to support them, with a number of services to support the prostitutes and indeed most people who are having a difficult time. I put on the record also my praise for the people at the Sacred Heart Mission, who every day feed in the vicinity of 450 people. Many of those 450 people are prostitutes, male and female.

The people in St Kilda were particularly amenable to looking into the issue of street prostitution and understanding it, to see how we could address it. A number of actions could have taken prostitution off the streets. Those things were very contentious and some of those issues included looking into having halfway houses, which operate very effectively in Sydney. This matter was contentious and at the time was beaten up in the newspapers as being a proposal to have state-run brothels, but that was far from the truth. It would have taken more than 1000 sexual acts off the streets per week. But the sensational nature of the proposal blew the issue out of proportion, and instead of it being addressing it was once again put on the backburner. We are looking into illegal activities, but it is important for us to be once again thinking about what prostitution in this state means and what are its implications and ramifications.

It was my understanding when we were having this debate in 2001 and 2002 that it was the people in the outer areas such as Blackburn who found the idea of street prostitution difficult to deal with. We had a lot of submissions and emails and faxes from people in those outer suburban areas who were horrified by the idea of street prostitution and about what should be done. But it is a reality in Port Phillip. It has been there for a long time. The women on the streets say that prostitution has been going on in these areas for much longer than the time many of these people have lived there. People have chosen to live in these areas, albeit that they have become gentrified, but the prostitution industry sector has been there for a significant time.

When you look into illegal brothels you find that they tend to be run by members of the latest immigrant groups. These brothels are not always run in accordance with rules and regulations. That is the subject of the bill we are dealing with here today. We do not want to have illegal prostitution in this state. Street prostitution is something we must address. We must accept that at the moment we are turning a blind eye to it. People in areas other than the heart of St Kilda and places in and around Prahran and Albert Park are choosing to ignore that it is an issue. I am full of admiration for the police who support these girls and try to be as supportive as possible while staying within legal parameters.

Illegal prostitution is often run by gangs. We have seen various ethnic groups that have come here taking advantage of young recent migrants. These girls have been subjected to all sorts of indiscriminate and very bad experiences. They are people who have been led to believe they were coming to this country for one reason and in fact have had their passports taken away from them and have been brought here to be sex slaves. None of us want to live in a community in which that sort of racketeering happens. It is imperative that it is investigated, it is cracked down on and sorted out as quickly as it possibly can be.

Then we have the legal brothels. I would have to give great credit to Jan Wade, a former Attorney-General during the Kennett era, who decided to decriminalise prostitution and recognise and put in place regulated brothels. For the record, just to remind everybody, prior

to Mrs Wade's regulations and laws, brothels could be very large and there could be alcohol and drugs on the premises. But under Jan Wade's regulations legal brothels were allowed to have only six operating rooms and there were to be no drugs or alcohol on the premises.

The legal brothels I have seen — and, believe me, I have been in and out of many — are exceedingly well run and everybody makes certain that these regulations are adhered to. There are several brothels in my electorate, one of which is the Daily Planet. The Daily Planet has a grandfather clause and is allowed to have far more than six rooms. There are about 18 rooms at the Daily Planet, because the Daily Planet was in existence and operating prior to the regulations brought in by the Kennett government. I have been in the Daily Planet many times, and I would have to suggest it is run under proper guidance and regulations.

But today we are talking about illegal brothels. Many prostitutes in the legal brothels are young women. Many of them are putting themselves through university and supporting their families. The ones in the legal brothels do not tend to be supporting drug habits. Many of them have said to me that this is a young woman's profession. Many of them have, or did have, very healthy share portfolios — I do not think anyone has got a healthy share portfolio these days — because they recognised they needed to support themselves into the future and to make certain that they looked after themselves.

These are decent people. It does not matter whether they are on the street, and it does not matter whether they are in the brothels; these are decent young women. People have said to me, 'How could they possibly do this?'. They have chosen to do this. They have their own set of rules, their own set of regulations — for example, girls on the street run a magazine. It is a weekly bulletin and it is called — —

Ms Hartland — *Ugly Mugs*.

Mrs COOTE — Thank you, Ms Hartland, it is called *Ugly Mugs*. It talks about who has bashed these women, who has attempted to rape these women or who has not paid. Descriptions of these people are put out on this sheet each week, and people are able to check it and to make certain that they do not pick up these particular clients. The interesting thing is that the girls on the street have their own set of rules and regulations. They do not want to see young girls out on the street, but if a young girl comes onto the street, they try to wrap around her some support mechanisms from the agencies concerned.

A lot of these young girls are asked by the clients if they will have unsafe sex, and the clients are prepared to pay more money for sex without a condom. Once again the girls on the street do not want to see this happen, because it undermines everybody's fees. The girls themselves are certain that they want to have safe sex.

Interestingly, when they have partners in their lives, they do not have safe sex with them. In fact one of the things they refuse to do on the street or in the brothels is to actually kiss the clients on the mouth. It is one of their own codes that they adhere to. We may not think that prostitutes would have codes and regulations and be self-regulatory, but in fact they are. They have their own standards for what is right and what is wrong for them.

I ask all members of this chamber not to be critical of the people they think of as prostitutes and to understand there is a multitude of scenarios with the girls on the street and in the brothels. With regard to those girls who have been seconded into legal brothels, there are a number of other issues that are going to present pressures and challenges for them. As legislators we need to understand this. I believe we need to continue to monitor the situation in the state to make quite certain that people are not being abused or unfairly treated.

One of the points I would like to finish my contribution on is just as relevant today as it was when the Attorney-General's Street Prostitution Advisory Group, of which I was a member, wrote its final report. The then Parliamentary Secretary for Justice, who is now the Minister for Housing, ran an excellent committee, despite being in a very difficult and contentious position. He said in the report:

> The advisory group has brought together diverse local interests including residents, traders, street sex workers, welfare agencies and the City of Port Phillip, in addition to key stakeholder groups such as the state government and Victoria Police. We have worked hard over the last 12 months to achieve a positive outcome for the whole community.
>
> … This report is the culmination of that process. It elaborates on the proposals contained in the interim report, and addresses issues raised during consultation …
>
> In the past year, all members of the advisory group have learnt an enormous amount about the vexed social policy questions that surround this subject. Understanding and respecting the views of other stakeholder groups has been a key to the group's success. The process has brought people together where previously they were poles apart. I would like to sincerely thank the members of the advisory group for their commitment and dedication.

Those sentiments are as valid today as they were then. I hope in making their contributions to the debate today all members will be respectful of the people in the industry. As I said at the outset of my contribution, I am pleased not to oppose the bill. I believe any support for stamping out illegal activities in this area is to be commended.

Ms HARTLAND (Western Metropolitan) — I thank Mrs Coote for a fantastic contribution that summed up a lot of the complex issues around sex work. The Greens will be supporting this bill because it makes it easier for councils to prove that illegal brothels are operating in their areas, eliminating what I can only describe as the unethical and seedy practice of paying private detectives to have sex with sex workers. Requiring prostitution service providers to be licensed can only be a good thing. The minor technical amendment to the Second-Hand Dealers and Pawnbrokers Act 1989 improves record keeping and police access to this industry.

However, having been contacted by a number of services and groups that work with sex workers, we are somewhat disappointed at how narrow the bill is. The bill does not recognise or acknowledge the complex needs of many people who work in the sex industry. It does not address sexual violence or ways to reduce it. I prepared these speech notes on White Ribbon Day. As we know, White Ribbon Day is part of an important campaign aimed at men, encouraging them to speak out against violence against women. It is an important campaign for sex workers, because women in the sex industry are among the women most often subjected to violence. The bill does not look at the dangers of sex work.

In reading the speeches of those in the other place on this bill I noticed a frequent assumption around the gender of sex workers, and Mrs Coote pointed this out as well. It has to be acknowledged that there are a number of men who work in the sex industry, and there are other people. Sex workers include transgender, transsexual, transvestite, bisexual, gay and lesbian people. One of the things that has come out clearly to me from speaking to a number of groups is that they expected a much bigger review of the act and are very disappointed at how narrow it is.

I had a real education from people in Project Respect and the Resourcing Health and Education in the Sex Industry program, a service of the Inner South Community Health Service. If you want really good factual information about the sex industry, I suggest you have a look at its website; it was a real eye-opener for me. I suggest to members that if they have the opportunity, they should read the book written by Kathleen Maltzahn from Project Respect, *Trafficked*, which is about women who were trafficked into the sex industry. They often thought they were coming here to work as nannies or housekeepers, but they ended up having to work in the sex industry under the most appalling of conditions. Men have to take some responsibility fir this issue: if you go to an illegal brothel and see a woman handcuffed to a bed, this should indicate to you that the woman is not willing to participate in that act.

I hope there will be further reviews of the legislation, and that the groups that I have already mentioned — as well as groups such as Sacred Heart Mission, Good Shepherd Youth and Family Service and all the other groups that work with street workers — are consulted about how we can improve the situation for the people who currently work in the sex industry. We should also look seriously at exit strategies — that is, how we can give people the opportunity to leave the sex industry through education, funding and all those kinds of things. There was a really interesting article in the *Age* recently about how it is believed there may be an increase in the number of people going into the sex industry as the economy worsens. Is that really the kind of society we want to live in — one where people are forced to work in the sex industry to survive? It is certainly not the sort of society I want to live in.

The government should be assisting the industry and seeking to ensure that improvements are made with this bill. Apart from the minor points I have already noted, I think it is really good that councils will be able to prove that a brothel is illegal without private detectives having to seek out sexual services. I think that is a huge improvement. But what I really hope is that the government does not take too long to review the act, to talk to these organisations that currently work with people who work in the sex industry and to do everything they can to try to improve the lives of people in this industry. I know that trafficking is mainly a federal issue around immigration, but again I have to say do we want to live in a society where people are forced to work in the sex industry? I certainly do not want to, and I would absolutely encourage this government and the federal government to be doing something about those issues as well.

Ms PULFORD (Western Victoria) — I rise to speak in support of the Prostitution Control and Other Matters Amendment Bill. In doing so, I would like to commend some of the comments Ms Hartland and Mrs Coote made in their contributions to this debate and some of the observations they made about this industry and the people, predominantly women,

working in the sex industry who are often some of the most vulnerable people in our community.

The bill introduces new provisions to the existing legislation regarding relatives of licensees or approved managers, creates offences relating to licensees being in effective control of a business and for other purposes. The bill makes some minor technical amendments to the Second-Hand Dealers and Pawnbrokers Act to clarify powers of police to obtain hard copy records from electronic record-keeping systems, but for the most part this bill seeks to respond to the concerns of law enforcement agencies and councils which largely enforce the act in relation to brothels and specifically illegal brothels.

Previously the only way to prove that a brothel was operating without a permit was to retain private investigators and have them go to suspected illegal brothel premises and obtain sexual services. I am sure that is not an acceptable way of enforcing any law or any regulation; it is not an acceptable practice at all and the bill seeks to remedy that. The passage of this legislation will make it easier for councils to prosecute illegal brothels and it will no longer require proof that sexual activity took place. A conviction will be able to be sought simply for the advertising of a sexual service. Instead of entering an illegal brothel, council officers or hired investigators will be able to observe from a distance, from across the road, for example, and to note the frequency of visitors. Other acceptable evidence will include the configurations of rooms and furniture in the premises. Councils will be able to provide advertisements, accounting records and appointment books as evidence to magistrates under the new provisions that will follow the passage of this bill.

Police previously had to obtain search warrants from a police member of the rank of inspector. The proposed amendments will widen the range to senior sergeants, making the obtaining of a search warrant much more accessible. It is important that police are able to obtain warrants and to act quickly upon receiving information about illegal brothel activity for the operators of illegal brothels will no doubt be quick to cover their tracks and to move on to a new location if they are aware of the likelihood of them being investigated or prosecuted. Enabling senior sergeants to approve warrants will certainly speed up the process so that police can gain access to premises.

The bill will make it easier for police and local councils to close down illegal brothels. Amendments will be made to definitions in this legislation for ‘brothel’ and ‘escort agency’ that will make it easier to prove that these organisations are brothels or escort agencies. Definitions will include premises that offer, as distinct from a current requirement to provide, sexual services. The amendments will improve agencies’ ability to bring operators before the court if there are inappropriate activities being undertaken. Through a memorandum of understanding that has been developed by Consumer Affairs Victoria with Victoria Police and local councils, all information relating to illegal brothels will be collated at one central source, which will make it easier to track individual operators and particularly those illegal operators who jump from one local jurisdiction to another in an attempt to avoid law enforcement.

The bill creates offences for knowingly working as a sex worker while having a sexually transmitted infection or HIV, and also knowingly permitting a sex worker to work while infected. The bill will enhance the act so that it is easier to close illegal brothels and prosecute brothel operators who fail to act appropriately. The licensing regime will be enhanced and enforcement measures will be strengthened. The measures in this bill will make it easier to prosecute illegal brothels and we certainly hope this will assist in prevention of the abuse of victims of trafficking and those most vulnerable of people who perhaps have been promised passage to this country in the hope of something quite different to working in the sex industry.

We hope the legislation will also make for a safer working environment for those people — mostly women — in the sex industry and prevent the exploitation of women at illegal brothels. The act will require prostitution service providers to be licensed and to comply with harm minimisation and best practice obligations. It is absolutely essential that we regulate this area and make robust laws that are able to be enforced and in a timely manner.

As previous speakers have indicated in some detail, people who work in the sex industry are some of the most vulnerable people in our society. They include people who are homeless or experiencing drug addiction; in many cases they feel they do not have any other option to earn an income. The measures in this bill will assist to provide a safer workplace for those people working in the sex industry, be it to support their families or to support their studies or for any other reason that they find themselves in this work. It is an important piece of legislation, and I commend the bill to the house.

Mr ATKINSON (Eastern Metropolitan) — This bill has been a long time coming. It is a bill over which the government has shown a great deal of

procrastination in terms of addressing issues that have been evident for a long period. One of my colleagues in the eastern suburbs, the member for Mitcham in another place, who is also the Minister for Gaming, Tony Robinson, might well be the patron of procrastination day, but the reality is that the government as a whole has shown far too little enthusiasm for addressing some of the issues related to illegal brothels.

It is fascinating to me that despite significant publicity, a business that was operating as a brothel in the city — about the same distance from the minister's office as his photocopier — persisted for quite some months without being closed by the necessary authorities. Right across Melbourne in particular — and no doubt throughout Victoria — local government has for a long period suggested to the government that the laws governing prostitution and its ability under those laws to close down illegal brothels have been totally inadequate.

At least at this time the minister has introduced a piece of legislation that will address some of the most critical aspects of local government investigations and enable them to close brothels. But even here it would seem to me — and to some of my colleagues in the Liberal Party — that the law creates some uncertainties in other areas, particularly in regard to licensed brothel owners and the behaviour that might be expected of them. When you introduce into legislation subjective terminology like 'in a suitable manner' to describe how they ought to be conducting their premises, you open up a real minefield as to exactly how you will regulate prostitution and what your expectations are of those people who are licensed brothel keepers.

This legislation is important and warrants support in the context of, first of all, cracking down on illegal prostitution — which is rife in the suburbs — but also of maintaining the integrity of the licensed brothel system. One of the greatest critics of the government has been the organisation that represents the licensed brothels. Its members have been paying their fees and ensuring that the prostitutes who work in those premises are registered in accordance with the laws, but they see that whilst they play by the rules, there is a whole series of illegal brothels right across Melbourne that basically go unpunished and are able to continue to operate, and indeed proliferate in the suburbs, without the government taking any action. That really undermines the integrity of the whole system that has been established.

I am concerned about the funds that are raised for the Prostitution Control Board — I think it is called — which derives some of its funding from fees. I note that it does not make a profit and that it expends all of those moneys on administration. It would be interesting to know the extent to which those funds are applied to administrative purposes. Back in 1994, when this original legislation was proposed, one of the key aspects was about looking at the money raised from prostitutes and brothels registered with the government and directing some of those funds to programs that might support people involved in the industry and, critically, might develop some exit strategies for some people who were involved in the industry.

My major concern with this legislation and with this approach is that it still does not necessarily resolve the responsibilities associated with prostitution control. It might well make it easier for the police, given that now lower ranking officers can be authorised to investigate and obtain warrants to enter premises to establish that those premises are being used for illegal prostitution services. It might well be easier for local government to obtain convictions as a result of a lower onus of proof. For a long time it has been an absolute joke that the government and the community have known that local government had the problem that it could not prosecute without having somebody actually partake of the services to prove that a particular premises was acting as an illegal brothel. Under this legislation that is now not required, and it certainly addresses that issue.

But the problem for me is that I do not want to see simply a punitive regime; I do not want the government to simply go out and sweep aside all the illegal brothels in the suburbs without also giving some attention to the people who are working in the brothels, to understand why they are working in them and to help them exit the industry. The reality is that there are many young women employed in brothels — and I am told particularly by people in local government that the young women tend to be from various Asian backgrounds and are fairly recent arrivals to Australia. In some cases that might be as a result of some coercion, as has been alluded to by other speakers. In other cases it might well simply be for an economic need, and this seems to be a quick and easy industry to enter and one that does not require very good English and perhaps other skills. It would be a pretty sad situation if we went about just punishing and prosecuting those people who are involved in the industry without looking at a process of trying to better equip them with skills with which they can take up other jobs within the community, and looking at trying to help more people exit the prostitution industry.

I am concerned — and Mrs Coote flagged this in what was a very good contribution to this debate — that in tackling the illegal brothels that have sprung up in the

suburbs, usually under the advertising terminology of massage parlours, we will see a lot of the predominantly young women who are working in those places ending up on the street as street prostitutes, which is probably a far more dangerous circumstance for them to be involved in.

From my point of view the government needs to tackle this in two ways, not just in terms of prosecution but also in terms of supporting and assisting women to get out of this industry. My problem with the approach outlined in this legislation is that it makes it easier for the police to prosecute and it makes it easier for the local government authorities to get involved, but it really does not have anybody addressing the welfare of the people who are involved in this industry. I think the government needs to do a lot more, particularly in looking at putting on appropriate workers to deal with the predominantly young Asian women working in these massage parlours and who need to be offered other opportunities and the ability to move into other situations that are better.

There is no doubt that prostitution services need to be regulated and need to be very firmly regulated, because they do have implications for public health. They often involve circumstances which are related to violence and often drugs. As Ms Hartland flagged in her contribution to the debate, one of the concerns about an economic downturn is that for some people prostitution becomes a viable option in their lives in trying to make ends meet.

We need to make sure that people, as much as possible, are protected if they are in this industry. The principal act, going back to 1994, establishes a number of parameters for that. I do not think those parameters have been suitably or adequately addressed by the government in recent years in terms of its administration of the industry. The government has been quick to take the fees from the licensed brothels and those people who have registered under those laws as prostitutes, and I understand that the numbers are substantial in that regard, but there has been very little attention paid to many of the other issues, including the street prostitution issues referred to by Mrs Coote.

This government needs to do a lot more with regard to the welfare of these people and try to get a lot more of them to recognise that prostitution is not an industry that is in their best interests to be in and that there are other options in their lives. As I said, to that extent the government ought to be looking at exit strategies to assist people to move out of this industry. While this legislation is a step forward, I hope the government and the authorities, particularly local government people, are sensitive in the way they approach using this legislation so we do not drive these women, particularly young Asian women, out of these illegal brothels masquerading as massage parlours in the suburbs and on to the street.

Motion agreed to.

Read second time.

Instruction to committee

Mr LENDERS (Treasurer) — By leave, I move:

That it be an instruction to the committee that they have power to consider amendments and a new clause to amend the Energy Legislation Amendment (Retail Competition and Other Matters) Act 2008 in relation to the commencement of that act.

Motion agreed to.

Committed.

Committee

Clause 1

Ms LOVELL (Northern Victoria) — I just want to make a short statement about the government's amendments, which are amendments to the energy legislation we spoke about earlier today in debating the Primary Industries Legislation Amendment Bill. These amendments have been brought about because of an error in a bill passed earlier this year. That error would have allowed certain consumer protection measures to expire on 31 December. The intent of the bill passed earlier this year was to entrench those protection measures, but unfortunately the error would have allowed them to expire before they could be preserved. In the interests of allowing those protection measures to be preserved, the opposition will support the government's amendments.

Mr BARBER (Northern Metropolitan) — We will also support the amendments. Obviously procedurally this is a little bit unusual. We have expanded the scope of bills before for debating purposes, but never quite this wide. The major consideration for us is that this is the last sitting week of the year and the last week in which we have an opportunity to fix this particular problem. When it comes to the Energy Legislation Amendment (Retail Competition and Other Matters) Act proposal, we had plenty to say about it when we debated the bill for that act during our regional sitting in Lakes Entrance. However, the provisions here are not designed to change that in any way; they are simply to make sure that the intent of that bill operates, so we will support them.

The DEPUTY PRESIDENT — Order! I call on the Treasurer to move amendment 1, which I suggest is a test for amendments 2 to 5.

Mr LENDERS (Treasurer) — I move:

1. Clause 1, page 2, line 14, omit "purposes." and insert "purposes; and".

As has been outlined by the two previous speakers, these amendments are designed to deal with an anomaly or a mistake — an error — in the original legislation passed when we were in Lakes Entrance. I would like to thank the committee for the goodwill shown in rectifying this issue. This is simply a saving clause for the consumer protection components of the legislation Mr Barber referred to. These would expire on 30 December, and this amendment simply extends them to 1 January when they will be picked up by the amending legislation. This is a housekeeping measure. As I said, I thank the committee for the goodwill shown in getting to this stage. It is not a policy change; it fixes an error.

Amendment agreed to.

Mr LENDERS (Treasurer) — I move:

2. Clause 1, page 2, after line 14 insert —

"(c) to amend the **Energy Legislation Amendment (Retail Competition and Other Matters) Act 2008** to make a minor change relating to the commencement of that Act.".

Amendment agreed to; amended clause agreed to; clauses 2 to 21 agreed to.

Heading to part 3

Mr LENDERS (Treasurer) — I move:

3. Heading to Part 3, omit "**SECOND-HAND DEALERS AND PAWNBROKERS ACT 1989**" and insert "**OTHER ACTS**".

Amendment agreed to; amended heading agreed to.

New clause

Mr LENDERS (Treasurer) — I move:

Insert the following new clause to follow clause 21 —

4. '**AA Amendment of Energy Legislation Amendment (Retail Competition and Other Matters) Act 2008**

In section 2(2) of the **Energy Legislation Amendment (Retail Competition and Other Matters) Act 2008**, for "1 January 2009" **substitute** "30 December 2008".'.

The reasons for the amendment were outlined in my discussion of clause 1.

New clause agreed to.

Long title

Mr LENDERS (Treasurer) — I move:

5. Long title, omit "and the **Second-Hand Dealers and Pawnbrokers Act 1989**" and insert ", the **Second-Hand Dealers and Pawnbrokers Act 1989** and the **Energy Legislation Amendment (Retail Competition and Other Matters) Act 2008**".

Amendment agreed to; amended long title agreed to.

Reported to house with amendments, including amended long title.

Report adopted.

Third reading

Mr LENDERS (Treasurer) — I move:

That the bill be now read a third time.

In doing so I thank all the speakers on the substantive part of the bill before the house, and I particularly thank the house and the committee for supporting the government amendment with such grace and goodwill. I wish the bill a speedy passage.

Motion agreed to.

Read third time.

SALARIES LEGISLATION AMENDMENT (SALARY SACRIFICE) BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Mr LENDERS (Treasurer).

Statement of compatibility

Mr LENDERS (Treasurer) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Salaries Legislation Amendment (Salary Sacrifice) Bill 2008.

In my opinion, the Salaries Legislation Amendment (Salary Sacrifice) Bill 2008 as introduced to the Legislative Council is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of the bill

This bill will amend the Constitution Act 1975, the Attorney-General and Solicitor-General Act 1972, the County Court Act 1958, the Magistrates' Court Act 1989, the Parliamentary Salaries and Superannuation Act 1968, the Public Administration Act 2004, the Public Prosecutions Act 1994 and the Victorian Civil and Administrative Tribunal Act 1998 in relation to salary sacrifice and for other purposes.

Human rights issues

1. Human rights protected by the charter that are relevant to the bill

The bill does not raise any human rights issues.

2. Consideration of reasonable limitations — section 7(2)

As the bill does not raise any human rights issues, it does not limit any human rights and therefore it is not necessary to consider section 7(2) of the charter.

Conclusion

I consider that the bill is compatible with the charter because it does not raise any human rights issues.

JOHN LENDERS, MP
Treasurer

Second reading

Mr LENDERS (Treasurer) — I move:

That the bill be now read a second time.

The purpose of this bill is to put beyond doubt the ability of judicial officers and other office-holders in Victoria to enter into salary sacrificing arrangements.

Salary sacrifice has been widely used since the early 1990s as a tax-effective means to provide superannuation and other benefits (such as motor vehicles) in an individual's remuneration package.

An effective salary sacrifice arrangement is legal and legitimate. It occurs when an employee directs their employer to pay an amount to which they would otherwise be entitled to a third party and the employee's salary is reduced by a corresponding amount. The arrangement must be made before the officer becomes entitled to the payment, or earns the income.

The Australian Taxation Office in ruling number 10 of 2001 set out what is needed for a salary sacrifice arrangement to be effective. The ruling clarified but did not materially alter what had always been understood as constituting effective salary sacrifice.

Recently doubts have been raised about whether the nature of how office-holders and judicial officers hold office is consistent with the rules relating to salary sacrificing. The principal objective of the bill is to remove these doubts for the future and to confirm the validity of past arrangements.

The bill does not include provisions relating to the Governor of Victoria, the Director of Public Prosecutions or the Auditor-General, as their remuneration can only be altered by special majority or referendum.

The bill gives access to salary sacrifice arrangements only in respect of those non-salary benefits available to executive officers in the Victorian public service.

The bill confirms the validity of current members of Parliament entering into salary sacrifice arrangements in relation to those same non-salary benefits. Following the closure of the parliamentary defined benefit scheme to new members in 2004, new members of Parliament who are in accumulation-style schemes have already been able to enter into salary sacrifice arrangements for superannuation.

In addressing this issue, the government has not sought to open discussion about policy issues related to salary sacrificing. It is legitimate and has been in place in Victoria for over a decade. It is the government's responsibility to ensure that there is confidence and certainty for all those with such arrangements in place, for those who have had them and are now retired, and for the future.

I commend the bill to the house.

Sitting suspended 6.29 p.m. until 8.05 p.m.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — As the Treasurer said when introducing this bill, its purpose is to put beyond doubt existing arrangements with respect to salary sacrifices for certain statutory and elected office-holders as defined in the bill, including judges, acting judges and masters of the Supreme and County courts, members of the Victorian Civil and Administrative Tribunal, magistrates, members of Parliament, the chief Crown prosecutor, acting chief Crown prosecutors, associate Crown prosecutors, Crown counsel, the solicitor-general and other office-holders as defined in the bill.

An issue has arisen with respect to salary sacrifice provisions for office-holders, because under the

Australian Taxation Office requirements with respect to salary sacrifice there are two essential elements for an effective salary sacrifice scheme. The two essential elements are that the arrangement must have been entered into with respect to future salary and it must result in a reduction of the office-holder's salary. An issue has been raised with respect to the capacity for office-holders, judges and members of Parliament et cetera, to reduce their salaries under a salary sacrifice arrangement, because the salaries of many office-holders are specified by an act of Parliament and there is a question as to whether there is the capacity for an office-holder to reduce a salary which is specified in an act of Parliament. There is also an issue with respect to other appointments, such as judicial appointments, where the relevant act specifies that a salary set by Governor in Council may not be reduced. This bill puts beyond doubt the question as to whether an office-holder can reduce their salary in order to enter into an effective salary sacrifice arrangement.

The second issue goes to the question of whether office-holders can make arrangements with respect to future salary, which is the other key element. The question arises because of the legal interpretation that office-holders, judges, members of Parliament et cetera become entitled to their salary when they are elected or appointed, as the case may be. Because they become entitled to their salary when they are elected or appointed there is a question as to whether they are actually entitled to future salary or, by virtue of their election and appointment, they are entitled to all the salary they will receive through their term of appointment. The government has given assurances that this bill effectively addresses that particular question with respect to salary arrangements. It is an issue about which the coalition parties have not as yet been completely convinced, but we are at this point willing to accept the advice from the Treasury as to the effectiveness of the arrangement that will be made under this bill to address that issue.

As well as clarifying future salary sacrifice arrangements for the various office-holders outlined in the legislation, the bill provides that it will also apply to any salary sacrifice arrangement that has been entered into by any of the officers as defined in the legislation. The only other point I would make is that the perceived issues with respect to salary sacrifice arrangements also pertain to the Auditor-General and the Director of Public Prosecutions. Those offices have a similar constitutional structure in terms of their salary arrangements and both are potentially caught up in the issues that this bill seeks to address. This bill does not address the officers of Auditor-General and Director of Public Prosecutions, and the reason for that is that in a stroke of stupidity in 2002 the government enshrined in the constitution the provisions with respect to the Auditor-General and the Director of Public Prosecutions.

It now transpires that to provide those two office-holders with the provisions of this legislation would in fact require a referendum. The inflexibility with respect to those two officers — the Auditor-General and the Director of Public Prosecutions — was highlighted by this side of the house at the time those constitutional changes were made in 2002. It was pointed out that it was stupid to enshrine those officers in a way such that any of their conditions of appointment, any conditions surrounding those officers, could not be changed without referendum.

We are now seeing the consequences of that at this time when it is desirable to put beyond doubt any salary sacrifice arrangements that may pertain to those two office-holders. We can fix the situation for every other statutory and elected office-holder in the state; we cannot fix the situation for the Auditor-General and the Director of Public Prosecutions because of the government's stupidity in 2002 in enshrining those matters in the constitution. We look forward to the government finding an alternative fix for those officers in due course.

This is a minor technical bill. It gives reassurance to those who have entered into salary sacrifice arrangements. The coalition parties do not oppose the legislation, and I commend it to the house.

Mr BARBER (Northern Metropolitan) — It is unusual to have a piece of legislation go through both houses of Parliament in the one day. It is obviously a sensitive issue because it relates to the perks, if you like, of politicians, amongst others, but we have received some strong assurances from the government that everything that is happening here is kosher and above board.

We have examined the bill as closely as we can. Within its mechanics it appears to be doing the exact thing we are told it will. We are at a slight disadvantage in that most of the other relevant considerations are not available to us. They are through legal advice the government has obtained and through discussions that the government has had with the tax office. But those various matters aside, we are taking the government at its word that all the intent here is above board and the bill seeks to do no more and no less than what has been stated in the assurances we have received. For that reason we have allowed the procedural matters to move

forward quickly and allowed the bill to be dealt with as rapidly as possible. We will be supporting the bill.

Motion agreed to.

Read second time.

Third reading

Mr LENDERS (Treasurer) — By leave, I move:

That the bill be now read a third time.

In doing so I would like to thank members of the house for the expeditious treatment of this urgent bill.

The ACTING PRESIDENT (Mr Elasmar) — Order! I am of the opinion that the third reading of this bill requires to be passed by an absolute majority. As there is not an absolute majority of the members of the house present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

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

Required number of members having risen:

Motion agreed to by absolute majority.

Read third time.

STATE TAXATION ACTS FURTHER AMENDMENT BILL

Second reading

Debate resumed from 13 November; motion of Mr LENDERS (Treasurer).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I am pleased to rise to make some remarks on the State Taxation Acts Further Amendment Bill 2008. It is fortuitous that the house is discussing state taxation arrangements tonight given the situation that the Victorian government finds itself in with falling tax revenue and rising expenditure. In the September quarter report released by the Treasurer a matter of weeks ago we saw that the Victorian budget is now in an interesting situation, because quarter against quarter — for the September quarter 2008 compared to the September quarter 2007 — state revenue grew by just 1 per cent, and yet in the same 12-month period, quarter against quarter, state expenditure grew by 6 per cent.

Budget sector expenditure is continuing to grow, as it has consistently over the nine-year life of this government. However, as a consequence of the slowing economy, particularly as a consequence of the slowing property market and with respect to stamp duty revenues, there is a rapid slowing in budget sector revenue while expenditure continues to grow unabated. This is an unsustainable position, and I look forward to hearing from the Treasurer about what measures he is going to take to address this situation, because expenditure cannot continue to grow at 6 per cent when revenue is growing at 1 per cent.

The government released its annual financial report around August or September this year. It looked at the outcome for the budget sector for the 2007–08 financial year. The Auditor-General then prepared and produced a report on that annual report. He noted in his conclusions that given the state's exposure to financial markets, any continued deterioration in financial markets would put the long-term sustainability of the state's financial position at risk.

That is a salutary and significant warning from the Auditor-General. Frankly, it is not the sort of warning we hear often from the Auditor-General. The Auditor-General, as my colleagues on the Public Accounts and Estimates Committee know, is a fairly mild-mannered Auditor-General, not taken to grand or sweeping statements and bold assertions. It is significant that he made that comment and flagged that warning in the conclusion to his report on the annual financial report. It clearly is a message to the government and the Treasurer that they will need to monitor and address the matter in terms of the sustainability of the budget position and the sustainability of the state.

The bill before the house introduces a number of amendments to the Duties Act, the First Home Owner Grant Act, the Livestock Disease Control Act and the Taxation Administration Act. The primary purpose of the bill is to implement changes announced at a commonwealth level with respect to the various aspects of the first home owner grant which was introduced in 2000 as a transitional mechanism to compensate home buyers for the one-off effects of the introduction of the goods and services tax. It was a measure agreed by the intergovernmental agreement between the states, territories and the commonwealth that as part of the transition to the goods and services tax, each state and territory would introduce a first home owner grant scheme that would compensate first home buyers for

the one-off impact of the goods and services tax on property prices.

Since then that scheme has been modified in the sense of having extra bonuses of various forms tacked on at both the state and commonwealth level in various measure over the last eight years. In the bill today there is a further example of a modification to the fundamental first home owner grant scheme arising from the federal Rudd government's announcement with respect to its fiscal stimulus package to address the global financial crisis and the slowing Australian economy, which included an extension to the first home owner grant scheme. The bill modifies the Victorian first home owner grant to give effect to the extension of that scheme which was announced by the commonwealth Treasurer as part of the stimulus package.

The bill also makes some technical amendments to the Duties Act with respect to clarifying and improving the administration of various provisions and practices within the act. It clarifies the application of stamp duty concessions on transfers to and from trustees and nominees with respect to bare trusts.

That brings to mind an issue raised with the Treasurer, but not yet addressed, with respect to stamp duty payable on mortgages established under a trustee arrangement to facilitate a mortgage on a property purchased for a superannuation fund. This arose from changes to the commonwealth superannuation legislation last year which allowed a superannuation fund to borrow for the purposes of its investment strategy. As a consequence of the trustee structure around the superannuation fund and the need for a lender to have security over the property or asset — generally property — against which they are lending, there has been the need to establish a structure outside the superannuation fund to hold the title to the property while there is a mortgage over it. Once that mortgage is discharged, the property would then be transferred from the separate trust into the superannuation fund trust.

The issue that arises is whether stamp duty is payable at both stages — that is, when the property is purchased for the superannuation fund but held externally from the superannuation fund in a trust for the purpose of the mortgage and when the mortgage is discharged and the property is transferred into the superannuation fund proper. That is a matter that continues to exercise the minds of taxation practitioners in this state. I have been advised repeatedly that there is still no clear determination from the State Revenue Office (SRO) as to the taxation treatment in that scenario. The matter was raised with the Treasurer in the adjournment debate some time ago. I look forward to a response from the Treasurer, as do numerous taxation practitioners in this state, because while it is not a matter that will necessarily have immediate direct impact, it certainly will within a short time as the mortgages on these properties are discharged and there is a desire to transfer them into superannuation funds. It is an issue on which we seek some clarity from the SRO or the Treasurer.

The bill also makes some administrative amendments to the Livestock Disease Control Act in terms of replacing redundant references to the Stamps Act 1958, which was repealed with the introduction of the Duties Act 2000. It also clarifies administrative arrangements in other aspects of the Livestock Disease Control Act and makes amendments to the Taxation Administration Act, which is the overarching enforcement framework for the tax regime in Victoria, similar to the structure of the commonwealth taxation administration regime. The bill clarifies disclosure matters with respect to information obtained under a taxation law being used by the Secretary of the Department of Primary Industries; the Roads Corporation, which is VicRoads; and the Business Licensing Authority. It allows for the sharing of information pursuant to the Taxation Administration Act.

The coalition parties are not opposing this legislation. We support the fiscal stimulus proposed by the extension of the first home owner grant. Clearly the Australian economy is slowing, and by extension the Victorian economy is also slowing. A fiscal stimulus such as extending the first home owner grant is welcome. We are seeing a significant and continuing slowing of the property market, with a fall in turnover in terms of volumes and property prices. That is having a significant flowthrough effect on state stamp duty revenue. Obviously when you have falling volumes and falling values, the impact on property stamp duty revenue will be significant. We saw that in the last budget quarterly update. Any measure that provides a stimulus to the property market is welcome. The reality is that in comparison to property purchases, the extension of the first home owner grant is a relatively minor contribution. Whether this will be sufficient to provide that stimulus — indeed, whether this contribution could have been better directed at a level that would have provided more stimulus rather than aiming it at the housing market — and whether that actually results in a change in demand remains to be seen. The coalition parties do not oppose that provision.

We also welcome the amendments in terms of administrative streamlining — reduction of red tape, if you like — in the Livestock Disease Control Act. This

is a matter that the Treasurer has spoken about previously in relation to the Victorian Competition and Efficiency Commission, which has done some excellent work on assessing the value of red tape imposed on Victorian businesses. The government has set targets for reductions, but we are yet to see tangible achievements against those targets. They are something we will monitor, because we suspect the government is devoting more effort to announcing and publicising targets than it is to achieving them. We look forward to seeing those targets being achieved and the Victorian economy benefiting from that.

In short, this bill is a worthwhile step forward and is not opposed by the coalition parties.

Ms TIERNEY (Western Victoria) — I rise to make a contribution to the debate on the State Taxation Acts Further Amendment Bill 2008. The bill is divided into six parts and makes amendments to a number of acts. It amends the Duties Act 2000, the Livestock Disease Control Act 1994, the First Home Owner Grant Act 2000 and the Taxation Administration Act 1997.

The first part of this six-part amendment bill addresses the operative dates, which are different for different areas. For example, the first home owner boost payment will commence from the date of its announcement, which was 14 October 2008. The amendments to livestock duty in the Duties Act and the Livestock Disease Control Act will come into operation on various dates: the provisions relating to the administration of livestock duty will come into operation on 1 January 2009, while the abolition of livestock duty stamps will take effect from 1 July 2009.

Part 2 makes amendments to the Duties Act 2000 which are aimed at modernising the administration of livestock duty. It makes technical amendments to the sub-sales tax provisions to provide clarification for practitioners and taxpayers and to better align the provisions with the underlying policy objective. It also clarifies the scope of the exemption for transfer to bare trustees and expands the scope of exemption available for homeowners who enter into an equity release program.

Part 3 amends the First Home Owner Grant Act 2000. The amendments introduce the boost, which is a federally funded grant to first home buyers who enter into contracts between 14 October 2008 and 30 June 2009. The bill enables the Brumby government to administer that grant scheme. The bill also makes general amendments to the extension of the five-year limit on the power of the commissioner of state revenue to vary a decision on the first home owner grant where the applicant has not made a full and true disclosure of the relevant facts. It also strengthens the privacy provisions relating to the scheme and provides objection rights to the commissioner's decision to impose a penalty when a grant is reversed.

Part 4 of the bill amends the Livestock Disease Control Act. It modernises the administration of livestock duty and reduces red tape for both livestock owners and agents.

Part 5 addresses the Taxation Administration Act 1997. This is particularly important because it provides that where one agency holds information that impacts directly on the ability of another agency to fulfil its statutory declarations, it is in the public interest that such information be shared.

An example of this is the provision of information in relation to the State Revenue Office's tax laws to VicRoads, the Business Licensing Authority and the Secretary of the Department of Primary Industries. It enables various agencies to gain information and collect what is owed to those agencies.

Part 6 enables the repealing of an amending act. It is an automatic repeal of this amending act on the first anniversary day on which all its provisions are in operation. As suggested by the Scrutiny of Acts and Regulations Committee, all amending acts now contain an automatic repeal provision, which will save the time and expense of having to repeal amending acts in statute law revision bills. On that fairly succinct and streamlined contribution, I commend this bill to the house.

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

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

Sitting suspended 8.38 p.m. until 9.11 p.m.

POLICE REGULATION AMENDMENT BILL

Second reading

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

Mr DALLA-RIVA (Eastern Metropolitan) — I rise on behalf of the opposition to talk about the Police Regulation Amendment Bill. Before the bill came to this chamber from the Legislative Assembly it was initially introduced in the other place as the Police, Major Crime and Whistleblowers Legislation Amendment Bill 2008. I was very pleased to see that legislation split into two bills as a result of the work of the shadow Minister for Police and Emergency Services, the member for Kew in the other place, who argued for this.

It is important to set the framework for where we are going. There were essentially two components to the bill as it was introduced in the Legislative Assembly on 10 September. One component amended the Major Crime (Investigative Powers) Act, the Whistleblowers Protection Act and the Police Integrity Act, and we supported this component. We saw the importance, as did the government, of ensuring that the legislation was able to proceed so that we did not have a situation where the director and staff of the Office of Police Integrity were prohibited from giving evidence in court. We recently saw three allegedly corrupt police acquitted because the trial judge ruled that the law, as drafted by the government, prohibited the OPI from calling its officers to give evidence of guilt. That is water under the bridge. That legislation came into this house and received the full support of members of this side of the chamber; I assume it has now passed into law.

That was the main component of the bill. However, slotted within the other component, which gave rise to much concern among the opposition and the shadow Minister for Police and Emergency Services, were the issues surrounding the alleged reform of the police discipline process, the management capacity of the chief commissioner and the provisions for more flexible employment arrangements for police under the Police Regulation Act.

The Police Regulation Act has been in existence since 1958. It is an act to which I would have been subject for well over a decade, as were the many thousands of police officers who preceded my time in the police force and who came after me. However, we now find that this legislation — to put it politely — extends the capacity of the commissioner and the government well above and beyond what could reasonably be considered to be appropriate employment for the commissioner in charge of law enforcement officers in this state.

It would be fair to say that this legislation, as it stands, will be opposed by the opposition. We believe there have been inadequate processes adopted. I know that my colleagues, in particular Mrs Peulich, will talk in more detail about the Scrutiny of Acts and Regulations Committee (SARC). I do not propose to go down that path. But also I understand that my friend and colleague Mr Finn will talk about his love of the police and some of the concerns that will be raised within the context of this bill.

It is disappointing that the government sees the need to apply the recommendations from the supposed report of the director, police integrity. A series of reports have been tabled in this chamber that relate to the provisions that were necessary for this legislation. However, our reading of it, and certainly the reading of our shadow minister, is that it extends well beyond what was considered in the context of those submissions that were tabled in Parliament. It is of note that some of the findings that were handed down related to the activities of one or two individuals, and they preceded the necessity for some of these matters being dealt with. The government has seen this as an opportunity to extend the powers of the police commissioner. The police commissioner, as we know, has herself been subject to recent examples of what could be considered to be undue conduct in respect of receiving benefits for her own personal gain.

We have before us a piece of legislation which will allow the commissioner to dismiss a police officer as a result of no confidence. It will allow for a police officer in whom the chief commissioner — it might be any other chief commissioner in the future — has lost confidence to be sacked with no right of reinstatement on appeal to the Police Appeals Board, even if they are cleared of any wrongdoing. The maximum compensation as set out in the legislation is 12 months salary. Those Labor members on the other side who always attest to the rights of the employee are bringing in a piece of legislation which removes any right of appeal.

Mr Finn — Shame!

Mr DALLA-RIVA — As Mr Finn is aware, they raised at the last federal election the concerns about WorkChoices, and yet here we have the Labor members opposite purporting to bring in a piece of legislation which they will vote in favour of so that police officers in whom the commissioner has a lack of

confidence can be sacked with no right of appeal. That is the first point.

The second point is in respect of the power the chief commissioner will be given to appoint, promote and transfer, as well as pay allowances or gratuities to, any police officer. I note the Police Association submission to SARC of which I received a copy addressed to me on 6 November 2008. It is titled 'Submission of the Police Association (Victoria) to the Scrutiny of Acts and Regulations Committee of the Victorian Parliament on the Police Regulation Amendment Bill 2008'.

The Police Association had specific concerns about the legislation and said it:

> … includes, but is not limited to:
>
> (i) The unprecedented and dangerous levels of power that this legislation will provide to this or any future chief commissioner over police officers, including the diminution of rights that are normally enjoyed by other workers in this state, such as the right to a binding right of appeal against dismissal.
>
> (ii) The proposed legislation outlines a waiving of probationary periods, creation of certain 'classes' of members, and the provision of 'gratuities'.

It is clear that the association and the chief commissioner currently do not have a working relationship. Blind Freddy, to use a pun, would see that to be the case. For those who do not know what the Freddy is, it is the police badge. Blind Freddy would clearly be able to demonstrate that the association and the government and, more specifically, the executive of the chief commissioner and the chief commissioner herself do not share a good relationship.

This legislation will allow the commissioner to do a variety of things. It is important to refer to what the submission has provided. It said, firstly, on the consultation process — and this is one of the things that we have concerns about — that consultation on the terms of and the primary issues within the bill was not even offered to the Police Association. It gives the indication, first and foremost, that the government has no respect for the association; it has no respect for a body which represents 98 per cent of the Victorian police force members. It is interesting to note that the minister, Bob Cameron, the absent Minister for Police and Emergency Services, had instructed the association that he would send:

> an electronic version, as the bill was tabled in Parliament.

The association said:

> That did not occur. The first occasion on which we viewed the bill was upon its general public release. Only in general terms was the bill discussed beforehand.

I think this is a demonstration of the minister's lack of consultation, and in particular a lack of consultation with the police officers and its members. It appears, as Mr Finn indicated, there is an undue belief by this government that it does not like our police officers and it thinks the chief commissioner is all empowering and should have the right to do as she sees fit. We do not agree with that, and that is the reason why we will be opposing this bill. We will stand up for police officers and the rights that they should have as every other citizen of this state has. The fact that they have additional powers does not limit them from having the rights of ordinary Victorians as employees, in being able to be protected, should we have a rogue or errant commissioner or, indeed, delegation, because the act allows for the delegation of some of the powers provided to the chief commissioner as set out in the amendment bill before the house.

It is also of note that, as the Police Association said, there must be compliance by the police officer to the chief commissioner. It said:

> Compliance with these requirements, by members of the force, would be enforced by the presence of the powers conferred upon the chief commissioner —

in this bill —

> to dismiss members who do not specifically comply.

The Police Association then said:

> In various circumstances there would be no binding right of appeal that includes reinstatement to the force and in circumstances where reinstatement is technically possible, the restrictions placed on the Police Appeals Board … would be so narrow as to make reinstatement improbable.

It goes on to talk about how this bill does not even comply with this government's Charter of Human Rights and Responsibilities Act. We know that it has been an ongoing theme of this government and that it talks about this charter, but when you go through the bills time and again there is limited capacity for the rights of individuals.

We also note that the submission from the association — and we agree with it — talks about general dismissal powers. It says:

> Part II, section 4 of the bill creates new powers for the chief commissioner …

It talks about:

> The ability to reduce or waive a period of probation,

> Assign work to members of the force,
>
> Deploy members where necessary for the effective and efficient conduct of operations of the force,
>
> Determine the remuneration (including an increase or reduction in remuneration) and other terms and conditions of appointment of any individual member of the force,
>
> Pay allowances and gratuities to members of the force.

You just have to think about that. The commissioner can determine the remuneration, including an increase or reduction in remuneration, and other terms and conditions of employment of any individual member of the force, as the submission says:

> Pay allowances and gratuities to members of the force.

You can get to a situation where the commissioner may not agree with you, and it is listed in the association's submission on page 6, where it says:

> By way of brief example, if a member of the force joined a political party —

yes, we do —

> group, or even trade union, and the chief commissioner took umbrage, the chief commissioner could transfer that member, reduce their pay and assign them meaningless tasks.

We could have a situation where we might have a pro-Liberal commissioner who takes umbrage to a member of the police force who joins a trade union, because it is on the other side of the political line. What can occur, as it says on page 6, is:

> Some will say the association is alarmist, at worst, in raising this possibility; but any legislation that relies on the goodwill of those holding the power is bad legislation.

The opposition agrees and will oppose this legislation on that basis. The other component is:

> The power to pay gratuities to members of the force is objectionable in the extreme …

Again we agree with that wholeheartedly. How on earth can you allow for gratuities to members of the force which will allow them to receive benefits or gifts that might be used or perceived in a certain way? It is interesting because the bill was introduced in October in the other chamber, and a certain incident occurred between 8 October and the debate on the bill tonight. What was it? Mr Finn, I think somebody received a gratuity or benefit?

Mr Finn — Oh yes, that's right.

Mr DALLA-RIVA — A member of the force received a gratuity for a flight to somewhere on the other side of the world. When that gratuity or benefit was provided and that member of the force denied that there was a gratuity and was then caught out, what happened?

Mr Finn — Nothing.

Mr DALLA-RIVA — Absolutely nothing! The best chief commissioner we have ever had! I can tell you that any police officer worth their salt would know that the best chief commissioner of recent years was Mick Miller. Even commissioners who have come after him recognise that Mick Miller was perhaps one of the most dynamic and progressive chief commissioners that this state has seen. The Premier said that we have had the best chief commissioner ever, and then two or three weeks later she is flying on the other side of the world, receiving a gratuity — which this bill is all about — and nothing happens as a result! The government did not do anything about it. Why was she not sacked? Can I say from my perspective that she should have been sacked. I have spoken to other police officers and to other chief commissioners — I will not say who, but chief commissioners — who cannot believe she got away with it and that nothing occurred as a result of it. Yet we are about to bring in legislation which will allow her to sack police officers for doing the same thing. I am sorry, but she should have been sacked, and the government should have got somebody else in who had the respect and understanding to not take gifts like this and then lie about a flight, lie about what they received and lie about everything else.

Mr Finn — She is a liar.

Mr DALLA-RIVA — She may well be a liar, Mr Finn, but the fact is that you do not lie as a chief commissioner and then expect to defend this, which you are going to — —

The DEPUTY PRESIDENT — Order! I am not happy about some aspects of the attack Mr Dalla-Riva is making on the police commissioner. I think he has certainly established his concern about the trip that she took, but some of the language is bordering on unparliamentary. I also suggest that a remark that was far more direct that I heard by Mr Finn was definitely unparliamentary, and I would ask Mr Finn to withdraw.

Mr Finn — I am not aware that she is an MP, Deputy President. My understanding is that if I were to make that remark about an MP, that most certainly would be unparliamentary, but about a person outside the house I understand I am within my rights to do so.

The DEPUTY PRESIDENT — Order! I am not entertaining a debate. I am asking you to withdraw the remark.

Mr Finn — I do not know why, but I withdraw nonetheless.

Mr DALLA-RIVA — I note the ruling by the Deputy President. However, I also note that the legislation talks specifically about sacking members of Victoria Police who receive certain benefits or opportunities. Clause 4 is headed 'Authority of chief commissioner and officers'. It states in part:

> For section 5(2) of the **Police Regulation Act 1958 substitute** —
>
> "(2) Without limiting the Chief Commissioner's powers under subsection (1) or section 5A or 17, the Chief Commissioner may —
>
> (a) appoint, promote and transfer members of the force under section 8(1);
>
> (b) reduce or waive a period of probation under section 8(4B);
>
> (c) disallow a promotion or terminate an appointment at any time …
>
> (d) assign work to members of the force;
>
> (e) deploy members —
>
> as she sees fit —
>
> (f) issue, amend and revoke orders and instructions to members of the force …
>
> (g) determine the remuneration (including an increase or reduction in remuneration) and other terms and conditions of appointment of any individual member of the force;
>
> (h) pay allowances or gratuities to members of the force;
>
> …
>
> (k) dismiss members of the force …

It goes on and on. This is unfettered control by an individual in a legislative framework. I cannot believe this government is going to sit and allow this legislation to proceed without some objection by members in this chamber. If there was a situation that allowed this to occur in a trade union, the union hacks on the other side would not allow this — but they do here. They allow it here because deep down they do not like the police. They use them for political purposes. They used them in the last state election, and they will use them again. I am glad the Police Association of Victoria has finally woken up to the tactics of this government. I guess you could say they are almost corrupt tactics in which they engage in trying to entice members of the police force to vote for Labor, because at the end of the day they oppose the police. They do not like the police. They do not like the association that represents 98 per cent of members of Victoria Police.

Mr Finn — They don't like authority.

Mr DALLA-RIVA — They like authority if it is for their trade union mates, but they do not like authority in respect of this. As I said, I cannot believe we are debating legislation that will allow a Chief Commissioner of Police to have unfettered control and power, and yet at the same time we have seen recent events in the public arena and nothing has occurred. I find it staggering that we have 'the best police commissioner ever'. It will be good when we are able to get a new police commissioner. Hopefully members of the police force will be able to re-establish some confidence in where they are going in the future.

It has been demonstrated time and again that we have unrestrained crime on our streets. Despite all the rhetoric about the statistics and everything else, the bottom line is that violent crime against the person has increased. We might have had a reduction in bicycle theft because the police cannot be bothered reporting it any more — it is all too hard and they are off doing other things — but the fact of the matter is that people are getting glassed, they are getting stabbed and they are getting assaulted, while the government is focused on bringing in a bill to make it harder for police to engage in their work. If we do not subscribe to what the commissioner says, we are going to be demoted. If we do not subscribe to what the commissioner says, we might get a reduction in our pay. If we do what the commissioner says, we might get a pay increase through a gratuity. What is a gratuity? A flight to Los Angeles? I do not know.

Mr Finn — On the take.

Mr DALLA-RIVA — It might be. Who knows? The interesting thing is, as the association and the opposition have raised before, there is history in other jurisdictions. It seems amazing that this government continually rejects the need for an independent, broadbased anticrime commission. The reason for that is that it continually pushes down on the police and makes them work even harder in doing their jobs. It makes the rate of crime against the person increase, but when it comes to exploring activities external to the police, nothing gets done.

By bringing in this legislation the government will end up reducing the ability of police to do their jobs, because if they start to press into areas that are considered sensitive by the commissioner, the executive of the commissioner or someone else, the commissioner, as allowed by this bill, can remove that person or persons. The police officer has no right of appeal. A police officer might become a whistleblower and uncover what could be classed as corrupt activity, but potentially they could be demoted or sacked without any recourse. We will not support legislation that allows that.

This legislation has been poorly thought out. It has been used as a political tool by the government. It is not being used in a sensitive way. The government has used the investigations by the OPI as its reason for that, but that is not the case. Those who review the OPI reports will see that they do not really talk about the extent to which this legislation will address some of that office's concerns. An example of this is the dismissal powers regarding the chief commissioner's confidence. In terms of confidence powers, if the chief commissioner does not have confidence in a person, they have the capacity to dismiss that person; there are no appeal rights. Even if an appeal was successful, it could not overturn the decision to dismiss. How on earth can this legislation be passed?

There are a couple of issues. By tacking this bill onto other legislation and rushing it through, Labor appeared to be using a major reform bill as a political tool. As I said, the reasoned amendment moved by Mr McIntosh, the member for Kew in the Assembly, to separate the parts of the original bill was important. The government showed that it had not taken the bill seriously, preferring instead to use it as a tool to hide its legislative incompetence. Fortunately that has now been fixed. We passed the other legislation, and we are now opposing this. Labor has rushed flawed legislation through Parliament before with negative consequences, and we do not believe this should occur again with this bill. Labor has form when it comes to writing bad legislation. The Police Integrity Bill is a good example of that. We had to rush legislation through when three allegedly corrupt police officers could not be prosecuted because the OPI provisions of the legislation brought in by this government did not allow OPI investigators to give evidence. That meant the legislative framework the government presented failed. We believe this is the same situation.

There is an issue of vicarious liability. The provisions in the bill altering vicarious liability appear to remove rights to seek damages from Victoria Police. It appears there may be some risk of individual police officers being subject to vicarious liability if, as it says here, they are sued individually rather than the police commissioner or the police force being sued, as generally happens in these situations. I do not think police officers are fully aware of the potential risk they face in undertaking their duties in an appropriate manner. They are not aware that in the course of their duties a court may find Victoria Police is not liable for tort suffered as a result of their conduct. By definition, if it finds that Victoria Police is not liable, it will be the individual who is. Under this legislation we may have a situation where members of the Victorian police force end up having to take out individual liability insurance to protect their assets. We know many people are prepared to take such action against individuals.

In terms of the no-confidence powers, the fundamental rights to reinstatement following a flawed no-confidence dismissal are vital and should not be removed. I have indicated that time and time again. The bill is inconsistent with the recommendations of the director, police integrity. We find there is a clear differentiation between the reports from the director, police integrity, in terms of what he has suggested and what is in this legislation. The public interest requirements governing review of dismissal in the bill undermine the review process.

Clause 4 is the main concern in terms of increasing the powers of force command and risking increasing corruption. As I have said, we may end up in a situation where the bill has massively extended the powers of the chief commissioner to alter the remuneration of officers, to pay gratuities to officers, to alter probation periods and to affect the working conditions of officers unilaterally. These powers are unreviewable — there is no right to review. The bill provides an unnecessary amount of power to the commissioner without any form of review or rights of appeal. Increasing the powers of force command detracts from the rights of officers. The bill gives unreviewable, unfettered powers to force command.

I turn to discipline and management procedures. Reversing the onus in disciplinary matters overturns a longstanding tradition. In this bill the Labor government proposes to reverse the burden of proof in police discipline and management systems. Though not judicial, the unique relationship between officers and force command dictates that discipline and management for police officers is subtly but importantly different from the equivalent relationships between employers and employees. Reversing the onus in disciplinary matters requires significant training, cultural change and capacity in management which has

not yet been demonstrated. These are, again, the reasons we oppose this bill.

Forcing self-incriminating answers is a significant abridgement of rights and should not be done without due oversight. There is a range of means through which undesirable officers can be dealt with within the existing system, and I think that is important to recognise. Currently there are procedures that allow for the weeding out of underperforming officers. We are yet to be convinced that Victoria Police is utilising all the available means to maintain high standards. To substantially alter the rights and conditions of officers by reversing the burden of proof in disciplinary matters is a substantial step that should only be pursued after all other available means have been taken.

The fact is that police officers do not support the bill. I think it is important that the police be supportive of this, because otherwise the bill will fail. I hope it fails as a result of the vote taken in this chamber, but if it unfortunately passes in this chamber, it will fail in the broader community of the police force itself, because it will limit the capacity for police to feel as though they have the confidence of the chief commissioner.

As a former police member, I am disappointed to stand here and debate this bill, because it is a bill I do not have pleasure in discussing. It is a disgusting piece of legislation designed to totally undermine good, hardworking police officers in the execution of their duty. It gives unyielding, unfettered powers to force command and to the chief commissioner without any review and without any rights of appeal, and for those reasons and for many others the Liberal-National opposition will be opposing this legislation.

Mr TEE (Eastern Metropolitan) — I move:

That the debate be adjourned until later this day.

House divided on motion:

Ayes, 21

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

Noes, 18

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

Motion agreed to and debate adjourned until later this day.

HEALTH SERVICES LEGISLATION AMENDMENT BILL

Introduction and first reading

Received from Assembly.

Read first time on motion of Mr JENNINGS (Minister for Environment and Climate Change).

POLICE REGULATION AMENDMENT BILL

Second reading

Debate resumed from earlier this day; motion of Mr LENDERS (Treasurer).

Mr TEE (Eastern Metropolitan) — I welcome the return of the debate on this very important bill. I welcome discussion on this bill because we know the community, rightfully, has a very high regard for the Victoria Police force, and we know the Victorian community has a very high regard for the Victorian Chief Commissioner for Police, as does this side of the house.

Honourable members interjecting.

The PRESIDENT — Order! There are a lot of conversations going on in the chamber. I ask members to keep them down to a loud roar.

Mr TEE — We know the overwhelming majority of the members of our police force undertake their duties with a resolute commitment and integrity. We know the very nature of police work creates opportunities for corruption, and we also know that there are a few who may be tempted by those opportunities. What we need in Victoria is an effective management system to eradicate misconduct and address unacceptable behaviour. We need an effective process to rid the police force of those who bring it into disrepute, and really that is what this bill has at its heart. It is about those who support a system for eradicating police corruption.

To deter the few who are tempted to stray we need a system that works so that those who are tempted know they will be caught and dealt with. I do not think the current system deters brutal or thuggish behaviour. Both management and the accused police know the current system is archaic; it is a joke. The current system allows police to get away with bad behaviour because it is flawed; it does not work. It does not provide any real deterrent to unacceptable police behaviour. The view that the current system has failed is not just the view of the government; it is also the view of the director, police integrity, who has done a number of reviews of the police discipline system. He has done a terrific job, and this bill is based on the recommendations he made. He found that unsuitable police could simply evade the current system of discipline. Their bad behaviour could go unchecked and something needed to be done; that was the recommendation of the director, police integrity.

I suppose Mr Mullett and his cohorts are concerned about the bill. They are concerned because of course they are protected by a system that is excessively formal. They are protected by a system that is convoluted, legalistic, adversarial and punitive. By any measure the current system fails the test of effectively removing corrupt or incompetent members from the police force. The current system allows police who bully, harass and worse to carry on with impunity, and that is what the bill is about; it is about bringing those police to account.

The current system fails to deal effectively with bad police behaviour, and in doing so that behaviour spreads and becomes the norm. It becomes the pervading culture of a police station. The current system fails to stop the development of that culture, and it fails to change the culture when it is in place. Police misconduct and a failure to deal with it effectively is very disappointing to me. It is disappointing to the community who are victims of that bad conduct, it is disappointing to the broader community who hold the police in such high regard and it is disappointing to the overwhelming majority of police officers who become stained and tainted by the actions of the few.

What all the evidence and research shows is that it does not have to be that way. We know from our own experience here in Victoria that improper conduct can be detected early and eradicated. We know that proper engagement, proper counselling and the proper investigation of a complaint stops bad conduct in its tracks, but we also know the current system fails to do that. We know that if an offending police officer is counselled, the number of complaints about the conduct of that police officer, and indeed of that whole area, decrease. We know we can turn that police culture around. We also know that if police complaints are dismissed out of hand and not investigated, as occurs under the current provisions, bad police culture is reinforced and becomes entrenched, and the complaints of police violence and brutality continue.

I welcome this bill as another achievement of this government. The bill puts in place an effective system. It puts in place management performance plans that can turn around the culture and stop bad cultures developing in the first place. It puts in place a fair process for the dismissal of police who should not be in the police force.

As I said, it does not surprise me that the Police Association and its cheer squad sitting opposite oppose the bill. The Police Association in its way is presuming it is defending its members, or at least those who are being investigated. It has an interest in making the investigation system as difficult as possible. Once again, irrespective of the merits of the argument, the Liberal Party is standing shoulder to shoulder with the Police Association. The position of the Liberal Party does not surprise me. The conduct of the Liberal Party is nothing if not consistent — once again shoulder to shoulder with Mr Mullett and the Police Association.

Mr Finn interjected.

Mr TEE — I advise Mr Finn that we on this side of the house have a very clear view that police brutality is not to be condoned and not to be protected by some archaic — —

Business interrupted pursuant to standing orders.

ADJOURNMENT

The PRESIDENT — Order! The question is:

That the house do now adjourn.

Country Fire Authority: Nelson station

Mr KOCH (Western Victoria) — I wish to raise a matter with the Minister for Police and Emergency Services concerning the upgrade of the Nelson fire brigade station. Nelson is a close-knit community on the mouth of the Glenelg River near the Victorian and South Australian border, about 390 kilometres from Melbourne. Although there is a permanent population of only 220 residents, Nelson is a popular holiday location with many visitors descending on the town during summer and at Easter. Tourists are also attracted to the scenery surrounding the river mouth, the

unspoiled coastline and the magnificent Lower Glenelg and Discovery Bay national parks. Many visitors to the area enjoy camping, bushwalking, fishing, recreational boating and the magnificent Princess Margaret Rose Caves.

The local Nelson Country Fire Authority brigade is kept busy in the lead-up to summer with fire prevention, and during summer with the suppression of fires often started by careless campers or lightning strikes in the national parks or the nearby timber plantations. The current facilities at the Nelson CFA station have aged and are in urgent need of redevelopment to bring them up to modern standards.

Members of the local fire brigade, with the support of the community, have initiated an upgrade program to improve facilities and enlarge the CFA station. Stage 1 of the redevelopment involves a meeting room with kitchen and toilet facilities at an estimated cost of $180 000, not including the office and turnout area for the firefighters. Stage 2 involves erecting a storage shed to accommodate the rescue trailer, estimated to cost $20 000.

As the final cost could go beyond the amount budgeted for, the brigade has forgone the fit-out of the office and turnout area in an effort to cut the final cost. Funding has so far been obtained from several sources, including $10 000 from the Nelson volunteer fire brigade, $10 000 in kind from the Nelson community, $70 000 from the CFA and $70 000 from the state government. This leaves a shortfall of $20 000 to complete stage 1 and a shortfall of $40 000 to complete the whole project. Although the Nelson fire brigade is still endeavouring to raise funds, members have been told by the CFA that the project cannot proceed until the shortfall is resolved.

The brigade, made up of local volunteers, is prepared to put in the work and time to complete the project, but as members have exhausted other means of local fundraising they are seeking extra government funding so that the works can proceed. My request is for the minister to increase the current government grant by $40 000 to meet the shortfall in capital funding necessary to complete the Nelson fire brigade complex redevelopment.

Water: fluoridation

Mr KAVANAGH (Western Victoria) — My adjournment matter is for the Minister for Health. The government is still intending to fluoridate the water supplies of Geelong and some other parts of western Victoria in the near future. Will the government explain the apparent contradiction between, on the one hand, its stated position that there is no evidence of allergies or allergy-like reactions of some people to water fluoridation and, on the other hand, at least 25 published journal articles, which indicate that — even apart from diabetics and those with kidney problems — there are some people who are susceptible to allergies or allergy-like reactions to fluoride?

These journal articles include 17 written by G. Waldbott between 1955 and 1978, such as 'Mass intoxication from accidental overfluoridation of drinking water', which appears in *Clinical Toxicology* 1981; an editorial entitled 'Chronic fluoride intoxication' which appears in *Fluoride* 1983. Others include *Physicians' Desk Reference* 1994; an article by R. Feltman and G. Kosel entitled 'Prenatal and postnatal ingestion of fluorides — 14 years of investigation — final report', which appears in the *Journal of Dental Medicine*, volume 16 of 1961; an article by P. E. Zanfanga entitled 'Allergy to fluoride', which appears in the journal *Fluoride*, volume 9 of 1976; an article by D. Goldman entitled 'Tacrolimus ointment for the treatment of steroid-induced rosacea — a preliminary report', which appears in the *Journal of the American Academy of Dermatology*, volume 44 of 2001; an article by B. Spittle entitled 'Allergy and hypersensitivity to fluoride', which appears in *Fluoride*, volume 26 of 1993; and a book by B. Spittle entitled *Fluoride Fatigue*, which was published in 2008.

The PRESIDENT — Order! Mr Kavanagh predicated this adjournment matter on the basis of asking the minister to answer rather than seeking a specific action. He asked the minister to provide an answer and then went on with his contribution. On that basis I would have to say that it will be ruled out as an adjournment matter.

Mr KAVANAGH — The matter was actually predicated on a request for an explanation.

The PRESIDENT — Order! That is not a specific action and does not meet the criteria.

Mr KAVANAGH — I ask for an investigation and then for the minister to explain the result of that investigation.

The PRESIDENT — Merry Christmas, Mr Kavanagh. We will allow that one through — just!

Yarraville: church hall maintenance

Mr PAKULA (Western Metropolitan) — President, I am hoping you can extend the same largesse to all of

us tonight. My matter will be in order and is directed to the Minister for Planning, Mr Madden. It is in relation to the Victorian heritage grant program. I bring to the minister's attention — —

Mr P. Davis — You're not asking for money?

Mr PAKULA — I am asking for money.

Mr P. Davis interjected.

Mr PAKULA — It is generally in order, Mr Davis. I bring to the minister's attention a request that has been made to his department by the Maribyrnong City Council for a funding allocation for the Hyde Street church hall in Hyde Street, Yarraville, which is just around the corner from my electorate office.

I should at the outset congratulate the City of Maribyrnong's returning councillors, Cr Clarke, Cr Sanli, Cr Lynch and Cr Catherine Cumming, along with the newly elected councillors, Cr Carter, Cr Zakharov and Cr John Cumming. That is all I will say about that.

The church hall in Yarraville is used primarily as a community space. It provides a lot of benefit to the community and is used by a number of community groups, particularly the local African, Uruguayan, Spanish and Vietnamese community groups, and by a local playgroup. The Maribyrnong council has been implementing some urgent stone repair works to what is a very old church hall, but it requires further funding to enable the conservation project to continue into the future.

I understand that Maribyrnong City Council has made an application for a grant of somewhere in the vicinity of $50 000 to $70 000, which is what it believes is necessary to enable that repair work to be completed, and on that basis I am asking the minister to give serious consideration to that application for the heritage grant so that the repair work to the building can continue and benefit the local community.

Bendigo hospital: redevelopment

Ms LOVELL (Northern Victoria) — The matter I wish to raise is for the attention of the Minister for Health regarding the need for a complete redevelopment of Bendigo hospital. The action I seek from the minister is a commitment of funding in the 2009–10 budget to enable Bendigo Health to begin a complete redevelopment of Bendigo hospital. With only 154 days to go until the Treasurer presents the 2009–10 budget it is vital that the Brumby government finally commit to a new hospital in Bendigo to enable it to be funded in next year's budget.

The community of Bendigo should have three voices at the state cabinet table advocating for this desperately needed health facility — two local Labor members of the Assembly, Jacinta Allan and Bob Cameron, and Bendigo's former federal member, who is now the Premier. However, the two local Labor members and the Premier have been strangely silent on the issue of a new hospital in Bendigo, leaving the community to wonder whether or not they are supportive of it.

Recent media reports have highlighted increasing pressure on the current hospital, particularly the emergency department, and the facility's struggle to keep up with demand. An increasing and ageing population in Bendigo and central Victoria is fuelling demand for health services. When the hospital's emergency department opened in 1990 it was designed to cater for about 80 patients per day. Now it sees up to 170 patients per day. Almost 44 000 patients were treated in Bendigo's emergency department in the last financial year. The department has never before dealt with this many patients. Problems at the hospital are flowing on to paramedics, who sometimes get held up at the emergency department because of a lack of beds. This is straining the region's overworked and underresourced ambulance service.

Bendigo Health is currently preparing its business plan for a new hospital, which it will present to the government this month. Six sites are being considered for a new hospital, including the present hospital site, the nearby Anne Caudle Centre, the site of the former psychiatric centre, Chum Street, the former Golden Square Secondary College and the Tom Flood Sports Centre. The business case is expected to include drawings for and an analysis of each site option along with details such as the number of beds and theatres needed and other requirements. The Brumby government must engage the community in the process of selecting a hospital site and ensure that the concerns and needs of the community are fully understood before a site decision is made.

I call on the minister to make a funding commitment in the 2009–10 budget to enable Bendigo Health to begin a complete redevelopment of Bendigo hospital so that the communities of central Victoria are able to access health services equal to those available in the city.

Water: charges

Mr DRUM (Northern Victoria) — My adjournment matter is for the Minister for Water,

Mr Holding. I have had some communication from a constituent, Ms Sue Bourchier, who has a 144-acre property on Bet Bet Creek at Eddington in the Bendigo West electorate. She has a 180-megalitre diversion licence to pump water from the Bet Bet Creek for a thoroughbred horse property.

Naturally there has been no water to pump for some years, but Ms Bourchier is furious about the rising fees and charges being imposed by Goulburn-Murray Water. She understands there is a standing fee for the licence and she understands the drought assistance rebates, which take away much of the cost. She is content about that, but she believes Goulburn-Murray Water's water delivery fees are appalling.

In 2007 this lady was charged a water delivery fee of $9.66 per megalitre, totalling $1700; no water was delivered. In 2008 she was charged a water delivery fee of $12.95 per megalitre, totalling $2331, and yet no water was delivered. On complaining to Goulburn-Murray Water she was told it was to help pay for infrastructure costs, yet there are no infrastructure costs on Bet Bet Creek. She was then told it may be used to help pay for other infrastructure improvements, such as the north–south pipeline. She rang the Ripon electorate office of the Minister for Agriculture and was told exactly the same thing — that sometimes these water delivery fees are actually to pay for other infrastructure projects such as the north–south pipeline. Finally she rang Goulburn-Murray Water, and their piece of advice was that she could surrender her licence if she wanted to.

This government seems to have overseen an amazing rip-off. After the rebates, Ms Bourchier has to pay $750 this year, compared with $448 last year. That is a 67 per cent increase in fees — for absolutely no water, no service and no infrastructure. I call on the minister to instruct the water authorities such as Goulburn-Murray Water to desist with the practice of charging a water delivery fee when they actually deliver no water. I further call on the minister to fund any shortfall for the water authorities that this change of policy would produce, to enable the water authorities to continue to operate in the face of the lost revenue.

Port Fairy: community centre funding

Ms TIERNEY (Western Victoria) — I raise a matter for the attention of the Minister for Regional and Rural Development, Jacinta Allan, in relation to the Port Fairy community centre.

The Port Fairy community centre is a $2.8 million project. I had the pleasure in June this year of representing the Minister for Children and Early Childhood Development in announcing the $500 000 grant for that community centre, but on that occasion the money was specifically for the inclusion of a children's centre to be located within the community centre. It included the relocation of the Port Fairy kindergarten to the centre, and the provision of an additional 30 child-care places, as well as maternal and child health services, immunisation and broader family services. The Moyne shire has also contributed an enormous amount of money, tipping more than $1.5 million into the project, and the community itself has also been able to raise $16 000 so far, which is a substantial amount of money for a relatively small community.

We now want to move to the next stage of community facilities, specifically a multipurpose area for the community, associated storage, reception and office space for community use and visiting professional support services. If approved, the community centre will provide flexible, multi-use facilities for community groups to meet, which is a much-needed facility currently not present in Port Fairy. It will also provide a minimum of 50 hours per week of community access to the multipurpose space.

Along with the funding announced earlier this year by the Brumby Labor government, I believe the approval of this application put forward by the Moyne Shire Council to the Small Towns Development Fund is imperative if we are to have the objectives of the whole concept of the community centre up and running. I therefore ask the minister to strongly consider supporting this application submitted by the Moyne shire on behalf of the community members of Port Fairy and the outlying district.

Woori Yallock Creek: stream flow management

Mr O'DONOHUE (Eastern Victoria) — My adjournment matter is for the attention of the Minister for Water, Tim Holding. The Yarra River catchment provides water for Melbourne's urban water requirements and for environmental flows, and it also helps support an extensive and important agricultural sector with fruit growing, nurseries and other agricultural pursuits. The proper management of this catchment is therefore critical.

The Woori Yallock Creek is a tributary of the Yarra River. I have previously raised with the minister the government's negligence in not having completed the process required to establish the Woori Yallock stream flow management committee.

I wish to raise two other issues associated with the Woori Yallock Creek. The first is that each day Melbourne Water publishes flow volumes and creek height on its website. One of my constituents, Lindsay Marshall, has been checking the data on the website with his own measurements at the creek. He has found that there appears to be significant discrepancies between what is reported and what is actually happening. The information Melbourne Water and the government, through Melbourne Water, has informs a range of decisions. Those decisions include when those who hold irrigation licences can pump from the creek.

The second issue relates to security of tenure for water licence holders. Traditionally Mr Marshall and other licence holders in and around the Monbulk area have enjoyed a continuation of their licence year on year, subject only to the payment of an annual fee. The system has recently been changed so that water licence holders must reapply each year for their licence. Growers I have spoken to are concerned that this represents an erosion of the value of their licence and are also concerned that this might be a precursor to a further erosion of their rights.

In light of these two issues the action I seek from the minister is, firstly, to conduct an urgent and transparent inquiry into how Melbourne Water records stream flow and water levels so that growers and the broader community can have confidence that the information that has been published is accurate; and secondly, to review the current water licence application process with a view to reinstating the previous process by which licences were automatically renewed subject to the payment of the applicable fee.

Transport: east–west link needs assessment

Ms HARTLAND (Western Metropolitan) — My adjournment matter this evening is for the Minister for Roads and Ports, Mr Pallas. Last week I launched a report by my parliamentary intern, Kate Wilson, which analyses the 2149 submissions to the Eddington report process and demonstrates that the community is overwhelmingly opposed to the proposed new east–west road tunnel. I believe this report holds the government to account. Either the government can build a tunnel, or it can honour its commitment to listen to the public; it cannot have both.

A staggering 1669 submissions opposed the road tunnel; only 171 were in favour of it. People who opposed the tunnel were mostly individuals, but it was business submissions that mostly favoured the tunnel. Non-government organisations unanimously opposed the tunnel. I have said from the word go that people want public transport instead of new roads. Now this report proves it, as 1078 people wrote submissions to say they wanted the road tunnel money put into public transport instead.

Opposition to the tunnel comes from across Melbourne, especially from the western suburbs and not just, as the government would say, the cafe latte sipping set that unfortunately the government so often derides in its press statements. New roads, elevated roads, widened roads, roads in cuttings and tunnels ploughing through residential areas in the west are proposed to feed that tunnel. The community does not want even more big roads. It wants public transport instead, and strong and gutsy community campaigns have been formed to say so.

The Age Neilson poll, published in the Tuesday, 25 November, edition of the *Age*, demonstrated statistics that support my concerns: 61 per cent of Victorians are dissatisfied with the Brumby government on public transport; 62 per cent believe the money should be spent on public transport; and 24 per cent believe the money should be spent on roads. Before this report, there was no comprehensive, accurate proof that the public overwhelmingly opposes the proposed tunnels. This report tells us that our community campaigners are not just a noisy minority but represent the overwhelming majority.

The report recommends that the Brumby government release to the public its own analysis of the public submissions and then show the public how their submissions were used in the decision-making process. The action I ask of the minister is that he takes this report into account and releases the government's analysis of the Eddington submissions.

Curlip II: crew certification

Mr P. DAVIS (Eastern Victoria) — I raise a matter for the attention of the Minister for Roads and Ports. It concerns the paddle-steamer *Curlip II*. I had the privilege to be present at the commissioning of the vessel on Saturday. It is a replica of the original 1890s vessel which was constructed by Sam Richardson. The chairman of the community project to establish *Curlip II* is Gil Richardson, who is a descendant of Sam Richardson, and the project's secretary is Jan Read, both of whom have led a great community effort.

Getting to the point, there is a great deal of bureaucratic inertia around dealing with the failure of Marine Safety Victoria to establish a process for the certification of the master and crew of *Curlip II*, which has led to the cancellation of an extensive program of charter

bookings right up to Christmas, including a wedding booked for this weekend. I make the point that the Victorian government has contributed to the project, with $500 000 from the Community Support Fund and $50 000 through Regional Development Victoria; the previous federal government provided $600 000 in cash; and community volunteers have contributed tens of thousands of hours in kind.

It was a wonderful commissioning, and there was incredible community exhilaration about the project. What the community could not have known at that time was that because of the incompetence of Marine Safety Victoria, there is no process in place for the certification of crew for the vessel, because it is unique. The agency has failed to establish a pathway for certification. People at the agency could have looked at the Murray River in the jurisdiction of New South Wales, which has a system for certifying crew on steamers, but they have shown no inclination to adopt that model.

It is a great pity that this wonderful venture on the part of the Orbost and district community to provide a major new attraction in the region, based on the history of the Snowy River and representing a major step to diversifying the local economy, which is under pressure because of the changes to the timber industry and the impact of the prolonged drought, is now at threat.

Firstly, Marine Safety Victoria has failed to provide a pathway. Secondly, I and my staff have contacted the minister's office on no less than eight occasions, including by an urgent letter which was faxed to the minister yesterday, to which there has been no response.

Therefore, given the embarrassment for the government due to the setback to the project, I ask that the minister intervene to ensure that Marine Safety Victoria acts to resolve the position and request that it establishes a pathway for certification of crew.

Stonnington: development assessment committee

Mrs COOTE (Southern Metropolitan) — My adjournment matter this evening is for the Minister for Planning. It is in regard to the appointment of a chairperson for the development assessment committee in the Prahran electorate. A media release of May from the Department of Planning and Community Development, entitled 'Fact sheet: Development Assessment Committees (DACs)', states:

> Each DAC will comprise: one independent chair, mutually agreed between the state government and the local government sector, in consultation with the relevant councils.

It goes on to say:

> The fine detail of the approach will be finalised in consultation with the local government sector.

The media release does not provide any further detail as to how the chairperson would be appointed. I have asked the minister if he could give me more details. He was quite quick in his response; in fact it took him only about a month to respond. He said that he was currently consulting with the local government sector on the implementation and operation of the development assessment committees before they are established. That was in July.

As from last weekend we have a whole lot of new councils. They must be provided with information on the workings of the DACs so that councillors know what their role in planning will be. It is of great concern that decisions once made by the Stonnington council for the good of Stonnington will now be made in Spring Street for the good of government policy. A five-person panel, where the local council representatives are in the minority and the Brumby government puppets have the majority, will mean that the concerns of the local community will be vetoed at every opportunity.

The action I am seeking is that the minister, as a matter of urgency, explain to the new Stonnington council when he will be providing further details on the appointment of the chairperson of the DAC that will be overseeing planning in the Stonnington community.

Melbourne-Lancefield Road: upgrade

Mrs PETROVICH (Northern Victoria) — My adjournment matter is for the Minister for Roads and Ports. Currently Victoria's road toll stands at 282. That means that the lives of 282 families have changed forever in the worst possible way. I spare a thought for them as we go into Christmas celebration mode. For many of these families and friends, it will be their first Christmas without their loved ones.

Of these fatalities, well over half have occurred on country roads or in provincial towns. Unfortunately, while only 28 per cent of the population lives in rural Victoria, we have more than our fair share of these unwanted statistics. In the past month alone, tragically 26 people have lost their lives on our roads; 17 of these fatalities occurred in country Victoria, many in Northern Victoria Region. In one accident along the Melbourne-Lancefield Road, three people died in an unnecessary waste of life. It has left two young children orphaned and a wave of devastation behind it.

The Macedon Ranges council has been lobbying for many years to have this road upgraded to meet the growing demands of an increase in traffic there. This has become a major route into Melbourne, with many commuters travelling this road on a daily basis. These commuters have the right to feel that they can do this safely.

Not surprisingly, this has become the no. 1 issue for those living in the eastern region of Macedon Ranges. The locals know only too well the dangers of this road, which has now been tagged 'death road' by the local media. They have been lobbying hard for many years for passing lanes to be established on this road.

The action I seek is that the minister provide details of preventive measures he and this government are planning to implement to minimise the number of fatalities on our roads, in both the country and the city, over the Christmas holiday period. More specifically I ask him to act on behalf of Macedon Ranges residents to convince VicRoads to upgrade Melbourne-Lancefield Road once and for all.

Youth: homelessness

Mr FINN (Western Metropolitan) — I wish to raise a matter for the attention of the Minister for Sport, Recreation and Youth Affairs. Last week I had the very great honour and privilege of attending the launch of the 20th Man Fund, which assists homeless and disadvantaged youth. This launch was held in Braybrook and drew a wide cross-section of supporters, from TV chef Iain Hewitson to union official Dean Mighell. This fund is headed by a well-known youth worker in the western suburbs, Les Twentyman.

Despite the best efforts of some earlier this year to assassinate his character, Les continues to work hard for people who need his assistance and support throughout the western suburbs, and indeed right through Melbourne. He is a great Australian.

Mrs Coote — He is a good man.

Mr FINN — He is a good man, Mrs Coote — and indeed he is a great Australian.

At the launch, it was very distressing indeed to hear stories of homeless young people and families, particularly young children — even babies — living in drains and abandoned cars throughout Melbourne and in some sections of country Victoria. In my view this is a blight on our society in the 21st century and is intolerable in the affluent society we live in.

The house may well be aware that some years ago Smorgon industries very generously supported Les Twentyman in setting up a youth refuge in Sunshine. That has been some considerable help in assisting the people who are faced with homelessness. Sadly, it is not enough. The best estimate we can reach is that there are some 2000 to 3000 homeless youth in the western suburbs alone. One would scarcely be game to estimate how many homeless youth there are throughout Melbourne and the rest of Victoria. Some 2000 to 3000 homeless youth in the western suburbs is something I believe we as a civilised society should be ashamed of. It is something that we should not tolerate. It is something we should aim to do something about now.

I ask the minister to meet with Les Twentyman and his team at his earliest possible convenience and provide funding for a new youth refuge in Melbourne's west. It is needed, it is something the government can do, and it should do it now.

Police: Ashburton station

Mr D. DAVIS (Southern Metropolitan) — My adjournment matter is for the Minister for Police and Emergency Services. It concerns public safety and resourcing of police in the Boroondara municipality. Victoria Police crime statistics for 2007 show that over the last five years violent crime has increased by 17 per cent, with assaults increasing by 23 per cent and drug offences by 24 per cent. There has been a significant increase in violent crime. Despite this there has been a push to close the Ashburton police station, an important police station that provides a significant measure of comfort for people in the community in and around that area of the Boroondara municipality.

Fortunately a strong community campaign was mounted against the closure of the Ashburton police station. Local residents, schools, neighbourhood watch groups, businesses and others are fighting strongly to retain that important local police station. However, just when we discovered that the police station will remain, bad news has come forward — that is, the police will be pulled back from the police station. They will be located at Camberwell and forced to undertake their various patrols from Camberwell with simply a desk operation remaining at Ashburton. This is not satisfactory in terms of community safety in the proximity. Visibility of police presence is, as we know, a significant aspect of preventing crime and providing reassurance to the community.

We know from recent figures obtained by the opposition that 131 uniformed police officers are

allocated to Boroondara, but 27 of those are unavailable for duty at any particular time due to long-term absences such as secondment and other similar reasons. About one in five police in Boroondara is not available for duty. On top of that, six officers were removed from the list at Boroondara, so it was in fact 137 police in Boroondara.

Around Ashburton we face the real prospect that fewer police patrols will be in operation. Bob Stensholt, the local member, has not been prepared to stand up for the area and ensure that there are sufficient patrols. The action I seek is for the minister to ensure and examine the adequacy of police resourcing in Boroondara, to seek a report from the Chief Commissioner of Police about police resources and to ensure that there is significant and adequate police resources.

Churchill Park Golf Club: future

Mrs PEULICH (South Eastern Metropolitan) — I just wanted to know whether everyone on the other side had an early leaver's pass. The matter I wish to raise is for the attention of the Minister for Environment and Climate Change, Gavin Jennings. It is in relation to the impasse and precarious situation of the future of the Churchill Park Golf Club in Endeavour Hills, which is part of my electorate. Hopefully it is an issue that the President is sympathetic to.

The issue was drawn to my attention by a number of members of the Churchill Park Golf Club in relation to a situation they have found themselves in as a result of not having a lease with Parks Victoria. The board of directors has now been actively trying to negotiate a fair and reasonable new lease arrangement with the commercial arm of Parks Victoria for the land the golf club currently occupies. Unfortunately Parks Victoria is attempting to charge $60 000 plus GST, subject to consumer price index increases each year, to be reviewed every three years. It is based on not just the land but the improvements, which have all been funded for and paid for by members over some years.

Unfortunately it is a lot of money and the club has been given an ultimatum to respond by 31 December. Otherwise, as stated in the letter dated 29 October 2008 from the commercial manager, Alan Farquhar:

> If the club fails to accept the proposed lease by 31 December 2008, Parks Victoria will then consider its options for the resolution of this matter, which includes obtaining a fresh rental valuation, offering the site to other interested parties and/or evaluating enforcement options available under the Land Act 1958.

Clearly this is a difficult situation. I think the government would be keen to acquire golf course land, possibly to flog it off for housing, but in a situation where we need to obtain open spaces, especially for recreation and especially in a community of the nature of Endeavour Hills, the minister ought to be able to intervene and arrange for an appropriate lease that is affordable by a club that is essentially run for non-charitable purposes, with any proceeds going back into the development of the club, which has been the practice since its inception.

According to the letter that has been forwarded to me, Parks Victoria board approval will be required prior to any agreement being finally made as well as the consent of the Minister for Environment and Climate Change. Such approval and consent may be granted or withheld at the absolute discretion of the board and the minister. The minister has the capacity to resolve this issue. I ask him to do whatever he can to make sure this important facility is preserved for a community that is generally not blessed with a significant number of recreational resources, especially at an affordable level.

Responses

Hon. J. M. MADDEN (Minister for Planning) — I have written responses to adjournment debate matters raised by Mrs Coote on 29 May; by Mr Rich-Phillips on 12 June; by Mr Koch on 19 August; by Mrs Petrovich on 20 August; by Mrs Coote on 20 August; by Mr Thornley on 21 August; by Mr Vogels on 21 August; by Ms Hartland on 10 September; by Mrs Coote on 10 September; by Mrs Peulich on 10 September; by Ms Pennicuik on 10 September; by Mr Finn on 11 September; by Mrs Petrovich on 7 October; by Mr Vogels on 7 October; by Mr Koch on 7 October; by Mr Pakula on 8 October; by Mr Finn on 8 October; by Mr Finn on 9 October; by Mr Tee on 15 October; by Mr Koch on 15 October; by Mr Vogels on 15 October; by Mr D. Davis on 16 October; by Mr Koch on 16 October; and by Mr P. Davis on 16 October. I will provide the 24 responses to the chamber.

David Koch mentioned the Nelson fire station. I will refer this to the Minister for Police and Emergency Services.

Peter Kavanagh raised the matter of water fluoridation. I will refer this to the Minister for Health.

Martin Pakula raised the matter of heritage program grants for the city of Maribyrnong's Hyde Street church hall. I will give the matter consideration, given the interest of Mr Pakula in this matter.

Wendy Lovell raised the matter of the need for redevelopment of Bendigo Hospital. I will refer this to the Minister for Health.

Damian Drum raised the matter of a licence fee for a certain lady on Bet Bet Creek. I will refer this to the Minister for Water.

Gayle Tierney raised the matter of the Port Fairy community services centre. I will refer this to the Minister for Regional and Rural Development.

Edward O'Donohue raised the matter of the Yarra River catchment, the Woori Yallock Creek's water levels and Melbourne Water's published measures of the creek's water levels. I will refer this to the Minister for Water.

Colleen Hartland raised the matter of submissions in relation to the Eddington report and a report on these submissions by her parliamentary intern. I will refer this to the Minister for Roads and Ports.

Philip Davis raised the matter of the paddle-steamer *Curlip II* and the certification of its crew. I will refer this to the Minister for Roads and Ports.

Andrea Coote raised the matter of the appointment of the chair of the Prahran development assessment committee. I am happy to provide the council with sufficient details so that all council members can be across this very important matter.

Donna Petrovich raised the matter of the road toll in rural Victoria and, in particular, the need for preventive measures on Melbourne-Lancefield Road. I will refer this to the Minister for Roads and Ports.

Bernie Finn raised the matter of a dinner with Dean Mighell, I believe, which was also — —

Mr Finn — It wasn't a dinner, it was a launch. It was during the day.

Hon. J. M. MADDEN — It was the launch of the 20th Man Fund. He also raised the matter of the need for homelessness support in the west. I will refer this to the Minister for Sport, Recreation and Youth Affairs.

David Davis raised the matter of policing in the Boroondara community and matters around the Ashburton police station. I will refer this to the Minister for Police and Emergency Services.

Inga Peulich raised the matter of the Churchill Park Golf Club and its lease with Parks Victoria. I will refer this to the Minister for Environment and Climate Change.

The PRESIDENT — Order! The house now stands adjourned.

House adjourned 10.42 p.m.