PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Tuesday, 9 September 2008

(Extract from book 12)

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By authority of the Victorian Government Printer

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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.

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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.

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FIFTY-SIXTH PARLIAMENT — FIRST SESSION

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

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TUESDAY, 9 SEPTEMBER 2008

Tuesday, 9 September 2008

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

ROYAL ASSENT

Message read advising royal assent to:

26 August

Building Amendment Act
Cancer Amendment (HPV) Act
Courts Legislation Amendment (Juries and Other Matters) Act
Crimes (Controlled Operations) Amendment Act
Gambling Regulation Amendment (Licensing) Act
Land (Revocation of Reservations) (Convention Centre Land) Act
Melbourne Cricket Ground Amendment Act
Superannuation Legislation Amendment Act
Unclaimed Money Act
Wildlife Amendment (Marine Mammals) Act

2 September

Public Health and Wellbeing Act

QUESTIONS WITHOUT NOTICE

Manufacturing Industry Consultative Council: meetings

Mr DALLA-RIVA (Eastern Metropolitan) — My question without notice is to the Minister for Industry and Trade. I refer the minister to the meeting last night of the former Manufacturing Industry Consultative Council which is to be radically renamed the Victorian Industry Manufacturing Council. Can the minister confirm that this was the first meeting of the MICC in 18 months? Can he also advise the house of the last time the former MICC produced a substantial report or recommendations on manufacturing to his government?

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — I am pleased to see that Mr Dalla-Riva gets reports from meetings that I have — and we have many consultative meetings — and I hope he continues to get reports on the consultations that this government has. He asked me a question about whether I can confirm that the meeting took place 18 months ago. The answer to his question is no, that is incorrect. He then went on to ask me about the council itself and the restructure of the council. Yes, I am intending to restructure the council. The exact form of the restructure is yet to be decided, but perhaps it might help — —

The PRESIDENT — Order! The house will be suspended until the ringing of the bells.

Sitting suspended 2.08 p.m. until 2.18 p.m.

Hon. T. C. THEOPHANOUS — I am happy to continue; thank you for the time out! As I was saying before I was rudely interrupted electronically, the councils that I have — and I have a number of consultative councils that report to me — have been the subject of restructures. I think it is better if I talk by way of example and refer to the restructure of the finance industry consultative council, which is now the Victorian Finance Industry Council. It is a council I now chair, and that is because I wanted the council to have a higher level impact. It is a council I now provide some resources to in terms of its capacity to actually look at specific issues the finance industry is confronted with, and it is a finance council on which I have insisted on having representation at chief executive officer level rather than having, if you like, lesser level people coming to these consultative councils.

The restructure was deliberate, and it was done on the basis of upgrading the council — in this case the finance industry council. The same has been done with the defence industry council and other councils that have been restructured and made more potent, more capable and better able to serve manufacturing and other sectors of industry.

This is part of an ongoing program. The Manufacturing Industry Consultative Council is an important part of that program. Upon taking responsibility for this particular state area, I initiated the restructure of all the consultative councils because we know it is a partnership which delivers jobs and which delivers them in the manufacturing sector. It is a partnership between industry, the unions and the government, and it brings results.

Honourable members interjecting.

Hon. T. C. THEOPHANOUS — I know opposition members have adopted an approach of being doomsayers and gleefully talking about every single job that is lost. They are gleeful doomsayers, talking about every single job that is lost, but they are not so keen to talk about the jobs that are produced in the state. They are not as keen to talk about those jobs. We are keen to talk about those jobs, and I am pleased to say that my department has a very good record of creating new jobs in the state.

The manufacturing council is a part of those negotiations and discussions. I have not in the meantime not given the manufacturing council any work to do. In fact it is currently engaged in coordinating climate change effects on manufacturing in Victoria, so the Manufacturing Industry Consultative Council which is currently in place has been given ongoing work. It has met on a number of occasions, both formally and informally. It continues to do its work in the lead-up to its restructure, which is along the lines of that of other councils that I have restructured in this space.

I might say, though, that the council also works with individual unions and individual companies associated with it. It does not stop. When we successfully attracted the manufacture of the hybrid car — the Toyota Camry — into Victoria, that was done in consultation with the relevant manufacturing union, in that case the Vehicle Builders Union. When we managed to get Ford to agree to bring in the Focus, again it was done in consultation with the union, which is an important part, as all these unions are an important part, of this consultative council.

I am happy to stand by the record of the government in relation to the attraction of jobs in manufacturing. We are doing it tough in manufacturing at the moment. It is an area in which we will have to fight for every single job that we get — there is no question about that — but let me tell the chamber that we, on my side of politics, are determined to continue to support our manufacturing base because it has 350 000 Victorians working in it. We will continue to support that both through the consultative councils that have been established and through direct action in working with the various industry players.

Supplementary question

Mr DALLA-RIVA (Eastern Metropolitan) — I asked a specific question about whether that was the first meeting, and the minister said no, so my supplementary relates to the last 18 months. Apart from the meeting last night, when did it last meet? I also ask particularly whether any substantial report or recommendations on manufacturing were provided to the government. In fact the last one was in 2002, the so-called *Victoria's New Manufacturing Future* report. I am really asking about meetings held by the Manufacturing Industry Consultative Council in the last 18 months, and if there were any reports in that time, given that the last one we have listed was in 2002.

Mr Viney — On a point of order, President, I believe that is exactly the same question as the original question. It does not fit into the guidelines for a supplementary question. It asks for information on two points. The minister answered that question. The question cannot be re-asked as a supplementary question.

Mr Dalla-Riva — On the point of order, President, the minister had answered 'no'. I was seeking clarification on the particular answer he gave. That is where it stood.

The PRESIDENT — Order! I am convinced the member's supplementary question is in fact in order. The minister, to answer.

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — As I indicated to the member earlier, he was incorrect. He has now come back for a second and a third go. He is incorrect. Mr Dalla-Riva's assertion was wrong, as it always is; he always gets it wrong. He got it wrong on this occasion.

Honourable members interjecting.

Hon. T. C. THEOPHANOUS — It is not me who got it wrong; it is Mr Dalla-Riva who got it wrong. What I can tell the member is that there have been many meetings in the time frame that he talks about. There have been formal and informal meetings of the consultative council. There have been meetings with individual members of the consultative council, and there has been a series of meetings with the textile, clothing and footwear union, for example. There has been a series of meetings with the Victorian vehicle builders union. There has been a series of meetings with members of that particular council, and the council itself has met both formally and informally within the time frame that has been identified by the member opposite.

What I can tell Mr Dalla-Riva — what I am prepared to say through you, President — is that over the last 6 months alone, let alone the last 18 months — —

Mr Dalla-Riva interjected.

Hon. T. C. THEOPHANOUS — Let me give you a couple of figures you might not like, Mr Dalla-Riva. Over the last 12 months this government has created 52 000 jobs. He might not like that figure, but it happens to be a fact. Despite the Leader of the Opposition putting out his doomsayer list of jobs that have been lost and claiming that there have been 4000 of them over the last six months, my department has been directly involved in announcing 6000 jobs over the same period. I will list them: 700 jobs created at BankWest; 250 jobs at COSCO; 200 jobs at Origin

Energy's Mortlake power station; 475 jobs in the Goulburn Valley freight and logistics centre; 120 jobs at Tiger Airways; 730 jobs at the Santos Shaw River power station; 40 jobs at iGATE; 100 jobs at Exxon Mobil; 180 jobs at TME Australia; 2000 jobs at Satyam in Geelong; and 300 jobs at IBM in Ballarat.

I am telling Mr Dalla-Riva it is jobs, jobs, jobs; that is what it is. And they are only the jobs that my department and I have been directly involved in. I am happy for Mr Dalla-Riva to come in here and be the doomsayer, because I want to talk about the positive features of our economy and the way it has stood up over a period of time. I want to talk about the fact that that happens because we cooperate with all the people on the various consultative councils, of which there are many and with which in the course of my responsibilities I am engaged every single week.

Economy: performance

Ms BROAD (Northern Victoria) — My question is to the Treasurer. Can the Treasurer please update the house on how the Victorian economy under the Brumby Labor government is performing compared to the national and international economies?

Mr LENDERS (Treasurer) — I thank Ms Broad for her question and her interest in comparing the Victorian economy to the national or international economies. It is interesting to look at that. In the budget in May, this state government forecast slower growth than in the last year, but growth nevertheless. In the budget we forecast employment growth but at a slower rate, we forecast continuing population growth and we forecast a slight rise in unemployment. That is the context where we as a state forecast where we were in this global environment.

We obviously know what has been happening, from news coming out of the United States. It is interesting that those opposite like Mr David Davis and Mr Rich-Phillips have an extraordinary focus on debt. It is quite fascinating that today President George W. Bush has announced support for Fannie Mae and Freddie Mac, the two home insurance companies. It is interesting that the United States, which already has a debt of $9.7 trillion — the equivalent of $31 000 for every single man, woman and child in the United States — has possibly just increased its debt level by about 50 per cent. If we put that into Australian terms, we are talking of debt levels at the current rate in the United States of about 6 to 10 times per head of population in Victoria, without adding what has happened since the addition to that $9.7 trillion of Fannie Mae and Freddie Mac.

Ms Broad asked the question of where Victoria fits in. As I said, at budget time, we forecast modest growth, more modest than in the previous year. It is fascinating what the state final demand figures that came out a week or so ago show. I quote the headline of an article in the *Age* of 4 September, 'Victoria the nation's economic engine'. Another headline, in the *Herald Sun* of 4 September, stated, 'Victoria defies nation's economic decline'. What we are seeing is that those figures confirm the predictions made in the budget, that we have an economy which is actually growing — at a slower rate, but growing nevertheless. In fact, those figures showed much stronger growth than we thought.

A lot of it comes from the concept: is this a glass half empty, or a glass half full? What I would say to the opposition and others who want to see it as a glass half empty is that if you are going to talk down the state, talk down the economy and spend day after day exulting with glee at anything not working well, it is on the heads of people who do that when suddenly consumer confidence goes down, retail jobs go, leisure industry jobs go and people do not invest in housing. If people want to be obsessed with a glass half empty and talk down the state, those are the consequences that the opposition wants.

I urge the house to do what the ABS (Australian Bureau of Statistics) has done by looking at the state final demand figures — —

Mrs Coote — President, this is actually a point of clarification rather than a point of order. Could you tell me what is the difference between this answer and a ministerial statement?

The PRESIDENT — Order! In terms of the point of clarification which, I have to say, is a little cute on Mrs Coote's part, I am in a very generous mood today. I raise, for the information of the house, this fact: if the minister wants to use his answer as some pseudo ministerial statement, he can. It does not prevent debate on the matter at another time by any member of the house. Mrs Coote has the option of having this matter noted or taken into account for another day. Again, Mrs Coote clarified that she was not raising a point of order but seeking a point of clarification.

Mr LENDERS — At 3 minutes and 30 seconds, it would be the shortest ministerial statement in the history of the Westminster system, but I will say to the house including Ms Broad in response to her question that we are in slowing economic times. The contagion that has come out of the United States from subprimes and spread across this planet is one that has slowed growth in the United States, slowed growth in the

European Union and slowed growth in Australia — slowed growth everywhere on this planet, including the tiger economies of India, China, Brazil and Russia. But what we are seeing in Victoria is that while the growth is slower, there is an extraordinarily diversified and strong economy that is building into those jobs that my colleague Mr Theophanous raised. Whether it be those jobs in the finance sector, in the IT sector, in the energy sector, in the retail sector or in the freight and logistics sector — all of those areas are where growth is happening in the state of Victoria. So what I say to the house is that the choice between the glass half full or half empty is a critical one if we are talking about confidence in this state, but this state has a diverse and strong economy which continues to deliver jobs, and it is one that we are proud of and that will build on further job opportunities in the future in Victoria.

Skills training: government-funded places

Mr HALL (Eastern Victoria) — My question without notice this afternoon is directed to the Minister for Industry and Trade, Mr Theophanous. I refer the minister to the government's recently released skills reform package and ask: given the significant number of recent job losses in industry and particularly in manufacturing, why is the government refusing to guarantee a government-funded training place for retrenched workers who seek retraining in other vocational areas?

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — I am happy to respond to the member's question. In responding to it, perhaps I should outline to the member that my responsibility is not as the minister who delivered the skills statement — that is the responsibility of Jacinta Allan, the Minister for Skills and Workforce Participation, which I am sure he knows. However, obviously, as I and the Premier have said a number of times, there are three components or statements that we are delivering which are focused on job creation in this state. They are — —

Mr Guy interjected.

Hon. T. C. THEOPHANOUS — Mr Guy can say 'spin', but the fact of the matter is that the innovation statement is a $300 million package which was delivered by my colleague Gavin Jennings, and the skills statement is, I think, a $316 million package. This is an enormous commitment by Victoria towards the two most important drivers for our economy going forward, one being skills and the other being innovation. They are two of the most important drivers. The skills statement envisages the creation of thousands of new places as a result of new initiatives that are being brought forward within that skills area. I think the number is 176 000 or thereabouts. A huge number of skills places are being created. I might also say that, while we have a skills issue, part of the reason we have a skills shortage is that the economy is so buoyant.

I was interested to read the following in the Warrnambool newspaper. This is what they say in that part of Victoria:

> Unemployment has plummeted in south-west Victoria — —

Mr Guy interjected.

Hon. T. C. THEOPHANOUS — Listen to it! You do not like this. I know you hate it. They say:

> Unemployment has plummeted in south-west Victoria with some rural areas boasting figures down to almost 1 per cent.

One per cent unemployment in western Victoria. The article goes on to say:

> Moyne shire's north-west section, which encompasses the farming regions of Macarthur … has one of the lowest unemployment rates in Australia at 1.4 per cent.

The article goes on to say that the unemployment rate in Timboon and Port Campbell is 1.7 per cent; in the Colac Otway shire it is 1.9 per cent; and Hamilton has a really high rate — it has 3.9 per cent unemployment!

Mr Hall — On a point of order, President, I put to you that the minister's answer is now no longer relevant to the specific question that was put, and I ask you to direct the minister to return to answering the question.

The PRESIDENT — Order! There is no point of order.

Hon. T. C. THEOPHANOUS — The article goes on to ask what is therefore the single biggest problem faced in that region. It is a lack of skilled labour. We recognise that when you get unemployment down to as low as 1 per cent you might have a bit of a problem in that you need more skilled labour coming into those regions. At a time when the Victorian economy — according to the *Age*, not according to me — is driving the Australian economy and at a time when we have unemployment figures that are unprecedented in terms of how low they are in some parts of regional Victoria, it is not extraordinary that associated with that will be a challenge to deliver the skills. But it is a challenge we are taking up. We are taking it up through the innovation statement and through $316 million of programs in the skills statement.

Supplementary question

Mr HALL (Eastern Victoria) — The minister's inability or refusal to answer the question directly prompts me to ask by way of supplementary: was the minister consulted on policy directions that will impact on his portfolio area within the skills discussion paper?

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — I do not know how to answer a ridiculous question like that from the member. He knows better than that. I started off by telling him that there are three parts to the strategy: the innovation statement, the skills statement, and the Victorian industry and manufacturing statement. They are the three parts of the strategy. Of course in developing this strategy all ministers, particularly the three ministers involved in those three statements, continuously talk to each other and consult each other about the very important elements covered by their respective responsibilities.

Infrastructure: investment

Mr LEANE (Eastern Metropolitan) — My question is to the Treasurer. Could the Treasurer outline to the house how the Brumby Labor government, through its strong investment in infrastructure, is helping to make Victoria the best place to live, work and raise a family?

Mr LENDERS (Treasurer) — I thank Mr Leane for his question and his interest in jobs, jobs, jobs and more jobs.

Mr Guy interjected.

Mr LENDERS — I take up Mr Guy's interjection. The only figures going down at the moment are those of The Nationals vote in Lyne, by 29 per cent, and the Liberal Party vote in Mayo, by 10 per cent. They are the figures that are going down. What we are seeing in Victoria is jobs — —

Honourable members interjecting.

The PRESIDENT — Order! It is not appropriate for the minister to have to roar in the chamber to be heard, particularly from Hansard's perspective. I am finding it a little difficult to handle myself, and that is a direct result of the constant interjections from my left. I ask members of the house to withhold their rage.

Mr LENDERS — Mr Leane asked what the government's investment in infrastructure is doing to make Victoria a better place to live, work and raise a family. What this Brumby Labor government has done is invest heavily in infrastructure for a number of reasons: one, what it does to the amenity of the state; two, what it does to the improved economic conditions of the state; three, what it does to sustainability; and four, most importantly from my perspective, what it does for jobs.

Mr Leane asked about those issues: the $632 million invested in the food bowl does all of that — creates jobs, improves sustainability and assists the state considerably — as does the money invested in channel deepening and the money invested in schools, hospitals, public transport or roads. In an electorate like Mr Leane's, these are not just investment figures; they reflect investments that have assisted people with jobs.

Recently I spoke to a third-year apprentice who has to get up every morning and start work at 7.00 a.m., which is a bit hard for a gen Y person sometimes, and he goes off to a job created by the Brumby Labor government. These construction projects not only assist in creating a better state, they also provide immediate jobs for young Victorians, whether they are in construction or, in Mr Leane's part of the world, on EastLink. That magnificent project does not just mean better transport infrastructure, it does not just save time — —

Mr Finn interjected.

Mr LENDERS — Mr Finn says, 'On time, on budget!'. It was not on time — it was six months ahead of time! But we will not apologise for that.

Going back to EastLink, not only will it save precious time on the roads for people going between Frankston and Ringwood, it has also created construction jobs and added-value manufacturing jobs such as those in the Latrobe Valley working on the prefabrication of the concrete that went into EastLink.

I say to Mr Leane and to the house that the Brumby Labor government will continue to invest in infrastructure because, along with skills, this is one of the two economic drivers that will create jobs in Victoria, add to our livability, add to our economy and add to our sustainability — making Victoria an even better place to live, work and raise a family.

Mr Drum — On a point of order, President, I seek some clarification. On 10 June Ms Mikakos asked exactly the same question. Are government members allowed to ask exactly the same question within two months?

The PRESIDENT — Order! The question is a very broad-reaching one. Whilst Mr Drum may argue that it is certainly similar, it is not the same; therefore it is in order.

Public sector: investments

Mr D. DAVIS (Southern Metropolitan) — My question is to the Treasurer. I refer the Treasurer to his statement in Parliament that 'there is one Victorian government body that unequivocally has invested in CDOs (collateralised debt obligations) with a subprime exposure — that is, the First Mildura Irrigation Trust'. Given the revelation that Goulburn Valley Health, Western Health, Gippsland Ports, East Gippsland TAFE, Benalla and District Memorial Hospital and the Metropolitan Ambulance Service have all purchased collateralised debt obligations from Lehman Brothers, some of which are backed by debt issued by subprime mortgage lenders, does the Treasurer still stand by his statement?

Mr LENDERS (Treasurer) — I will say a couple of things in response to Mr David Davis. Firstly, as I outlined in the last sitting week of this house, the truly sad part of where the opposition is going on this is that it is trying to scare mum-and-dad investors, ordinary Victorians, over something that has very little or no foundation.

As I outlined in the house last time — and I do not intend to go back to this again — collateralised debt obligations are a common financial instrument used across Victoria and the Western world. The relevant issue Mr David Davis raises over whether those collateralised debt obligations have a direct subprime exposure is an issue I addressed last time in the house. To my knowledge the organisation I referred to is the only one I have been advised of that has a direct subprime exposure. It was the First Mildura Irrigation Trust, and that issue has been dealt with.

There is a deeper issue than this. Mr David Davis has again brought forward an entire series of bodies and exposed them to questions about their borrowing. He talked about Goulburn Valley Health. What I would say to Mr Davis is that, before he comes into the house and parrots lines that either someone has written for him or he has half picked up from somewhere and before he comes into cowards castle and starts giving that organisation a dust-up and putting its reputation and the reputation of the broader community at stake, he should listen to what the chief executive officer of that organisation has actually said on the public record.

I stand by my answer to previous questions in this house: to my knowledge the only semi-government body in this state that had a direct exposure to collateralised debt obligations with a direct subprime exposure was the First Mildura Irrigation Trust.

What I would say, and in response to Ms Broad's earlier question in relation to where we stand vis-a-vis the world, is that yesterday the United States federal government added to the $31 000 per United States citizen that equates to its $9.7 trillion of debt to back up Fannie Mae and Freddie Mac. Why is it doing that? Because of its exposure to subprime mortgages in the United States. I know Mr Davis is in a different faction to former federal Treasurer Mr Peter Costello, but he should listen to what Mr Costello was saying in the United States just yesterday. Mr Costello's comment showed a distinct difference between the Australian regime and the prudential regulatory authority and those of the United States. Even Mr Costello — whom 12 of the 15 members of the Liberal Party in this place would prefer as leader to Mr David Davis — thinks there is a huge distinction between the United States and Australia regarding subprime mortgages.

I will conclude my answer on that. I will say to Mr Davis and to the house that these are serious issues in our financial system. They are serious issues that can do without the opposition coming into Parliament with very little or no foundation and trying to talk down the state. It goes back to the glass half empty or the glass half full. Mr Davis can make a constructive contribution to public debate in Victoria, or he can be part of the Barry O'Farrell wreckers club — and that is where I think he is coming from.

Supplementary question

Mr D. DAVIS (Southern Metropolitan) — The Treasurer is dead right; these are very serious issues. Given the number of reports circulating that there are no markets for these CDOs spruiked by Lehman Brothers, will the Treasurer confirm for the house that CDOs cannot be liquidated immediately and that it may be many years before these Victorian government authorities see all or indeed any of the taxpayers money they invested?

Mr LENDERS (Treasurer) — I stand by my substantive answer. I stand by the issues I addressed in the last sitting week of the house; these are serious issues.

Honourable members interjecting.

Mr LENDERS — Mr Davis interjects one more time. As I said, he can be a Barry O'Farrell bomb-thrower trying to destroy the show in an effort to take charge, or he can be a responsible citizen trying to address the significant issues we have in front of us. If I have a choice of backing Mr Costello or Mr Davis on this matter, I will back Mr Costello.

What I will say is that these are serious issues that deserve a serious discussion. Collateralised debt obligations are instruments that are used throughout the financial sector. They are instruments that, where they do not have direct subprime exposure, are ones that many banks and financial institutions use, including the Commonwealth Bank of Australia, where Mr Davis banks. These are legitimate instruments when they are used correctly. This government has acted under its prudential authority on the First Mildura Irrigation Trust. What I say to Mr Davis is that he should not be a rock-thrower and he should not talk down the state. He has a higher obligation as a member of this house.

Docklands: development

Ms MIKAKOS (Northern Metropolitan) — My question is to the Minister for Planning, the Honourable Justin Madden. Melbourne Docklands is Australia's largest urban renewal project and is symbolic of the Brumby Labor government's commitment to providing Victoria with new housing, employment and construction opportunities in appropriate locations. I ask the minister to advise the house of the status of the Melbourne Docklands project and the new opportunities being realised at this exciting precinct.

Hon. J. M. MADDEN (Minister for Planning) — I welcome Ms Mikakos's interest in this area. I compliment her on the great work she is doing as Parliamentary Secretary for Planning and her interest in all matters planning, particularly in construction and the jobs that are associated with construction. There is no doubt that the Brumby government continues to support private sector investment in some large-scale construction developments, particularly in the Docklands precinct. The great aspect of the developments that are occurring down at the Docklands is that they are creating homes near the city which are well located, with a significant amount of jobs now and into the future.

Let me give some details of some of the largest projects that are happening in that precinct. One that is particularly impressive is known as the south-east stadium precinct project, which I understand will begin in November this year. It is a project worth of the order of $700 million. And I will say it again: there is a $700 million investment in that project. It will need a workforce of some 2000 construction workers to build two large office towers and three mixed-use low-rise towers with 5-star sustainability ratings.

Mr Lenders interjected.

Hon. J. M. MADDEN — I hear the Treasurer asking me from some distance about how many construction jobs there will be. It is 2000 construction jobs.

Mr Drum interjected.

Hon. J. M. MADDEN — What is even more impressive, Mr Drum, is that by the time it is completed in 2012 it will provide a long-term workplace for up to 6000 employees. It will create new public infrastructure like a pedestrian concourse between Telstra Dome and Southern Cross Station. Mr Drum might be able to use it when he comes down from the country to go to the football. There are benefits for the entire community, whether they are from the regions or from central Melbourne or into the suburbs. Not only that but there is another development in that area, the north-east stadium precinct, which I understand will start in October. We will see two large towers created, approximately 600 homes and a workplace for more than 1000 people.

As well as that, as part of the hard work that VicUrban is doing in master planning with these developers in the north-east stadium precinct, we will see a range of uses in that area with 120 Quest serviced apartments and 300 SOHO apartments — and for those on the other side who are ignorant of the term, they are small office-home office facilities. It means there will be great opportunities for small businesses in that area, or for people who want to downsize and locate in the city. If you want to retire, or you are thinking about retiring, it gives you an opportunity to put it together with a lifestyle in the city.

As well as that we are seeing the second stage of the Waterfront City development, which will provide a range of retail, commercial and residential developments to the value of $1.2 billion, so the list goes on. It is estimated that up to 500 ongoing jobs will be created after the construction of Waterfront City is completed. Also we will be able to see from some distance the Southern Star observation wheel, which is based on the federation star. For those on the other side who might be au fait with it, it will be a fantastic asset, not only for Melbourne but also for tourism, jobs and development throughout the precinct.

And there is more. The last one is the refurbishment of the historic Goods Shed North, which will see a $50 million sustainable refurbishment of a heritage-listed building. In many ways this has been the ugly duckling in the precinct. We have seen a lot of new development down there. This is not without a fair degree of difficulty, but we will see this building

refurbished as the first heritage building in Victoria to aim for a 5-star green star rating. We will have a number of government tenants in that building so we are leading by example when it comes to sustainability and heritage protection.

No matter how you look at it, and no matter how you slice it or dice it, it gets better and better at Docklands, whether it is new housing, employment or new construction. It is jobs, jobs and more jobs to make Victoria the best place to live, work and raise a family.

Planning: urban growth zone

Mr GUY (Northern Metropolitan) — My question is to the Minister for Planning. Given that house prices on the urban fringe have reported recent slight falls in overall price, yet the government's *Residential Land Bulletin* indicates the actual land price rose by $6000 in the March quarter alone — a rise that is 4 per cent greater than inflation — I ask: if land prices are still rising can the minister inform the house why has the government's quick fix urban growth zone plan been such a failure so early on?

Hon. J. M. MADDEN (Minister for Planning) — I welcome Mr Guy's interest in this area and the fact that he has finally got up a question. I also welcome his interest in housing — —

Mr Finn interjected.

Hon. J. M. MADDEN — If Mr Finn has not picked up the theme of today in relation to the answers to many of the questions, one of the great economic attractions of this state is jobs, jobs and more jobs. That is one of the great attractions of this state and of this city. The demand for housing is because people are coming to Melbourne in droves for the jobs, jobs and more jobs. There is enormous demand for housing. We have to ensure that we have the ability to provide housing for this huge demand. We are doing substantial work through the Growth Areas Authority to provide land for development and to provide additional support to local government which needs to do the work to provide that housing. That is part of the work of the Growth Areas Authority.

As well as that we have seen the Premier's announcement of the urban growth zone. We have taken steps to address the demand issues in relation to land and housing supply. We have committed to providing land supply well into the future. Whichever way you look at it, we have put up our proposition and we are acting on that proposition. We will continue to make sure that we work with local government and with the Growth Areas Authority to provide and continue to provide the supply of housing that is needed well into the future.

I know opposition members want everything on all fronts. They want to provide as much housing as possible but they want to maintain the green wedges. I am not sure they even want to maintain the urban growth boundary because we have a series of propositions from opposition members on what they want to do with the growth boundary. I am not clear, and they are confused. What I would say is that we will continue to work with developers to facilitate development and in particular to help get the precinct structure plans under way. I expect the master planning to be completed before too long to make sure we provide additional land into the future to assist in that housing provision because people are coming to Victoria and coming to Melbourne because they know it is the best place to live, work and raise a family.

Supplementary question

Mr GUY (Northern Metropolitan) — I thank the minister for his answer. Given it is now six months into the Premier and the minister's personally promised 12-month time frame to lower the cost of new land by $10 000, and given recent government figures showing that land cost has risen $6 000 in the March quarter, a rise that means reaching his promised $10 000 reduction by February would see a $16 000 fall in land price now required in nine months, I ask whether the minister categorically stands by his and the Premier's promise that land prices will be $10 000 cheaper in February next year?

Hon. J. M. MADDEN (Minister for Planning) — It is interesting. On the one hand Mr Guy wants land prices to come down, so in a sense he wants the net value of any asset out there on the urban fringe to come down straightaway. If Mr Guy were to put the proposition to any landowner that they reduce the value of their home by $10 000, I do not think they would either accept that or want to hear his policy on that front.

Can I just qualify what Mr Guy is making to be the case here. We said we believe we can reduce the overall cost of land by approximately $10 000 into the future, which will add to the market value. It is not from that point in time because, as Mr Guy would well know, one of the great investment decisions any Australian householder can make is to invest in their own home because that is the thing they rely on in relation to the rest of their lifestyle, and it is the asset that carries them through to retirement. If Mr Guy is saying he expects us to bring

down the land value and the home value of every house in the urban fringe by $10 000, I think he has absolutely misinterpreted the statement. I would like to know Mr Guy's proposition in relation to how he sees the value of each home. But, as I said, our commitment — and I will say it again to make it clear for the opposition members because I am not sure they have any commitments in this space — is to develop the urban growth zone, getting the precinct structure plans down, thereby saving about 12 months from the planning process from when somebody gets a greenfield site until somebody walks in the door of their house.

Mr Guy interjected.

Hon. J. M. MADDEN — Mr Guy, if we can take 12 months out of that process we believe we can save the householder somewhere of the order of $10 000. That is a very different description from what the opposition gave in relation to this. If I understand Mr Guy's proposition, it is that he wants us to devalue the value of every householder's home by $10 000 right across the state and the urban fringe. Can I tell you this: we are not George Bush, Mr Guy. We do not seek to do that and we will not do that to the economy, as Mr Guy might like us to do.

Mr Guy interjected.

Hon. J. M. MADDEN — We have committed to providing land supply, we have committed to taking out the holding cost for developers and thereby passing on that saving to the purchaser, and we look forward to providing that for the people coming to Victoria in droves because of the jobs that we provide — because more people than just we on this side of the chamber know that Victoria is the best place to live, work and raise a family.

Medical research: funding

Mr ELASMAR (Northern Metropolitan) — My question is to the Minister for Innovation. Could the minister inform the house how the Brumby Labor government is supporting Victorian medical research through strong annual investment in the infrastructure of our independent medical research institutes?

Mr JENNINGS (Minister for Innovation) — I thank Mr Elasmar for his question. I have already discovered today that I do not have the best memory in the house, because Mr Drum has demonstrated his word-perfect memory of a question that was asked on 10 June, but I do remember that in his inaugural speech Mr Elasmar talked about the importance of an education in providing high-quality jobs and job opportunities for people in this state.

In relation to high-quality jobs and skill development in the state of Victoria, there can be no better example than the fantastic scientific and professional capability that we have in our medical research institutes. It is something that we should be extremely proud of as a state and as a community that we develop, in association with the university sector, high-quality training and the integration of that high-quality training into those medical institutes. Increasingly we are seeing the application of the results of that research capability to dealing with some of the many conditions that affect the quality of life for all our citizens and indeed citizens throughout the globe.

Last week I was very happy to travel to one of those very important institutes, the Monash Institute of Medical Research in Clayton. I was welcomed there by Professor Bryan Williams, who is the current head of the institute. He is following in the fine tradition established by the Governor of Victoria, David de Kretser, who was a very important leader in the field of medical research and in fact established the Monash Institute of Medical Research some time ago. I am very pleased to say that the Governor continues to be a major supporter of science and our research capability.

At Monash I took the opportunity to announce $25.7 million worth of operational infrastructure funding to the 13 medical research institutes throughout Victoria. It will provide them with the ongoing capability to tool up and to undertake administrative tasks to make sure that the laboratories are kept ticking over. Whilst important pieces of research may be funded by research grants such as those that come through the National Health and Medical Research Council process and other forms of funding supporting particular pieces of research, these grants provide the wherewithal so these institutes can keep working day in, day out to provide quality results for the community.

It is quite extraordinary if you look at a bit of a snapshot of some of the scientific endeavours that we have seen coming out of these institutes in the last 12 months alone. I would like to highlight to the house some of those initiatives. At St Vincent's Institute recently they discovered, through working at the synchrotron, a receptor that is on the structure of white blood cells and that when that receptor is deficient it leads to leukaemia. The scientific analysis about this structure will enable breakthrough work in relation to mitigating leukaemia in the years to come.

At the Walter and Eliza Hall Institute of Medical Research they have done fantastic work, which is internationally renowned, in terms of dealing with malaria. In partnership with the World Health Organisation and the Bill and Melinda Gates Foundation they are doing world-leading research into malaria and the way that the malaria parasite attaches itself to blood cells within humans. The extraordinary thing about this is that malaria is not a condition that is prevalent in our community, but it is certainly a condition that bedevils communities around the globe. So we are certainly playing our role in terms of international leadership in this space.

At the Howard Florey Institute there have been extraordinary breakthroughs in terms of brain imaging which can lead to the early detection of conditions such as Parkinson's, Alzheimer's and Huntington's diseases, which will enable early intervention and prevention of these conditions far earlier than what might be possible through other forms of diagnostic systems currently available to medicine.

At the Burnet Institute very important work has been done in looking at how mannan, which is a carbohydrate which can be found in plants, can be used in conjunction with flu vaccines to boost the immune system of those people who receive the benefit of that support.

At the Howard Florey Institute very important work has been done on being able to manipulate certain predispositions of mice populations. One method relates to increasing the metabolism rate, and if it proves successful, it can be very successful when transferred to approaches to deal with and prevent obesity in humans — as distinct from obesity in mice, which is a problem in its own right but is more prevalent and perhaps more important in the human population. An additional piece of work is about the brain centres that deal with addictive behaviour. It is quite extraordinary that they have discovered where those brain centres may be and the ability to manipulate the circumstances which may be able to switch on or off addictive behaviour. Many in our community will understand that addictive behaviour is something that leads to a deterioration of many people's lives. The Howard Florey Institute has been very successful in a variety of areas. In the area of multiple sclerosis, at the most recent Science Week awards the team won the Eureka Prize for Medical Research for the best scientific research in Australia.

We have demonstrated time and time again that in Victoria we should be very, very proud of this breakthrough work. We should be very supportive as a Victorian community to make sure that we have a culture that supports that work and certainly the Brumby government, through the operational infrastructure grants, continues to be very committed to supporting this sector that is providing quality jobs and also quality outcomes for our citizens here and around the world.

Murray River: health

Mr BARBER (Northern Metropolitan) — My question is for the Minister for Environment and Climate Change. I am hoping the minister is aware of the recently established Senate inquiry that is addressing the imminent ecological collapse of the Coorong and the Lower Lakes. The terms of reference include options for the acquisition of sufficient water to give those lakes a drink by Christmas and the adequacy of existing state and territory water and natural resource management legislation.

Can the minister tell me whether he has examined the terms of reference, which department will be responsible for leading the Victorian government's submission to this inquiry and which ministers are likely to present at the hearings to be held in Melbourne in the next couple of weeks?

Mr JENNINGS (Minister for Environment and Climate Change) — I thank Mr Barber for the opportunity to freewheel on my feet about a range of those things. It is not normal circumstance, to answer the last part of the question, for ministers to appear before the Senate inquiry.

Mr Barber — These are not normal circumstances.

Mr JENNINGS — Absolutely not the normal circumstance, and up until this point in time I have not been involved in any discussion or consideration within the Victorian government about whether we would seek to take this very unusual step of appearing before a Senate inquiry. Indeed, this is something that federal members usually grapple with within the jurisdiction of their own Parliament about the appropriate intervention or appearances of ministers within that jurisdiction, let alone across jurisdictions.

In terms of the nature of the question, those of us with good memories — and there are obviously some in the chamber — would remember that I gave a very lengthy answer to a question about the heart of the policy matter and the consideration of the availability of water. In fact I gave such a lengthy answer that I outstayed my welcome because I was impinging upon lunchtime on the last sitting day. The issues that I answered at that

point in time to Mr Kavanagh stand today, in terms of the importance and complexity of these issues. If the Senate inquiry does add value in relation to dealing with these complexities, then I for one and the Victorian government will be very appreciative of it, if it adds value intellectually in terms of supporting a system that appropriately addresses this very vexing and challenging environmental issue.

In terms of the way in which the Victorian government responds to reports and inquiries that may come through this Parliament, through other parliaments, and through other parliamentary processes, usually they are subject to whole-of-government consideration in the state of Victoria and subject to the input of a number of agencies, of which the agency I am associated with is one — and my colleague the Minister for Water would be acutely interested in this. Other relevant ministers and parts of government will consider the value of making a submission and working through the Senate inquiry, and that would definitely be in a coordinated process if the Victorian government chose to so participate.

GM Holden: exports

Mr TEE (Eastern Metropolitan) — My question is to the Minister for Industry and Trade. Can the minister advise the house of any recent announcements in the automotive sector that further secure the industry's future as a major exporter, thereby protecting jobs in this globally competitive industry?

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — I thank the member for his question. The automotive industry is facing challenging times. In the past I have helped to announce, with the Premier, a range of initiatives, principally in relation to the Toyota hybrid Camry, which will be produced here in Australia — which is a great get for the industry — and also in relation to the Ford Focus, which will be produced here in Victoria in coming years.

I was very pleased to be able to attend General Motors Holden last week and be part of the announcement that GM Holden will be exporting the GM Daewoo Veritas to Korea. If you think about it, you see that Korea of course exports its own cars, and it exports cars to Australia as well, so General Motors having been able to make a product which is good enough to sell into the Korean market is a pretty special achievement by that company. I was very pleased to be there with Simon Crean, the federal minister, and Mark Reuss, the managing director of General Motors, to be able to announce the plans to produce what are effectively Caprice or Statesman level models. They are a luxury car which will be exported to Korea as part of the luxury car market in that country, and that is adding, therefore, to the export earnings that General Motors is able to secure.

General Motors is aggressive in the export space. It set itself a target of exporting 50 per cent of the cars it produces. If you think about it, you see that it is on its way to doing that because there have been announcements, which I have been part of, in relation to General Motors over the last year or so which include the export of the Pontiac — of course that is a Commodore rebadged as a Pontiac — to the United States. I understand the sales of those Pontiacs are doing extremely well in the USA, again showing that our technology is absolutely world class and that we can compete on a global level. Of course there was also the Pontiac Ute, which was a further announcement by General Motors.

I want to commend General Motors and the people that work down there — its engineers, its designers and the people on the factory floor that make the product, which is now clearly a world class product that is able to be exported to a variety of countries around the world. In fact the managing director made the point that the company exports to every continent in the world except Antarctica, so it just shows how competitive the industry is and how much it is able to link itself into the global economic system.

This is part of an ongoing program of the Department of Industry, Innovation and Regional Development and the government in conjunction with the businesses themselves through a range of assistance measures we give to the industry in cooperation with the unions to deliver real exports and therefore to deliver real jobs for Victorians in this state.

QUESTIONS ON NOTICE

Answers

Mr LENDERS (Treasurer) — I have answers to the following questions on notice: 1315, 1316, 1323, 1324, 1326, 1950, 1952–54, 2012, 2087, 2134, 2183, 2186, 2193, 2203, 2242, 2248, 2279, 2288, 2292, 2294, 2311, 2368, 2524, 2564, 2587, 2601–04, 2608, 2610, 2627, 2641, 2642, 2667, 2674, 2704, 2773, 2791, 2844, 2853, 2855, 2856, 2858, 2859, 2883, 2893, 2924, 2929, 2933, 2952, 2957, 2958, 2972–74, 3007, 3047, 3053, 3086, 3109, 3113, 3115, 3143, 3169, 3170, 3172–76, 3179, 3261, 3265, 3269, 3272, 3285–89, 3327, 3330, 3331, 3358, 3362, 3364, 3372, 3374, 3379, 3424, 3425.

PETITIONS

Following petitions presented to house:

Water: north–south pipeline

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

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council its opposition to the proposed building of the north–south pipeline by the Brumby Labor government which will steal water from country Victorians farmers and communities and pipe this water to Melbourne. We believe there are better alternatives to increase Melbourne's water supply such as recycled water and stormwater capture for industry, parks and gardens, and therefore call on the Legislative Council to oppose the construction of the proposed pipeline.

And your petitioners, as in duty bound, will ever pray.

By Ms LOVELL (Northern Victoria) (134 signatures)

Laid on table.

Driver Education Centre of Australia: Careful Cobber program

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

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council its opposition to the Brumby Labor government's decision to cease funding for the Careful Cobber program which has been delivered at the Driver Education Centre of Australia (DECA) in Shepparton for 30 years.

We believe the government should immediately reinstate funding for this crucial road safety education program for Victorian primary school students, and therefore call on the Legislative Council to support the reinstatement of funding for the Careful Cobber program.

By Ms LOVELL (Northern Victoria) (1012 signatures)

Laid on table.

Abortion: legislation

To the Legislative Council of Victoria:

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

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

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

By Ms LOVELL (Northern Victoria) (32 signatures)
Mr FINN (Western Metropolitan) (74 signatures)
Mr KAVANAGH (Western Victoria) (11 215 signatures)

Laid on table.

Ordered to be considered next day on motion of Mr KAVANAGH (Western Victoria).

Abortion: 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 proposals within government to remove legal protection for children before birth in Victoria.

Unborn babies are the most vulnerable and defenceless members of our society and, as such, need the full protection of Victorian law. Abortion kills unborn children and often permanently damages their mothers.

The petitioners therefore request that the Legislative Council rejects any move to decriminalise abortion in Victoria.

By Mr HALL (Eastern Victoria) (28 signatures)

Laid on table.

Wallan–Kilmore bypass: construction

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council that at a public meeting, called by the Wallan/Kilmore Bypass Group, a vote of no confidence was unanimously passed condemning VicRoads in relation to the much-needed Wallan–Kilmore bypass.

Your petitioners request that the minister for roads takes action to ensure:

(i) that the proposed duplication of the highway between Wallan and Kilmore be abandoned;

(ii) that the bypass options be pursued without using internal roads within either township, with all other options deleted in order to take the lien off the section 32 of the properties involved;

(iii) that adequate funding be provided immediately to achieve the community requirements of a bypass of Wallan and Kilmore.

By Mrs PETROVICH (Northern Victoria) (458 signatures)

Laid on table.

Ordered to be considered next day on motion of Mrs PETROVICH (Northern Victoria).

Wind energy: planning guidelines

To the Legislative Council of Victoria:

The humble petition of the residents in the state of Victoria draws to the attention of the house the detrimental impact on the residents of Inverleigh, Buckley, Winchelsea and Gnarwarre surrounding the Mount Pollock-Winchelsea wind farm development with regard to noise, shadow flicker and CASA-required lighting. Current policy and planning guidelines for development of wind energy facilities in Victoria are vague and provide ample opportunity for exploitation, leaving residents suppressed of their rights to be protected by the laws of the land.

The petitioners request that the Brumby government immediately review the current policy and planning guidelines for development of wind energy facilities based on new data, new science, environmental, social and economic viability.

By Mr KOCH (Western Victoria) (28 signatures)

Laid on table.

Euthanasia: legislative reform

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council serious concerns about the Medical Treatment (Physician Assisted Dying) Bill 2008 and any regime which allows voluntary, active euthanasia and urges:

1. members of the Legislative Council to not proceed with passing laws which allow the taking of life of another;

2. support for ensuring access to palliative care and pain management to all those Victorians who need it;

3. consideration is given to international research which demonstrates that when pain is removed or alleviated, the desire to live is reinstated among those who suffer chronic pain;

4. acknowledgement of cases where even individuals who sign an agreement to voluntary euthanasia do and have changed their minds when faced with death;

5. draw attention to the tragic and illegal 'euthanasing' of hundreds of people including many elderly patients in public hospitals who have never agreed to voluntary euthanasia in jurisdictions which have a voluntary euthanasia regime, such as Holland.

The petitioners call on the members of the Legislative Council of the Victorian Parliament to vote against this bill which will legalise euthanasia in Victoria.

By Mrs PEULICH (South Eastern Metropolitan) (451 signatures)

Laid on table.

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

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 11

Mr EIDEH (Western Metropolitan) presented *Alert Digest* No. 11 of 2008, including appendices.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Crown Land (Reserves) Act 1978 — Minister's Order of 29 August 2008 giving approval to the granting of a lease at Lorne Foreshore Reserve.

Major Events (Aerial Advertising) Act 2007 — Minister's Order of 2 September 2008 in relation to the 2008 AFL Finals Series.

Murray-Darling Basin Act 1993 — Revised Schedule F — Cap on Diversions pursuant to section 28(b) of the Act.

Parliamentary Committees Act 2003 — Government response to the Public Accounts and Estimates Committee's Report on Strengthening Government and Parliamentary Accountability in Victoria.

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

Bass Coast Planning Scheme — Amendments C77 and C81.

Bayside Planning Scheme — Amendments C56 (Part 2) and C63.

Baw Baw Planning Scheme — Amendments C43 and C52.

Boroondara Planning Scheme — Amendment C79.

Campaspe Planning Scheme — Amendment C66.

Colac Otway Planning Scheme — Amendment C27 (Part 2).

Corangamite Planning Scheme — Amendment C16 (Part 2).

Glen Eira Planning Scheme — Amendment C54.

Glenelg Planning Scheme — Amendment C39.

Greater Geelong Planning Scheme — Amendment C143.

Greater Shepparton Planning Scheme — Amendment C70.

Indigo Planning Scheme — Amendment C45.

Latrobe Planning Scheme — Amendment C49.

Macedon Ranges Planning Scheme — Amendment C65.

Manningham Planning Scheme — Amendment C79.

Moonee Valley Planning Scheme — Amendment C50.

Moreland Planning Scheme — Amendments C66 and C72.

Stonnington Planning Scheme — Amendment C59.

Surf Coast Planning Scheme — Amendment C44.

Whitehorse Planning Scheme — Amendments C82, C95, C97 and C98.

Whittlesea Planning Scheme — Amendments C105 and C106.

Statutory Rules under the following Acts of Parliament:

Drugs, Poisons and Controlled Substances Act 1981 — No. 98.

Fair Trading Act 1999 — No. 99.

Supreme Court Act 1986 — No. 100.

Subordinate Legislation Act 1994 —

Minister's exception certificates under section 8(4) in respect of Statutory Rule Nos. 18 and 100.

Ministers' exemption certificates under section 9(6) in respect of Statutory Rule Nos. 52, 66, 67, 68, 69, 78 and 81.

Terrorism (Community Protection) Act 2003 — Report under section 13 and section 13ZR of the Act, 2007–08.

Victorian Environmental Assessment Council — Final Report on River Red Gum Forests Investigation, July 2008.

Victorian Environmental Assessment Council Act 2001 —

Minister's request for the Victorian Environment Assessment Council to investigate Metropolitan Melbourne, pursuant to section 16(1)(a) of the Act.

Minister's request for the Victorian Environment Assessment Council to investigate Remnant Native Vegetation, pursuant to section 16(1)(a) of the Act.

A Proclamation of the Governor in Council fixing an operative date in respect of the following Act:

Gambling Legislation Amendment (Problem Gambling and Other Measures) Act 2007 — Sections 5, 6 and 50 — 4 September 2008 *(Gazette No. G36, 4 September 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, 10 September 2008:

(1) notice of motion 32 standing in the name of Ms Pennicuik relating to a reference to the Standing Orders Committee;

(2) notice of motion 33 standing in the name of Mr Barber relating to the production of certain documents;

(3) notice of motion 34 standing in my name relating to the production of certain documents;

(4) order of the day 1, resumption of debate on the second reading of the Medical Treatment (Physician Assisted Dying) Bill 2008 and on the reasoned amendment moved by Mr P. R. Davis;

(5) notice of motion 16 standing in the name of Mr O'Donohue relating to the potential route for powerlines and connection from the grid to the proposed desalination plant; and

(6) notice of motion given this day by Mr Hall relating to skills reforms.

Motion agreed to.

PARLIAMENTARY COMMITTEES

Membership

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — I move, by leave:

1. That Mr P. R. Davis be discharged from the Standing Orders Committee and that Mr D. M. Davis be a member of that committee in his place; and

2. Mr P. R. Davis be discharged from the Dispute Resolution Committee and that Mr D. M. Davis be a member of that committee in his place.

Motion agreed to.

MEMBERS STATEMENTS

Mental health: housing

Ms LOVELL (Northern Victoria) — Premier John Brumby and his ministers are failing to assist Victoria's most vulnerable individuals and families. Evidence of this came to light last week when I was contacted by a

mother who has been trying desperately to find housing assistance for her homeless and mentally ill adult son.

She wrote to the Minister for Housing, Richard Wynne, and to the Premier last month appealing for their help. The minister failed to respond to her letter, while the Premier's office washed its hands of all responsibility and basically told her to tell someone who cares, referring her back to the minister who was ignoring her. It was not until the mother contacted me, as the shadow Minister for Housing, that steps were taken to resolve her son's situation.

This is both a homeless issue and a mental health issue, and it demonstrates that the current front-door system is failing, because those most in need are not able to get assistance through that avenue. The only way to get assistance for this young man was to go through the back door, with me speaking directly to the chief executive officers of services for the homeless and mentally ill.

Unfortunately for this young man the stress and uncertainty have taken their toll, and early last week he suffered a psychotic breakdown and had to be admitted to Monash as an involuntary patient in the seclusion ward, where he is likely to remain for some time. His family is left wondering how anyone with a mental illness who does not have the support of a family member or a member of Parliament can possibly navigate their way through Victoria's mental health and priority housing maze.

The Brumby government is clearly failing to provide assistance to Victoria's most needy, and the structures in place to assist the vulnerable are not working.

There needs to be better communication between government agencies and support services, and support services need to be better resourced to ensure Victoria's needy are connected to the services they require as soon as possible and not left to languish without housing and/or mental health support.

Housing: Williamstown

Ms HARTLAND (Western Metropolitan) — As part of Housing Week I attended the Francis Penington award ceremony in Queen's Hall. I was invited by Terry De La Cour, who was one of the people nominated. I have known Terry from the time I worked at the Williamstown high rise, and he is a vital volunteer who is always doing something for someone. That block of flats is one that Mr Finn suggested in an adjournment matter should be sold to a private developer for wealthy Williamstown residents. I would suggest to Mr Finn that he visit Floyd Lodge, as it has had a huge amount of internal renovation. One bedroom and bed-sitter flats have now been completely renovated and have been adapted so that they are suitable for older residents. The block is home to 90 older people, who have formed a great community. There are outings, exercises in the community room and a new veggie garden. The bus is in Hanmer Street and the train is close by.

If these people were moved out, as Mr Finn suggested, they would lose their community. Fortunately the government does not agree with Mr Finn, and during the awards ceremony Mr Wynne made an absolute guarantee that these high-rise buildings would never be sold — as they are people's homes.

Ramahyuck District Aboriginal Corporation: reconciliation awards

Mr SCHEFFER (Eastern Victoria) — I would like to draw the attention of members to the recent presentation of the inaugural Gippsland Regional Australian Reconciliation Awards, a new initiative of the Ramahyuck District Aboriginal Corporation. The awards recognise the individual and collective achievements of the people of the shire of Wellington in fostering respect and understanding across the wider community. The inaugural awards were presented to nine outstanding community contributors by the Governor of Victoria, Professor David de Kretser, on 6 August. They celebrate the dedication of the individual recipients and encourage other members of the community to strive to make the Wellington shire a vibrant example of practical reconciliation.

The Ramahyuck District Aboriginal Corporation works with Aboriginal communities in the areas of health care, community enterprise, operational management and corporate governance and in strengthening social and emotional wellbeing. The Ramahyuck reconciliation awards were presented to Michael McCabe for his contribution to optometry, John Sullivan for legal services, Helen Booth for financial services, Lyndon Webb and John Jago for community service, Beth Ripper for her work in governance, Auntie Bess Yarram for justice, Rosemary Jackson for health and Darren Cowell for community activities.

I congratulate each of the recipients on their achievement and for being presented with their award, and I take this opportunity to pay tribute to the people who make up Ramahyuck for the fine work the corporation does for members of Aboriginal and non-Aboriginal communities across Gippsland.

Cardinia Foundation

Mr O'DONOHUE (Eastern Victoria) — I wish to draw to the attention of the house and to congratulate the Cardinia Foundation on opening its new offices in Main Street, Pakenham, on the site which was formerly the home of the *Pakenham Gazette*.

The Cardinia Foundation is a locally run and locally focused philanthropic foundation which was started some five years ago by members of the Cardinia shire and the Cardinia business community. I would like to acknowledge its chairman, Mr Brian Paynter, the new executive officer, Ms Di Padgett, the Thomas family and the trustees for their work. I wish them well for the upcoming Cardinia Foundation dinner on 24 October. Sadly there is a great need in Pakenham and in the Cardinia region for the work done and funds raised by the foundation.

Cardinia Combined Churches Caring

Mr O'DONOHUE — I would also like to take this opportunity to highlight to the house a fantastic example of collaboration between different Christian churches. The 4Cs community network has operated a food bank service for over 11 years in the Pakenham area. Unfortunately the site they currently operate from in Main Street, Pakenham, is too small. Given the growing demand for the service, I call on the government to work with 4Cs to enable the network to find an appropriate new location from which to continue its very worthy work for the most vulnerable in our society. It has done so for 11 years without a cent of government funding.

Cyril Molyneux

Mr O'DONOHUE — Finally, I would like to congratulate Cyril Molyneux on celebrating his 90th birthday last Friday, 5 September. Cyril is a former mayor of Berwick, a stalwart of the Berwick Liberal Party and a stalwart of the Berwick community. I congratulate him on this fine achievement.

IBM: Ballarat information technology services centre

Ms TIERNEY (Western Victoria) — On 27 August the Premier was at the Ballarat Technology Park to announce that IBM will be opening a $10.8 million IT services centre there. This expansion is expected to create 300 jobs and contribute an additional $61 million to the region's economy. This is a wonderful result for Ballarat and a wonderful result for Victoria, which has seen over 446 000 jobs created since the Labor Government came to power in 1999.

The Brumby Labor government has committed $5 million from the Regional Infrastructure Development Fund (RIDF) to support the construction of the 3500-square-metre facility. This huge boost for Ballarat is proof that national and international businesses have great confidence in investing in rural and regional Victoria. The legislation creating the Regional Infrastructure Development Fund was in fact the first piece of legislation enacted by this Parliament when Labor came to power in 1999. To date the fund has announced the contribution of $421.3 million towards 201 major RIDF projects, with a total project value of up to $1.26 billion.

I would like to congratulate IBM on this announcement and also the University of Ballarat for its ongoing partnership with IBM and its commitment to the Ballarat community.

Ripon electorate: government performance

Mr VOGELS (Western Victoria) — I grieve today for the people of the Assembly electorate of Ripon, who have been the victims of a rash of broken promises by the Brumby government. These broken promises mean that there are fewer job opportunities and less adequate services in Ripon. Labor has broken its promise to deliver natural gas to Avoca, which was promised at every election by the member for Ripon in the Assembly, Joe Helper, with former Treasurer and now Premier John Brumby standing at his side.

In last week's *Pyrenees Advocate* a prospective council candidate was reported as claiming that Avoca seems to have fallen off the map. That is true as far as the Brumby government is concerned. Not only has Labor gone back on its word with regard to natural gas, but it has stalled, delayed and failed to deliver the town and water supply upgrade promised back in 2006. Labor has failed to keep its promises to provide a small-town sewerage scheme for Waubra and a small-town water project for Landsborough. Prior to the election Labor repeatedly promised the people of Maryborough a passenger rail service, which we now know they have no intention of delivering.

I grieve for the hardworking ambulance staff of Stawell and Ararat. Both towns were promised an extra five paramedics. This promise has also been abandoned. I grieve for the Department of Primary Industries staff who lost their jobs when their positions were abolished in Stawell — not to mention the job losses at Motorway Tyres in Stawell and AME Systems in Ararat. I grieve

for the people of Ripon, who are suffering after nine hard years of Labor government.

Darebin: residential development

Mr ELASMAR (Northern Metropolitan) — In discussions with Darebin councillors I have been informed that the former Fairfield police station has been rezoned by Darebin City Council for residential use. The former police station site in Wingrove Street is about 1400 square metres. This has been done on the recommendation of an independent panel. This council decision may be seen by some to be controversial; however, affordable housing is necessary to address the current housing shortage in my electorate, and I commend the councillors for their decision.

Motorcycles: safety DVD

Mr ELASMAR — On another matter, a new DVD on motorbike safety was recently launched by Kangan Batman TAFE. The project, which was carried out in conjunction with Honda Australia and the Red Cross, has seen the development of a DVD on how to remove a helmet from an injured rider. Two students, Phillip Georgiadis from Sunbury College and Zaid Sako from Hume Central Secondary College, were also involved in the production of the DVD. The purpose of the DVD is to improve motorcycle safety. I congratulate the team on its excellent and informative initiative.

Doncare: family violence forum

Mrs KRONBERG (Eastern Metropolitan) — With the focus very much on the Family Violence Protection Bill this week, I felt it important to highlight the work of Doncare, the agency that assists women in Manningham who are victims of violence, by way of providing individual and group support for them. Tomorrow, 10 September, under the stewardship of chief executive officer Doreen Stoves and the specialist counsellors such as Carmel O'Brien, Doncare is hosting a family violence forum on behalf of the Manningham Family Violence Reference Group. Specialists in the sector will hear addresses on police directions and protocols, the special needs of children, service gaps for men, legal responses, a heads-up on the new National Council to Reduce Violence Against Women and Children, and an address from an angel from DAWN (Doncare Angels for Women's Network). Through the work of its volunteers, or angels, DAWN provides support for women recovering from domestic violence. Support may include accompanying women to court, home visits, sharing experiences over simple social occasions such as having coffee together or going to a movie. Simple support arrangements such as these encounters are having a profound and positive affect on the lives of women victims and their children.

On behalf of the community I congratulate Doncare for its exemplary work in this area. Doncare angels such as Nora Lamont should also be commended for their preparedness to undergo the selection and training required of them even before they embark on their roles in assisting the battered, abused, frightened women of Manningham. I wish Doncare well for its forum tomorrow.

Zonta Club of Ballarat: awards

Ms PULFORD (Western Victoria) — On Thursday, 28 August, I had the pleasure of attending the Zonta Club of Ballarat's 2008 young women in public affairs awards. These awards are designed to encourage young women to pursue decision-making positions and to advance the status of women. Local secondary schools nominated students for the awards and I was very pleased to meet such a dynamic and global group of young citizens as the nominees that night. The five applicants were Zoe Creelman, Ballarat and Clarendon College; Catherine Grawich, Damascus College; Catherine Maher, Loreto College; Elyse Wakefield, Sebastopol College; and Tarah Westblade, Mount Clear College. It was a delight to be involved with this occasion and to be able to present them with their certificates. I have confidence that the future of our community is in good hands with young women like these actively involving themselves in volunteering in the life of their community. They set a fine example for their peers. The 2008 winner was Catherine Maher from Loreto College.

I would also like to acknowledge the Zonta Club of Ballarat president, Hilary Pope, the Zonta service and status of women committee members and all members of the Zonta Club of Ballarat for hosting these awards. It is critical that as a community we continue to support young leaders and they are to be congratulated on their efforts and their nominations.

Bayside: Sandringham and Beaumaris

Mrs COOTE (Southern Metropolitan) — On 27 August, together with Cr John Knight and parks coordinator Michael Coleman from the City of Bayside, I had a most comprehensive tour of a number of sites relating to very important issues in and around Sandringham and Beaumaris. First of all we inspected the Groynes and beach renourishment in Royal Avenue, Sandringham. The term 'beach renourishment' is in fact a misnomer because the government has badly let the council down in its approach to this issue. We

then went to the Beaumaris Motor Yacht Squadron and it was pleasing to see this small family-oriented club looking into developments for the future.

Most importantly, we spent a considerable time at the Sandringham Golf Club, where we observed the operation of the water-recycling system. The manager, John Smith, took the initiative to harvest the stormwater crossing the golf course. Harnessing this water has helped the club to provide water for the fairways and greens. Some of the water is a little brackish but mixed with mains water it becomes a shandy suitable to make the golf course viable. It is an excellent initiative.

Falls Creek: Kangaroo Hoppet

Ms DARVENIZA (Northern Victoria) — On Saturday, 30 August, I was delighted to attend the 18th Kangaroo Hoppet at Falls Creek. Falls Creek is looking absolutely fabulous. It has had plenty of snow this year and that Saturday was a gorgeous sunny day which saw thousands of people coming to have a look at the Kangaroo Hoppet. Some 1083 people participated in this very important and internationally renowned competition. There is a 42-kilometre race, a 21-kilometre race and a 7-kilometre race. I congratulate all the participants and particularly the winners. There were some 185 international competitors who came from 25 countries. It really is an international event.

I also had the opportunity to appreciate some of the work that is under way and some of the plans for transforming Falls Creek into a world-class, all-seasons destination — from an old-style ski resort to a contemporary and accessible all-year-round alpine tourist destination with a focus on environmental sustainability. It was a great event and I congratulate Ross Passalaqua, the chief executive officer, and Allan Marsland, the Kangaroo Hoppet race director.

Women's Health Goulburn North East: *A Road Less Travelled*

Mrs PETROVICH (Northern Victoria) — I was recently invited by Women's Health Goulburn North East to attend the launch of its research report about teenage mothers from country Victoria. The report, *A Road Less Travelled*, was based on the voices of 21 teenage mothers from the Goulburn Valley and the north-east of Victoria. The project gathered in-depth information about the issues that these girls and young women faced when they became pregnant and as single mothers in these rural areas. The aim was to hear directly from these young rural mothers about the social pressures surrounding teenage pregnancies, the subsequent family and partner support, and how they were coping as young mums. The report also looked at how rural communities, the education system and health services can respond more appropriately to teenage pregnancy.

Current statistics show that the number of teen births in country areas is double that found in the city. We need to do more to understand how we can better support these young women in practical, non-judgemental ways. We need to accept the reality of this situation and ask how we can better educate our young men and women about preventing unplanned pregnancies and how we can best assist these young mums to provide for their babies while still giving them opportunities to continue to grow and develop themselves. This report was based on 21 young mums being prepared to be honest and pragmatic about their life circumstances.

I congratulate the work done by Women's Health Goulburn North East and the 21 young women involved in bringing this report to fruition. There is a lot of work still to be done, and I commit to working on this issue with communities in my electorate.

Teachers: Victorian teacher of the year awards

Mrs PEULICH (South Eastern Metropolitan) — As a former teacher and the shadow parliamentary secretary for education, I had the great pleasure of representing Martin Dixon, our shadow Minister for Education in the Assembly, on the occasion of the Victorian teacher of the year 2008 finalists awards, which were sponsored by the *Herald Sun*, amongst others, at the MCG on 29 August. It was an enjoyable occasion which showcased some of our most inspiring teachers and some of our best schools and the work they do for Victorian students and school communities. On behalf of the coalition, I would like to congratulate each of the nominees and the finalists, and the *Herald Sun* for the initiative.

There are 9 categories, 9 awards and 34 nominees. Some of the winners include: primary principal Rosie Romano of Baringa Specialist School in Moe; Marina Zakryszka, who won the primary individual award, of Kismet Park Primary School; St Arnaud Primary School, which was a winner; Rebekah Petersen of Mahogany Rise Primary School in Frankston North; Robyna Cozens of Bowerbird Preschool, who was the preschool teacher of the year; secondary principal Paul Tobias of St Joseph's College Geelong; Carol Monson of Warragul Regional College; Carrum Downs Secondary College in Carrum Downs, which won the secondary school innovation award; and Nick Creed of Mount Waverley Secondary College, who won the secondary graduate award.

There were, however, many inspirational stories; they certainly moved each and every one of us. Each nominee deserved to be a winner, which they were. In particular I would like to pay tribute to those who serve as an inspiration to all of us — —

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

PUBLIC TRANSPORT: DOCUMENTS

Laid on table by Clerk pursuant to resolution of Council of 20 August:

(1) Expression of interest brief — Melbourne metropolitan tram (MR3 014) and train (MR3 015) franchises; and

(2) Expression of interest brief appendix A+B — Melbourne metropolitan tram (MR3 014) and train (MR3 015) franchises.

SUMMARY OFFENCES AMENDMENT (TATTOOING AND BODY PIERCING) BILL

Second reading

Debate resumed from 31 July; motion of Hon. J. M. MADDEN (Minister for Planning).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — This afternoon I am pleased to speak on behalf of the coalition on this significant bill. The title of this bill is similar to another bill on the notice paper at the moment under general business, orders of the day no. 2, which is the Summary Offences Amendment (Body Piercing) Bill 2007, introduced into this place by Mr Drum. It is a credit to Mr Drum and Mrs Powell, the member for Shepparton in the other place, that this legislation is before the house this afternoon, because this bill we are debating arises from an initiative of the coalition parties.

Mr Drum and Mrs Powell identified the matter as a concern to the community — that is, the ability of young people who are under 18 years of age to get body piercings, and to get intimate body piercings in some cases, which they may come to later regret and may suffer medical effects from in terms of scarring, infection and such problems. As a consequence of those community concerns, Mr Drum and Mrs Powell moved that this matter be dealt with through a private members bill that was introduced to this place last year. Subsequently we have seen the government come forward with the bill that is being debated here this afternoon. I place on record the fact that this bill has arisen from an initiative of the coalition parties and coalition members, and the structure of this bill closely follows the private members bill that is still sitting on the Council notice paper under general business.

The bill has two key provisions. The bill predominantly relates to body piercing, but it also makes an amendment to the Summary Offences Act with respect to tattooing and what is now defined as 'like processes'. Like processes are taken to be scarification, tongue splitting, branding and beading, all of which, frankly, are practices which I think many members of this chamber — like many members of the community — would question. Those practices are all fairly obvious, possibly with the exception of beading which is the act of cutting the skin of a person and inserting an object under the skin to form welts. I know that practice exists in certain African cultures as a form of decoration, but it is not something that has been traditionally in common practice here in Victoria. Nonetheless, there have obviously been some instances where people have sought to have beading and other practices performed.

As a consequence this legislation amends the Summary Offences Act to insert a provision that treats those processes in the same way that the act treats tattooing — that is, those practices should not be performed on a person under the age of 18 years. In making that amendment, the bill also increases the penalties for carrying out tattooing or like processes on a person under the age of 18 from 5 penalty units to 60 penalty units, which is roughly $6800.

The key provision of the bill relates to the issue of body piercing. The bill puts in place a two-tiered regime; the first relates to intimate body piercing. A body piercer is defined in the bill as a person who undertakes body piercing in connection with carrying on a body piercing business. The bill is quite specific in that it relates to body piercing as a commercial activity. It inserts a prohibition on the intimate body piercing of any person under the age of 18. Intimate body piercing is defined in the bill to include body piercing on the genitalia, anal region, perineum or nipples. It is a defence to that offence if the body piercer performing that act believes, on the basis of having seen documentary evidence, that the person is over the age of 18. That provision would apply if the subject of the body piercing had used false identification to indicate that they were over the age of 18 when in fact they were not. The bill makes it clear that it is not acceptable to undertake intimate body piercing — body piercing in those four categories — of any person under the age of 18.

The bill also sets up a regime for non-intimate body piercing. Non-intimate body piercing is body piercing

of any kind except that covered by the intimate body piercing provisions. The provisions around non-intimate body piercing relate to a person under the age of 16. They require that if a body piercer — that is, a person undertaking body piercing commercially — is to undertake body piercing on a person under the age of 16 they require the written consent of the person's parent or guardian. In the case where the subject of the body piercing is over the age of 10 and has the capacity to consent, they also need to provide their written consent. If the person is between 10 and 16, the body piercer must receive the written consent of the parent or guardian and the subject of the body piercing. If the person is under 10, the body piercer needs to receive the written consent of the parent or guardian.

As I said, the bill establishes a two-tiered regime with respect to body piercing. One tier relates to intimate body piercing, which is prohibited for all persons under the age of 18, and the second relates to non-intimate body piercing, where if the person is under the age of 16 the written consent of the parent or guardian is required. The opposition parties believe that this is an entirely appropriate framework to put in place and that these matters should be regulated as is proposed by this bill. On that basis the coalition will support the bill.

However, the bill makes a distinction between body piercing undertaken by a commercial body piercer and other body piercing. The definition of body piercer is a person over the age of 16 who:

(a) carries on a body piercing business; or

(b) is employed in a body piercing business; or

(c) performs body piercing for a fee, wage or other remuneration or payment in kind.

The bill is very clear that the provisions relate to body piercing as a commercial activity. The coalition parties believe that these provisions should be extended to cover body piercing whether it is undertaken as a commercial activity or not. In the committee stage of this bill the opposition will be proposing amendments. I ask, Acting President, for those amendments to be circulated now.

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

Mr RICH-PHILLIPS — The intent of the amendments the coalition will seek to move is to remove the reference to body piercing as a commercial activity so that the provisions relating to intimate body piercing will apply whether body piercing is undertaken as a commercial activity or not. With respect to non-intimate body piercing, those provisions will apply whether the body piercing is undertaken as a commercial activity or not. The purpose of that is to extend the regime to examples where another adult person, or a third party, an older friend, may undertake the body piercing of a minor whether in a commercial sense or not — that type of scenario where no fee is involved but nonetheless the body piercing is taking place without the consent of the parent or is intimate body piercing, which the coalition parties believe should not be undertaken on a person under the age of 18.

Through these amendments we seek to expand the reach of the existing provisions. They will preserve the integrity of the categorisation of intimate body piercing and non-intimate body piercing, but we believe that those provisions should extend beyond commercial body piercing to cover all body piercing that is undertaken on minors. As such, we will be moving those amendments to extend the bill to cover that broader category of body piercers, both commercial and non-commercial.

With those words, I indicate that the coalition will support this bill, and looks forward to the house's support for the amendments, so extending the bill to cover all body piercing undertaken on minors.

Ms HARTLAND (Western Metropolitan) — I found this a quite interesting bill. Until recently I did not know much about body piercing because people of my age and cultural background tend not to have piercings except in their earlobes. I would like to thank the Young Greens for their guidance. I spoke to a number of other young people, including my niece, who seems to know everything that young people do, and my hairdresser, Michelle, who also has a number of piercings and was able to explain to me the culture and why young people do this.

They explained to me that to understand body piercing you have to understand the culture of young people. People of my age and from my cultural background consider ear-piercing normal but eyebrow piercing weird. But to suit our culture adults in our society are expected to change their appearance in ways that are much more extreme than just piercing. Most women wear make-up to modify their faces, and they dye the hair on their heads and remove it from elsewhere. Some people even have surgery to modify their faces and bodies. They call it cosmetic surgery, as if it were as simple as wearing make-up, but it is actually surgery. We also expect adults to arrange intervention in their children's appearance if it is different from others. We

straighten kids' teeth, pin back their ears and remove birthmarks. We think that is normal because it is done in our culture. When a young person wears body jewellery, they are saying that is their culture, they are enhancing their beauty.

The bill is meant to be concerned with public health, so we should be focusing on monitoring the industry, rather than controlling individuals. While the Greens support most of the provisions in this bill, we oppose those that specify a separate age of consent for what the bill refers to as 'intimate body piercing', and we will circulate an amendment to that effect. To our minds, piercing is piercing.

Victoria leads the country in the health and safety regulation of piercing operators. Piercing operators must register their premises with their local council, and council environmental health officers can inspect premises to ensure that they comply with requirements for cleanliness and hygiene. Very recently in this house we dealt with legislation that strengthens the powers of council environmental health officers. The rate of acute complications resulting from body piercing is determined by many contributing factors, including the piercing site, the material used, hygiene, practitioner experience and after-care. The age of the person having the piercing with their parent's consent has nothing to do with it.

As far as I can see, the separate provisions in this bill for intimate piercings are not necessary for any public health reason. I find the idea that we have to deal with genitals in a different way because they are possibly not quite clean, quite odd. These provisions are not about hygiene; they are about control. They are about middle-aged politicians like myself wanting to somehow control what young people do with their bodies. Young people are in fact quite capable of making these kinds of decisions. Common law allows a young person under the age of 18 to consent to medical treatment if they have sufficient understanding and intelligence to fully understand what is proposed. This means we recognise the right to a personal life and a private life where a young person is held responsible for their own body, and they are legally and morally accountable for their actions.

At the age of 16 a young person can get a learners permit to drive a car; they can raise a family, maintain a household and even embark on marriage in some circumstances. In Victoria the legal age of consent for sex is 16. This means we recognise that young people are capable of making very important decisions about their lives. If they say yes, they may encounter health risks, sexually transmitted diseases or pregnancy. We also recognise their ability to say no.

The Greens believe the voting age should be 16. By age 16 you know the difference between right and wrong; you know what adults are doing to the earth; you know a political bully when you see one; and you know that war kills people. You should be able to vote. Youngsters at 16 can join The Nationals as full members, and they do not require a parent's consent.

Mr Drum — Really?

Ms HARTLAND — Yes, we checked all of this on the website, Mr Drum. At the age of 16 a young person in Victoria can also join the Liberal Party. They can join the ALP at 14 years of age, but they cannot join the Democratic Labor Party until they turn 18.

Young people of today are very different from those of 20 years ago, which we acknowledge. The law needs to catch up and reflect the reality of young people today, otherwise the law is going to be disregarded and broken. Prohibiting a person under the age of 18 from allowing another person to touch their genitals without their parent's consent is not going to protect them or minimise harm. We need to be doing a lot more about educating young people about what is and is not good behaviour; usually in adults rather than themselves.

I find the idea of a parent giving consent to intimate piercing a bit odd. We are actually asking a young person to get their parents to sign a permission slip for someone else to pierce what is referred to in this bill as 'intimate parts'. Body piercing is not the same as tattooing, which I find quite odd. Body piercing is about as permanent as a haircut. A tattoo is permanent, but I do not know that there are any provisions to stop a person affected by alcohol from getting a tattoo.

During my preparation for this debate I heard many stories about people waking up with a hangover and a stupid tattoo that they regretted getting. The only thing these stories have in common was that they were all adults over the age of 18, like the man who got drunk after his daughter was born and got a tattoo, then woke the next day to not only realise he spelt the poor girl's name wrong but that he had the tattoo done below a picture of a naked lady. I have many such stories but it will take too long to include them all.

If this bill is to protect people from making bad decisions, I would suggest it would need to provide for breathalysers in every tattoo parlour so that it could be confirmed that people were perfectly sober before they got their tattoo. There would need to be a cooling-off period so that you do not get your girlfriend's or

boyfriend's name tattooed on your arm and then break up with them two days later. I suggest that two people should have to sign off on any tattoo involving Chinese characters to make sure that what is being tattooed is not something incredibly rude in Chinese that will offend all of the person's Chinese friends for the rest of their lives. There should also be a spelling and grammar service so that people's names and other words used are spelt correctly.

As this is not about preventing freedom of expression, it should not include any provision about where on their body a 16-year-old can place jewellery. Instead, in the interests of public health, we should place the onus of regulation on the body piercing industry to address how health risks can be averted.

Mr DRUM (Northern Victoria) — This is a great opportunity for me to contribute to the Summary Offences Amendment (Tattooing and Body Piercing) Bill 2008. It is worthwhile taking the opportunity to acknowledge the member for Shepparton in the other place, Jeanette Powell, who in effect is the member responsible for the introduction of this legislation. She spoke to numerous parents from her electorate and raised the fact that when these piercings go horribly wrong — when kids come home with swollen lips, infected ears, damage to dentures and teeth, and permanent scarring — parents are helpless in their attempts to seek any type of retribution on the people who have carried out these piercings. Much of the time it is done in parlours or in a bathroom with two kids mucking around and doing their own piercings.

It was those parents who went to see their local MP — which is how we all want the system to work — that forced Jeanette Powell to write to the Attorney-General more than three years ago. She warned him that the system was inadequate, that the regulations surrounding body piercing were inadequate and that the matter should be fixed. The Attorney-General replied that the government was very much aware of this issue but that it was not a priority for the government at that stage. That is a précis version of the minister's letter to Jeanette Powell.

Mrs Powell continued to raise the issue with the Attorney-General. Finally, she was frustrated in the extreme. The Nationals were getting nowhere by going through the Labor Party, so she drew up her own private members bill which we introduced into this place under my name; but I played a very small part in the genesis of this bill.

Now that the bill has been adopted by the government and introduced in its own form, some Labor MPs in the other chamber have been trying to take credit for forcing the government to move on this issue. It is also worth stating that when we introduced this bill to the Parliament before Christmas of last year there were cries of opposition that this was a nanny state and that we were trying to have an overburdening control of our young people. Once the Labor government realised that extreme common sense was being applied to regulation in the private members bill, that we needed to have some more regulation, that we needed to give parents some sense of control about what is going on, that there was broad community support and that some of the peak health organisations such as the Australian Medical Association and the Australian Dentists Association were strongly in support of these provisions, it decided to act.

Mr Tee would attest to the ensuing negotiations that went on between the government and The Nationals. It was worked out very harmoniously that if the government were to go away and deal with five or six key issues, then we were quite prepared to let our private members bill lapse. The government came back and addressed the bulk of the issues, if not all the issues, that we were concerned about.

Once the bill entered the Parliament it was seen that there was an area that was missed. Whilst we did not have it in our private members bill, I think it is a very worthwhile amendment. I refer to the amendments that have been foreshadowed by Mr Rich-Phillips. I would like to acknowledge that I think it would be well worth the chamber adopting these amendments, because it was never our intention to miss implementing this responsibility in relation to all of those piercings that are performed outside of a registered parlour. Mr Rich-Phillips's amendments take away the delineation between those that are performed in a commercial environment and those that are performed in a private premises. It was never our intention to have that distinction. Now with these amendments, in effect piercings are piercings and it does not matter who is going to be conducting the piercings. Everybody has to be aware that provisions within the legislation have to be adhered to.

It is only a small bill. It makes an offence of the scarification, tongue-splitting, branding and beading of people under the age of 18. I think the Labor government has done a reasonably good job in defining what is an intimate piercing and what is a lesser piercing or a more common piercing. I disagree with Ms Hartland; I think it is a good idea to differentiate between a piercing of an ear and a piercing of an eyebrow. Some areas are going to be less likely to be infected and less likely to cause trouble internally if

there are infections. It is not uncommon for a piercing to become infected. It is certainly much more troublesome if those piercings relate to intimate parts of your body rather than an earlobe, for instance. So I think the government has done a reasonably good job in making that differentiation.

The bill has effectively picked up on all the issues that we were looking for. It is also worth noting that the problems that first led Jeanette Powell, the member for Shepparton in the Assembly, to make this bill an important issue were that the negative impacts on our young children were significant and serious. We are talking about chipped teeth — you take that on for life. If you have a tongue stud and you receive a knock in the mouth, all of a sudden that stud chips your teeth and you are going to have to wear that for the rest of your life or you are going to have to have extensive and expensive dental surgery to fix that up. Some of the kids have botched piercings in their cheeks and lower lips. The scars created from some of those infections will last for life. Blood infections that were reported were very dangerous.

It is worth noting that it is not as though a piercing, as Ms Hartland says, is as permanent as a haircut. Some of the dangers and some of the negative impacts of these piercings were serious and significant. I think it is very responsible legislation. It is not old, middle-aged MPs telling kids how they can and cannot live their lives. That is not the impact of this at all. We need to give young people all the freedom that we can to make responsible decisions every day of their lives. We also have to give parents some sort of control over important decisions that they make. We do not let them drive a car until they reach a certain age and until they have shown that they can make good decisions on the roads. We do not let them do a lot of other things in life until they have reached an age where they can show that they are going to make reasonable decisions, so that hopefully they do not set their life down a course that is going to be very hard for them to come back from.

Ms Darveniza — We do our best.

Mr DRUM — We do our best, Ms Darveniza. With those few words, I would like to again thank Jeanette Powell, a member of the Assembly, who was, in my opinion, solely responsible for bringing this legislation forward. I would also like to commend Mr Rich-Phillips for bringing forth those amendments, because I think they are going to enhance the bill. I hope this bill is agreed to and introduced as soon as possible.

Mr TEE (Eastern Metropolitan) — I, too, welcome the opportunity to speak on this bill. Tattooing and body piercing appear to be very fashionable. I think the government's review of these activities is timely. This bill will give comfort to parents of young people, and it will give confidence to parents and the community.

They can breathe a sigh of relief that their children will not get branded or scarred, have their tongues split or get intimate body piercing as a flight of fancy or as some sort of fashion statement. We know these activities are dangerous, and we know their legacies can be permanent. I think that allowing an easily influenced teenager to be branded for life, almost like a cow, as a fashion statement borders on being improper and indeed immoral.

The risks are well documented. This is not a simple matter. We know there are risks which include blood-borne viruses such as hepatitis C, infections, scarring, nerve damage particularly from eyebrow piercing, damage to teeth, which Mr Drum identified, and indeed risks to gums from tongue piercing. These are serious matters and need to be undertaken following mature consideration rather than as some flight of fancy whereby you become a victim of fashion.

We know that between July 2007 and April 2008 about 40 people were admitted to Victorian hospitals suffering the consequences of body piercings which had gone wrong, so, as I said, the decision to undergo these types of procedures should not be undertaken lightly. We know young people are susceptible to peer group pressure. They can be misled or misguided, and often do not have the maturity to take a long-term view of the consequences of actions made rashly in the heat of the moment.

I welcome the bill. It has a number of restrictions that reflect the dangers associated with various practices — for example, while allowing children under 16 years to have non-intimate body piercing they must do so with the consent of their parents, which again is a very common-sense approach. The bill outlaws intimate body piercing for those under 18 years. Essentially this means that boys or girls under 18 years cannot have their nipples or genitalia pierced. This is to ensure that children are protected from inappropriate, indecent or sexual contact with the adults who are involved in the piercing of children. We do not believe it is appropriate for the genitals of a 14-year-old to be pierced with or without a parent's consent, so we will not be supporting the amendments that the Greens have foreshadowed. Finally, there are a number of dangerous and permanent activities that are prohibited for those who are under 18 years. These include scarification, tongue splitting,

branding and beading. These are the more severe and intrusive forms of body art that can be difficult to reverse, and as such they should only be available to adults.

I think the important component of this bill is that it reflects community standards. We know this because prior to introducing the bill the government provided an exposure draft and a discussion paper and sought community input on the proposed reforms. The majority of the submissions supported the key features of the government's exposure draft. I welcome the bill; I think it gets the balance right. These are always balancing acts. I think it gets the balance right by allowing people to use their bodies to express themselves, but it also protects tomorrow's adults from the lifelong consequences of a teenage impulse.

I want to acknowledge the role played by The Nationals, and I think it is important to acknowledge Mr Drum's role in raising this important issue. The bill which he introduced into the house was deficient in a number of respects, and I think our bill picks up those deficiencies. Mr Drum's bill did not cover a number of serious offences. It would not have stopped kids from being branded; it would not have stopped kids from having beading or scarring done nor from having their tongues split. While the consent of a parent was required under his bill, the consent of the child was not required. It is obvious that once the government engaged in the exposure draft and in a broader consultation process it came up with a product that reflected the community's concern about branding, tongue splitting, beading and scarring. I think the government has come up with a better product which really reflects the community's needs and expectations. I want to refer to an amendment foreshadowed by the Liberal Party. If supported, it would have some unfortunate consequences.

Ms Lovell — On a point of order, Acting President, I think the minister is sound asleep.

The ACTING PRESIDENT (Mr Vogels) — Order! There is no point of order.

Mr TEE — I was talking about the Liberal Party's foreshadowed amendment, which I believe will have some unfortunate consequences. Young people do what they do. A 14-year-old or a 15-year-old who pierces another person's ear should perhaps be counselled or indeed, if appropriate, they should be punished by their family. I think it is a matter for the children and their families. I do not think it is a matter for the law, and I think it is inappropriate that in those circumstances children should become criminals. They should not have the stigma associated with having a criminal record. I oppose the proposition which in effect would expand the criminal jurisdiction and make young people criminals in those circumstances when really they are doing what young people have always done. As I said, it is more appropriate that the community deals with these issues rather than the criminal justice system, so we will be opposing that amendment. Otherwise I commend the bill to the house.

Mrs KRONBERG (Eastern Metropolitan) — In rising to speak on the bill the first thing I want to do is acknowledge the years of fine work done by my coalition colleagues, including the member for Shepparton in the Legislative Assembly and, of course, my colleague Mr Drum. It is worth noting how the government has made some oblique references to their work but has stood on the mountain proclaiming that this is all of its work. I would like to record the origins of these concerns, and in fact where most of the grunting has been done by members of the opposition who do not have the resources of the government. Certainly I think the opposition has outclassed the government.

Support for this bill would surely be dependent on the well-thought-out raft of amendments that have been presented for deliberation and consideration. Having heard Mr Tee's recent contribution, I have to say that he is at cross-purposes: he applauds the severity of the penalties for inflicting piercings on people under the age of 18, and then he contradicts himself by saying that it is open slather if it is done amongst your friends, without any consideration of whether peer group pressures, coercion or mind-altering substances played a part. That is an abuse of that individual, whether it be by their friends or not.

The purpose of this bill is to further regulate tattooing, body piercing and like processes, and it provides for an increase from 5 to 60 penalty units in the maximum penalty for the existing offence of tattooing and performing a like process on a person under 18 years of age. The penalty now reflects the gravity of and the processes leading to the offence.

The bill defines 'like process' as including tongue splitting, branding, beading and scarification. I do not think anybody has yet amplified what 'scarification' means. For the public record scarification — and I am drawing upon the fine work of the parliamentary library research service — is defined as:

> Scarification — involves the piercing of the skin to create a scar. Unlike a tattoo, scarification has a raised texture and is considered a more organic art form to tattooing. As a form of body art, it has been used mostly among equatorial people.

These are some of the elements that the government has stressed as having led to its wanting to take notice of cultural sensitivities.

Branding is just like good old medieval branding — branding that you are a liar or branding that you are a thief. Branding involves the use of a metal cast heated to 800 degrees centigrade or an electrocautery pencil to create a third-degree burn. A third-degree burn is a full thickness burn that passes through the skin and the muscle and may also make contact with bone. As it heals the scar tissue remains in the shape of the image that has been burned into the skin. Of course we want to persuade as many people in society as possible to avoid being branded, especially young people, whether it is inflicted by a practitioner with the right to do it or by their friends when they are all in a little huddle after ingesting or injecting some mind-altering substance.

In recent years beading, particularly of the genital regions, has apparently become extremely popular. One can only imagine why people would subscribe to that. Tongue splitting allows people to move their tongue and have a forking of their tongue so that they look like reptiles, such as snakes or lizards. As legislators we need to do everything we possibly can through public education programs to make sure that we discourage these sorts of practices, even though they are being done by very few people who are of sound mind and reason. These practices lead to ongoing costs and pressures on the public health system.

I refer to some of the common problems that develop from body piercing. We are all aware of the common problems to do with infections of the mouth or lips when people have had their tongue or lips pierced. They can affect speech, chewing and swallowing and may include swelling that can ultimately block the throat, which would be a medical emergency. An infection in a nipple can result in enough scar tissue to limit breast feeding. This is a social catastrophe. Most worrying of all is the potential for piercing to cause serious or even life-threatening infections that would compromise the entire body system — that is, septicaemia or blood poisoning. Scarring ramifications from splitting or tearing of the skin have to be borne. Navel piercings — I think this is worth underscoring — can take up to one year to heal completely, and piercings with jewellery in the genital area can cause injury to the piercee or their sex partner and also have the potential to damage prophylactics. Because of this potential, the likelihood of pregnancy and the transmission of sexual disease increases.

When we look at how this legislation will be managed through regulation, we see there are many elements to how things will be managed on the ground, particularly in terms of infection control and the quality of the instruments used to form the piercings or shapes to be introduced under the skin — so people can have a crescent moon, stars, hearts or other things in what are hopefully inert objects introduced under the skin. I am interested to know how anybody could possibly submit to tongue splitting without a proper regime of pain relief and anaesthesia. Surely those things must take place when people are in an altered state, otherwise that medieval form of punishment of cutting your tongue would be pretty hard to bear as would the management of the wound thereafter.

There are lots of areas for concern. I encourage the government to embark on a program that touches young people. Instead of saying that young people are entitled to have all sorts of exotic body piercings, I ask: is it not time that we actually said, 'Look before you leap; think about these sorts of things before you embark on them. It might be fashionable amongst a particular peer group who may not even want to talk to you next week, and it might be fashionable for a particular group of fashionistas, supermodels or rock stars to wear this, but with your job prospects what are you going to look like when you ask your employer to take you seriously at the time of a job interview?'?

From my electorate office in Ringwood I see a passing parade of people who have inflicted many, many piercings on themselves, and I question the mood. I am sure people in this chamber have also seen a lot of people out there who are introducing large objects into their earlobes so that their earlobes are distended. I refer to the sorts of examples that you would see in tribal settings in the Amazon Basin, where you would see the lobe of the ear extended to the circumference of the insertion, being somewhere between a 20-cent and 50-cent piece. I wonder what those people will look like and what kinds of rehabilitative and corrective surgery will be required when their earlobes are stretched to the point of probably touching their shoulders?

There needs to be a word of caution. From my observation as a teacher in the TAFE system for 10 years, there are distinct cultural mores prevailing as to which fields of endeavour have more body piercings. I can tell you that among people who were studying sports administration, body piercings were completely unknown. Likewise among students in international business, public relations, marketing and accounting, body piercings and tattooings were really unusual — they would have been down in the 1 to 2 per cent range. However, in the music area, or the creative areas, peer group pressure was for people to adorn themselves in

ways that reflected their creativity. So there is by no means a uniform response to this practice. It sees expression in particular cultural groups, and in time to come I would love to see it made unfashionable.

This is important and overdue legislation. Whatever we can do to slow down this practice is a good thing, because it is silly. This is self-mutilation. The practice does not teach people to be respectful of their body or conscious of what interventions to their body — decided on when they are in a mindless state — can do to themselves and their future prospects, or what future partners might think of them. When young people are having objects introduced under their skin or having body piercings, they should contemplate that one day they will have to have those removed. What will they look like with all those holes and piercings all over their face? Those scars will never leave them. Think before you act is my message to young people on this.

Ms DARVENIZA (Northern Victoria) — I would like to speak in support of the Summary Offences Amendment (Tattooing and Body Piercing) Bill 2008 and in doing so oppose the two amendments that have been circulated, one by the Liberals and the other by the Greens. I will speak briefly, because the previous Labor member spoke in some detail in relation to this bill.

This is a very good bill because it is about protecting young people from making rash decisions when they may not be fully aware of what the consequences might be. It also gets the balance right, and it is important that it does that. One of the reasons I think we have the balance right is that there has been an exposure draft and a lot of consultation around this bill. Earlier this year the government sought input from both the community and the industry on the proposed bill. The feedback we received from the community — health organisations, youth advocacy groups, local government and local councillors — and the body arts industry has been generally supportive of the bill we have before us today.

The bill is designed to involve parents and guardians in the decision making of young people about body piercing. Body piercing can be and often is an artistic expression. It is a way for people to show their creativity and individuality. Let us face it: beauty is in the eye of the beholder. I can see circumstances where people use this as a way to express themselves artistically. However, we need to ensure that in certain circumstances those under the ages of 18 and 16 have protections, and that is exactly what this bill ensures; it protects those people. The bill bans intimate body piercing for people under the age of 18 and requires parental consent for non-intimate piercing of people under the age of 16. Through its amendments, the bill makes it an offence for a commercial operator to perform an intimate body piercing on a person aged under 18 and provides a penalty of $6600. It makes it an offence for a commercial operator to perform a non-intimate body piercing procedure on a person under the age of 16 without the consent of a parent or guardian, with the maximum penalty around $2200. It also makes it an offence to perform tattooing or a like process — scarification, tongue splitting, beading or branding — on a person under the age of 18, and it increases the penalties for doing so.

Already many people involved in the operations of the body piercing industry require that parental consent be given before piercing a person under the age of 16, and many operators provide their clients with health information before clients have body piercings so that clients are aware what the health implications might be and how to care for the piercings to minimise the chances of infections or other complications. However, we need to ensure that the whole industry is aware of the importance of making that health information available, and we also need to ensure that those under the ages of 16 and 18 are protected in some circumstances.

We know there can be many complications and health implications. We as a government know it is important to protect those who are likely to make hasty decisions because something is trendy or groovy — because all their friends are doing it. We need to ensure that parental consent is given when a child is under the age of 16. It is a good bill. I think it gets the balance right between allowing people who want to have tattooing or body piercing to be able to do it and do it in a way in which they can be assured that it is carried out in the best possible circumstances and ensuring that people are protected and do not make hasty decisions. I believe the bill gets that balance right. I think it is a good bill and I commend the bill to the house.

Mrs PETROVICH (Northern Victoria) — I am pleased to speak in support of the bill before us, the Summary Offences Amendment (Tattooing and Body Piercing) Bill 2008, and in support of the amendments circulated by Mr Gordon Rich-Phillips.

I would like to start by commending my coalition colleague Mr Damian Drum and also Mrs Jeanette Powell, the member for Shepparton in the other place. Firstly I commend Mr Drum who raised the issue as a private members bill because of his concern for the people of the state of Victoria, and secondly I commend Mrs Powell who worked extraordinarily hard in researching the issues surrounding the bill and

introduced it in the other place because of the concerns of her constituency.

The bill raises a number of issues around legal and civil liberties as well as cultural issues, although I think the cultural issues are, while I will not say of less significance, not as prevalent in many areas in my region.

In reference to section 28 of the Charter of Human Rights and Responsibilities, I believe there are a number of rights in the charter that may be impacted upon by the bill. In accordance with section 28 of the Charter of Human Rights and Responsibilities, the Attorney-General first detailed how the bill impacts upon and limits certain rights contained within the charter. These are: section 8(3), recognising equality before the law, that the bill restricts the availability of certain body piercings and other modifications and procedures on the basis of age; section 15, freedom of expression; section 19, cultural rights; and section 25(1), the right to be presumed innocent. Whilst all of these are of significant concern, I think the benefits of the bill before us outweigh those concerns in relation to minors — those young people who are seeking to have tattoos and body piercings before their 18th birthday.

I would like to say that the intent is not to impact upon cultural and religious groups. My hope is that they would not be greatly impacted on. The bill relates to people under the age of 16, who can continue to have non-intimate piercings with parental consent. I think it is very important that we do not turn into Big Brother on these issues, because people have a right to express themselves in creative and artistic ways and in ways that they choose. The main objective is the protection of minors in our society from a range of consequences, and I have to say I have been most shocked in my research to discover some of the impacts of the effects, particularly related to body piercing. A number of the other procedures have been looked at in detail today, and I think that whilst they are of concern the main objective is the protection of minors from the consequences of permanent disfiguration, infertility in some cases, the inability to breastfeed, infections and the possibility of sexual interference or rape, depending on what type of piercing is being performed.

I think many young people today are discovering that body piercing is a bit of a trend and that piercing can be a statement about who you are and a form of body art. It is probably a little less permanent than tattooing, but when you look at the proposed places for piercing it is ears, necks, lips, noses, eyebrows, cheeks, tongues, nipples, between fingers and toes, navels and genitals that are among the areas people have pierced.

The thing that worries me about this is that there are risks — things can go wrong — so we need to ensure that when we are doing this there are checks and measures that apply to the practitioners performing these types of operations. Sterile equipment and latex gloves are mandatory. We need to ensure that we are not going to be passing on infections like hepatitis B, HIV, hepatitis C and tetanus. We also need to be sure that when these piercings are done there is good after-care, because many of these piercings become infected and need antibiotics, and often piercings will need to be removed to stop the body trying to reject them and continually becoming infected. There is also the risk of an allergic reaction to the metal that is used. This sort of thing can cause permanent scarring. There is the risk of a keloid scar, which is a raised and very permanent scar and may require some therapeutic or cosmetic surgery to repair it. I have been told that some genital piercings may increase the risk of sexually transmitted diseases. The jewellery can cause a condom to break, and the piercing can become a point of infection.

I would be very concerned about young women who choose to have nipple piercings without understanding or knowing the risk to their capacity to breastfeed. The people who are performing these practices need to know exactly where nerve endings and milk ducts are. If piercings are placed in the wrong spot, keloid or scar tissue can form and that makes it impossible for a woman to feed her baby in later life.

One of the things about all this is that if these young people — male or female — are considering having an intimate piercing, there needs to be some protection for them, and I do not know that that has been covered in great detail today. There is the issue of the possibility of rape by the person who is performing the piercing, and that might be inadvertent. But looking at some of the piercings available on the market many of the risks are not actively portrayed, and these things can cause a lot of problems.

One of the other things that was raised earlier by Mrs Kronberg is that our attitudes to a whole range of things change as we mature. I know my sense of fashion, jewellery and art appreciation has certainly developed in a range of ways since I was a teenager. This might not be the case for everybody, but the bill certainly makes tattooing and intimate piercings available only to those who are viewed as adults, and hopefully those decisions would then be made in full

knowledge of the implications, the health risks and the permanence of some of this body art.

I would certainly have concerns, as I said earlier, about some of the piercings — in particular, the more extreme intimate types. If my teenage son or daughter were to undertake them, my first concern would be for their health. The bill prohibits intimate body piercings being done to those under 18 years of age. It is certainly concerning to me that it has been identified as a risk that rape and sexual assault offences may apply to genital piercings in section 35(1)(b) of the Crimes Act:

> … sexual penetration means —
>
> …
>
> (b) the introduction (to any extent) by a person of an object or a part of his or her body (other than the penis) into the vagina or anus of another person …

This change is as much for the protection of the body-piercing operator as for the client. It has been shown that there has been at least one case where an operator was charged with assault. Even if performed by a registered practitioner with the appropriate after-care provided, many of these piercings can take up to 12 months to heal properly, and infections are common and potentially very serious. In cases I have heard about from my constituents navel piercings have lead to infections of the umbilicus, which can actually render a young girl, or woman, infertile. I have had a number of complaints, as I said, from constituents regarding this issue. There is a feeling of real parental disempowerment, I would say, from many of the irate parents to whom I have spoken.

As we are all aware, teenagers are well known for their high spirits, wealth of knowledge and an infallibility which can be compared with that of superman, or superwoman, and they have an absolute and true understanding of the frailties of judgement of their parents, teachers, and other olds. I would like to relate the story of a constituent of mine who rang me, quite beside herself with frustration about her 15-year-old son, who after requesting a full payment of his pocket money, or allowance, had secured $60 from her for a day in Melbourne and who had appeared some time later with a facial piercing, which became infected and which he drooled out of. Her complaint was that not only had she lost the $60, but she then had to pay for the doctor's visit and the antibiotics and had to also wash his pillowcase.

Mr Koch — Has it healed yet?

Mrs PETROVICH — I am hoping the wound has healed because I think one of the requests was that he remove his facial piercing because of the potential drooling problem. I will not relay his mother's precise tone and language, but I have to say she was most unhappy that this was allowed to occur without her permission.

The coalition will be supporting the bill. I am sure I could speak about a whole range of other anecdotes that have been presented to me by my constituency but some of them would probably be quite unparliamentary. On that basis I recommend the bill and also the amendments proposed by Mr Rich-Phillips to the house.

The PRESIDENT — Order! I call Ms Pulford.

Mrs Peulich — Show us yours!

Ms PULFORD (Western Victoria) — No, Mrs Peulich.

Body piercing, tattooing and other related forms of body art can be traced back to ancient times. In Western societies, including in Victoria, in my electorate, and in places no doubt not too far at all from where we stand today, modern times have seen an enormous increase in the popularity of such things. Pop culture idols and images of modern beauty include people like the much-decorated David Beckham and Angelina Jolie. Certainly the rise in popularity of body art is something that requires a little bit of legislative attention. The bill before us delivers on the government's commitment to reform the law in this area. Our main objective here of course is to protect the health and wellbeing of our young people.

Eyebrow, tongue, navel, neck, nipple and genital piercing have all joined the list of more traditional piercing sites, like the earlobe or the nose. For me body piercing is somewhat less permanent than a tattoo but somewhat more permanent than a haircut. As other members have indicated, with piercing there is a degree of risk slightly greater than a bad haircut; however, there is probably a much lower risk, particularly with some types of piercing — earlobes spring to mind — than there is with tattooing. Minimal scarring or virtually no scarring in piercing is not akin to a tattoo either. Beading, branding and scarification are of course also emerging as forms of body decoration, as people — and in this debate we are often talking about our younger citizens — strive for different forms of self-expression.

The health risks associated with piercing and tattooing and other similar processes are well documented, and include the transmission of blood-borne viruses, infections, nerve damage and scarring. It must also be

said though that on many occasions these procedures are performed in a reasonably safe environment, in a reasonably safe way, with people given good care and advice about follow-up care to avoid infection, and the newly decorated are otherwise unaffected by their body art.

In addition to health risks there are of course cosmetic risks, and other speakers have indicated some instances of these — for example, of the constituent waking up with a blinding hangover and a misspelled child's name on their body. That would be most unpleasant. My obstetrician told a story of a belly that he saw — I imagine he sees a few bellies — that had a very nicely decorated navel at the start of the pregnancy, which was somewhat misshapen much later on. I imagine that is a risk, and of course a tired old tat on tired old skin is not the most attractive thing. It is probably not the vision most people have when they walk in the door of the tattoo parlour. The infallibility of youth does make it a bit hard to imagine what that rose on the top of your foot is going to look like on your 70th birthday!

Mr Tee quoted some of the statistics around the health risks. Figures from July 2007 to July 2008 indicate around 40 people were admitted to Victorian hospitals with complaints associated with body piercing in that period. There is certainly a risk, and it is a risk that we need to manage. Research indicates that people are also presenting on occasion to hospital emergency departments and to their medical practitioners with complications from piercing. Of course some people will be more sensitive and more prone — —

The ACTING PRESIDENT (Mr Vogels) — Order! Could we have a little less talk in the chamber. Hansard is finding it difficult to hear.

Ms PULFORD — Some people are more prone to infection and have more sensitive skin. The impact of tattooing or piercing can vary greatly from person to person.

In 2004 the government introduced health regulations requiring body piercers to provide information on the health risks to prospective customers, and that was coupled with guidelines produced to assist body piercers to comply with the health standards. We believe that the age-of-consent requirements included in this bill build on those earlier reforms and are there to promote the health and wellbeing of people undertaking body piercing or tattooing, particularly our younger citizens.

It is important that those embarking on body piercing and tattooing, particularly those who are affected by the age restrictions introduced by this bill, should have their views taken into account in the development of this legislation. Therefore, over a period of quite some months there was an exposure draft out for public consultation.

The government is sensitive to the civil liberty arguments, cultural issues and community attitudes as they change from time to time, and the expectations of people across society in Victoria about the role we play in legislating in this area. Times have changed and the things that are popular now may well be quite mild in another 50 years, but then again we may have a renaissance of conservatism and once again jewels will be limited to earlobes.

Mr Finn interjected.

Mrs Peulich interjected.

Ms PULFORD — Not the sort of conservatism mentioned by the two members.

Around 130 individuals and organisations provided comments on the exposure draft. A variety of views were expressed, most of which were supportive of the key features of the bill.

In commenting on the contribution by Mr Drum, I commend his efforts in having raised this issue earlier. I understand the member's commitment to this issue, but one key difference between the bill introduced by Mr Drum and the bill before us today is the subject of the amendment proposed by Mr Rich-Phillips. It is the view of the government that it is not appropriate to penalise children for undertaking childish activities in the home. I have a cousin who at nine years of age was told that she could not have her ears pierced. Being a strong-willed young woman she pierced them herself while on a visit to my family home during a school holiday, much to the horror of my mother.

Whilst it is important to regulate those who provide piercing and tattooing services, we do not think it is appropriate that under-age Victorians be penalised for this sort of conduct. Any sanctions which the Liberal Party and The Nationals propose as amendments are too significant to impose on our young citizens for simply having undertaken a silly thing. However, I commend Mr Drum for having raised this issue and also other speakers for their comments in support of this bill, in spite of our differences on that particular point.

It is important that this legislation should not victimise young people and encourage the further use of backyard operators or people undertaking their own

piercing at home. The bill is designed to promote the welfare of our young people and provide further benefits to them rather than to penalise them.

The bill will make it an offence for a body piercer to conduct non-intimate body piercing on a person under the age of 16 without the consent of their parent or guardian. We hope this will encourage young people to discuss body piercing with their parents or their guardians, which in turn will assist the management of the health risks associated with piercing. Obviously a discussion with mum, dad or another appropriate guardian about the need for proper care after piercing can only lead to a better health outcome and an early identification of infection, rather than a secret piercing hidden under a T-shirt or somewhere else. We think the bill equips our young people to make informed decisions and assist their adult carers in managing the consequences.

The bill also makes it an offence for a body piercer to perform an intimate body piercing on a person under the age of 18. We have heard about other things which you cannot do until you reach the age of 18, such as voting, driving or joining the Democratic Labor Party (DLP), as discovered by Ms Hartland.

Mrs Peulich interjected.

Ms PULFORD — Yes, you have to be 18 to join the DLP, but you can join some of the other parties represented here at a younger age.

For intimate body piercing you have to be aged 18, which accords with the law which is generally afforded to young people to protect them from inappropriate sexual contact with adults. We believe it reflects community expectations and attitudes.

There are also a couple of changes made to the existing offence of performing a tattoo on a person under the age of 18. The bill increases the maximum penalty from 5 penalty units to 60 penalty units, which better reflects the seriousness of the offence and we hope will provide a more effective deterrent. In considering processes like scarification, tongue splitting, beading and branding, the bill defines these as like processes with tattooing because they are distinctly different to piercing. These are more severe and intrusive forms of body art and can be very difficult to reverse. For this reason we think that the standard needs to be the same as it is for tattooing.

These measures in the bill will improve the regulation of body piercing and tattooing and provide very clear age-of-consent guidelines for operators, parents and children alike. In developing this bill, we have sought to strike the appropriate balance between the rights and responsibilities of parents and guardians, the capacity of young people to freely express themselves and the protection of their health and wellbeing. I commend the bill to the house.

Mrs PEULICH (South Eastern Metropolitan) — I wish to make some very brief comments for a range of reasons on the Summary Offences Amendments (Tattooing and Body Piercing) Bill 2008. I will declare my interest — all members are waiting with bated breath; I have a set of pierced ears! I got them when I was 18 years of age. I actually vividly remember getting that done; it is the sum total of my body piercing experiments. I had to wait until I was 18 because my father would not allow me to get a body piercing. I was attending the Caulfield campus of what is now Monash University. I went to the campus GP who performed the piercing. That was before I got my licence. I hopped on the train and went into the city for little bit of a shopping experience. I looked into a mirror at Flinders Street station to see two big red balls of cotton wool soaked in blood on my ears, which must have been a frightful sight when I walked down Swanston Street, and with that, I fainted. That is my experience.

Let me also say that, to my credit and success, I have managed to dissuade, through using various types of tactics, my 23-year-old son — who turns 24 tomorrow — from actually getting a tattoo or any sort of body piercing. So I think I have done a great job — —

Mr Rich-Phillips — That you're aware of!

Mrs PEULICH — No, I would say that I have a fairly good oversight of any transgressions. I understand that young people do various sorts of things in search of a sense of belonging to a group and often use these types of symbols to affirm their membership of a group; perhaps in the search for their own identity they may choose to display their status or markings as part of that process; or perhaps even further as some of the commentators in this field call it body art, and I will not use that term — —

Mr Finn — Body graffiti.

Mrs PEULICH — They want to use body graffiti to leave a mark on the world for whatever reason. I think this bill is long overdue. Young people do a whole host of things that I think legislators from time to time need to protect them from. I think this legislation goes part of the way towards doing that. The proposed amendments go a large part of the way there.

I would like to commend the work that has been done by Mr Drum in first of all bringing the first bill to this

house as well as the work done by his counterpart, Jeanette Powell, in the Assembly. As I said before, I think the first part of this bill is fine; it prohibits intimate body piercing on people who are under 18 years of age and prohibits non-intimate body piercing on people under 16 years of age without written consent from both the young person — whether he or she has a legal capacity — and their parent or guardian.

The bill also defines 'like processes' in relation to tattooing, such as scarification, beading and branding, in recognition of the increasing popularity of these forms of body degradation and the need to treat these processes in the same manner at law. In addition, this bill also increases the penalties associated with tattooing a person under 18 years of age. I think that is entirely appropriate. Notwithstanding the fact that these practices are fads, I think putting in place a regime that protects people from potential harm and the associated health risks until a time when they can take full responsibility for that behaviour is entirely appropriate and to be welcomed.

I believe the bill is flawed because it only focuses on commercial businesses and does not deal at all with backyard operations; that is clearly where it would all be pushed. I know that some have the view that this bill strikes a balance despite extensive consultation. Lots of organisations, councils and people have had the opportunity to make submissions. The City of Casey forwarded to me and no doubt other members of Parliament a copy of its submission supporting many of the significant parts of this bill, but also pointing out the fact that the bill does not deal with backyard scenarios. I think for that reason I must commend Mr Rich-Phillips and Mr Clark, the member for Box Hill in the Assembly, for bringing the proposed amendments to the house to deal with backyard operations.

There are other reasons why this bill needs to be monitored and implemented carefully. It needs to be accompanied by appropriate education of young people in terms of the risks they take even after the age of 18 in relation to some of these procedures. As I said, I know that some of these procedures are the result of a search for identity, to make a statement or perhaps even to rebel. But for many — and I am not sure this has been mentioned, although I have been out of the chamber — these practices are part of a bit of a subculture. Intimate body piercing and the use of metal beads and what are called penile rods are intended — and yes, there are a few members who are a bit aghast — to enhance sexual stimulation. I think that is pretty risky for the good reasons that Mrs Petrovich has outlined. I would encourage young people, including those over 18, who may consider undergoing these procedures to think about more conventional ways of perhaps enhancing their sexual stimulation rather than ways that can and do result in a lot of health complications.

Sadly, Ms Munt, the member for Mordialloc in the Assembly, was reported in the local paper as taking credit for this. That was a little disappointing, given that I know full well the history of the bill. She recounted an occasion when she pounded on the door of a commercial operator demanding answers. There are too many backyards in the community to which this particular activity could be consigned if the circulated amendments are not supported.

In closing, I would like to say that in any culture things can arise, become acceptable and become part of a culture but they are not necessarily appropriate or engaged in without risk. It is entirely appropriate that this Parliament supports this legislation, with the circulated amendments, to make sure that people are adequately protected. The youth of today are very impressionable and even those who are not young can be under the influence of various substances. They need to be protected from various health risks associated with some of these procedures — the transmission of blood-borne viruses, hepatitis C, infections, nerve damage, and scarring. Unfortunately these risks materialise with some degree of regularity. From memory, between 2007 and 2008 around 40 people were admitted to Victorian hospitals with complaints associated with body piercing. We are dealing with substantial numbers. Of course this number does not include all those who have complications but never present.

As I said, young people who are at a critical stage in their development individually or in their social identity are particularly at risk and need to be protected. It is entirely appropriate that we introduce this protection in every setting possible. If this bill goes far enough — obviously it does not cover self-harm — its implementation needs to be monitored closely. It needs to be accompanied by appropriate education. Just because something is a fad or is embraced by some young people does not mean we should condone or turn a blind eye to it. As a mother, a legislator and a teacher, I think we have a responsibility, a duty of care. This legislation goes some way to addressing some concerns, and I know there will be a body of grateful parents and other members of the community if this legislation is passed with the amendments that have been circulated.

Mr EIDEH (Western Metropolitan) — I rise to support the Summary Offences Amendment (Tattooing

and Body Piercing) Bill 2008. As the statement of compatibility notes, section 15 of the Charter of Human Rights and Responsibilities gives every person the right to hold an opinion and to the freedom of expression, and by way of example it refers to art or another medium chosen by him or her. However, as another section of the Charter of Human Rights and Responsibilities notes, every child has the right, without discrimination, to protection by society and the state.

We are not talking here, in debate on this bill, about stopping the freedom of expression, nor are we denying anyone the right to their individuality. We are also most definitely not seeking to prevent medical practitioners and like persons from acting in good faith, such as with acupuncture or inoculations. What we are about is ensuring that no child in Victoria is pierced with facial rings, studs or anything else without the express knowledge and written permission of their parents. What we are doing is ensuring that families remain in control and that peer pressure, for example, does not force children into taking rash and unconsidered actions. This bill enacts and confirms the common-law requirement for consent to be given before body piercing of any person under the age of 18 years is undertaken. It does not prevent or prohibit body piercing if the parents or legal guardian consent to the said piercing.

Some in this place will oppose any such body piercing, while others may even have children who have facial rings or studs. I pass no comment in that regard other than to return to the statement of compatibility and the list in this document of health concerns raised by health authorities. I commend the bill to the house.

Mr ELASMAR (Northern Metropolitan) — I also rise to contribute to this debate on tattooing and body piercing. I have to admit to an involuntary shiver — the thought of needles piercing my body gives me the frights! I cannot understand how people can submit to this process over extensive periods of time. I know that tattooing is an ancient art form and that hundreds of years ago many cultures, including the Anglo-Saxons, practised this. A thing of beauty is a joy forever, but this practice leaves me cold.

I know that as a parent I would be extremely distressed if any of my children came home sporting a tattoo or body-piercing jewellery, but that is just my opinion. I do not wish to appear judgemental because I understand fashions come and go. However, I do know that the diseases associated with the use of non-sterilised needles can cause infections, scarring and hepatitis C, and that their effects can last a lifetime. It is essential to the health and wellbeing of our young people that these legislative changes are agreed to by this house.

I do not understand the increasing popularity of this trend because some of the lasting effects can be horrific, particularly on the very young. That is why we have to protect our young Victorians. We must ensure that any child under 16 must obtain their parent or guardian's permission before any non-intimate body decoration can be performed. This bill makes it an offence for a body piercer to conduct an intimate body piercing on a person aged less than 18 years without the consent of a parent or guardian. The aim of the bill is to promote discussion between children and parents prior to any actual body decoration being carried out. We regret some choices we make in life and in this instance it is right that once the body work, especially tattooing, has been done it requires a painful process to remove it.

The bill is designed to protect the health and wellbeing of young people. We have to ensure we do everything in our legislative power to lessen the health risks associated with this growing art form. The measures introduced by the bill improve the regulation of the body-piercing industry by providing clear age-of-consent rules for various procedures. Regulations introduced in 2004 required body piercers to provide information on health risks to prospective customers. They included guidelines to assist body piercers in complying with health standards. The bill attempts to provide a balance between the rights of parents and guardians and young people's freedom of expression and the protection of their health and wellbeing. How tongue splitting can be judged as beautification is beyond my understanding, and of course this practice is virtually irreversible.

The proposed changes increase the penalty for performing body decorations without the consent of parents and/or guardians from 5 to 60 penalty units. This is to deter body piercers from doing the wrong thing. I have been told these body decorations are extremely expensive. People actually save up money for them. Personally I would rather the laws regulating this industry were sufficiently tough enough to ensure that any physical damage arising out of this practice was minimised, and that the reforms of age of consent requirements will save a child from a lifelong mistake. The health and welfare of our young people is paramount. I commend the bill to the house.

Mr ATKINSON (Eastern Metropolitan) — I join this debate very late to make one quick point. This legislation as proposed assumes the responsibility of parents. A matter was recently brought to my attention involving a very young child, aged maybe two and a

half years or three years at the outside, but I would have thought younger, who had a string of earrings around their ears in the fashion where you could actually hang curtains off them. I consider that abuse at that age. I was concerned that a professional practitioner had done that work, and I frankly do not know whether they did or not. It is possible that it was done off premises, which is obviously one of the issues that the proposed amendments of the Liberal Party go to.

My point is that this legislation assumes that parents will take responsibility for the children and that they will make responsible decisions for their children. My warning to the minister is that we might do well to continue to monitor this legislation and these practices to ensure that in the case of extraordinarily young children — certainly children of the age that I have mentioned — are not subjected to these sorts of practices.

I understand that culturally sometimes earrings or other piercings are undertaken as part of a cultural expression, but it is totally inappropriate to see five, six or seven rings on the ear of a child who, as I said, I estimate was two and a half years of age. It is an abuse of the child. I would hope that is considered as we go forward. I am not sure that licensed premises would necessarily undertake that work, and to that extent it does go to the merits of the amendment proposed by Mr Rich-Phillips.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

The DEPUTY PRESIDENT — Order! As I understand it, Ms Hartland has an amendment to move which is a test for her further amendments 2 to 6. I invite Ms Hartland to lead the debate by formally moving her amendment and making any remarks to that.

Ms HARTLAND (Western Metropolitan) — I move:

1. Clause 1, lines 10 and 11, omit all words and expressions on these lines.

These series of amendments simply go to our belief that this bill should be looking at the issue that piercing is piercing, and that we should eliminate what is referred to as intimate or genitalia, more commonly known as pink bits. We should exclude those from the bill. Also, we think 16-year-olds are capable of making up their own minds on this issue.

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — The government does not support the amendment moved by Ms Hartland. We believe the bill stands on its own merit. No argument of any substance has been put as to why we should remove clause 1(c).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — The coalition parties believe the distinction between intimate body piercing and non-intimate body piecing is an appropriate one. We believe there is a difference between a non-intimate piercing of an ear and the piercing of genitalia, and as such believe it is appropriate there be a different threshold for permission for those types of piercings to be undertaken — the distinction between 16 years with parental consent for the non-intimate and 18 years for any intimate piercing. We will not support Ms Hartland's amendment.

Committee divided on amendment:

Ayes, 3

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

Noes, 33

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

Amendment negatived.

Clause agreed to; clauses 2 and 3 agreed to.

Clause 4

The DEPUTY PRESIDENT — Order! I understand Mr Rich-Phillips has an amendment — which is amendment 1 — standing in his name which I regard as a test for his remaining amendments 2 to 9.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I move:

1. Clause 4, lines 7 to 15, omit all words and expressions on these lines.

This amendment is a test for amendments 2 to 9. The purpose of the amendment in this instance is to remove the definition of 'body piercer' from clause 4. But the intent of the amendment and the other eight amendments is to remove the distinction between body piercing which is undertaken in a commercial premises and which is contingent upon the definition of 'body piercer' and change the intent of the bill so that it refers to all body piercing, whether it is undertaken in commercial premises by a body piercer or whether it is undertaken by any other person with respect to another person. It is the coalition's view that there should not be a distinction between body piercing which is undertaken on commercial premises or body piercing which is undertaken on private premises, in the belief that what this legislation is about and what the intent was when Mr Drum and the member for Shepparton in the other place foreshadowed the legislation was to protect young people against the adverse impacts of body piercing. That should occur whether it is in commercial premises or whether it is in private premises.

Indeed it takes in the point made by Mr Atkinson about the impact of body piercing particularly on young children. That impact is the same whether or not it is done on commercial premises. It is the coalition's view that the bill should be extended to cover intimate body piercing and non-intimate body piercing whether it is done in commercial premises or private premises, and that is the intent of the amendment.

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — The government does not support the amendment moved by the Liberal Party because in fact it would criminalise body piercing behaviour between young people. We do not consider it appropriate that young people carry the stigma of a criminal conviction for engaging in such conduct. The bill focuses on setting appropriate enforceable standards across commercial body-piercing operators. This includes backyard operators who conduct body piercing for a fee, other remuneration or payment in kind. The government is satisfied that the bill appropriately targets community concern about rogue body-piercing operators who are willing to pierce young people for financial gain without the knowledge or consent of their parents or guardians.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I seek clarification from the minister. It goes to the issue raised by Mr Atkinson in his contribution about a very young child who had piercings, obviously with the consent of their parents, because Mr Atkinson suggested this child was two and a half or three years old. It is the view of the Liberal Party that this legislation would provide that if a parent wants an intimate piercing undertaken on a young child it would not be possible in commercial premises but, in the absence of the amendment I have proposed, it would be possible for a parent to perform that intimate piercing themself. What I seek from the minister is an explanation of why the government believes it is acceptable for a parent to perform an intimate piercing on a child themself but not have it done on commercial premises.

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — While I understand the intent of the amendment proposed by the honourable member I am advised that if you look at section 43A of the legislation under the heading 'Application' there is a provision which states:

> Nothing in this Division affects liability for an offence against any other provision of this Act or any other Act or at common law.

That is a way of saying that if a parent was so irresponsible that they embarked on that kind of practice with their own child then they would probably be subject to prosecution under the Crimes Act or other acts. We believe the kind of circumstance being referred to by the member — while I understand the intent of his amendment — is covered in any case by other acts of Parliament.

Mr RICH-PHILLIPS (South Eastern Metropolitan) — I thank the minister for his answer. I accept that would probably be the case in an extreme example like the one I gave. However, in less extreme examples — more on the margin — I do not believe that provision would apply, and for that reason the coalition will pursue its amendment to expand the purpose of the bill. We do not necessarily accept the government's reasons for opposing this amendment.

Committee divided on amendment:

Ayes, 17

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

Noes, 21

Barber, Mr	Pennicuik, Ms
Broad, Ms	Pulford, Ms (*Teller*)
Darveniza, Ms	Scheffer, Mr
Eideh, Mr	Smith, Mr
Elasmar, Mr	Somyurek, Mr
Hartland, Ms	Tee, Mr
Jennings, Mr	Theophanous, Mr
Leane, Mr	Thornley, Mr (*Teller*)
Lenders, Mr	Tierney, Ms
Madden, Mr	Viney, Mr
Mikakos, Ms	

Pair

Guy, Mr	Pakula, Mr

Amendment negatived.

The DEPUTY PRESIDENT — Order! There have been some amendments circulated by Ms Hartland in respect of clause 4. They will not proceed because her earlier amendments were not accepted by the committee. Further amendments, 2 to 9, have been circulated by Mr Rich-Phillips. They will also not proceed because they were consequential on amendment 1. If there are no further contributions on clause 4, I propose to test the clause.

Clause agreed to; clauses 5 and 6 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — I move:

That the bill be now read a third time.

In so doing I thank honourable members for their contributions to the debate.

Motion agreed to.

Read third time.

EVIDENCE BILL

Second reading

Debate resumed from 31 July; motion of Hon. J. M. MADDEN (Minister for Planning).

Mr RICH-PHILLIPS (South Eastern Metropolitan) — The Evidence Bill 2008 is another piece of uniform legislation that is coming before the Victorian Parliament to enact an agreement designed to harmonise evidence provisions across state and commonwealth jurisdictions. This is a process that literally commenced in the 1980s with the Australian Law Reform Commission examining the issue of there being uniform evidence laws across the various Australian jurisdictions.

In 1995 the first uniform evidence laws were enacted in the New South Wales and commonwealth jurisdictions based on a model bill that had been developed at the time. Since those first two jurisdictions adopted uniform evidence laws there has been a review of their operation in those two jurisdictions, and following subsequent recommendations and agreement by SCAG, the Standing Committee of Attorneys-General, an agreement was made to proceed with a new uniform bill that has subsequently been introduced in Victoria. It has taken three years since the review of the existing uniform evidence laws for this bill to be introduced here. The purpose of this legislation is to codify existing practice with respect to evidence, to codify existing common law with respect to evidence and also to pick up some of the provisions of the existing Evidence Act 1958 and consolidate them into this new framework for courts dealing with evidence in Victoria.

This is legislation that the coalition will support. It has been stated in the SARC (Scrutiny of Acts and Regulations Committee) review of the existing Evidence Act, which was undertaken in 1996, that notwithstanding any flaws the model bill is an improvement on the existing framework of common law, the 1958 act and court practice. With that in mind the Liberal Party will support this piece of legislation that establishes a largely uniform framework within which to manage evidence in Victorian courts. I note that further legislation will come before the house to address certain repeals within the existing Evidence Act of 1958. The current bill largely codifies the existing practice with respect to evidence in Victoria. There will be some changes to the ways in which rules of evidence currently operate and how they will operate once the passage of this bill has taken place.

One of the differences between existing practice and that proposed by the new bill relates to allowing a party to call witnesses and subsequently having those witnesses give evidence that is unfavourable to the party who called them. Under this bill the counsel for the party who has been the subject of the unfavourable evidence from their own witness will be able to question that witness as though they were cross-examining a witness for the opposing party. I understand this is a new practice that is being adopted as a consequence of the proposed legislation. This is not

the existing practice in relation to the way evidence is handled in Victoria.

The bill also makes a change with respect to self-incrimination. Currently it is accepted that a person can decline to give evidence on the grounds that they will incriminate themselves by doing so. The model bill changes the way a person is protected from self-incrimination. Rather than being able to decline to give evidence on the grounds that their evidence will incriminate them, under the proposed act a person who believes their evidence will incriminate them will be able to have issued a certificate preventing the use of that evidence in future proceedings against them. They will therefore continue to have protection from self-incrimination, but the court will have access to the evidence that the person otherwise would not have given on that ground. That is an improvement to the body of evidence that will be available to our courts.

Changes are made also to the operation of the hearsay rule — that is, to the way that exceptions to that rule will apply under this legislation. The bill changes certain aspects of the law with respect to evidence that is not admissible. It contains fairly stringent requirements regarding situations where admissions are made to police officers or investigating officials, and it lays out a number of criteria which need to be met in order for that evidence to be admissible in proceedings. This is a new provision — that is, proposed section 85. The only reservation coalition parties have about this provision relates to ensuring that it operates effectively and at the same time does not lead to evidence being struck out on the ground that the requirements were not met. That is something that will have to be assessed in practice once the legislation comes into force, to ensure that that provision does not unreasonably lead to evidence being struck out and proceedings being limited as a consequence.

The other significant matter in the proposed legislation in relation to evidence that differs from existing practices relates to the warnings a judge may give to a jury with respect to evidence. I refer to proposed section 165 of the bill in part 4.5, 'Warnings and information'. Part 4.5 sets out a number of circumstances in which a judge in a proceeding can give advice to a jury with respect to evidence the jury has just heard. It can be given in cases where the witness is a child and the judge wishes to make comments about the reliability of the evidence. It applies where the evidence may be regarded as unreliable and where it is desirable for the judge to make comments in that regard to the jury. The bill provides that a judge may make comments or issue a warning to a jury only where counsel or a party to the proceedings has requested that the judge issue a warning to a jury. I understand this to be a change from current practice. The specific provisions of the proposed subsections in part 4.5 provide that a judge may give certain warnings in certain instances only given the request of a party to a proceeding.

The concern that arises is whether that means a failure by a party to a proceeding to request a warning be given by the judge to the jury during the course of a trial would prejudice that party's opportunity to appeal the case subsequently on the grounds of the way the jury was directed. That is a matter that this side of the house would like clarified — that is, how that requirement for a party to request that a judge issue a warning would work with respect to subsequent rights to appeal on the grounds of the evidence.

Those matters are the key differences between the way the existing evidence rules work and the way they will work under this new consolidated and uniform framework. As I noted earlier, the Liberal Party supports the adoption of this uniform framework. It will change how our courts work with respect to evidence. A number of changes made by this bill will need to be monitored for their effectiveness to ensure that there are not unintended consequences in the way in which they operate in the courts, and I have mentioned some of those. However, on the whole we regard this consolidation of a new evidence bill as a forward step in the way our courts operate, and I commend the bill to the house.

Mr EIDEH (Western Metropolitan) — In many ways this is a very complicated and highly involved bill due to its detailed content and its critical target area. However, it is also critical to the effective administration of justice in our state and the fight against crime. That is why this bill and another to be introduced will repeal the long-since-outdated Evidence Act and replace it with legislative provisions far more in tune with the needs of our civil and criminal courts. This bill recognises previous considerations by the Scrutiny of Acts and Regulations Committee, and the Australian and Victorian law reform commissions, among others. It includes a number of detailed measures that will ensure not only that the civil and criminal justice systems in our state operate uniformly with the other states but that justice is done, as the community expects.

In every aspect of the process of giving evidence before a court, this bill will make for much simpler and also for far stronger legislation than what we have at present. As such, trials should move more swiftly while arriving at their conclusions more professionally,

without harming justice itself. When you combine it with the government's ongoing commitment to law reform, to our commitment to alternate dispute resolution and to the raft of laws that we are steadily introducing to improve the fight against crime, it becomes clear that when it comes to law and order, and to justice, the Brumby Labor government is second to none. I commend the bill to the house.

Sitting suspended 6.24 p.m. until 8.04 p.m.

Ms PENNICUIK (Southern Metropolitan) — The Evidence Bill 2008 is in many ways a large and complex bill. Basically it amends the Evidence Act, which is 50 years old this year. The bill arises from a comprehensive review of the evidence laws made by the Australian Law Reform Commission in the 1980s in which a model bill was produced to provide a modern, structured and reasoned approach to the laws of evidence.

Two reports on the laws of evidence were tabled in Parliament in 2006. One was the *Uniform Evidence Law — Report*, which was a joint report of the Victorian Law Reform Commission, the Australian Law Reform Commission and the New South Wales Law Reform Commission, and found that the uniform evidence act was generally working well. The other was *Implementing the Uniform Evidence Act — Report*, which is the Victorian Law Reform Commission's report about the drafting of the uniform evidence act for Victoria. It also made recommendations about education and other practical issues of implementation. There has been a lengthy process leading to the introduction of this bill involving extensive and detailed consultation, scrutiny, study, analysis and research over many years.

Time will not permit going through the numerous provisions in the Evidence Bill, but one of the key changes goes to changing the provisions regarding unfavourable witnesses. Currently, for a party to be cross-examined by the party who called them, they must be declared hostile. Under the new bill there will be a lower threshold bringing a more subtle approach to this issue.

There are changes to the rules of evidence regarding hearsay which provide a comprehensive and more structured approach. They allow hearsay evidence to be admitted before a court under certain circumstances and with certain exceptions which are spelt out in the bill.

There are changes to the privilege against self-incrimination rules, about which there has been some considerable debate, but from what I can see it appears that the final provisions of the bill are fairly well supported. Basically the changes go to the fact that a witness can only rely on the privilege if the court determines there are reasonable grounds for that objection. It will be about seeing how the new act works. An eye will need to be kept on it during the transition phase because privilege against self-incrimination is a key and fundamental tenet of the law.

The bill also tightens up or clarifies the provisions regarding warnings to juries by judges. It modernises the provisions regarding documentary evidence in line with modern communications and photocopiers and things they did not have in 1958.

There were some questions raised by the Scrutiny of Acts and Regulations Committee, which I was hoping government speakers might go to in their contributions. SARC asked the question whether clause 18 limited the charter rights of families to be protected by the state and of Aboriginal persons to maintain their kinship ties and, if so, whether clauses 12(b) and 18, by requiring that the non-immediate family of criminal defendants testify even when the desirability of them doing so is outweighed by the harm that would be caused by their family relationships, is a reasonable limit on those rights. This issue did not appear to be considered in the law reform commissions' report or the Victorian Law Reform Commission report on the implementation of the uniform evidence act, so that is outstanding as far as I can see. I have checked and I have not seen any answer to the questions raised by SARC on that issue.

SARC also referred a number of clauses — 59(1), 60, 65(2), 65(8), 66(2), 80, 85, 97, 98, 106, 130 and 135 — to the Parliament, asking whether these clauses limit the defendant's right to a fair hearing and, if so, whether or not they are reasonable limits according to the test. SARC asked the Parliament to consider whether clause 138(1), by permitting the use in criminal prosecutions of evidence obtained through a breach of charter rights, especially in trials of serious offences, limited the rights of people investigated and charged with serious offences and if so, whether it is a reasonable limit. I noticed in my reading that evidence so obtained is not admissible in courts in the USA and the UK, which discourages the taking of evidence in that way. Continuing the inadmissibility of that evidence discourages breaches of the charter of human rights in obtaining evidence.

I presume government members are familiar with what SARC had to say about the bill and will be able to refer to those questions in their contributions to the debate. Otherwise, as I said earlier, this legislation which

amends the Evidence Act — now 50 years old — is in some ways landmark, and it updates and modernises provisions for hearing evidence in criminal proceedings. The Greens will be supporting the bill.

Mr TEE (Eastern Metropolitan) — The rules of evidence are very much at the heart of our trial system. They provide the road map for the conduct of trials, and they constitute a critical step in the delivery of a fair trial. A fair trial is a fundamental human right for every citizen. It is a right that is properly protected and enshrined in Victoria's Charter of Human Rights and Responsibilities.

Unfortunately the rules of evidence have evolved in an arbitrary manner over hundreds of years. Some have become outdated and archaic. Some have become confusing and irrelevant, and it is fair to say that in some cases the rules of evidence have lost their way. The Australian Law Reform Commission reviewed the rules of evidence, and an extract from its findings quoted in the second-reading speech is worth repeating here:

> The law of evidence is badly in need of reform in all areas. The present law is the product of unsystematic statutory and judicial developments. It is a highly complex body of law which is arcane even to most legal practitioners.
>
> It contains traps and pitfalls which are likely to leave the unrepresented litigant baffled, frustrated and defeated.

Indeed. The bill goes a long way to remedying the archaic system under which we operate. Rather than adding to the ad hoc legislation, it provides what is needed — a complete rewrite. When you consider the complexity of the law and the number of contingencies that have been addressed, it is clear that the authors of the bill have done an excellent job and should be congratulated.

The work is the product of the combined efforts of the commonwealth, Victorian and New South Wales law reform commissions. Their most recent reports were tabled in February 2006. They have proposed amendments to the model uniform evidence act, which have also been endorsed by the Standing Committee of Attorneys-General. What you have is the three law reform commissions working together. They have developed a number of reports, and those reports have been endorsed by all state and territory Attorneys-General. Not only do we have a rewrite of our legislation but we have a rewrite which is largely consistent across the three jurisdictions. While this uniformity is important for people practising in NSW and Victoria, the benefits of uniformity will most keenly be felt by practitioners, whether in Victoria or New South Wales, who practise in both state and federal jurisdictions.

In its format the rewrite has adopted a very common-sense approach by following the order in which issues ordinarily arise in the courts. This makes it easier to find and follow provisions in the bill. It clarifies evidence rules by codifying existing complex common-law rules, and it rewrites current statutory rules in a clear and concise manner. The outcome of having clearer rules is an increase in certainty, and this will help the timely preparation and conduct of trials. Clarity reduces the technical traps which exclude evidence that should be introduced to expose the truth, and it reduces the risk of including evidence which is prejudicial and has limited probative value.

I think this bill will increase confidence in the fairness of our legal system — confidence that has waned under the archaic and arbitrary evidence system we have currently. A more transparent, less technical approach to admissibility will increase confidence in our judicial system by making the court process easier to understand and follow. For practitioners, and particularly for unrepresented parties, the easier-to-understand format and common-sense approach will make the legal system easier to navigate. Not only will we get better outcomes but we will get trials that are conducted more efficiently — saving court time and reducing the cost of justice.

Whether or not evidence is introduced and how that evidence is treated is critical to ensuring that a person gets a fair trial. The rules of evidence are critical to ensuring that our justice system delivers justice. When we consider that the outcome of a trial might be the forced detention of a citizen, the importance of getting the rules of evidence right is clear and apparent. The bill goes a long way to ensuring that only relevant and reliable evidence is admitted and that evidence which is prejudicial without being probative is excluded.

A number of significant changes to the rules of evidence introduced by this bill go to the rewrite and reformatting of the act. Those changes deal with the test for determining whether a witness is competent to give evidence. Currently in determining whether a witness is competent to give evidence the focus is on the existence of a disability. The bill changes that. It moves from a focus on disability to a focus on the capacity of the individual to understand and answer questions. The new test is focused where it should be, on getting the truth, rather than on the disability. It means that a person's evidence will not be excluded simply because the person has a disability.

Changing the focus from the existence of a disability to the person's capacity to understand and answer questions is very important for two reasons. Principally the court is more likely to get the evidence that it needs to determine the truth, which is paramount in our justice system. Secondly, a blanket rule that says that a person's evidence will not be accepted because of their disability is unfair and a breach of the human rights of the disabled. Clause 13 of the bill gives effect to the right of a person with a disability to equality before the law. This new approach in the bill should be applauded.

The other change I draw to the attention of the house is in relation to the hearsay rule. Currently there is a long list of confusing and often contradictory exceptions to the general rule that provides that hearsay evidence cannot be admitted. For example, hearsay evidence cannot be used as evidence of the truth of what is said in the hearsay statement, but that same hearsay evidence can be used to attack the credibility of a witness. This means that a jury can hear evidence that goes to credibility but that evidence cannot be used by the jury to determine the truth of what is said in a statement. This often leads to the absurd situation where a judge has to direct the jury to consider the evidence in judging the credibility of the witness but not in proving the existence of the facts contained in the statement. It is an approach which is confusing, unhelpful and at times nonsensical. The bill provides that hearsay evidence introduced to determine credibility can also be used as proof of the facts asserted. In these circumstances the judge can give the jury directions about the reliability or otherwise of hearsay evidence and the risks attached, without giving weight to the hearsay evidence.

Changes are made also to the privilege against self-incrimination. Currently if a witness demonstrates that answering a question would place that witness at risk of self-incrimination then the court cannot require that witness to give that evidence. This means that the court process is frustrated because evidence that might be crucial to shining the light on the truth may not be available. I am pleased that a common-sense compromise has been found. The bill provides that a witness can be required to give evidence if they obtain a certificate from a court preventing the use of that evidence against them in subsequent proceedings. This means that the court can receive the evidence and the witness is protected from the adverse consequences of giving that self-incriminating evidence.

The bill also abolishes the original document rule, which again is an archaic rule requiring that the contents of documents be proved by the production of the original document. This has placed an unnecessary record-keeping burden on businesses, government departments and agencies and, critically, not-for-profit organisations which, under this rule, have to keep their original records for years in case they are required to be provided in litigation. The bill provides that the parties can instead use copies, transcripts, computer printouts, business extracts and so on. Safeguards are in place to test the authenticity of the documents and the means by which the documents are kept. This reform brings the evidence laws into line with modern record keeping and current technology, and it will cut business red tape. It has been suggested that the savings from this initiative alone will be about $10 million per year.

I support the bill. It imposes order on the miscellaneous collection of rules that have been developed by the courts on a case-by-case basis, it increases the efficiency of our legal system and brings it into this century, and it goes a long way to ensuring that the accused gets a fair trial.

Motion agreed to.

Read second time.

Third reading

Hon. T. C. THEOPHANOUS (Minister for Industry and Trade) — By leave, I move:

That the bill be now read a third time.

In so doing, I thank honourable members for their contribution to the debate.

Motion agreed to.

Read third time.

HERITAGE AMENDMENT BILL

Second reading

Debate resumed from 31 July; motion of Hon. J. M. MADDEN (Minister for Planning).

Mr D. DAVIS (Southern Metropolitan) — I am pleased to make a contribution to the Heritage Amendment Bill. In doing so I indicate that the opposition will not oppose this bill. It is a confused bill: it seeks to do some positive things, but there are some serious concerns. The bill creates new offences relating to the failure to comply with the conditions of a heritage permit. It seeks to clarify and expand the powers of the executive director of the Heritage Council in relation to the enforcement of adherence to heritage permits, and there needs to be some

improvement in complying with heritage permits because they are flagrantly disregarded in some cases. It seeks to streamline and speed up the processes in relation to heritage approvals, and that streamlining is a valuable step. Again, this is one of those bills where there are some useful contributions but also some concerning matters. It also seeks to abolish the Historic Shipwrecks Advisory Committee and replace it with a new maritime heritage committee. The new maritime heritage committee will deal with the work that the shipwrecks committee previously dealt with. The reason for this replacement is to broaden the scope of the council simply from one aspect of maritime heritage to all of them. That is also a valuable step.

The shipwrecks committee has done great work over the years by recognising, husbanding and putting appropriate recognition on the shipwrecks around our coast. Mr Koch, I know, has an electorate which is replete with shipwrecks that are both of maritime and national significance and also of tourist significance. Protections of heritage are valuable into the future, and we should not think of heritage protection in today's age as some dry act unaccompanied by significance because people are concerned about their heritage. They are concerned to understand their backgrounds and roots; they are also concerned to be able to follow parts of the history of their community. You only need to look at, for example, the enormous movement in terms of people tracing their ancestry and visiting graveyards to follow ancestral history. I am certainly aware, individually, of people who have sought to see shipwrecks where family members and people with whom they have some connection have been involved in a century or more ago. I commend the work of the shipwrecks committee, and I look forward to the maritime heritage committee undertaking the broader work of maritime heritage. There is a big task to undertake there.

As I said, the opposition is prepared to say that there are some positives in this bill. The speeding up processes in relation to heritage approvals is potentially a valuable step. The process has been cumbersome and it is not always clear why it has been so cumbersome. But if this bill takes some useful step toward improving or streamlining those processes, you could only welcome that.

The additional powers given to the executive director of the Heritage Council are of interest to the opposition. I make the point that the powers that are provided under this bill can be used for good or for evil; they can be used for useful purposes or can be misused. The executive director will be in a powerful position after this bill is passed, because he will be able to, for example, demand sureties from developers in an uncapped or unchecked away. The concern always with arbitrary power is that it will be misused.

Equally, I want to place on record the opposition's concerns about the current framework and functioning of Heritage Victoria. In my view it has not been strong enough in protecting heritage; it has not been prepared to stand up on key occasions against government policy and government ministerial decision making; and it has not been prepared to do that in a way that is in the community interest.

The Minister for Planning has entered the chamber. I know that he is regularly on the phone to Heritage Victoria to have his way with the people there in terms of pushing through development proposals which on some occasions override heritage. While the minister is in the chamber, I will raise the issue of one high-profile example that many members are currently concerned about; it regards the Kew Residential Services site. Both of the ministers, Mr Theophanous and Mr Madden, who have had some involvement with that site are in the chamber. Mr Madden of course has responsibility for heritage but has not faced up to that responsibility in respect of heritage trees on that site. He has now left the chamber. He has not faced public hearings with adequate explanations about why he has allowed the developer, Walker Corporation, to ride roughshod over the heritage protections that are required for those trees, and has not explained why he has not been prepared to publicly castigate it for its misdeeds on that site.

It is true that court action has been taken and that court action has resulted in a fine and a reprimand for Walker Corporation in the case of the heritage trees on the Kew Residential Services site. Some losses of these trees occurred due to mistakes, as I will call them, or a lack of care by the developer, and the fine as I understand it was of the order of $50 000. That may be a significant fine in some cases, but in other cases where the land is very valuable and heritage assets may impede a developer's maximisation of profit on a site there may be an incentive for a developer to step forward in a way that does not fully take account of their responsibilities under some of the heritage protections. I have to say that the Kew Residential Services site is such a case. There is little confidence among those in the Boroondara and wider community that the protections that have been put in place there are sufficient. In this sort of case the government has an incentive — because it is also a beneficiary of profits from the site — to scrimp on heritage protections and the enforcement of heritage arrangements.

To the extent that the executive director has some greater powers, these can be used for a positive outcome. There is always concern about arbitrary powers that come with a bureaucrat being in this position. This is not a judicial position; it is in effect a bureaucratic position. I think many would have something significant to say about that. I am sure Mr Barber, for example, will have something to say about that in due course.

The bill talks about agreements between the Heritage Council and people selling properties by auction in relation to heritage listing. There appears to be no mention of or dealing in the bill with the issue of properties being offered for private sale. I can think of some examples that have occurred in recent times of private buildings of some heritage significance that have been sold, perhaps not through auction, and where the protections have either been inadequate or have had to be imposed at the last minute because the processes have not been sufficient from the start. I remember speaking in this chamber about the Boyd house. That would be just one example of where the system has not worked in the community's favour.

I do not want to say a lot more about this bill. I want to reiterate that the opposition will not oppose the bill, but we do have some serious concerns about it. I note that amendments may be moved to this bill — perhaps a reasoned amendment — and we will examine the arguments for those as the debate progresses.

Mr BARBER (Northern Metropolitan) — I would like to move an amendment to the second reading motion. I move:

> That all the words after 'That' be omitted with the view of inserting in their place 'this bill be withdrawn and redrafted to incorporate stronger provisions for access to information about and community participation in the process for listing of heritage properties and for the issuing of permits for works on these properties.'.

In the reasoned amendment I used the term 'heritage properties'. The act does not talk about heritage properties. It talks about heritage objects, and it talks about heritage places. One good example of a heritage place that is protected under the principal act is the building we are sitting in right now. There is a reason why we try to protect these heritage properties. It is not merely that a lot of them are beautiful old buildings — in fact a really ugly building could easily be a heritage place. It is not simply individual taste or individual sentimental attraction. We protect heritage properties because they are incredibly important in telling us a story. Heritage is something that tells a story; it is the story of us. It is the story of how and why we came to be here, and hopefully that story helps us to obtain the wisdom to go forward.

An example of a heritage object is the petition supporting women's suffrage in Victoria. It is not a building, it is a document. It has been on display in the Parliament, and many people were interested in seeing it. It tells us an incredibly important story about how women came to get the vote. But from where we stand right here we are surrounded by these heritage properties. St Patrick's Cathedral is over the back, and there is the Hotel Windsor behind me as I stand here. As I said earlier, they are not there because they are necessarily objects of beauty or have obtained old age — they are specially selected for the story they tell us.

Let us go through the provisions of the Heritage Act. A person or body may nominate a place or object for inclusion on the heritage register. That is great. As a citizen I have access to the nomination process. There are requirements for what a nomination must include: it must specify the reasons why the place or object warrants inclusion on the heritage register, and those reasons must be based on the assessment criteria published by the Heritage Council. Nominations that have been preceded by a previous nomination in the last 12 months are not to be accepted. Either the Heritage Council or the minister has the opportunity to refuse to register the object in that situation. Notice must be given to the owner of the property, but when we are talking about the sorts of properties that I have just been describing they do not really have owners. They may have a legal owner, but they are not owned by that person to the extent that that person can do with them as they will. It is much clearer to say that that person is the custodian of the place or object — whatever the legal situation may be.

Purchasers have to be informed of nominations. The executive director has the opportunity to make a decision to recommend to the Heritage Council that the object should or should not be included. The executive director can also make recommendations in relation to works and activities. A statement on the recommendation is to be given to the owner, the nominator and the municipal council.

Given that we are talking about properties of such value, it is interesting that this process, as described in the Heritage Act, which is only about 13 years old, seems to be quite light on. In many ways it is less transparent than the process in the Planning and Environment Act. The Heritage Act seems to have fewer opportunities for appeal and fewer automatic

rights to notification and objection, and even to information, than the Planning and Environment Act.

While the Planning and Environment Act does not necessarily reflect the reality of how it is administered, I certainly have concerns about how that analogous act is being administered. As we now know, the government is foreshadowing amendments to the Planning and Environment Act that would take away some of those basic rights, or what we think of as rights. When a proposal to amend this act was brought forward, the first question I asked myself was, 'Why are these amendments being proposed so limited? Why are we receiving such minor tinkering with the processes to allow for the protection of properties that are so important?'. On the last sitting Wednesday I introduced in this place a private members bill that was rejected by the government on the basis that it was piecemeal and that the government was taking a more holistic approach to that particular act. I think the government meant comprehensive, to use a New-Age word.

There was nothing piecemeal about my particular bill. It went straight to the heart of the matter that ensures good governance. Without revisiting that debate, it dealt with conflicts of interest that local councillors may experience if they form relationships with various people. There was nothing piecemeal about it; it was a short bill that went to straight to the heart of the matter.

Going straight to the heart of the matter and saying where the government really stands on things is not the hallmark of this government at this time. The government produces a lot of documents full of words but rarely does it say to people the sorts of things you need to say when you are standing on their doorstep and asking for their vote — that is, where you stand on a particular issue and where you stand on giving people rights to object or even to receive information about decisions that are being made about heritage places.

What the government has done is introduce piecemeal proposals and ask us to vote for them. That is in the context of a great deal of community concern now about the protection of heritage places. There is a feeling that those protections are being eroded and that when the government has a stake on more than one side of the question, it is not sticking to the most rigorous processes. I cannot anticipate debate on a report that is to be tabled by one of our select committees, but members will certainly have a chance to read that and hear those community concerns, if they have not already been paying attention through that select committee's processes.

Concern has been raised about section 41(2) of the act, undefined in the bill, which provides that:

> The Heritage Council must conduct a hearing into a recommendation if the Trust or a person with a real and substantial interest in the place or object requests a hearing …

The only way you can get a hearing under this legislation is if you are a person with a real and substantial interest, which is undefined in the act.

Who has a real and substantial interest in place or object under this act? Everybody in Victoria, obviously, because this is about listing properties that are on the Victorian Heritage register, not merely about a terrace house included in our local heritage overlay that, along with hundreds of other houses, form part of the value of the precinct. We are talking about individual places that stand up by themselves as heritage for all Victorians, so there should not be any doubt when the act says 'real and substantial interest'. We are talking about everybody, but when you go through the provisions of nomination you do not see that everybody gets a guernsey.

The Scrutiny of Acts and Regulations Committee (SARC) report on the bill states that there are minimal human rights implications in it. It talks about section 20 of the human rights charter, which provides that a person must not be deprived of his or her property other than in accordance with the law, and the fact that this bill changes some of the procedures in relation to the entry of places and provides that a single hearing must take place. The SARC report notes that the legislation imposes no new requirements on owners — and it is pretty much knocked off in one page.

When you turn to the human rights charter — and we are thinking now in terms of the context of heritage and what its value is to us, — you find other human rights that I would have thought were quite relevant. There are cultural rights, rights to freedom of expression and rights to taking part in public life.

Section 18 of the Charter of Human Rights and Responsibilities Act, headed 'Taking part in public life', states:

> (1) Every person in Victoria has the right, and is to have the opportunity, without discrimination, to participate in the conduct of public affairs, directly or through freely chosen representatives.
>
> (2) Every eligible person has the right, and is to have the opportunity, without discrimination —
>
> (a) to vote … and

(b) to have access, on general terms of equality, to the Victorian public service and public office.

There are even rights in the human rights charter that apply to access to information. Under section 15 of the charter every person has the right to freedom of expression, which includes the right to seek, receive and impart information and ideas. Yet this bill, apart from the general provisions of the Freedom of Information Act, which we have all had plenty to say about in this chamber, does not necessarily embed the right of people to receive information about heritage properties. There are limited requirements. The whole thing is based on the goodwill of the administrators of the act.

When it comes to information and when it comes to property development, we know there is in fact not a lot of goodwill and that members of the community are increasingly finding it difficult to access even the basic information they need. When it comes to both registration of properties for the purposes of this state and also for permanent approvals, the rights to community access, participation and a strong say are not strong enough, and they are not being improved to any significant extent by this legislation.

The government is making a very clear statement by not making a statement. It is setting a particular benchmark for itself — that is, that the rights afforded to citizens in relation to the sorts of issues covered by the bill are as good as you are going to get, and it does not actually see any problem with the current situation. The community, which does value heritage places, sees it very differently at the moment. It is for that reason that my approach to this bill is to ask the government basically to resubmit its homework. That is the purpose of the second-reading amendment. On this most important of issues at this particular time it is not good enough for me as an elected representative to wave this through and just say, 'Yeah, it doesn't do anything that is too good, but it doesn't do anything that is too bad either, so I will just wave it through'. I do not think that is what my community expects of me.

There are some pretty fast and cold political winds blowing through the Australian polity at the moment. Therefore, the Greens, with this amendment, are trying to set a clear benchmark on what our expectation is from this government. We believe that we have the support of the community in doing that, and I hope I have the support of members in this place.

Ms MIKAKOS (Northern Metropolitan) — It is with great pleasure that I rise to speak in support of the Heritage Amendment Bill and express the importance with which the Brumby Labor government views our very important, rich and diverse heritage in Victoria.

During the short time that I have been Parliamentary Secretary for Planning I have had the enormous privilege and pleasure to visit many places of heritage significance in our state. That has been one of the most enjoyable aspects of my role. I am pleased that we are here this evening to debate a piece of legislation that seeks to strengthen and clarify the existing legislation and seeks to protect our important heritage in this state.

The Minister for Planning, the Honourable Justin Madden, has on a number of occasions spoken in this house about a range of support that the government has offered our important heritage sites across the state — for example, most recently, I think it may have been in the last sitting week, he spoke about a $2.5 million heritage grant for Newman College, a particularly significant building founded by the Roman Catholic Church as a residential college for tertiary students. Opened in 1918 Newman College is included on the Victorian Heritage Register and the National Heritage List. As I understand it, in 2002 it became one of five Australian buildings on the International Union of Architects' first World Register of Significant Twentieth Century Architecture.

The significance of Newman College relates to it being designed by our very famous architect, Walter Burley Griffin. The Newman College building is regarded as one of our most significant 20th-century buildings. It is important that the government has recognised the important heritage and significance of that particular building through the financial assistance it will be providing for that building's conservation work and repairs and restoration.

The government has also provided support for other iconic heritage places such as the Old Castlemaine Gaol. We have many buildings relating to the gold rush period in Castlemaine and Ballarat and other parts of Victoria that have been supported through the heritage grants programs in the past. Apart from the Old Castlemaine Gaol, in this year's budget we have had Melbourne's Trades Hall, which is another very important building in Melbourne, and the former Kew courthouse, which was referred to by the Leader of the Opposition in his contribution. Of course these are very important buildings, but as is recognised by the chair of the Heritage Council, Chris Gallagher, in her message at the start of the 2006–07 annual report of Heritage Council of Victoria, its efforts are directed at:

… increasing the understanding and protection of heritage beyond 'beautiful old buildings'.

It is on that note that I want to refer to a visit I made to Bendigo on 28 August to assist in launching a booklet relating to the history of White Hills Botanic Gardens which recently celebrated 150 years as a botanic garden. The booklet was produced through some financial assistance under the interpretation category of the heritage grants. It is not just beautiful old buildings which are being promoted and protected by Heritage Victoria but also cultural landscapes, objects, collections and shipwrecks. Modern architecture is in fact recognised and protected by the legislation and the financial support provided by the government.

Listening to Mr Barber's contribution one would have thought the bill was seeking to rewrite the Heritage Act in Victoria, but far from it. The bill contains 17 clauses. Flicking through the act earlier I noted that the Heritage Act contains more than 200 sections. This bill is not a rewrite of the current act; it is in fact a finessing of the current act. There are many provisions in the act and in the bill — and I will come to those shortly — which relate to opportunities given to members of the community and local councils to make objections through the various processes available, to seek permission and to give their views about heritage issues. I categorically reject the assertions made by Mr Barber that the bill seeks to take away from the community its say in relation to heritage issues.

The government will be opposing Mr Barber's reasoned amendment. It is a very silly amendment. I do not think a great deal of thought has been given to the amendment which has been moved by the Greens, because it seeks to throw away legislation that seeks to provide opportunities for the community to have a say and seeks to protect our important heritage in this state. The Leader of the Opposition made a number of points in relation to the Liberal Party's concerns about this bill, and I also want to address those issues.

The bill seeks to do a number of things, but the largest number of clauses relate to amendments to the Heritage Council's heritage registration procedures and processes to ensure that only a single hearing is required prior to determining whether a place should or should not be included on the heritage register. Despite Mr Barber's claim in relation to clause 7 that only a person with a real and substantial interest in a place or object would be able to request a hearing by the Heritage Council, I point out that the way the legislation operates is that any person in our state will be able to lodge an objection and that objection is required to be considered by the Heritage Council. Clause 7 provides that the Heritage Council may conduct a hearing into whether or not a place or object should be included on the heritage register. It may decide not to conduct a hearing, but it is required to consider all objections. The clause provides a greater level of protection for those people who have a real and substantial interest in the place or object, and provides that the Heritage Council must conduct such a hearing. Far from the situation Mr Barber was suggesting that in some way the legislation takes away the ability of people to have a say about these matters, clause 7 in fact provides a great deal of opportunity for members of the community to lodge an objection and to have their views considered by the Heritage Council.

The bill also provides for changes in relation to historic shipwrecks. In this respect I note that the shipwrecks dotted around the Victorian coast are of great significance to Victorians. As I understand it, there are now 611 protected historic shipwrecks off the coast of Victoria, and of course a lot of them relate to a period when early settlement was occurring in this state and conditions relating to the very hazardous nature of our coast were not well known. When presenting some historic shipwrecks awards last year I was surprised to learn that many Victorians either dive around these historic shipwrecks or take a great deal of interest in the shipwrecks that are out there.

The current work undertaken by the Historic Shipwrecks Advisory Committee will be undertaken by a replacement committee appointed by the Heritage Council with the role of advising it on all maritime heritage matters. This committee will be appointed in such a way as to ensure a seamless transition. I want to assure those members of the community who take an interest in these issues that there will be a continuation of this work and that we remain very committed to ensuring that our historic shipwrecks are protected into the future.

In relation to other provisions, the bill creates a new offence of failure to comply with any condition on a heritage permit. This will be a prescribed offence for the purpose of serving a penalty infringement notice. There are new references to the world heritage environs areas in heritage certificates.

One other aspect of the bill that I want to touch upon relates to the executive director's ability to seek that a financial surety be provided under the conditions of a heritage permit, which would be able to be used to ensure that the conditions of that permit were in fact complied with. I noted that in his contribution the Leader of the Opposition raised some concerns about this particular provision in the bill and sought to suggest that the surety that could be requested would be unlimited in nature. I want to clarify that new section 74(4A) specifically requires that the amount of surety

must relate to the nature of the condition to be complied with, and in practice the amount is normally mutually agreed and based on a quantity surveyor's estimate for the works.

Mr David Davis also raised an issue relating to the case of an auction, where the owner of the land or object must inform the purchaser of the land if a recommendation by the executive director on a nomination in relation to that place being put up for sale has been deferred by the Heritage Council.

The provisions relating to private sales and auctions are of course very different. In relation to a private sale the practice is that the section 32 statement prepared for the sale of a property would include a search under the provisions of the Heritage Act, which would reveal the existence of the executive director's recommendation and its current status. Given the very quick way that auctions are undertaken, there are not the same opportunities for a potential purchaser to make these types of inquiries. For that reason the bill provides that in the case of an auction there would be an ability for a deferral of the consideration by the Heritage Council.

I have sought to put on the record some clarification of the issues that have been raised by Mr Davis. I certainly hope that the opposition parties do not support the reasoned amendment moved by the Greens, seeking to have this bill withdrawn at this point. It is ill considered. The bill is a good piece of legislation that seeks to make improvements to and finesse our heritage protection legislation that has been in place for a number of years, rather than being, as Mr Barber has implied, in some way a major rewrite of it. I urge members to support the bill before the house and to oppose Mr Barber's amendment.

Mrs COOTE (Southern Metropolitan) — I rise to speak on the Heritage Amendment Bill. The purpose of this bill is to create new offences relating to a failure to comply with the conditions of a heritage permit, to clarify and expand the powers of the Heritage Council's executive director in relation to the enforcement of adherence to heritage permits, to streamline and speed up the processes in relation to heritage approvals and to abolish the Historic Shipwrecks Advisory Committee and replace it with a new maritime heritage council.

Before I go on to address some areas of concern I have, I would like to refute something the previous speaker, Ms Mikakos, said. She said that this is a very good piece of legislation. Although I do not support Mr Barber's amendment, I suggest that Mr Barber's contribution actually had quite a lot of valid points in it. This is another piece of legislation put up by this government that is sloppy and ad hoc. I disagree vehemently with what Ms Mikakos has said. Having said that, the Liberal Party is not opposing this bill.

I refer to the areas of concern with this bill. It talks about agreements between the Heritage Council and people selling by auction properties with a heritage listing. There is no mention of properties being offered by private sale. In the current economic climate a number of properties are being sold by private sale, so this is an omission that should not have been overlooked.

Another concern is that the executive director of the council is given further powers to seek sureties from developers of heritage sites. There are no legislated standards or minimums that he can seek, and it is theoretically possible for the council to seek a $10 million surety to scuttle a development. That is a major concern.

Another concern is that throughout the bill there is reference to anyone with a 'real or substantial' interest in a place or object that is the subject of a heritage listing. As Mr Barber said, there is no definition of 'real or substantial', and again it is a subjective definition. As I said, I have some major concerns with this bill.

There are some elements of the heritage legislation that I would like to touch upon. I will not deal with the shipwrecks advisory committee, as other speakers have dealt with that part of the bill. I want to talk about issues of local concern and about some heritage issues in Victoria.

It is vitally important that we recognise our heritage. To realise that, we only have to look at St Kilda Road and see what has happened there with the huge developments that have taken over what was an exclusive boulevard. It is a great pity that that happened. As I have said before in this chamber, I have to give my praise to the unions who actually stopped more damage being done to the heritage buildings in Collins Street. We have to look at some of the setbacks in Collins Street to see a result of their action, Acting President. Having said that, I also have to say that there are some major concerns about heritage and heritage overlays, on private property in particular.

First I want to talk about the Burra Charter, which should be used as a benchmark for what we do with heritage in this state. I remind the chamber that the Burra Charter is an international treaty which provides what can and cannot be done with heritage buildings. A very good example of the charter's application is what happened with the Werribee Mansion. The Werribee

Mansion was initially built by the Chirnsides and then was bought by the Catholic Church, which built on some consequential buildings. This property is managed by Parks Victoria. When it wanted to make a change and put a private hotel on the grounds, it had to decide what it could do with the property — whether it should take it right back to its original and have just the Chirnside house or recognise that the developments the Catholic Church had added were also an important part of the heritage of that site.

The Burra Charter gives some clarity to these types of situations. It provided Parks Victoria with three options. Firstly, it could have built a copy, in the same style as the original house, so it could have built a neo-Victorian building. It could have built something sympathetic to the Werribee Mansion. Alternatively, it could have done something like what was done at the Louvre in Paris, where the I. M. Pei triangles are located outside the main buildings. That development is totally different from the original buildings. It is very modernistic and reflects the old heritage buildings of the Louvre.

What happened with the development of the Werribee Mansion was that the first lot of plans were for a neo-Victorian building and were in fact quite extreme. What ended up being settled on was something that was both sensitive to the mansion itself and recognised the Catholic extension. Those who have been to that area will understand how important and sympathetic that architecture is. The Burra Charter is a very good standard for us to be looking at when considering the development of heritage buildings in this state.

The website on Victoria's heritage strategy, which is very interesting to read, says:

> The strategy is built around six key directions:
>
> … Recognising a rich and diverse heritage;
>
> … Using our heritage for a sustainable future;
>
> … Managing for growth;
>
> … Telling Victoria's story;
>
> … Building strong and inclusive networks and partnerships;
>
> … Resourcing the community.

The strategy is supposed to articulate a broad vision for heritage conservation interpretation in Victoria and to cover a whole range of the state's heritage places, objects and collections. This brings me to the concern in my own electorate. I will look at three elements where there have been concerns: one is a positive, and the other two are indeed quite concerning.

The first is the trees at the Kew Cottages site. The Kew Cottages site has been controversial for this government in any case, and to see that we need look no further than Graham Richardson's involvement with it, which is shady to say the least. However, it is the trees I wish to speak about tonight. When this development was initially mooted in 2005, ironically by the then Minister for Community Services, Sherryl Garbutt, one of the issues she put up as a high priority in a media release was the 'retention of significant vegetation, avenues of trees and memorials'. Here we are, several years on, and what do we find? We learn from *Boroondara Alive — The Voice of Boroondara Residents* that the developer, the Walker Corporation, is trying to sell these same trees.

These heritage trees, which were recognised by the government initially when it was carving up this land — and that it had said were on the heritage register — are now being put up for sale by the developer. I look at the Minister for Planning, who is in the chamber and who may like to follow this through. I saw the quizzical look on his face. He may be interested to follow that up. It would be quite a scandal, and I believe it is something that should be looked into further. There are over 100 of these heritage trees, including river red gums by the Yarra, and we already know the sensitive nature of the river red gums. It is important to keep as many of these stands of trees as we possibly can. This is an area which I think the heritage bill should be looking at a little closer.

Another area of concern is an example of the heritage register being out of control, and this is to do with a public housing estate in Hampton. Under government guidelines the Bayside City Council wanted to put some 1940s and 1950s housing commission blocks of flats on the heritage register. The local people were incensed with this and put out a press release which enunciated how absolutely furious they were. The *Bayside Leader* of 14 January reported:

> Royal Australian Institute of Architects spokesman Robert Caulfield said 'very few commission buildings would warrant wholesale heritage protection'.

However, this did not stop the Bayside City Council, under the government's guidelines, from considering putting these housing commission flats on the heritage register, which, as I said, is an example of the heritage register being out of control. This bill was an opportunity to fix these anomalies, look at these issues and make quite certain that we did not have these types of very bad mistakes happening on a regular basis.

Within my electorate I have some major concerns about heritage overlays affecting people who have private residences. It is my experience that constituents do not want heritage overlays on their properties. They believe it diminishes their property values, they feel disempowered and they feel they cannot alter their properties. They find it is a complete drawback. The Bayside City Council was forced to back down on its plans to register 400 properties on its heritage register in June this year when 200 angry residents pleaded with the council not to register their homes. The residents won, and it was a pleasing result to see that the Bayside City Council took note of its local residents, listened to what they had to say and made certain that these overlays did not transpire.

It is not all bad. An entire small street in another part of my electorate, Cambridge Street in Armadale, which on both sides has small Victorian weatherboard cottages, has been given a heritage overlay, and the people who live on that street are very proud and pleased to have a heritage register.

This brings me to why I am so concerned about this bill. I have given some examples of how emotive heritage issues can be for property owners, and I have also outlined how public pressure on local government can ensure that the views of the local people can make a difference to where they reside. My major concern with this bill, however, is that extending the planning powers of the Heritage Council's executive director in relation to heritage sites will reduce the impact and involvement of local councils. We have seen the minister acknowledge that Melbourne 2030 has not worked — that it is an absolute debacle. He is playing patch up and has brought in new residential zones, which are another disaster. He has also brought in the planning assessment committees and the development assessment committees, which are in fact more attempts to make certain that planning can catch up with what is an out-of-control situation, given risen population.

The government is trying to take planning controls out of the hands of local councils. This is something against which there is going to be a huge backlash. The public does not want to see that. Members of the public want input into what is going to happen to them locally. They do not want to lose control of what happens in their own electorates and on their own properties.

This, therefore, is my major concern — that the Heritage Council's executive director is going to have more say which will take away from the people's input. I would like the government to have a closer look at this and give a guarantee to the people of Victoria, and particularly the people within my electorate, that their voices will continue to be heard. Having said that, I do not oppose the bill.

Mr SCHEFFER (Eastern Victoria) — I speak in support of the Heritage Amendment Bill. In listening to previous speakers, I have been struck by their eloquence in describing the quality and strength of the heritage buildings and places that exist in Victoria. Both Ms Mikakos and Mr Barber drew attention to the fine buildings and places that exist in Victoria.

I was reflecting as they were speaking about the heritage buildings in Gippsland. Travelling through what is a very large part of the state, I have come across huge numbers of houses, cottages and slab huts, hotels and guesthouses, schools, hospitals, post offices, churches, town halls, community halls, factories, even farm equipment, railway stations, jetties and piers, and public and private gardens, furniture and interiors. I have seen a vast range of examples of quality Victorian heritage in my travels across the Gippsland region. Legislation that protects this heritage or this story as Mr Barber described it — the story of our history — is precious, and it is important that we have legislation in place that protects the resources and facilities we have in Victoria.

The bill amends five areas of the Heritage Act, including: streamlining registration processes; a new offence of failing to comply with conditions on a heritage permit; a possible requirement for a financial security to ensure compliance with conditions placed on a heritage permit; certificate provisions referring to world heritage environs areas; and, as has been mentioned, abolition of the Historic Shipwrecks Advisory Committee.

The second-reading speech describes the procedural steps that follow a decision by the executive director of the Heritage Council on a nomination for a listing. The steps are lengthy. We have been taken through them by other speakers so I will not go through them again, but it is clear to me that the time taken to work through this process seems to be out of proportion to the consultations that I think need to be conducted and to the judgements that need to be made. I think it makes good sense to streamline and shorten that process.

The second-reading speech also gives an example involving an application for the listing of a stand of pine trees at Shoreham along the Mornington Peninsula, where the executive director recommended that this stand of pine trees should not be listed. The second-reading speech indicates that these proceedings ran for about 13 months and that many of those involved in the issue ended up having to pay costs and

suffer delays in the final decision. This is obviously an illustrative example, and there are many more that we could all draw attention to.

Clause 5 inserts a new section 39 into the act setting out the details of the more streamlined and efficient procedure for the council to follow in cases where the executive director and the council agree that no heritage registration should take place and also in cases where the council does not agree with the executive director. The amendments shorten the process by providing for a single hearing of the council's registrations committee so it can make a decision on whether or not it should include the place or the object on the register. Under section 50 of the Heritage Act, the director is permitted to provide a certificate that contains information about the heritage status of the place or the object.

Clause 9 of the bill amends section 50 so as to inform the applicant about whether or not the place is in a world heritage environs area, and clause 10 amends section 64 of the act, which concerns the issuing of permits for works and activities and the terms and conditions that the executive director can place on those permits. Clause 10 introduces a new section that allows the executive director to require a person responsible for the works or activities to put up a financial security to make sure that the works or the activities carried out are in compliance with the terms and the conditions of the permit.

While it is fair enough that most people do comply with the terms and conditions of heritage permits and that the valuable sites they have responsibility for are protected, there is always the risk that a person will breach the permit conditions — that is a real risk — and I believe it would be irresponsible if the law did not act to ensure compliance. Currently it is an offence to carry out unauthorised work in a heritage place, but non-compliance with the conditions of a permit, interestingly, is not an offence — so the amendment to clause 10 will make this an offence, and it will bring the Heritage Act into line with the Planning and Environment Act.

Finally, as has been mentioned before, the bill abolishes the Historic Shipwrecks Advisory Committee. I understand this is because the Heritage Council is involved in a wider process of restructuring its committees, and it has decided to roll the work of the Historic Shipwrecks Advisory Committee into that of a maritime heritage committee. The Historic Shipwrecks Advisory Committee is a statutory body. It was established in 1982, and I understand it has made a very significant contribution to the protection of shipwrecks in Victoria over the 26 years of its existence.

I would like to take this opportunity to extend appreciation to the current and previous members of the committee for the expert work they have done. This is straightforward legislation that I believe will improve Victoria's capacity to protect its heritage places and objects, and I commend the bill to the house.

House divided on amendment.

Ayes, 3

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

Noes, 36

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

Amendment negatived.

Motion agreed to.

Read second time.

Third reading

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

That the bill be now read a third time.

In doing so I wish to thank the respective members of the chamber for their contributions.

Motion agreed to.

Read third time.

NATIONAL PARKS AND CROWN LAND (RESERVES) ACTS AMENDMENT BILL

Second reading

Debate resumed from 31 July; motion of Hon. J. M. MADDEN (Minister for Planning).

Mr D. DAVIS (Southern Metropolitan) — I am pleased to rise and make a contribution to the debate on the National Parks and Crown Land (Reserves) Acts Amendment Bill 2008. The purposes of the bill are to: create new parks — the Cobboboonee National Park and the Cobboboonee Forest Park — and outline their control and management; alter the boundaries of several existing parks; designate two forest parks as restricted Crown land; provide for Melbourne Water's control and management of certain structures in two natural features reserves; and make various amendments to several acts.

The main provisions of the bill amend the National Parks Act to create Cobboboonee National Park, add approximately 300 hectares to existing parks and make various excisions and changes — corrections in fact. The bill amends the Crown Land (Reserves) Act 1978 to create the Cobboboonee Forest Park and alter the boundaries of the Otway Forest Park and the Castlemaine Diggings National Heritage Park. It amends the Crown Land (Reserves) Act 1978 to provide for the control and management by Melbourne Water of Melbourne-related infrastructure in the Devilbend natural features reserve. It also amends the reserves act of 1978 to provide for the control and management by Melbourne Water of the water-related infrastructure in the Frankston natural features reserve. The bill amends the Mineral Resources (Sustainable Development) Act 1990 to specify Otway Forest Park and Cobboboonee Forest Park as restricted Crown land, and it will enact a range of other things.

The opposition will oppose this bill but will make a number of points here. The first of these is that we agree with most of these parks but have some concerns about the Cobboboonee park and the level of general community support for it. We have some particular concerns about the process the government has gone through and its failure to release the almost 1100 submissions that were made by the community. I asked at the briefing whether those submissions would be released to the opposition, but it was indicated that they would not be.

The creation of parks should in general have a process behind it that is open, transparent and accountable. It should have behind it some process that deals with the science and the decision making. In this case the government has not been transparent in the way it should have been, and for that reason parts of the local community have not been brought along with it. That is a concern. I know my colleague the Honourable Denis Napthine in the Assembly has made his point about the proposed Cobboboonee National Park, and I am respectful of his opinions on these matters.

Equally, the opposition strongly supports a number of other serious steps taken in the bill. It supports the steps taken to put Devilbend in a better position. It equally supports the steps being taken at the Frankston Natural Features Reserve and believes that that reserve deserves protections and a good level of community access.

Prior to the 2006 state election the Liberal Party took the lead on ensuring that Devilbend should be preserved in its entirety. It was our view that the chunk of land around the old Devilbend Reservoir — the now decommissioned reservoir — should have seen the 1057-hectare site transferred in full to a reserve that would have become a conservation park on the Mornington Peninsula. The 1057-hectare conservation park that could have been created has been truncated by the government's decision to sell a number of hectares of land. That has been a point of great discussion at hearings before the Parliament's Select Committee on Public Land Development, and the decision of the government to sell off that land for commercial gain has been the subject of some comment and recommendations by the committee. The government claims that some of the money will be returned to the park, but it is unclear whether that is the case and how much will be returned.

Devilbend in particular is important because of its significance as a biodiversity centre on the peninsula. The significance of Devilbend as a conservation park is that it can act as a reservoir in the sense of biodiversity in that it contains some areas of original bush and habitat that remain unique on the peninsula. The creation of corridors in parts of the peninsula is an important step, and I encourage the government to look at how it can achieve that.

I know that the Mornington Peninsula Shire Council has done a lot of work on mapping both public and private land on the peninsula. Devilbend creates a significant keystone in that process and offers the opportunity of suitable corridors. The Liberal Party was disappointed that the Labor Party did not retain it. It is worth reading from the editorial at page 14 of the *Age* of 19 January 2006, which is headed 'Devilbend should be preserved in its entirety'. It states:

> Although not well publicised, the dispute over Devilbend Reservoir epitomises the conduct of politics in Victoria — activists pitted against big business (in this case, Melbourne Water); a fight to save the environment from developers; and offers and counter-offers by opposing political parties seeking electoral credit.
>
> Devilbend has been described as the jewel of the Mornington Peninsula. The site is the last remaining public land in the area and for years has been at the heart of a battle over Melbourne Water's desire to subdivide and sell about 40 per

> cent of the 1057 hectares. … environment minister John Thwaites appeased locals by setting up a working group in 2004 and is expected to announce today that most of the area will be preserved as a conservation park.
>
> This is good news. Devilbend is home to 128 bird species …
>
> But the decision is not entirely satisfactory. The government has indicated that about 40 hectares of the disused reservoir could be sold, generating between $1 million and $2 million to help establish the conservation park. The opposition has rightly criticised this aspect of the plan and called on the government to use part of its $80 million advertising budget for the project. The opposition has a potent political point. It is unacceptable for any government to use public money on advertising for its own short-term political interest when the funds could be put towards worthier causes …

The point is that the government proceeded, and it did so in the face of objections from this chamber's public land committee, and that is a disappointment. I pay tribute in particular to the work of my colleagues on the peninsula in supporting the Devilbend Reservoir. In the Assembly, the member for Hastings, Neale Burgess, has been a fierce advocate for the park from the days prior to his candidacy, and he has garnered a measure of respect and support from local conservation and environment groups; also in the Assembly the member for Mornington, David Morris, and the member for Nepean, Martin Dixon, have been strong supporters of the park.

If you look at the position of the park, you see it is positioned right in the centre of the Mornington Peninsula. The Frankston Natural Features Reserve, which is referred to in this bill, is a reserve of significance to Frankston South. It is also a decommissioned Melbourne Water reservoir, the water being now handled by quite a different mechanism. There is dispute about how that park will be managed, the access to the park and the management over the long term to ensure its protection but also reasonable and safe access for the community. My colleague Mrs Peulich will have much more to say about that.

Mr Finn — As she often does.

Mr D. DAVIS — As she often does. Importantly, there is also the addition of some land to a park in Warrandyte, and that is strongly supported by the opposition. I note that one of my colleagues in the other place, the member for Warrandyte, Ryan Smith, has been very active in his support of that. His support is important, and he is a strong supporter of conservation causes.

Mr Finn — An excellent local member!

Mr D. DAVIS — He is an excellent local member, Mr Finn, but I think it is important to put on record his particular strong support for that park.

It is worth reiterating our concerns with the Cobboboonee. I will come back to say a little bit more about Frankston in a moment. It is worth making it clear that the opposition is concerned about the process that the government has gone through in regard to this issue and the failure of the government to release many of the critical submissions that would have given a strong guide as to what the community believes.

It is also worth putting on record some of the views of certain local communities about the Frankston Reservoir. The Friends of Frankston Reservoir wrote to me on 2 July 2008 and made some points about the Frankston Reservoir. The group said:

> Frankston Reservoir has been a closed catchment reserve and largely insulated from direct human contact for over 80 years. The 98-hectare site and 10-hectare reservoir has provided almost pristine habitats for a wide variety of endangered flora and fauna.

It was, as I have already said, decommissioned by Melbourne Water. Further:

> The state government has commissioned Frankston council to develop a management plan for the future of the reserve. The process and progress of the plan has often been secretive. We seek to ensure that the principles of environmental conservation and protection and promotion of biodiversity are integral to the future of the site.

I want to put on record a little bit of the history, because that site was subject to community debate prior to the last state election. I attended a large meeting at which certain officials from Melbourne Water, Frankston City Council and the Department of Sustainability and Environment were in attendance. It was a well attended meeting; there were hundreds of people there. It was clear the government had been slow in developing a proper plan for that reservoir.

It is also true to say that Rochelle McArthur, our candidate for the lower house electorate of Frankston at the last election, was active during her period as mayor of the Frankston council in advocating for a proper management plan for that reservoir and for the land to be turned over to the community. At earlier points a number of competing proposals were being canvassed by Melbourne Water. There was a fear held by many in the Frankston South area, and more broadly on the peninsula, that this valuable asset would be lost. I pay tribute to Rochelle McArthur's work in advocating on behalf of her community.

I was proud to announce during the state election campaign, shortly after Ted Baillieu, now Leader of the Opposition in the Assembly, became the leader of the Liberal Party, that the party would commit to a conservation park on that important 98-hectare site. There is no doubt that that decision by Ted Baillieu to support a conservation park and to allocate sufficient money to get that process moving would have spurred the government forward significantly on this issue. I believe that did move the government forward, to the extent that the government matched our announcement. I welcome that announcement by the government and I welcome the process that has gone forward.

I return to the letter from the Friends of Frankston Reservoir. It says:

> Currently Frankston Reservoir is designated as a natural features reserve. Such a designation allows for 'controlled low-intensity exploitation of natural resources'. This means that environmentally sensitive areas are susceptible to destruction, direct destruction by park planners and indirect destruction through park planning which enables park users to encroach upon environmentally sensitive areas. The site could be open to unregulated recreational and sporting activities which could lead to the devastation of fragile habitats.
>
> Frankston Reservoir has six ecological vegetation classes and a biosite of high regional significance. The damp heathland is rare in the Gippsland plains bioregion and has state significance. The grassy woodland and gully woodland are endangered in the bioregion. The aquatic sedge land is vulnerable in the bioregion and the status of the damp heathy woodland and submerged aquatic herb land is unclear.

There are:

> … 208 recorded indigenous plant species of which 57 have regional significance. The most significant indigenous plant is the state significant little sword sedge. It is likely that the nationally threatened growling grass frog occurs at the Frankston Reservoir.

I could go on, but I make the point that this area has biodiversity significance.

Not so long ago I attended another function in Frankston which was run by the Victoria Naturally Alliance and which sought to deal with the state government's and Gavin Jennings' biodiversity green paper. There were a series of discussions about issues on the peninsula and more broadly in the state about biodiversity. Of course there is a challenge in Victoria as climate change seems to be accelerating, and there is a risk that lesser rainfalls at higher temperatures will expose plant and animal species to the greater challenges which will likely result in various extinctions. There is a need for a thoughtful response by the Victorian community. I welcome the biodiversity green paper process which at least involves community discussion, although I have to say that the challenges faced by the Victorian government through its catchment management authorities have become more difficult as time and these challenges have advanced.

It is important that there is a proper response, but the federal government has been most unhelpful with its decision, which was made through Peter Garrett, federal Minister for the Environment, Heritage and the Arts, to slice into funding for Victorian catchment management authorities. His decision to snap 40 per cent out of the funding this financial year was an undiscussed, undebated and unaccepted reduction by 40 per cent of funding for this year, with that funding becoming contestable nationally against criteria that is disadvantageous to Victoria.

Next financial year there will be a cut of 100 per cent from the original funding and Victorian catchment management authorities will have to compete in a pool with unfavourable national priorities. These priorities emphasise the Great Barrier Reef and, unfortunately for Victoria, the criteria have a northern Australia focus. Victoria has a very strong catchment management authority history. The focus of our catchment management authorities has been on an arrangement that leads to a scientific approach to catchment management. This scientific approach will generally return much better requirements.

I now want to move a reasoned amendment:

> That all the words after 'That' be omitted with the view of inserting in their place 'this bill be withdrawn and redrafted to take into account —
>
> (1) the outcome of further consultation with the wider community about —
>
> (a) the negative effects of the proposed amendments relating to the Cobboboonee National Park and the Cobboboonee Forest Park;
>
> (b) the proposed amendments relating to Devilbend and the need to ensure the proper protection of this vital natural asset; and
>
> (c) appropriate management and development of the Frankston Natural Features Reserve; and
>
> (2) the wide community support for the expansion of Warrandyte State Park.'.

I hope the government accepts this reasoned amendment. If it does, we will certainly support the bill; if it does not, we will not. The issue for the opposition is the cobbling together of a number of proposals, some more contentious than others, which are broadly supported.

The PRESIDENT — Order! In accordance with standing orders I will now interrupt business.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The PRESIDENT — Order! The question is:

That the house do now adjourn.

Police: Bendigo

Ms LOVELL (Northern Victoria) — The matter I wish to raise is for the attention of the Minister for Police and Emergency Services. It concerns Bendigo's police and the police communications department, D24. My request of the minister is for him to work with the Chief Commissioner of Police to ensure Bendigo police, including D24, are provided with enough resources to ensure the Bendigo police station and D24 office are appropriately staffed and can remain operational. The Bendigo community has long been calling for more police to combat crime and antisocial behaviour. Recent reports indicate that the Bendigo D24 office is underresourced and suffering from a chronic staff shortage that could force it to shut down. According to media reports, three staff members left the facility recently and their positions are not expected to be filled until the end of October.

The situation in Bendigo is so bad that there are just not enough resources to staff the D24 office, and this is impacting on the region's police officers. Part of D24's responsibility is ensuring police officers in the field return to their cars once a check of a vehicle or house has been completed. If this office is left underresourced, the health and safety of Bendigo's police officers could be compromised. The Minister for Police and Emergency Services, Bob Cameron, who happens to be the member for Bendigo West in the Assembly, remains silent on this issue — an approach he takes to many issues concerning the Bendigo community.

On 21 August this year the shadow Minister for Police and Emergency Services and member for Kew, Andrew McIntosh, reported in the Assembly that the government had provided an additional $300 000 to Werribee police to be spent on overtime to enable an additional four divisional vans to be on the road on Friday and Saturday nights. While it seems to be okay with providing additional resources to boost police in metropolitan regions, the Brumby government appears to have an aversion to directing additional resources to police in regional cities and communities.

Bendigo has been given a police station that is too small and does not have enough police officers to adequately service the entire city — a city that recently reached a population of 100 000. The latest crime statistics for Bendigo reveal the extent of the Labor government's underresourcing, with a staggering 11.5 per cent increase in crime in the greater Bendigo police service area during 2007–08. Bendigo requires a special injection of police resource funding to ensure sufficient police are on duty at peak times from Thursday evening through to Sunday, not only for the central business district but also the other suburbs of Bendigo and the D24 office.

Bendigo is the starving bunny in Bob Cameron's backyard. The minister is creating an unsafe working environment for police working in his electorate. The minister must ensure Bendigo police, including the D24 office, are provided with enough resources to ensure the Bendigo police station and D24 office are appropriately staffed and can remain operational. If this means working with the chief commissioner to ensure this can happen, then that is what he must do. More police means less crime and greater community safety, which is what the people of Bendigo are calling for. The buck stops with the local member, Bob Cameron, as police minister. He should stop making excuses and get on with the job.

Water: Victorian plan

Mr DRUM (Northern Victoria) — My adjournment matter is for the Minister for Water. It concerns the terminology and methodology this government is using in setting in place an agenda for our water resources going forward. When the Minister for Water is talking about Melbourne and Geelong's water future and the potential inflows into the metropolitan catchment he is using a 3-year, or in some cases a 10-year, average — the average of the last 3 or 10 years — and modelling that as the inflows Melbourne will have in the future. Therefore Melbourne is naturally in a crisis. When it comes to the north of the state the minister is using a 115-year average to show how northern Victoria will handle its future water inflows.

The situation the current water minister is painting around the state is twofold. He believes that in the future Melbourne and Geelong will be stuck with this drought and the current inflows and weather patterns will be the norm going forward. Therefore we need extreme water procurement measures such as the north–south pipeline and the desalination plant at Wonthaggi. Yet when the minister is talking about the amount of losses that exist within the Murray–Darling Basin and the northern Victorian irrigation area he says

we will return to 115-year averages and therefore there will be plentiful losses — over 800 000 megalitres of losses each and every year.

We know that if the minister were to be consistent and applied the same methodology to the north of the state as he applies to the south of the state, he would know there will only be in the vicinity of 400 000 megalitres of losses. The minister is saying that in the northern Victorian irrigation area they are going to pick up 400 000 megalitres in savings.

My adjournment matter for the Minister for Water is to ask him if he could produce a model for all of Victoria that is consistent between metropolitan Melbourne and northern Victoria.

Transport: east–west link needs assessment

Ms HARTLAND (Western Metropolitan) — My matter tonight is addressed to the Minister for Roads and Ports, Mr Pallas. Over the past few weeks in this house and in local media I have been called a scaremonger for organising a series of meetings to inform residents about the Eddington report and what it will potentially mean for them. I believe that it is more distressing for people not to know what will happen. Being aware of the various options that Mr Eddington has proposed is clearly not what the government would like for residents of the western suburbs. I invite all those who have branded my meetings as 'disinformation' and 'traumatising disadvantaged residents' to read through the PowerPoint presentation that has been welcomed by those who have attended these meetings. It is available on our website at www.electedgreensvictoria.

Families living in the western suburbs will be detrimentally impacted if any of the Eddington options get the thumbs up. If you lived in a suburb that featured in a report which stated roads were to be widened or built and that this would require the acquisition of an estimated 496 properties, would you be happy to receive no information at all? Would you trust that the government had consulted you and your neighbours if you received nothing in your letterbox and you were not invited to any community meetings?

I find it bizarre that I have been criticised for actually organising community meetings to provide information that is sourced from government reports. I would not have had to call these meetings if the government had conducted open and inclusive community consultations. Recently three local women, Anne, Lucy and Clare, who have no political affiliations, have been quoted in the local media as saying, 'Do they think that because we live in the west we will put up with it and shut up?'. In fact, they organised a meeting last night that I attended, as did Mr Finn and Mr Pakula. I have to say that a number of people were wanting to ask Mr Pakula many questions.

People want to know what is going to happen. If your electorate office has been visited by traumatised residents who live in areas of social disadvantage, which is what I have been told, then I suggest that this is evidence that the government is either failing or refusing to communicate with local people who have genuine concerns.

I call on Minister Pallas to organise open and well-advertised meetings outside standard working hours, either in the evenings or on weekends, to explain to residents the Eddington report.

Aireys Inlet: hall

Ms TIERNEY (Western Victoria) — My adjournment matter is for the Minister for Regional and Rural Development, Jacinta Allan, in the other place and it is with respect to the Aireys Inlet hall. I have received some representations from local community members who want support for an upgrade of the hall. On Thursday I was in the area at a community meeting, so I took the opportunity to take a closer look at what they were talking about. I have become aware also that the Surf Coast Shire Council has made an application for an upgrade to improve the infrastructure and the long-term sustainability of the hall.

This would be done through minor structural, electrical and plumbing works, as well as the provision of a portable stage. It is a well-known fact that the people who live in Aireys Inlet have a very strong sense of community. It is open, energetic and vibrant, and many families have chosen to live in Aireys Inlet for that very reason. A community hall, particularly an upgraded one, for this area will assist in greater social interaction and will provide an appropriate place to gather in emergencies and a great general community meeting place.

It is much needed for the local area as far as community facilities go, because there are so many community activities there that would only be improved by such an upgrade. The provision of a portable stage would also allow for small stage productions, concerts and seminars, which will only enhance the cultural imperatives of the local community. I am seeking the minister's support to give appropriate consideration to the application for funds to improve the facilities of the Aireys Inlet hall.

Stawell Secondary College: facilities

Mr KOCH (Western Victoria) — I wish to raise a matter for the Minister for Education concerning the retention of facilities at Stawell Secondary College. The Department of Education and Early Childhood Development has advised Stawell Secondary College that three of its relocatable buildings, comprising five classrooms, are to be removed from Stawell in December.

The school has been told by the department that the provision of buildings for state schools is based on a facilities schedule, which has identified Stawell as having an overentitlement. As all the classrooms at Stawell are being used as specialist study or general-purpose classrooms, clearly the department's facilities schedule is unreliable or inadequate.

The school's education programs will be significantly curtailed if classrooms are removed. Opportunities for rural students will be further compromised by insufficient or inappropriate facilities. Since the merger of the technical and high schools in the late 80s, and their subsequent consolidation onto the current site, the school council and staff and the community have worked hard to ensure facilities are well maintained. Despite the local commitment to provide for the education of local children, in 2006 two relocatable classrooms were removed by the department due to reduced enrolments and now another five are being targeted. Their removal will reduce the school's capacity to maintain diverse learning opportunities for the region's students.

Stawell Secondary College is required to diversify its delivery of learning experiences to enable multiple pathways to year 12, increase access to VET (vocational education and training) programs, take greater responsibility for students at risk of leaving school early and provide adequate classes of music and languages other than English. To provide as comprehensive a range of learning opportunities as possible and as required by government policy, the school uses every learning space it has available. It also hosts 30 international students who are not included in the school's enrolment count. These students pay $200 a week to attend the school.

The school community is extremely disappointed that the department has identified that so many classrooms will be removed at once. In particular, the removal of home economics and textiles facilities will reduce technology options for girls, and the removal of general-purpose classrooms will force mathematics, English, geography and history to be taught in art rooms and technology workshops, which are not appropriate for the task.

This continual erosion of education facilities is discriminatory against rural students at a time when the Brumby government claims to support rural and regional communities. My request is for the minister to review the department's decision to remove classrooms from Stawell Secondary College in an endeavour to maintain the status quo at this important regional campus.

Planning: Mount Eliza land

Mr O'DONOHUE (Eastern Victoria) — The matter I raise this evening is for the Minister for Planning. I am pleased he is the minister on duty this evening, and I hope he can provide an answer to my matter, which relates to the woodland area of Mount Eliza, a beautiful part of Mount Eliza bounded by Humphries Road, Moorooduc Road and Canadian Bay Road. It relates to approximately 1694 blocks, most of which are approximately two-thirds of an acre, or 2600 square metres. The area was developed approximately 30 to 40 years ago, and the blocks were built to that size for both lifestyle and conservation reasons. It is estimated that if those two-thirds of an acre blocks were cut in half, up to 12 000 trees would be lost in the area.

The woodlands area also helps to create a buffer between Frankston and urban Melbourne, and Mount Eliza and the Mornington Peninsula. Overwhelmingly residents in the woodlands area want the area's character preserved. A survey done in 2005 by the Mount Eliza Residents Association overwhelmingly endorsed current block sizes. However, the area has been the subject of a number of two-lot subdivision applications, which over time threaten the amenity, character and services of the area.

In response the Mornington Peninsula Shire Council, with community backing, proposed an amendment to the council's planning scheme C87. This amendment was endorsed by all Mornington Peninsula Shire councillors on 8 October 2007. It is nearly 12 months since C87 was adopted by the council, and unfortunately precious little has been heard from the Minister for Planning, the minister on duty this evening.

The minister no doubt would be aware that he has received many representations from the council, from constituents and from concerned local residents about this issue. The action I seek therefore from the minister is for him to pick up his pen and sign the Mornington Peninsula Shire Council planning scheme amendment

C87. By doing so he will end the unnecessary uncertainty and delay that his prevarication has created.

Ballarat: councillors

Mr VOGELS (Western Victoria) — I raise an issue for the Minister for Local Government, the Honourable Richard Wynne. It concerns an investigation into Ballarat City Council called for by the former Ballarat City councillor Wayne Rigg. Mr Rigg resigned from the council seeking an investigation into what he saw as issues of governance, processes and transparency.

According to a spokesman for the minister, Dan Ward — and I quote from an article in the *Ballarat Courier* of 21 May 2008:

> We've instructed PricewaterhouseCoopers to undertake an investigation based on the allegations and to consider any other matters that arise.
>
> …
>
> There are very clear and strict guidelines and laws under the Local Government Act that dictate what is expected and what behaviours are acceptable.
>
> There are sanctions in place for breaches of that act.

I have been handed a copy of a letter addressed to the minister with attachments detailing business kilometres claimed by councillors for a specified period of time. When those documents, which are now with the minister, were handed to PricewaterhouseCoopers, the response, I am told, was that the terms of reference were not wide enough to include these council business travel expenses. This contradicts what the minister's spokesperson said when he said, 'any other matters that arise'.

I would like to quote in part from a letter addressed to the minister, which says:

> I refer to the inquiry into Ballarat Council by PricewaterhouseCoopers.
>
> In my formal interview with PricewaterhouseCoopers I felt obliged to raise my concerns regarding the former councillor Wayne Riggs's travel expenses claim and was advised formally to write to you with my concerns and request an inquiry.
>
> …
>
> In writing to you I formally request an inquiry into his claims, either as part of the PricewaterhouseCoopers inquiry or stand alone.

In the period specified, Cr Rigg reclaimed $29 566.18 worth of travel expenses — that is, mileage paid for by the council. The other eight councillors at Ballarat City Council between them claimed $23 903 worth of mileage travel over the same time frame.

The action I seek from the minister is to table into Parliament this week the report undertaken by PricewaterhouseCoopers. If he does not yet have it, I ask him to get it, read it and ensure that all allegations about the behaviour of councillors at Ballarat are investigated equally and fairly.

Clearways: Stonnington

Mrs COOTE (Southern Metropolitan) — My adjournment matter this evening is for the Minister for Roads and Ports, Tim Pallas. The issue is about an audit into the impact of clearways in and around a 10-kilometre radius of central Melbourne and the impact in particular on charities and not-for-profit organisations in Stonnington, which is in my electorate.

I have previously spoken at length in this chamber about the clearways and the unilateral decision that was taken by the Premier to impose clearways on east–west parts of Melbourne, causing great consternation to residents, traders and shopkeepers alike. The costs are enormous and jobs will be lost. This is an indictment on the government. The government does not seem to understand or acknowledge the hardships faced by small businesses.

I have presented a 22 500-signature petition to this Parliament, which just shows the depth of concern among my constituents. Just to remind everyone, what this means is that clearways will be from 3 o'clock in the afternoon until 7 o'clock at night for traffic travelling west to east; going into the city there will be clearways from 6 o'clock in the morning until 10 o'clock in the morning. This is having huge ramifications on the traders and the residents, but it is actually the charities that I have been advised of recently, which have also been overlooked in this issue.

I have found that organisations such as the University of the Third Age in Stonnington have now also being discriminated against in this new clearways proposal. Elderly people will not be able to get into the University of the Third Age because of the clearways situation. They will not be able to park outside. It will mean that at least 70 students of the university, if not more, are going to be discriminated against by not being able to get to this social occasion. There are charities, universities, schools, kindergartens and child welfare centres throughout Stonnington which will suffer.

The government is cutting people off from various social circles and their sole means of education. The government has failed to address Melbourne's congestion problem for the past 10 years and now the

people of Stonnington are paying the price. The action I am seeking is for the minister, as a matter of urgency, to conduct an audit to ascertain how many charities and not-for-profit organisations in Stonnington will be affected by the mandatory increase in clearway times and how much this will cost the organisations in monetary terms.

YOUthinc: alcohol diversion program

Mrs PETROVICH (Northern Victoria) — My adjournment matter is for the Minister for Community Services. Earlier this year I was privileged to join members of the Macedon Ranges Shire Council, Mount Alexander Shire Council, Cobaw community health service, Castlemaine district community health and Victoria Police, as the minister presented us with a national drug and alcohol award in the category of excellence in prevention for the incredibly successful project called YOUthinc. YOUthinc is an under-age alcohol diversion program aimed at young people under 18 years of age who are counselled by police for public misuse of alcohol.

As chair of the Macedon Ranges safety committee I have seen firsthand the benefits of this program. The idea of the program is to provide advice and guidance so that young people can take part in normal social activities such as parties and musical events without the need to binge drink. The program includes forums that teach responsible drinking and encourage dialogue between caring professionals and teenagers. It also involves sessions for parents.

YOUthinc was largely borne out of an equally successful program run by two inspirational police officers in Sunbury, Tristan Westin and Rhonda O'Leary. Their program, known as Your Choice, was a trailblazer in Victoria in terms of police working positively with the community to change the way young people approach alcohol, and yet this seems to have been forgotten. There is no funding for this innovative program, and the police officers responsible for it have received little, if any, recognition. I believe they should both receive a commendation.

Given that Australia loses about $1.2 billion and 7.5 million working days due to the effects of alcohol abuse, this is very important. When you combine this with the emotional cost of drug and alcohol abuse to families, which includes domestic violence, suicide, depression, not to mention the personal health issues, it becomes obvious that we need to do something more in relation to these prevention programs and in particular with our youth.

I ask the minister as a matter of urgency to assist the ongoing work of the Sunbury Your Choice program, to further develop programs of this type throughout Victoria and finally, to give the Your Choice program recognition for the initiative and valuable community service it provides.

Transport: south-east growth corridor

Mrs PEULICH (South Eastern Metropolitan) — I wish to raise a very urgent matter for the attention of the Premier in his role of overseeing the responsibilities of the various ministers in a whole-of-government approach, in particular on the important issue of transport. I was critical of the Rod Eddington report when it was released because it overlooked the huge problems faced by the south-east growth corridor. I thought it was inevitable that the current transport plan would need to be reviewed, and I was not surprised when the Premier called for that through community consultation.

Just this afternoon an outstanding report was released by the Royal Automobile Club of Victoria called *Outer Melbourne Connect* detailing specific road, rail and public transport projects that are required in outer Melbourne. I invite all members to have a look at this fantastic report which outlines a list of projects which have been neglected by this government. I urge the Premier to make sure that the responsible ministers consider the contents of the report as part of the review, and stop dawdling and wasting time.

Some of the matters that have been raised in relation to the south-east include projects such as the Frankston bypass and the Dingley arterial — projects I have mentioned many times in the chamber — to ensure the effective movement of people and goods throughout this important region, and the full construction of the Dingley arterial connecting South Road and the South Gippsland Freeway, incorporating the new Dandenong bypass which is seen as a priority in this region to enable efficient freight movement. Major transport issues occur from the gaps and limitations in the arterial road network. This results in congestion and high levels of rat-running in local streets reducing the safety of the local area.

In Casey bus patronage is growing less rapidly, due in part to indirect services to activity centres and railway stations, poorly located bus stops without access to footpaths and a lack of services to new estates. In Frankston the congestion is expected to get worse in some areas with the completion of EastLink. The Frankston bypass is urgently required; it is not unusual

for people to experience 20 minute delays 5 kilometres away from Cranbourne Road.

Key projects needed for the region include: the Cranbourne East rail line extension and duplication with a new station at Dandenong South; the Caulfield–Dandenong rail triplication with grade separation at level crossings; the Frankston bypass; Lynbrook and Lakeside railway stations; new bus services at Dandenong South — —

Ms Pulford — On a point of order, President, the matter raised is not being directed to a minister with specific responsibility for the area being discussed.

Mrs PEULICH — On the point of order, President, I raised the matter for the attention of the Premier, who has directed a review of all of the transport plans including Rod Eddington's report with a view to deciding where the government moves forward. A number of these matters are divided between the responsibilities of the ministers for roads and ports and public transport as well as other ministers, and therefore it is entirely appropriate that the Premier takes responsibility for the oversight of these matters.

The PRESIDENT — Order! An interesting point of order has been raised. The Premier has taken a very high-profile position on these issues. I am going to err on the side of caution and rule the point of order out of order. Mrs Peulich to continue.

Mrs PEULICH — Thank you, President. In fact I could not think of any other person to direct it to given the nature of the issue.

New bus services are required for Dandenong South, the south-east region, Waterways and Berwick South; and expanded bus services are required in Keysborough South, Braeside, Mordialloc, Cranbourne, Cranbourne East, Lyndhurst, Seaford, Carrum Downs and Karingal. The issues are substantial and cannot be neglected any further: nine years of drift has meant that the south-east is absolutely gridlocked with traffic congestion. I call on the Premier to make sure these issues and the contents of this outstanding report are incorporated as part of the overall review and acted on as soon as possible.

Rail: Lindenow South level crossing

Mr P. DAVIS (Eastern Victoria) — I direct my adjournment matter to the Minister for Public Transport. It is a matter concerning rail crossing safety at the township of Lindenow South in East Gippsland. The Lindenow district, in the Mitchell River valley, just north-west of Bairnsdale, is one of the state's most prolific vegetable-producing areas. Vegetable production from the area is worth millions of dollars a year. The industry has important flow-on effects in that it sustains enterprises such the Vegco processing plant at Bairnsdale, transport operators and other service businesses. Directly and indirectly it provides a large number of jobs in the region and beyond.

A by-product of the industry is that it results in a steady flow of heavy road transports, many of which travel over the level rail crossing at Lindenow South. I note in the government's program to upgrade level crossings throughout the state, introduced following the rail disaster near Kerang, that a nearby crossing on a less frequently used road at Hillside is listed for the installation of advanced automated warning signs. However, the crossing in Lindenow South is not on the list for upgrade even though it poses a far greater threat to public safety than the one at Hillside.

The railway from Bairnsdale to Melbourne cuts the Lindenow South township in half. The rail crossing is in the middle of the township and only about 75 metres from Lindenow South Primary School. Many of the 20 children attending the school, along with another 20 or 30 students attending secondary schools in Bairnsdale, have to walk over the crossing on the way to and from their homes. The fact that there is inadequate traffic warning to slow down the vegetable transports and other vehicles using the crossing is only part of the problem. The 40-kilometres-an-hour speed restriction signs on either approach to the school are only painted signs that are barely discernible to drivers, whereas most schools these days have the protection of flashing signs.

Another problem for the Lindenow South children is that they have to use the main roadway to get over the rail crossing in competition with semi-trailers and B-doubles. The crossing has no dedicated pedestrian access. Collectively these matters are of grave concern to residents and the school community. It is symptomatic of the fact that while the Lindenow district is important economically, it is under-provided for in terms of infrastructure and public facilities. Therefore, I ask the Minister for Public Transport to act to add the Lindenow South crossing to the program for a safety upgrade, and in this case work with the Minister for Roads and Ports also to incorporate a pedestrian crossing and electronic school speed limit signs for the safety of local school children.

West Footscray Football Club: facilities

Mr FINN (Western Metropolitan) — I raise a matter for the attention of the Minister for Local

Government. It concerns the rather mystifying behaviour of the Maribyrnong City Council toward the West Footscray Football Club. West Footscray plays in the Western Region Football League and the Roosters are coached by the legendary Robert 'Bones' McGhie, whom I am sure many in the house would be very familiar with. It is a classic community-based club, with very much a hand-to-mouth existence. It is not based on a great deal of money coming in, but it is based on a real community spirit, a real hands-on approach by all those involved, whether they be players or not. The club is particularly proud of its clubrooms at Shorten Reserve in Essex Street in West Footscray — particularly proud, I might say, because these clubrooms were paid for and built by members of the West Footscray Football Club. It was a huge effort to build those rooms, and understandably they take some significant pride in what they have there at the reserve.

The trouble is — and this is where the mystifying part comes in — the Maribyrnong City Council has told the Roosters that come 31 September of this year, three weeks away, the club must vacate its clubrooms until 31 March of next year. They will — —

Mrs Peulich — They are getting plucked!

Mr FINN — I am going to get to that, Mrs Peulich. The clubrooms are very much the lifeblood of this proud club of battlers. If they are forced out by the council, it will sound the death knell of the West Footscray Football Club — the Roosters will indeed be plucked.

The Minister for Planning, Mr Madden, would be familiar with the attitude of the Maribyrnong City Council toward football clubs, as only very recently he had to come to the aid of the Western Bulldogs Football Club. So I ask him to pass on to the Minister for Local Government my most urgent request to set up a mediation process between the West Footscray Football Club and the Maribyrnong City Council with a view to ensuring that the best interests of the West Footscray community are served. This is an extremely important matter for the community of West Footscray, not just for the football club but for so many who are involved with and who benefit from the good work that the football club does in providing a service, which to be quite frank keeps a lot of kids off the street and allows them to be involved in a healthy and happy exercise to make their lives a little bit more worthwhile and give them something to look forward to every weekend.

Monash Freeway: noise barriers

Mr D. DAVIS (Southern Metropolitan) — My matter is for the attention of the Minister for Roads and Ports in the other place. It concerns the issue of freeway noise in the municipalities of Boroondara, Stonnington and Monash. These municipalities will bear the brunt of the expansion of the Monash Freeway. That is an expansion which is widely supported in our community but which, unless there is proper noise abatement in place, will also have an adverse impact on the community.

I have discussed this matter in the chamber before, but it is now becoming very urgent indeed. The development is proceeding at pace and I want to make clear to the minister that he will need to act swiftly. If he does not put in place proper abatement and rebuild the old freeway barriers at a wider spot in the Glen Iris and Ashburton sections of the freeway expansion, there will not only be disharmony for the local community with people forced to suffer more noise but eventually greater costs will be generated because the freeway will require noise abatement at a later point. Taking the opportunity to put in place sensible abatement at this point is not only the right thing to do but it is also the cost-effective thing to do.

I know local community groups have been very active and have met with the minister in the recent period, but he appears to have not quite got the message as to how significant this is. I have continued my inquiries, and I want to bring some other matters to his attention. I indicate to him that recently I met with Jennifer Jaeger at her property just near the freeway in the city of Monash. It is right at the same height as the freeway and is not protected by any noise barriers at all. Indeed, you can hear the roar of the freeway. She is not alone in this; that is being faced by many in that community. There is massive noise and inadequate abatement, particularly given the planned expansion of lanes. The 63 to 68-decibel issue has been spoken about widely in the local community. The 63-decibel level, which is the standard at which attenuation must be provided on private roads like CityLink, is different from the standard of 68 decibels that is required for government roads — so the government is building this new road at a lower standard. Even the 68-decibel standard is a concern. I note and the minister should be aware that the City of Boroondara has again redoubled its efforts to make some points, and I welcome its forum this week. I ask the minister to move very swiftly, because this matter is now deeply urgent.

The PRESIDENT — Order! I am more concerned about raising the matter within the six-month time

frame. I am not going to rule it out, but I just want to make the point. This is what gives me some concern:

> In speaking to the question for adjournment a member must only raise matters which are within the administrative competence of the Victorian government and may not raise a matter which has been discussed in the previous six months of the same session.

That is what I think is actually happening. I am leaving it in until I can get a bit more advice tomorrow.

Mr D. DAVIS — Relevant to the point you are making, President, is that since I last raised my adjournment matter members of the community have met with the minister and the local member for Burwood in the Assembly, Bob Stensholt, but they have not got the satisfactory response they want. So in a sense I am intervening to make the point that this is now urgent. The minister appears not to have heard the message.

The PRESIDENT — Order! I hear your message, but my concern is that you are raising the same matter.

Mr D. DAVIS — But there has been a development.

The PRESIDENT — Order! The minister or the local member having met with the local community seems to me to be an indication that matters are being dealt with, but maybe not to your satisfaction. I am letting it go, but I will have a closer look at it tomorrow.

Responses

Hon. J. M. MADDEN (Minister for Planning) — Wendy Lovell raised the matter of police numbers in Bendigo. I am sure Ms Lovell is conscious of the fact that whilst the government might fund the police in relation to resourcing, resourcing in relation to personnel is at the discretion of the police commissioner. I would expect that this is an operational matter for the commissioner and that Ms Lovell should draw it to the commissioner's attention if she still feels so strongly about the matter.

Ms Lovell — On a point of order, President, my request was actually for the minister to work with the police commissioner to ensure that police resources in Bendigo are increased.

Hon. J. M. MADDEN — Damian Drum raised the matter of water resource methodology in regional and urban areas. I will refer that to the Minister for Water.

Colleen Hartland raised the matter of the Eddington report. I am conscious of the fact that this has been raised before. As has been mentioned before, the Eddington report has been provided to government and the government is considering it. Once it has considered the report the government will respond accordingly. As part of that consideration members of the community have had the opportunity to make submissions on that report. Whilst Ms Hartland might mention that there is concern amongst some community members, it should be recognised that that has been considered in relation to how the government may respond to the Eddington report in the future.

Gayle Tierney raised the matter of the Aireys Inlet hall.

Ms Hartland — On a point of order, President, does that mean Minister Madden is not going to refer the matter to the minister?

The PRESIDENT — Order! That is not exactly a point of order.

Ms Hartland — No, but that was unclear from the answer.

The PRESIDENT — Order! Ms Hartland could ask on a point of clarification.

Ms Hartland — Yes. On a point of clarification, is Minister Madden going to refer it to the minister?

Hon. J. M. MADDEN — I have answered the question. I have responded to it, and I have answered it.

The PRESIDENT — Order! Would the minister do me the service of clarifying it for me?

Hon. J. M. MADDEN — In my answer I responded to Ms Hartland by saying that the government was still considering its response to the Eddington report. Members of the community have had a chance to make submissions in relation to that report. Those matters have been considered and will continue to be considered, and the government will make a response at the appropriate time in relation to not only the report but the concerns of the community.

The PRESIDENT — Order! I am assuming then that the minister is actually discharging the matter.

Ms Hartland — On a point of order, President, I do not understand why the matter cannot be referred to the minister. This issue is important to the local community.

The PRESIDENT — Order! That is not a point of order. If Ms Hartland does not understand it, that is unfortunate, but the minister has replied. He has complied with what he has to do. I can understand that the member is not happy with that, but that is all he has to do.

Mrs Peulich — On a point of order, President, I am loathe to raise a point of order on this particular issue because it is an issue that has been subjected to a number of points of order in the past and some debate and disagreement. What I ask you to do, President, is to consider taking a broader opinion or some advice. I do not believe that a minister in the chamber has the opportunity to discharge the responsibilities of another minister. He has the responsibility to discharge administratively matters he deals with in the chamber, but in terms of ministerial responsibility he is not in a position to discharge that. Therefore we need clarification in terms of the meaning of the term 'discharge', because I believe it is used more as a political tactic rather than a — —

The PRESIDENT — Order! Mrs Peulich!

Mrs Peulich — I have not finished my point of order.

The PRESIDENT — Order! Mrs Peulich has! The fact is that members do not get to debate points of order. The reality is that I have no power or authority over the minister to force him to respond or reply in any way — none. It is simply a matter for the house to determine. I have made this clear on numerous occasions. If the house wishes to change the standing orders and make the minister comply in a way that will satisfy the house on these occasions, it can do so. I can only deal with the rules I have. I cannot compel the minister to answer in a way that members may want him to.

Mrs Peulich — On a point of order, President, I was not inferring that I was expecting you to enforce a requirement that the minister respond in a particular manner at all, and I think that is attributing an interpretation that was not intended.

The PRESIDENT — Order! I thank Mrs Peulich. I will restate that I have no power, no way at all, to help anyone on this side of the house who is unhappy with a response from a minister. I have given the house numerous opportunities to deal with this matter in a way that does give me the power, but until that happens I deal with the hand I am dealt.

Hon. J. M. MADDEN — Ms Tierney raised the matter of the Aireys Inlet hall, and I will refer this to the Minister for Regional and Rural Development.

David Koch raised the matter of the Stawell Secondary College and the provision of classrooms, and I will refer this to the Minister for Education.

Edward O'Donohue raised the matter of the Mount Eliza woodland and the C87 planning scheme amendment sought by the Mornington Peninsula Shire Council. Whilst in the vast majority of cases the department clears planning scheme amendments within a prescribed period of time — and we try to do them as rapidly as possible — from time to time some planning scheme amendments that are a little more complicated rely on the strategic work of respective local governments. Often departmental officials correspond with or seek further information from the respective local government body in relation to strategic justification for the planning scheme amendment for which they seek support. In this instance that may well be the case; there may not be sufficient strategic justification. That is not to say that it is not justified, but more justification may have been sought.

I have had several meetings with Mornington Peninsula shire representatives on a number of planning matters, and I know there are a lot of planning matters in their space. Whether they are interface or coastal issues, they have a number of issues which I am eager to work through with the local government. I do not recall having had the C87 amendment raised with me by council officers, but I am certainly happy, given the member's request tonight, to seek further information in relation to that and to give further clarification going into the future. If there has been a prolonged period of deliberation on a planning scheme amendment, that should be cleared as quickly as possible. However, where issues are reliant on further strategic justification, sometimes those local government bodies have to provide some of that work, and that does take some time. Often it requires some expertise or consulting advice to come to the council. That may be the hold-up in the system; however, I am happy to provide further advice on that matter.

John Vogels raised a matter for the Minister for Local Government in relation to governance issues at the City of Ballarat, and I am happy to refer that to the Minister for Local Government.

Andrea Coote raised the matter of clearways and not-for-profit organisations that may be affected on sites close to some of those clearway areas, and I am happy to refer that to the Minister for Roads and Ports.

Donna Petrovich raised the matter of youth alcohol and drug prevention services — I think the one she mentioned was Your Choice, which was based on YOUthinc — and I am happy to refer that to the Minister for Community Services.

Inga Peulich raised the matter of the Royal Automobile Club of Victoria report released today and the specific areas of her concern in the south-east. I think that was directed to the Premier, and I am happy to refer that to him.

Philip Davis raised the matter of the Lindenow South level crossing and its priority in relation to other prioritised level crossing upgrades, and I am happy to refer that to the Minister for Public Transport.

Bernie Finn raised the matter of the West Footscray Football Club and its relationship with the Maribyrnong City Council. I am happy to refer that matter to the Minister for Local Government.

Mr David Davis raised the matter of freeway noise and issues of concern to residents of Monash, Stonnington and Boroondara councils. Having met with the minister and with the parliamentary secretary on occasions, I am sure they will inform them on how they can get VicRoads and associated organisations delivering those works to respond to the requirements of the community's concerns.

I have 21 written responses to adjournment debate matters raised between 27 February and 20 August by: Mr Atkinson on 27 February, Mr Eideh on 12 March, Mr Philip Davis on 9 April, Mrs Peulich on 10 April, Ms Pulford on 7 May, Mrs Kronberg on 8 May, Ms Darveniza on 8 May, Ms Darveniza on 12 June, Mr Tee on 25 June, Mr Atkinson on 26 June, Mr Philip Davis on 26 June, Ms Hartland on 30 July, Mr Leane on 30 July, Ms Pennicuik on 30 July, Ms Lovell on 30 July, Mrs Peulich on 30 July, Mrs Peulich on 31 July, Mrs Coote on 31 July, Mr O'Donohue on 31 July, Ms Lovell on 31 July and Mr Koch on 20 August.

Ms Lovell — On a point of order, President, the minister in responding to my adjournment debate matter did not actually state whether he was referring it to the minister or discharging the matter. I just wondered if that could be clarified.

Hon. J. M. MADDEN — I believe my response was to discharge that matter.

The PRESIDENT — Order! I will make two points. The first is the matter raised by Mrs Peulich which was subjected to a point of order by Ms Pulford. I want to further state that, whilst I thought at the time it was a fine-run thing, I am more convinced now that it is well within order, if you like. But if ever I am confronted with a matter raised that is a fine-run thing, I will always go with the matter raised, and it is simply a matter for the minister to decide whether it is his or her actual responsibility.

The second issue is in relation to the points of order we had raised on whether or not the minister was in fact compelled or responsible in some way for furthering adjournment matters raised. I refer to the sessional orders of the 56th Parliament under 'Responses to matters raised on the daily adjournment debate', where it states under sessional order 4(1):

> A response to a matter raised by a member must either be given at the time the matter is raised or provided in writing within 30 days.

There is no compulsion at all for the minister to refer it on anywhere — none — according to this. The custom and practice is that members would generally expect the minister would do that, but there is no requirement for the minister to do so, and when the minister discharges the matter, that is it.

I also want to say that whilst some members may assume that the minister passes it on to the minister in the other place, the minister in the other place has no responsibility to this chamber — none. As I say, the sessional orders may be subjected to some review.

Mrs Peulich — Further on the point of order, President, if I may, and again I just flag this for your consideration and you do not need to respond now, I believe — and I have read that provision closely — what that is referring to is that if the responsible minister is in the chamber and the responsible minister responds to the member who raised the matter, and I think that is entirely in order, where the minister who does not have the responsibility but merely has an administrative role, the democratic practice is to refer that to the responsible minister. I think that is where the ambiguity arises and if it needs to be clarified, I think it needs to be taken up. But I believe the current interpretation as presumably inferred from the advice that has been given is erroneous.

The PRESIDENT — Order! As I said, I think it is a matter for the Standing Orders Committee to look at.

House adjourned 10.54 p.m.