PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Tuesday, 11 September 2012

(Extract from book 14)

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

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The Hon. J. A. MERLINO

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Kanis, Ms Jennifer [4]	Melbourne	ALP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Katos, Mr Andrew	South Barwon	LP	Wreford, Ms Lorraine Joan	Mordialloc	LP
Knight, Ms Sharon Patricia	Ballarat West	ALP	Wynne, Mr Richard William	Richmond	ALP
Kotsiras, Mr Nicholas	Bulleen	LP			
Languiller, Mr Telmo Ramon	Derrimut	ALP			

[1] Resigned 21 December 2010
[2] Elected 24 March 2012
[3] Resigned 27 January 2012
[4] Elected 21 July 2012
[5] Elected 19 February 2011
[6] Resigned 7 May 2012

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TUESDAY, 11 SEPTEMBER 2012

Tuesday, 11 September 2012

The SPEAKER (Hon. Ken Smith) took the chair at 2.05 p.m. and read the prayer.

UNITED STATES OF AMERICA: SEPTEMBER 11 ANNIVERSARY

The SPEAKER — Order! I ask all members to remain standing. Today is 11 September, the day we will all remember as the day terrorists struck at the heart of America. I ask all members to stand in their places as a sign of our sorrow for the people who were killed on September 11, 2001.

Honourable members stood in their places.

The SPEAKER — Order! Thank you. I welcome all members back from Ballarat.

QUESTIONS WITHOUT NOTICE

Department of Sustainability and Environment: firefighting staff

Ms NEVILLE (Bellarine) — My question is to the Minister for Environment and Climate Change. Can the minister guarantee that no Parks Victoria or Department of Sustainability and Environment (DSE) staff who are required as part of their employment to be available to undertake firefighting duties will be made redundant?

Mr R. SMITH (Minister for Environment and Climate Change) — I thank the member for Bellarine for her question. For a start, the premise of the member's question is wrong. There actually are no redundancies; there is a voluntary departure package (VDP). The voluntary departure package that has been approved by the Australian Tax Office includes specific exemptions for fire positions, fire roles and planned burning roles. In addition, any VDP will be assessed to ensure that service delivery is not affected, which is consistent with government policy.

The coalition government has increased funding and resources to the Metropolitan Fire Brigade, the Country Fire Authority and the Department of Sustainability and Environment. In addition, this government is implementing each of the 2009 Victorian Bushfires Royal Commission recommendations, all 67 of them — although if you ask the member for Monbulk, we might come to a count of 68. I am very pleased to advise the member that DSE is currently in the process of recruiting an additional 600 project firefighters to support the fire response capability in the peak summer months. The application period closed just recently. I am pleased to advise that the department received — —

Ms Neville — On a point of order, Speaker, the question was very specific about DSE and Parks Victoria staff who have firefighting duties in their employment contracts. Will the minister guarantee that they will not be subject to the redundancies?

The SPEAKER — Order! The answer was relevant to the question that was asked.

Mr R. SMITH — When we asked for applications for these 600 project firefighters we received 1900 applications, so the department is going through them at the moment. This recruitment program is consistent with the policy of the coalition government, a government which is investing heavily in fire prevention and fire response.

Mr Andrews — On a point of order, Speaker, the question related very specifically to redundancies, Parks Victoria and DSE, and those who, within their terms of employment, have on-call firefighting roles, for instance. The minister is providing a — —

An honourable member — Point of order!

Mr Andrews — Do I have the call, Speaker?

The SPEAKER — Order! What is the member's point of order? He was debating.

Mr Andrews — The point of order is that the answer is not relevant to the question asked. A guarantee was sought, and if the minister is not prepared to give the guarantee, then he should sit down.

The SPEAKER — Order! I do not uphold the point of order. The answer was relevant to the question that was asked, which includes the preamble to the question.

Mr Andrews — On a further point of order, Speaker, I suggest to you with the greatest respect that the question did not have a preamble. The question was extremely specific. I renew my point of order that the answer is not relevant to the question that was asked. A guarantee was sought; it has not been given. The minister ought to be directly relevant to the question that was asked. There was no preamble, Speaker.

The SPEAKER — Order! The answer was relevant to the question that was asked.

Mr R. SMITH — The details I have already covered with regard to the government's commitment to protecting country communities from bushfires are consistent with our approach. We also have an

additional $35 million that we put forward in last year's budget, taking the total we are spending to ensure that country communities are protected to around $350 million. We are very proud of our commitment to protecting country communities, and I am very pleased to be the minister to deliver this program.

Building industry: industrial action

Ms RYALL (Mitcham) — My question is to the Premier. In light of the recent illegal blockading of construction sites in Melbourne, what action will the government be taking to protect the rule of law and enhance infrastructure affordability?

Mr BAILLIEU (Premier) — I thank the member for her question and her concern that the rule of law in Victoria be upheld. What we have seen in recent weeks is the Construction, Forestry, Mining and Energy Union leadership in Victoria conduct an illegal, unlawful blockade — self-declared by the CFMEU leadership as a siege — of a legitimate building site designed to prevent workers from going to work, and that is unacceptable.

The first step that we will take is to defend the rule of law in this state. These have been the worst examples of illegal blockading by the CFMEU leadership of legitimate projects — absolutely the worst. I think all fair-minded Victorians and all fair-minded Australians have been appalled by the conduct of the CFMEU leadership. To think that the Victorian Supreme Court twice ruled this blockade unlawful and on subsequent occasions the CFMEU leadership said it would continue the blockade. It took the Prime Minister three weeks to declare that this blockade was unacceptable. In doing so she failed to take any action to change the law or to prevent the blockade from happening or to send a clear message to her political masters in the union movement that this had to stop.

The second thing we will do is support the case for an appropriate penalty against the CFMEU in the Supreme Court. We have sought, through the Attorney-General, to join that action. That request has been granted, and we will pursue that vigorously.

Thirdly, we will enforce the new Victorian construction guidelines to drive change throughout this industry. We have committed to a new code, a new set of guidelines for the construction industry for public projects, to ensure that unlawful behaviour does not happen on building sites in Victoria, to ensure that illegal conduct does not occur, and we will enforce that code. We want all law-abiding participants in the industry to know that they can stand up to thuggery and militancy but also that they need to report illegal behaviour and not countenance it.

Fourthly, we will press for legislative change at the federal level to ensure that non-compliance with a Supreme Court order does, like non-compliance with a Federal Court of Australia order, become grounds for the deregistration of a union.

Not everybody — just about everybody, but not everybody — agrees that the CFMEU leadership has been doing the wrong thing. Some people have failed to speak up. Some people have sought to tolerate this blockade. Some people remain deeply divided on this issue. Some people look to their leadership for guidance on this issue, but what they have had instead — —

Mr Andrews interjected.

The SPEAKER — Order! The Leader of the Opposition! That is enough.

Mr BAILLIEU — What they have had instead is the Leader of the Opposition standing with the CFMEU, shoulder by shoulder.

Vocational education and training: fees

Mr ANDREWS (Leader of the Opposition) — My question is to the Minister for Education. Will the minister guarantee that no Victorian secondary school student undertaking vocational training will pay higher fees in 2013?

Mr DIXON (Minister for Education) — I thank the Leader of the Opposition for his question. This government is the one that has provided vocational education and training (VET) in schools with sustainable funding. We are the ones who restored funding to VET in Schools. When we came into government the ongoing funding for vocational education and training in schools was not there. A large component was just a year-by-year proposition. We are the ones who made vocational education and training in schools an ongoing arrangement.

Also, when you look at VCAL (Victorian certificate of applied learning) you see that we have delivered the goods there. We have seen a massive increase in students enrolling in VCAL in Victorian government schools. Despite what some might say, we have actually had more providers and more schools take on VCAL this year — despite some people saying it was the end of the world.

We are the ones who are providing vocational education and training in our schools. As far as next

year is concerned, I am very confident that all of our schools are working with their providers. Whether they be public TAFE providers or VET providers, we have a very strong position to work with them to get the best possible deal for their students. This government is committed to vocational education and training. We have the runs on the board, and VET will be bigger and better next year.

Building industry: productivity

Mr TILLEY (Benambra) — My question is to the Treasurer. Can the Treasurer update the house on the importance of infrastructure development for jobs and productivity in Victoria, and is he aware of any threats to the cost-effective delivery of this infrastructure?

Mr WELLS (Treasurer) — I thank the member for Benambra for his excellent question. The key focus for the Baillieu government is to address the issue of out-of-control construction costs through improving productivity. As I have pointed out previously, under the Kennett government in the 1990s productivity in this state was above the national average while under the previous Labor government, during its 10 years in office, it was below the national average. Productivity is another mess left by the previous Labor government that the Baillieu government is having to sort out.

The construction industry in this state is absolutely crucial. Construction accounts for about 6 per cent of the Victorian economy, and there is great flow on: new roads, new hospitals and new schools. The costs of working on a commercial site are 14 per cent higher than on a residential site, and before the Howard federal government brought in the Office of the Australian Building and Construction Commissioner the gap was 23 per cent. So we still hold our heads in dismay as to why the Gillard government scrapped the ABCC. What does it mean? It means that the union thugs are off the leash, it means that industrial disputes are on the increase and it means that more days are lost on construction sites.

Honourable members interjecting.

The SPEAKER — Order! The members for Mill Park and Williamstown!

Mr WELLS — Why is the Baillieu government pushing so hard to make sure construction costs are brought under control? In the 2012–13 budget the Baillieu government announced a $5.8 billion capital spend. This is a record state spend on capital — and we are getting on with those jobs, including the regional rail and the removal of five level crossings. It includes building the cancer centre, building the Bendigo hospital, the upgrade to the Box Hill Hospital, the expansion of the port — all those crucial projects that we are getting on with. It is also the massive planning in regard to the east–west link — and is it not interesting that even today state Labor hates it; it is opposed to it.

State Labor has form: it opposed the CityLink project when that was going. Then it promised no tolls on the Eastern Freeway, no tolls on EastLink, and now Labor members are out again opposing the east–west link. What an absolute disgrace. What a pathetic lot. What do they stand for? I know what they stand for: one extra public holiday — —

Mr Nardella — On a point of order, Speaker, the Treasurer is debating the question, and I ask you to bring him back to government business.

The SPEAKER — Order! I do ask the Treasurer to come back to government business.

Mr WELLS — What has the Baillieu government achieved in regard to this area? The Premier pushed for and received a Council of Australian Governments inquiry into construction costs. We have introduced the compliance unit — something state Labor members want to scrap as soon as they get in because they have been told by their union masters that it has to go.

Construction costs in this state need to be brought under control, and you would think that everyone would support that to improve productivity, but there is one group that does not. Members of that group stood by and applauded the Gillard government for getting rid of the ABCC. They will scrap the compliance unit, they receive donations from union thugs and they supported the CFMEU through their silence in regard to a breach of a Supreme Court decision. That is a disgraceful situation. State Labor members need to hang their heads in shame.

TAFE sector: transition plans

Mr ANDREWS (Leader of the Opposition) — My question is again to the Minister for Education representing the Minister for Higher Education and Skills. I refer to transition plans lodged by TAFE providers last Friday, and I ask: will the minister rule out any asset or property sales as part of these transition plans?

Mr DIXON (Minister for Education) — I thank the Leader of the Opposition for his question. As the member said, I am actually the minister representing the Minister for Higher Education and Skills in this

house. As to those asset plans and management and transition plans that were lodged, I think by about half the TAFEs last week and there are more to come, I actually have not seen them. They went to the minister responsible for TAFEs. When I talk with him I will ask him, and I will ask him to let the Leader of the Opposition know what the answer is.

Police: numbers

Mr BULL (Gippsland East) — My question is to the Deputy Premier and Minister for Police and Emergency Services. Can the minister update the house on the delivery of the coalition government's promised 940 Victoria Police protective services officers and 1700 front-line police to protect Victorians in their homes, on the street and as they travel on the public transport network?

Mr RYAN (Minister for Police and Emergency Services) — I thank the member for Gippsland East for his question and for the great work he is doing on behalf of his electorate. The coalition government is delivering on its record investment in front-line police and Victoria Police protective services officers (PSOs). All of this is intended to provide better protection for Victorians.

It gives me great pleasure to announce to the house that from 6 o'clock tonight PSOs will patrol another five stations on the network: Ringwood, Lilydale, Werribee, Laverton and Yarraville. There are now more than 140 protective services officers at 18 stations across metropolitan Melbourne: Southern Cross, Flinders Street, Footscray, Dandenong, Melbourne Central, Parliament, Richmond, North Melbourne, Noble Park, Box Hill, Epping, Broadmeadows, Frankston, Ringwood, Lilydale, Werribee, Laverton and Yarraville. What is the common feature of a number of those stations? They are in Labor Party seats. Members of the Labor Party love this policy because they know it is the right thing to do.

There is considerable interest from the public in becoming a PSO in one of the new squads that are regularly entering the academy. At the present time Victoria Police has about 400 applicants being assessed at various stages of the recruitment process, their having successfully sat the exam. In addition to the 940 protective services officers, Victoria Police is well advanced in recruiting the coalition's promised additional 1700 police officers — —

An honourable member interjected.

Mr RYAN — Funded by Labor! I know I should not pick up interjections, but this is on behalf of a government that was funding police in Victoria at the lowest per capita level of any state in the Australian nation. That was its achievement — —

Honourable members interjecting.

The SPEAKER — Order!

Mr RYAN — I am sorry; I digress. Last week we announced another 350 front-line police officers. By July 2013 an additional 1200 of the promised 1700 extra police will have been allocated across the state of Victoria since we came to office. Needless to say the police academy is absolutely flat out after years of being neglected by the former Labor government. It has been very busy.

Honourable members interjecting.

Mr RYAN — In those years, when recruitment struggled under Labor, the academy did not receive the support it should have. Now those times have radically changed. As we know, Labor left Victoria with the lowest number of front-line police per person of any state in Australia. Across the whole of the Australian nation Victoria was the bottom of the ladder.

Under the coalition government police are now able to fill vacancies across the state, and these positions are making an enormous difference. The crimes statistics that were recently released show that particularly in the area of detected crime there is much more work being done to tackle crime and to ensure a safer community. It is interesting to see public transport assaults down by 5.4 per cent, assaults on the street down by 0.5 per cent, assaults in licensed premises down by 4.9 percent — —

Honourable members interjecting.

Questions interrupted.

SUSPENSION OF MEMBERS

Members for Monbulk, Altona and Albert Park

The SPEAKER — Order! The members for Monbulk and Altona can both leave the chamber for half an hour. They have been warned.

Honourable members for Monbulk and Altona withdrew from chamber.

Mr Foley interjected.

The SPEAKER — Order! The member for Albert Park will leave the chamber as well. I am not here to argue with him.

Mr Foley — For how long?

The SPEAKER — Order! It will be an hour the way the member is going.

Honourable member for Albert Park withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Police: numbers

Questions resumed.

Mr RYAN (Minister for Police and Emergency Services) — Public order offences are down by 2 per cent. It is also showing up in relation to detected crime offences, particularly in relation to drugs. The police have never before had the opportunity to do the proactive policing that is now being done across the state simply because they have not had the numbers. We are getting on with the job of making sure that Victorians are safe in their homes, out on the street and travelling on the public transport system.

Marine and Freshwater Discovery Centre: research staff

Ms NEVILLE (Bellarine) — My question is to the Minister for Agriculture and Food Security. Can the minister confirm that 15 of the existing 30 Department of Primary Industries (DPI) marine research staff at the Queenscliff marine research centre are being made redundant?

Mr WALSH (Minister for Agriculture and Food Security) — I thank the member for her question. I do not accept the premise of the question in that no-one is being made redundant.

Honourable members interjecting.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Ferntree Gully

The SPEAKER — Order! The honourable member for Ferntree Gully can have half an hour out of the chamber.

Honourable member for Ferntree Gully withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Marine and Freshwater Discovery Centre: research staff

Questions resumed.

Mr Andrews — On a point of order, Speaker, a moment ago you admonished the member for Albert Park, as you are entitled to do. You have just ejected the member for Ferntree Gully, and he has decided that the best thing to do is to bust himself laughing all the way out, and you did not say so much as a word to that member. Might I ask you, Speaker, to review the conduct in the chamber in the last few minutes and, with respect, to reflect upon the way members from both sides of this house have been treated. I think that would do all of us a great service. I respectfully ask that you have a look at the way the house has been conducted in the last few moments so that we can all have confidence that each and every member of this place is treated equally.

Mr Ryan — On the point of order, Speaker, the reason, as I recall and I observed, there was an exchange between yourself and the member for Albert Park as he left the chamber was that he asked for how long had he been ejected. There is nothing untoward about what has happened in terms of the treatment of both sides of the house.

The SPEAKER — Order! I do not uphold the point of order.

Ms Neville — On a point of order, Speaker, clearly the minister is trying to be a bit tricky here. How many of the staff are being sacked? How many are losing their jobs?

The SPEAKER — Order! I do not uphold the point of order.

Mr WALSH (Minister for Agriculture and Food Security) — This goes to the fact that there are no redundancies in DPI; it is a factual issue. There are voluntary departure packages available as part of the sustainable government initiative. The key issue to remember here — —

Ms Green — On a point of order, Speaker, is the minister wanting to tell us that the redundancies in the Victorian public service, which have been classified by the tax office, are not redundancies? Is he seriously trying to tell the house that the tax office is telling a fib?

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

Mr WALSH — As I was saying, everyone knows that we inherited an unsustainable budget position from the previous government. The sustainable government initiative is about bringing the budget back into a sustainable position. There are voluntary redundancy packages available for people in DPI who choose to take up those packages. DPI will be assessing each of those packages on its merits to make sure that DPI's essential services are delivered into the future.

I suppose the key issue to bear in mind here is that under the previous government in August 2008, the then Minister for Agriculture — —

Mr Andrews — On a point of order, Speaker, in relation to relevance, the answer did not invite the minister to refer back to the previous government or matters from years ago. The question was: is that office in Queenscliff going from 30 staff to 15? That is what the question is about, and I ask that you remind the minister that that is what he should confine his answer to.

Dr Napthine — On the point of order, Speaker, it is legitimate for the minister to refer by comparison to the management of these issues under the previous government. It is not attacking the opposition; it is making a comparison of the management of this facility and those issues under the previous government to the management under this government. It is absolutely legitimate, absolutely essential information for the house, and I do not think it should be seen as a point of order.

The SPEAKER — Order! I do not uphold the point of order.

Mr WALSH — If members cast their minds back to four years ago and how DPI was treated by the then Minister for Agriculture, three research institutes across Victoria were closed at that time.

Honourable members interjecting.

The SPEAKER — Order! Does the member for Eltham want to stay in the chamber?

Mr WALSH — The research institutes at Kyabram, Walpeup and Toolangi were all closed at that time.

Mr Nardella — On a point of order, Speaker, there was no preamble to this question. The question was very specific and did not refer to any previous government or anything that occurred four years ago. I ask you to bring the minister back to government business and the specific question that was asked of him.

Mr Ryan — On the point of order, Speaker, the minister is providing information which is absolutely appropriate to the question he was asked. The minister is observing to the house the matters that eventuated under the previous administration, and he is comparing those with what is happening under our administration. The answer the minister is giving is entirely in order.

The SPEAKER — Order! I do not uphold the point of order, but I do ask the minister to return to answering the question.

Mr WALSH — The question was about jobs at DPI. In the May budget this year we put in an additional $61 million to make sure — —

Mr Andrews — On a point of order, Speaker, the question related to — —

The SPEAKER — Redundancies.

Mr Andrews — Indeed yes. Redundancies at — —

The SPEAKER — Redundancies in DPI.

Mr Andrews — No, Speaker, if I can finish — it related to redundancies at the DPI marine research centre in Queenscliff. I put it to the house that if simply repeating the term 'DPI' makes the answer relevant to the question, that might make question time a little difficult. This question related to a specific facility within the Department of Primary Industries. If the minister is meeting his obligations under the standing orders simply because the term 'DPI' passes his lips, then that will make question time very difficult for all of us. The minister was asked about a specific DPI facility and a decision of his government to cut the numbers from 30 to 15, and that is what the answer should be confined to.

The SPEAKER — Order! I do not uphold the point of order.

Mr WALSH — DPI is a critical part of government processes here in Victoria. It services food and fibre production, which is one of Victoria's major industries and one of its largest export industries, and all members on the other side of the house want to do is bag, whinge, whine and criticise, instead of getting — —

The SPEAKER — Order! I advise the minister that that is enough.

Mr WALSH — In the budget this year we put an additional $61 million into DPI for key research, development and extension in areas that are critical to the Victorian economy. Additional money is going into

the grains industry, the dairy industry and the red meat industry. That sort of funding will create jobs in DPI. It will create jobs at Horsham. It will create jobs at Hamilton. It will create additional jobs at Ellinbank and Tatura, and it is going to make additional jobs at Irymple and Mildura. This funding is putting additional jobs into DPI and into regional Victoria.

Mr Nardella — On a point of order, Speaker, again the question was very specific. It had nothing to do with Tatura, it had nothing to do with Horsham and it had nothing to do with the Ripon electorate, so I ask that you bring the minister back to answering the specific question on government business.

The SPEAKER — Order! I ask the minister to come back to answering the question.

Mr WALSH — The question was about the fishing industry.

Honourable members interjecting.

The SPEAKER — Order! It was about marine research.

Mr WALSH — The question was about marine research, which is about the fishing industry. The fishing industry is one of the critical industries that DPI services here in Victoria.

Mr Andrews — On a further point of order, Speaker, I again make the point that the question related to the Queenscliff marine research centre.

The SPEAKER — Order! Points of order are not a time for members to repeat the question.

Mr Andrews — I have not concluded my point of order, Speaker, so I would need to do that and then you would be able to make a — —

The SPEAKER — Order! I warn the Leader of the Opposition that I will sit him down if he repeats the question.

Mr Andrews — The question related to a marine research centre. The mere fact that the minister is referring to things that might be found in the marine environment, like fish, does not make this answer relevant. Speaker, you ought to be able to direct him under both your obligations and his to be relevant to the question

The SPEAKER — Order! The Leader of the Opposition should be aware that I do not have the power to direct anybody to answer any question in the way that he may want me to get them to answer.

Mr WALSH — In answer to the member's question, there are voluntary redundancy packages available across the DPI workforce, and anyone in DPI can choose to apply for one of those packages. DPI will assess those applications as to who they accept to make sure that critical services are delivered in the future right across the DPI network, right across Victoria, including at Queenscliff.

Family violence: government action

Mr BATTIN (Gembrook) — My question is to the Minister for Women's Affairs. Can the minister update the house on what the coalition government is doing to help protect and support women and children who have experienced family violence and sexual assault?

Ms WOOLDRIDGE (Minister for Women's Affairs) — I thank the member for Gembrook for his question and also for the championing he does for the safety of women and children in his electorate. I know everyone in this house would agree that violence against women and children is unacceptable in any form and under any circumstances. Perpetrators of family violence must be held to account for their actions, and the personal, psychological and emotional costs to women and children are very significant. It is clear that family violence is a significant problem in our community, and the coalition government is absolutely determined to do all it can to eliminate it.

As the Minister for Women's Affairs I am very pleased to coordinate the family violence approach in the whole-of-government perspective. Last week with the release of the police statistics we saw a further increase in the number of family violence-related incidents which are being reported to police and an increase in the number of charges laid. While the numbers are of course very disturbing, we welcome the fact that more women have the confidence to report their experiences of violence. The police are taking this issue very seriously, and I commend the Minister for Police and Emergency Services and the Chief Commissioner of Police on their efforts in this regard.

One of the consequences of the increase in the reporting of family violence incidents is that it has resulted in an increase in demand for support and counselling services for women and children. In 2012–13 the coalition government has provided over $85 million to address family violence and sexual assault, up from $77 million last year. The initiatives that the coalition government has funded include the new family violence prevention and early intervention grants from the Minister for Crime Prevention and the addition of three new

multidisciplinary centres for sexual assault and child abuse.

I am pleased to inform the house that last week the Premier announced a further $16 million over four years for support services. This includes $13 million for additional sexual assault counselling services and for specialist family violence recovery and case management services. Nearly 2000 additional women and children will be able to access these services as a result of this investment.

If we want to stop the violence, we also need to make sure that men change their behaviour. In fact nearly 80 per cent of the family violence offences recorded in the last statistics were done by people who had committed a family violence offence before. We are also committing $3 million for men's behaviour change programs to hold perpetrators to account and work with them to directly change their behaviour. This will include new, intensive services targeted at the increasing the number of young men who are using violence against their mothers and siblings, and a pilot program for offenders who are in prison or on community correction orders.

We also want to strengthen the options that police and the courts have to respond to family violence. I am very pleased that it was also announced that the Attorney-General will be increasing the duration of police-issued safety notices from three to five days, which will give more options for women and also for the police and the courts. The Attorney-General will also be introducing new offences and penalties for breaches of family violence intervention orders, including the creation of an indictable offence. This will increase the maximum penalty to five years imprisonment to reflect the seriousness of some of these offences.

It is clear that family violence is a prevalent and dramatic issue for women and children in our community. The Baillieu government is absolutely committed to sending a very clear message that it wants to prevent violence happening before it occurs, that it will hold perpetrators to account for their actions and that it will make sure we are supporting women and children in what can be an incredibly difficult time to get through and in getting their lives back on track.

Swinburne University of Technology: Prahran campus

Mr ANDREWS (Leader of the Opposition) — My question is to the Premier. I refer the Premier to statements made by the member for Prahran that the Swinburne University of Technology's Prahran campus, valued at approximately $50 million, should be retained for educational purposes, and I ask: will the Premier provide a guarantee that the entire Prahran campus will be retained for educational purposes?

The SPEAKER — Order! It rings a bell that this question has been asked before. I will look at it later.

Mr BAILLIEU (Premier) — I thank the Leader of the Opposition for his question. The opposition has been seeking a number of guarantees during question time today. I do not recall a single guarantee being provided in question time by the previous government over 11 years. That aside, I think the gist of this question has been asked before in terms of the site at Prahran. The member for Prahran has made a very strong case to retain education facilities at the Prahran campus. Swinburne University has, through its vocational commitments, made a transition plan available to the minister. That will be assessed. We want to see the maximum possible use of the facilities that are available, and the minister will make an assessment of that transition proposal and any proposals from Swinburne.

We certainly recognise the role education has played in the Prahran area, particularly in recent years. We also recognise that Swinburne has made a decision to focus on the technology component of its offerings and that it has been coming to that decision for some years. That has driven many of the decisions it has made. It is also seeking to consolidate facilities at its Hawthorn campus. As I said, Swinburne has submitted its transition plan to the minister. The minister will assess that and work with Swinburne in terms of the implementation of that plan.

As far as guarantees are concerned, it would be useful for members in this house to have a guarantee that members who oppose a particular policy actually intend to reverse that policy. I do not think that is the guarantee that some members are giving. It would be — —

Honourable members interjecting.

The SPEAKER — Order! On the question, Premier.

Mr BAILLIEU — It would be useful to have a guarantee that some members will not run around scaremongering.

Mr Andrews — On a point of order, Speaker, what might be useful is an answer to the question. The question was seeking a guarantee that all of that site will be retained for educational purposes, and that is

what the Premier ought address himself to. If he will not provide that guarantee, then he should perhaps stay seated.

The SPEAKER — Order! I do not uphold the point of order.

Mr BAILLIEU — It would be useful to have a guarantee that some members understood the problem that was left to this government of an unsustainable vocational education budget. It would also be useful to ensure that there was a guarantee that some members would not be ceaselessly negative, which is the one thing we can guarantee. We can give a guarantee to the backbench on the other side that there is space down the front here immediately!

Schools: government initiatives

Mr NEWTON-BROWN (Prahran) — My question is to the Minister for Education. Can the minister inform the house as to the plans the coalition government has for education in growth areas, and in particular the inner city?

Mr DIXON (Minister for Education) — I thank the member for Prahran for his question and for his real interest in education in the growth areas in our inner suburban areas as well as in our outer suburban areas. Since the last election this government has committed to $408 million worth of capital works for our schools. Of that $408 million, $66 million is for the provision of land in growth areas. That is in stark contrast to the $9 million in the last budget of the previous government. We recognise the need for provision for future growth.

We are getting on with fixing the mess we were left with in providing for future growth. For example, we have inherited more than $300 million worth of outstanding capital maintenance. We are also working our way through a legacy of waste, especially when you look at projects like those under Building the Education Revolution and the lack of planning for our growth areas in both outer and inner suburban Melbourne.

Some of the investments in our growth areas include purchasing land for a primary school and a secondary school out at Doreen. We have also just purchased land at Torquay for the Surf Coast Secondary College. As the Premier and the member for South Barwon know, the tenders have just been let for the construction of that new school. We have also just purchased land for another new primary school in Torquay. Construction is about to start on a special school, as you would know, Speaker, at Officer, and we are purchasing land for a secondary school out at Officer as well.

We listened to the people of Coburg. They wanted a government secondary school in their area. The previous government ignored them. We are providing that school, which will start in 2015. We are investing in land in Casey, Melton, Cranbourne and Epping. We are building new schools in Tarneit and Point Cook. We are looking after the Labor heartland. The previous government did not; we are the ones who are actually delivering. Out west we are also delivering on a specific P–12 autism school for the first time out at Laverton.

As I said, the previous government did not plan for growth, not only in the outer suburbs but also in the inner suburbs. As part of our commitment to looking at all growth in the need for government schools, I commissioned a feasibility study to look at the provision of a primary school in the arc from North Melbourne down to South Melbourne. That feasibility study has pointed out that there is a need for a primary school in the South Melbourne-Port Melbourne area.

In fact this week I announced that we have selected a block of land in Ferrars Street, South Melbourne. We hope to construct a school on that site which will cater for up to 475 students to alleviate some of the crowding pressures at Port Melbourne Primary School. It is on the 96 tram route, and it is near the Melbourne Sports and Aquatic Centre and close to a whole range of other sporting facilities. At the moment the site testing is being carried out as a precursor to purchase and construction.

Once again, the current member for Albert Park and the previous member for Albert Park sat there and did nothing. They saw the overcrowding in their schools; we are the ones who are delivering.

The SPEAKER — Order! Minister, on the question.

Mr DIXON — We have seen the need in these growth areas. We are not stopping at just primary schools; we are looking at secondary schools. We are undertaking a study now on the provision of secondary school education right throughout the Port Phillip and Stonnington local government areas. There are areas that need it. They were neglected by the previous government. We know what the needs are, and we are investing where the needs are. As I pointed out, we are delivering a whole range of projects, and we are planning for the future, which is in stark contrast to the previous government.

RETAIL LEASES AMENDMENT BILL 2012

Introduction and first reading

Ms ASHER (Minister for Innovation, Services and Small Business) — I move:

That I have leave to bring in a bill for an act to amend the Retail Leases Act 2003 and for other purposes.

Mr MADDEN (Essendon) — I ask that the minister give a brief explanation of the purpose of the bill.

Ms ASHER (Minister for Innovation, Services and Small Business) — The principal purpose of the bill is to assist in the government's red tape reduction program. The bill will also provide legal certainty for prospective tenants and landlords in relation to the provision of certain items required under the law.

Motion agreed to.

Read first time.

TRADITIONAL OWNER SETTLEMENT AMENDMENT BILL 2012

Introduction and first reading

Mr CLARK (Attorney-General) — I move:

That I have leave to bring in a bill for an act to amend the Traditional Owner Settlement Act 2010 and the Planning and Environment Act 1987, to make consequential amendments to other acts and for other purposes.

Mr WYNNE (Richmond) — Could I get a brief explanation of the bill?

Mr CLARK (Attorney-General) — The bill includes provisions relating to the terms of land use agreements, the coverage and classification of land use activities, and various technical and procedural amendments.

Motion agreed to.

Read first time.

TRANSPORT LEGISLATION AMENDMENT (MARINE DRUG AND ALCOHOL STANDARDS MODERNISATION AND OTHER MATTERS) BILL 2012

Introduction and first reading

Dr NAPTHINE (Minister for Ports) — I move:

That I have leave to bring in a bill for an act to amend the Marine (Drug, Alcohol and Pollution Control) Act 1988, the Marine Safety Act 2010, the Port Management Act 1995, the Transport (Compliance and Miscellaneous) Act 1983 and the Transport Legislation Amendment (Public Transport Development Authority) Act 2011 and for other purposes.

Mr PALLAS (Tarneit) — I ask the minister for a brief explanation of the bill.

Dr NAPTHINE (Minister for Ports) — I am pleased to advise the member for Tarneit that this is a bill to update maritime safety laws with respect to illicit drugs and alcohol. Another section of the bill will fix problems created by the previous Labor government's legislation with respect to police powers under the Marine Safety Act 2010.

Motion agreed to.

Read first time.

SERIOUS SEX OFFENDERS (DETENTION AND SUPERVISION) AMENDMENT BILL 2012

Introduction and first reading

Mr McINTOSH (Minister for Corrections) — I move:

That I have leave to bring in a bill for an act to amend the Serious Sex Offenders (Detention and Supervision) Act 2009 and for other purposes.

Mr ANDREWS (Leader of the Opposition) — Can I, on behalf of others, seek a brief explanation of the bill?

The SPEAKER — Order! I am sure the member can.

Mr McINTOSH (Minister for Corrections) — The principal amendment made by this bill is to require a judge, in making a decision to grant or not grant a suppression order in relation to a serious sex offender subject to detention or supervision, to take into account the protection of children, families and the community, and it makes a number of other tidy-ups of the principal act.

Motion agreed to.

Read first time.

NOTICES OF MOTION

Notices of motion given.

Mr NEWTON-BROWN having given notice of motion:

Ms Green — On a point of order, Speaker, I question whether that notice of motion should be ruled

in order given that the member who was named is not in the place at the moment; he has been removed from the chamber. The member for Prahran knows that if he has an issue, he should refer it to the Privileges Committee. He should withdraw the notice of motion.

The SPEAKER — Order! The notice of motion is in order.

Further notices of motion given.

Mrs BAUER having given notice of motion:

Ms Campbell — On a point of order, Speaker, I refer you to standing order 118, 'Imputations and personal reflections', and I ask that you rule that the notices of motion in relation to the member for Albert Park are not in order.

Mr O'Brien — On the point of order, Speaker, that standing order refers to imputations being disorderly other than by substantive motion. Members on this side of the house have given notices of their intention to move substantive motions, so this is entirely consistent with the standing orders.

The SPEAKER — Order! I do not uphold the point of order.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! Notices of motion 12 to 20 will be removed from the notice paper unless members wishing their notices to remain advise the Clerk in writing before 6.00 p.m. today.

PETITIONS

Following petitions presented to house:

Planning: Maribyrnong development

To the Legislative Assembly of Victoria:

The petition of residents of Maribyrnong city area and the Maribyrnong Residents Association Inc. draws to the attention of house:

> that there is a 19-storey residential development proposed for 62 Wests Road, Maribyrnong. In 2009 VCAT rejected an 8-storey residential development on the same site. The findings by VCAT on traffic/vehicle issues are entirely relevant to the current application. The conditions that applied then are still the same yet VicRoads and the traffic management report by GTA Consultants for the developers make no mention of and fail to take into account all relevant information by completely and conveniently ignoring the VCAT findings.

The petitioners therefore request that the Legislative Assembly of Victoria:

> that a failure in due process leaving VicRoads open to judicial review be noted;
>
> that an appropriate institutional body with the power to investigate is appointed to report on the VicRoads decision-making process, standard of information provided to VicRoads and the outcome;
>
> the infrastructure conditions be fully and independently assessed;
>
> we the residents be fully informed of the outcome; and
>
> that the proposed development does not proceed.

By Ms THOMSON (Footscray) (233 signatures).

Higher education: TAFE funding

To the Legislative Assembly of Victoria:

This petition of certain citizens of the state of Victoria draws to the attention of the house the state government's plans to cut hundreds of millions of dollars from TAFE funding. In particular, we note:

1. the TAFE association has estimated up to 2000 jobs could be lost as a result of these cuts;
2. many courses will be dropped or scaled back and several TAFE campuses face the possibility of closure;
3. with 49 000 full-time jobs already lost in this term of government, skills training has never been more important for Victorians.

The petitioners therefore request that the Legislative Assembly urges the Baillieu state government to abandon the planned funding cuts and guarantee no further cuts will be made.

By Ms GRALEY (Narre Warren South) (48 signatures).

Families: cost of living

To the Legislative Assembly of Victoria:

This petition of concerned residents of Victoria draws to the attention of the house a failure of the Baillieu government to honour its promise to help … families struggling under cost of living pressures'.

Further, we note that Mr Baillieu's budget adds to living costs by abolishing the School Start bonus and first home buyers scheme, cutting education maintenance allowance and TAFEs funding, increasing car registration by $35, and pensioner concessions by less than inflation.

The petitioners therefore call on the Victorian government to take immediate steps to cut the cost of living for families as promised and reverse these actions.

By Ms GRALEY (Narre Warren South) (63 signatures).

Pound–Shrives roads, Hampton Park: safety

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria who use the intersection of Pound and Shrives roads draws to the attention of the house the traffic congestion, accidents and delays that motorists experience at this intersection.

In particular, we note:

1. there is considerable traffic congestion at the intersection of Pound and Shrives Road in Hampton Park;

2. the intersection has a worsening accident record;

3. motorists avoid turning at the intersection by driving through a service station located on one corner creating safety hazards within the service station;

4. the Baillieu government has refused repeated requests to provide funding for safety improvements to the intersection.

The petitioners therefore request that the Legislative Assembly urges the Baillieu government to provide a funding commitment for safety improvements at the intersection of Pound and Shrives roads.

By Ms GRALEY (Narre Warren South) (193 signatures).

Tabled.

Ordered that petitions presented by honourable member for Narre Warren South be considered next day on motion of Ms GRALEY (Narre Warren South).

Mr Nardella — On a point of order, Speaker, I have been reflecting on the notices of motion and on members of other parliaments, including the Honourable Greg Wilton, a former member for the federal seat of Isaacs, who suicided and who honourable members on this side have known, and the Honourable Nick Sherry, a former federal Minister for Small Business, who attempted suicide. I ask you to review the notices of motion that have been put to the house today to give some guidance to the house in regard to this very serious matter. I do not resile from the fact that the Parliament should be robust, but I think on these particular matters your guidance of the house would be very welcome.

The SPEAKER — Order! The notices of motion that were given today were in the form of notices of substantive motions in which members do have a right to be critical of other members of Parliament if they wish to be. The notices of motion that were put up today fulfil the requirements for notices of motion such as the number of words and that sort of thing. From that point of view the notices of motion were in order. I just ask members to reflect on some of the things that they might say in the chamber.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 13

Ms CAMPBELL (Pascoe Vale) presented *Alert Digest* No. 13 of 2012 on:

Drugs, Poisons and Controlled Substances Amendment Bill 2012
Fire Services Property Levy Bill 2012
Planning and Environment Amendment (General) Bill 2012
Resources Legislation Amendment (General) Bill 2012

together with appendices.

Tabled.

Ordered to be printed.

DOCUMENTS

Tabled by Clerk:

Child Safety Commissioner — Report 2011–12

Crown Land (Reserves) Act 1978 — Order under ss 17B and 17D granting a licence and a lease over Barwon Heads Park

Disability Services Commissioner — Report 2011–12

Essential Services Commission — Report 2011–12

Financial Management Act 1994:

Report from the Minister for Agriculture and Food Security that he had received the report 2011–12 of Dairy Food Safety Victoria

Report from the Minister for Community Services that she had received the report 2011–12 of the Queen Victoria Women's Centre Trust

Reports from the Minister for Veterans' Affairs that he had received the reports 2011–12 of:

Shrine of Remembrance

Victorian Veterans Council

Melbourne and Olympic Parks Trust — Report 2011–12

Port of Hastings Development Authority — Report 2011–12

Racing Integrity Commissioner, Office of — Report 2011–12

Regional Development Victoria — Report 2011–12

State Sport Centres Trust — Report 2011–12

Statutory Rules under the following Acts:

County Court Act 1958 — SR 95

Supreme Court Act 1986 — SRs 96, 97

Working with Children Act 2005 — SR 98

Subordinate Legislation Act 1994 — Documents under s 15 in relation to Statutory Rules 91, 92, 94, 95, 96, 97, 98

Water Act 1989:

Little Yarra and Don Rivers Water Supply Protection Area Stream Flow Management Plan 2012 under s 32A

Woori Yallock Creek Water Supply Protection Area Stream Flow Management Plan 2012 under s 32A.

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Fire Services Property Levy Bill 2012
Planning and Environment Amendment (General) Bill 2012
Resources Legislation Amendment (General) Bill 2012.

BUSINESS OF THE HOUSE

Program

Mr McINTOSH (Minister for Corrections) — I move:

That, under standing order 94(2), the orders of the day, government business, relating to the following items be considered and completed by 4.00 p.m. on Thursday, 13 September 2012:

Civil Procedure Amendment Bill 2012

Drugs, Poisons and Controlled Substances Amendment Bill 2012

Fire Services Property Levy Bill 2012

Free Presbyterian Church Property Amendment Bill 2012

Planning and Environment Amendment (VicSmart Planning Assessment) Bill 2012

Primary Industries and Food Legislation Amendment Bill 2012.

Members may recall that the house has commenced the debate on the Primary Industries and Food Legislation Amendment Bill 2012. It is a very popular bill, and the debate on it was certainly enlivened by the member for Sandringham's significant contribution. We note that the member for Sandringham still has some 57 seconds in which to contribute, and no doubt we will all be enthralled by his contribution in relation to that matter.

The SPEAKER — Order! I am sure it will be very exciting.

Mr McINTOSH — In relation to the remainder of the business program, it is a full business program and I have no doubt that many members will make contributions on these bills. Accordingly I have great pleasure in submitting this program to the house.

Ms HENNESSY (Altona) — I rise to oppose the government business program, which I know always comes as a great surprise to those on the other side of the house. One of the primary reasons we on this side oppose the government business program relates to the misuse of parliamentary time with the second reading of ministerial speeches on Wednesday afternoons. I understand the argument on this matter being inarticulately put by those on the other side of this chamber. The accusation is that when we were in government we did exactly the same thing. In the last debate we had in this chamber on the government business program the member for Melton articulately, crisply and sensibly put this matter to rest. He said that when the previous government ever used Wednesday afternoons it was with the consent of the now government, then opposition. It is a complete and utter fabrication to suggest that the government is currently following a precedent; it is simply untrue.

In respect of the substantive issues contained in the government business program I would like to make this observation: the Primary Industries and Food Legislation Amendment Bill 2012 was the subject of much debate during the Ballarat regional sitting. I for one always enjoy the contributions of the member for Sandringham. I do not always agree with them, but I find them to be well thought through, well researched, articulately put and delivered with a certain panache and aplomb. He is probably one of the least notes-dependent members in this chamber. I wish to put that view on the record.

I make the observation that the government wishes to continue to debate this bill, which is essentially a bill about egg stamping, at a time when it is presiding over record levels of unemployment and record levels of young people giving up the search for work, when we are still unable to understand one of the greatest underpinnings of the government's so-called economic strategy because of its refusal to release the Vertigan report and when there are significant issues — —

Mr McIntosh — On a point of order, Speaker, this is a very narrow debate, and the member is clearly straying from the nature of the debate.

The SPEAKER — Order! I think the member for Altona understands she has strayed a little, and she is coming back to the motion before the house.

Ms HENNESSY — Thank you, Speaker, for your advice and guidance. I shall heed it.

The point is that at a time when there are significant issues that we ought to be debating, this is a reasonably disappointing government business program. That is not to take issue with the importance of any individual item, but the program speaks to the paucity of vision and action by this government. Having said that, we oppose the government business program. If we are unsuccessful in the division that follows this debate, I will enjoy the contribution by the member for Sandringham. I will not hear anyone from his own side say a word against him.

Mr HODGETT (Kilsyth) — The whiff of hypocrisy coming from the opposition benches! The serenity! When the opposition was in government 22 of the 76 bills it introduced, nearly a third, had second-reading speeches read on a Wednesday afternoon. I understand the point that members of the opposition are making, but they are clearly incorrect. We choose when we will do the second-reading speeches. Some of them will be done after 4 o'clock on a Thursday, some before 4 o'clock and some on a Wednesday afternoon. We are not obliged to follow the pattern of the previous government. We find it quite hypocritical that opposition members make out that when they were in government second-reading speeches were never read during the course of debate when we wanted to make contributions to debates on bills.

I take umbrage at members opposite talking about an 'unimportant' government business program. The Fire Services Property Levy Bill 2012 is a very important piece of legislation. We know the opposition does not like it because it said it was going to implement it and then did nothing about it for 11 years, and now we are going to implement it. The fact is that this sitting week's government business program is another solid one. It is a well-planned and well-thought-through government business program that will provide members wishing to make a contribution with ample opportunity to speak on and debate the bills.

We have six bills listed for debate, including the Civil Procedure Amendment Bill 2012; the Drugs, Poisons and Controlled Substances Amendment Bill 2012; the Fire Services Property Levy Bill 2012, and a number of members on our side of the house wish to make a contribution to debate on that very important bill; the Free Presbyterian Church Property Amendment Bill 2012; and the Planning and Environment Amendment (VicSmart Planning Assessment) Bill 2012. Planning is one of those topics that always raises issues and provokes debate and discussion. Again, we have a number of members on this side of the house lining up to make a contribution to debate on that bill.

As mentioned, we also wish to continue the debate on the Primary Industries and Food Legislation Amendment Bill 2012. When we debated this bill in Ballarat we said we were not going to put it to the guillotine because we had a number of members who wanted to make a contribution to the debate. I accept that the terrific contribution of the member for Sandringham has stirred people on the issues he outlined in relation to that bill. Members want to get up and make contributions to that debate, and we welcome that.

It will be interesting to see over the course of the sitting week how many speakers from the opposition actually get up and make contributions to debate. We will see whether the opposition peters out and runs out of speakers, like it has in other weeks when its members have packed their bags and made the 4 o'clock dash to the back door as we put the bills to the guillotine of a Thursday. I urge all members to support the motion moved by the Leader of the House on the government business program for this sitting week.

Ms KAIROUZ (Kororoit) — The only thing that is solid about this government business program is the contribution that members of this side of the house will make towards it. I support the member for Altona by opposing this government business program. She has eloquently outlined the reasons we will be opposing the government business program while acknowledging that the legislation we will be debating is very important and that all members of this side of the house are quite keen to make their contributions.

The only other thing I would like members of the chamber to note is how proud The Nationals Whip was last week when all his members were in the chamber at 4.00 p.m. At 4 o'clock on a Thursday afternoon we usually see them dashing off into the car park with their bags packed, so he was very proud of himself last Thursday in Ballarat when he did a headcount and found that all of his 10 members were in the chamber at 4.00 p.m. I will not say much more than that. We will be opposing the government business program, and I

look forward to the solid contributions to debate that members on this side of the house will put forward.

Mr CRISP (Mildura) — I rise to make a contribution in support of the government business program. Members have been reflecting on the time spent on second-reading speeches. I am going to take a caring line by saying to our friends on the other side of the house that by reading the speeches on a Wednesday afternoon we give you time to confer with your friends and use the library facilities, if you so wish. If we read the speeches after 4 o'clock on Thursday, you guys would all be on the road and you would have to listen to it on the radio. You would not have the opportunity to access those resources.

I also note that showing such care was mutual when on Thursday evening in Ballarat 18 of you stayed for the adjournment debate. It was stunning to see the benches far fuller than normal. I am not sure where the rest of the opposition members were.

Ms Green — On a point of order, Speaker, the member for Mildura has reflected on you on about six or seven occasions in his contribution by referring to 'you'. I ask that he be directed not to refer to the Chair in that way.

The SPEAKER — Order! I cannot uphold that point of order. I am speechless, one could say.

Mr CRISP — I disagree with the member for Altona about the importance of the government business program. I think the Fire Services Property Levy Bill 2012 is a landmark piece of legislation — a landmark for this government and a landmark for Victoria. To devalue that grossly underestimates the importance of this piece of legislation. Similarly, the Drugs, Poisons and Controlled Substances Amendment Bill 2012 is absolutely vital to staying one step ahead of drug dealers and those people who attempt to avoid the consequences of their actions in relation to changing the chemistry of controlled substances.

I think we on this side of the house are exceptionally agreeable and amenable to our colleagues on the other side, and I also support the government business program.

Mr BROOKS (Bundoora) — I rise to speak against the government business program. At the outset I will take up one of the points raised by the member for Mildura. If he feels that the Fire Services Property Levy Bill 2012, which has been introduced by the government, is such a significant piece of legislation, then you would imagine that his government would free up enough time for proper debate in this house so that every member of the house would have a chance, if they wished, to contribute to that debate. But of course what we see this sitting week, like in so many sitting weeks in the past, is a lazy government slipping second-reading speeches in during time that should be made available for members to debate important issues, just so Nationals MPs can scoot off home at 4 o'clock on a Thursday afternoon.

I agree that there are some bills on this notice paper that warrant careful consideration by all members of this house. Some very complex matters have been put forward by the government, and we will be sure to hold the government to account on these issues over time. However, it is very difficult to do that if we do not have the chance to thoroughly explore those issues through debate in this chamber.

Another point the member for Mildura raised was in relation to the adjournment of the sitting in Ballarat. I noticed that during the adjournment debate not all members were actually on the floor of Parliament — or on the stage, as it were. I noticed that for probably half an hour the Premier was sitting in the gallery watching Parliament from afar. Many people have — —

The SPEAKER — Order! The member is straying a little from the debate before the house. I ask him to get back to the motion before the house.

Mr BROOKS — On a point of order, Speaker, in relation to your ruling, the member for Mildura specifically raised the matter of the adjournment debate at Ballarat. I was just responding to the point he raised.

The SPEAKER — Order! What I am saying is that the member would be best to ignore what the member for Mildura said and just get on with addressing the motion before the house.

Mr BROOKS — With all respect to your ruling, Speaker, I was just going to make the point that the Premier is known as a spectator, and he certainly was acting as a spectator during the sitting at Ballarat.

To sum up, I think it is important that we have the opportunity to scrutinise the government on a range of bills. We saw in question time that the government does not like being scrutinised. Its members do not want to answer questions in question time. They hide from scrutiny in a range of other ways, as we have seen outside this place in terms of their approach to freedom of information and other areas where they hide from scrutiny. This is just another example of the pattern by which this government wants to shut down the legitimate democratic processes of this state that enable us to hold government to account.

This business program is an important one for those on this side of the house to oppose, and I think there are probably members on the other side of the house who, in their heart of hearts, know that it is a sham for these second-reading speeches to take place during important debating time without the agreement of the whole house.

House divided on motion:

Ayes, 44

Angus, Mr	Mulder, Mr
Asher, Ms	Napthine, Dr
Baillieu, Mr	Newton-Brown, Mr
Battin, Mr	Northe, Mr
Bauer, Mrs	O'Brien, Mr
Blackwood, Mr	Powell, Mrs
Bull, Mr	Ryall, Ms
Burgess, Mr	Ryan, Mr
Clark, Mr	Shaw, Mr
Crisp, Mr	Smith, Mr R.
Delahunty, Mr	Southwick, Mr
Dixon, Mr	Sykes, Dr
Fyffe, Mrs	Thompson, Mr
Gidley, Mr	Tilley, Mr
Hodgett, Mr	Victoria, Mrs
Katos, Mr	Wakeling, Mr
Kotsiras, Mr	Walsh, Mr
McCurdy, Mr	Watt, Mr
McIntosh, Mr	Weller, Mr
McLeish, Ms	Wells, Mr
Miller, Ms	Wooldridge, Ms
Morris, Mr	Wreford, Ms

Noes, 41

Andrews, Mr	Howard, Mr
Barker, Ms	Hutchins, Ms
Beattie, Ms	Kairouz, Ms
Brooks, Mr	Kanis, Ms
Campbell, Ms	Knight, Ms
Carbines, Mr	Languiller, Mr
Carroll, Mr	Lim, Mr
D'Ambrosio, Ms	McGuire, Mr
Donnellan, Mr	Madden, Mr
Duncan, Ms	Merlino, Mr
Edwards, Ms	Nardella, Mr
Eren, Mr	Neville, Ms
Foley, Mr	Noonan, Mr
Garrett, Ms	Pallas, Mr
Graley, Ms	Pandazopoulos, Mr
Green, Ms	Perera, Mr
Halfpenny, Ms	Richardson, Ms
Helper, Mr	Scott, Mr
Hennessy, Ms	Thomson, Ms
Herbert, Mr	Wynne, Mr
Holding, Mr	

Motion agreed to.

MEMBERS STATEMENTS

Member for Monbulk: comments

Mr RYAN (Minister for Police and Emergency Services) — The member for Monbulk has blundered again. This time absolutely spectacularly. Last week the member told ABC radio that — —

Honourable members interjecting.

The SPEAKER — Order! The house will come to order.

Mr RYAN — Last week the member told ABC radio:

> One of the cornerstone recommendations of the bushfires royal commission was the recruitment of an additional 342 firefighters.

During the regional sitting of the Parliament last week the member told Parliament:

> The recruitment of 342 additional firefighters, one of the key recommendations of the 2009 Victorian Bushfire Royal Commission, will be delayed. In this critical recommendation the royal commission stressed the need for a significant addition to the number of firefighters.

They are very fine words except for one thing: the royal commission made no such recommendation. It is an absolute fiction on the part of the member. It is an utter fallacy. He made this up.

The member should apologise for what he has said. He should come into this place, withdraw the commentary he made and ensure that in future commentary he makes around these particularly important issues he honours the facts of the recommendations made by the royal commission, which is exactly what the Baillieu government is doing. We are implementing every one of the 67 of them.

Lawn bowls: Eltham electorate

Mr HERBERT (Eltham) — On 1 September I attended the opening of Eltham Bowling Club's bowling season, as I did the opening of the Montmorency Bowling Club's men's competition on the Saturday before. What a great and positive group of people bowlers are. The Eltham electorate has some of the state's best and fastest growing sports clubs, with in excess of 1000 members in some clubs, such as the Eltham Redbacks Football Club, and some smaller, family-oriented clubs such as the Eltham Tennis Club. Whilst we often think of bowling clubs as less athletic, older and more sedentary local institutions, nothing could be further from the truth. In hail, rain or blazing

sun they stand all day competing in what is a truly challenging sport — they are a hardy lot.

Both Eltham and Montmorency bowling clubs are growing and are incredibly well organised. They have a strong supply of talented volunteers, strong and ambitious pennant teams, and a welcoming atmosphere that make the clubs a genuine home away from home. Whilst there is a great but good-humoured rivalry between the Eltham and Montmorency bowling clubs, they clearly appreciate each other's role in strengthening community spirit. Each year they, along with Heidelberg Golf Bowling Club, join me for my Eltham parliamentary bowls challenge, a great day that I host for these clubs on the greens at Parliament House.

I would like to take this opportunity to congratulate all the sports clubs in my electorate but particularly the Eltham and Montmorency bowling clubs on their contribution to their communities. I especially mention Noel and Meryl Spargo, John Baker and other committee members of the Eltham Bowling Club; and John Herrald, Phil Stirling, Alec Treacher and other members of the committee of the Montmorency Bowling Club.

Road safety: numberplate slogan

Mr MULDER (Minister for Public Transport) — During the regional sitting of the Legislative Assembly in Ballarat the Premier announced the state's new numberplate slogan 'Stay alert stay alive'. At the time the member for Mulgrave, the Leader of the Opposition, graciously congratulated the Premier. He stated:

> I join with the Premier in making it very clear to all Victorians that across this chamber there is strong bipartisan support to reduce the road toll.

But senior members of the opposition have shown disregard for their leader's position. The following sample of tweets from the member for Tarneit and the member for Lara appeared on Twitter shortly after. The member for Tarneit said:

> A lert is a small furry woodland creature. Our new numberplates aim to keep them alive: be a lert stay alive.

The member for Lara said:

> Victoria is no longer the garden state or the place to be, under Ted Baillieu it's 'Stay alert stay alive'. Sad, really.

What an absolute disgrace! It is disappointing that they have chosen to take such a flippant attitude to road safety. The member for Tarneit is on the record in the past supporting bipartisan road safety initiatives, as is the member for Lara, who stated:

> We would take a bipartisan approach and not play politics on road safety.

The member for Tarneit should look back to March 2010 and reflect on his slogan 'Don't be a dickhead'. That was his slogan, announced in March 2010. The member for Tarneit should look at his slogan and see how that reflects today on the member for Lara and himself and what they have had to say about our road safety slogan.

Altona West Primary School site: future

Ms HENNESSY (Altona) — I wish to talk about a particular area in my electorate where Altona College is. Altona West Primary School used to be in the area bounded by Grieve Parade, Belmar Avenue and Medford Street in Altona. That was replaced when the new Altona College was built. But there is some land around Altona College that has fallen into a state of disrepair. It is land that technically sits within the province of the Department of Education and Early Childhood Development. Many constituents have raised with me their concern about the state of disrepair that this land has fallen into, and I intend to ask the Minister for Education to address this matter.

Of deeper concern to my local constituents is the future use of that land. I am also concerned that there may be recommendations contained in the secret Vertigan report that go to asset sales of Crown land and other publicly owned land, so I also intend to seek some assurance from the Minister for Education in respect of the proposed future use of that land. I put on the record my view that that land ought to be used for educational or community purposes. This is certainly the very strong view of my local community. The land has been sitting there for two years. It has been left to fall into a state of disrepair, and no certainty has been given in respect of the future of that land. The government must take action to address this.

Member for Lyndhurst: comments

Dr NAPTHINE (Minister for Ports) — In Ballarat last week this house debated a motion supporting the terrific achievements of the coalition government's $1 billion Regional Growth Fund. Speaking on that motion, the lead speaker for the Labor opposition, the member for Lyndhurst, said, 'We reject the motion, and we will not support it'. He described the proposition under debate as 'a motion that the opposition cannot and will not support'.

However, despite these strong words, what happened when the vote was taken on this motion? Labor did not raise one hand or one voice against the motion. The motion was passed without dissent or opposition. What can we conclude? We can conclude that the member for Lyndhurst got lost around the University of Ballarat campus and missed the division. Perhaps he simply lost his voice or his influence or his nerve, or perhaps he could not deliver within the Labor caucus. Clearly, the member for Lyndhurst understood that Labor not only lost the debate on this issue but has lost its way across regional and rural Victoria. We understand that if you sent out a highly trained search party, it could not find a positive Labor policy for regional and rural Victoria.

In contrast to the member for Lyndhurst, who is obviously lost in the wilderness of opposition, the Baillieu government is delivering on the $1 billion Regional Growth Fund, jobs, economic growth and population growth in country Victoria.

Lalor Secondary College: debutante ball

Ms HALFPENNY (Thomastown) — On Saturday, 8 September, I had the pleasure of attending the 2012 Lalor Secondary College debutante ball. It was very enjoyable and also fascinating. Family and friends attended in big numbers. They must be very proud of the debutantes and their partners who had clearly put great effort and commitment into preparing for the night. Congratulations to everyone involved in making the night a success, with a special mention of teacher Vanessa Sofo. All teachers who organised the occasion did this in their own time, in addition to their teaching commitments.

I hear these stories of teacher dedication and professionalism from parents and students at every school I visit in my electorate, and I wish them well in their current struggle with the state government for proper pay, conditions and educational standards.

I make special mention of the debutantes and their partners: Tamsin Baxter and Matthew Golledge; Diana De Amicis and Joshua De Frenza; Elysia Freddura and Corey De Simone; Lisa Galloro and Justin Tirant; Dragana Georgioska and Baran Karagoz; Dina Khoda-Ahga and Fikret Yildiz; Elizabeth Lerovska and Brenton Odza; Tara Longo and Terry Chalvadakis; Jasmin Manoilovski and Alex Manoilovski; Yesmine Mohamad and Jordan Petrovski; Vicky Nguyen and Robert Johnson; Hala Rafraf and Hussein Khalil; Jaimi Sacco and Duke Nona; Eleftheria Spandideas and Aleks Lazarovski; Alisa Rusanovski and William Marambio; and Jennifer Tran and Robert Scopelliti.

China: trade mission

Ms ASHER (Minister for Innovation, Services and Small Business) — On the eve of Victoria's largest ever trade mission to China, which we believe is the largest trade mission ever to that country, I would like to draw to the house's attention a quote I found in the Victorian Employers Chamber of Commerce and Industry's *Business Excellence* newsletter of winter 2012. It reads:

> Attacking ministerial travel is a cheap and short-sighted way for oppositions to score political points. By contrast, I have publicly defended the Baillieu government for its trade mission to India. I will continue to do so when such travel is focused on opening doors to export and investment opportunities for our state.

Members might like to know who actually wrote that comment — not just who made the comment but who wrote it. The answer is the member for Lyndhurst. I would urge the member for Lyndhurst to have a discussion with Mr Pakula, a member for Western Metropolitan Region in the other place, because Mr Pakula has a completely different view about that specific India mission. Mr Pakula told the *Herald Sun* that it was super expensive and then went on to send up the mission by referring to it as a photo opportunity.

The opposition cannot have two positions on important trade missions. It cannot have two shadow ministers with different views, and I urge the Leader of the Opposition to show some leadership and clarify his party's position on the Baillieu government's trade mission program.

Melbourne Convention and Exhibition Centre: expansion

Mr PANDAZOPOULOS (Dandenong) — I rise to call on the Premier to support the expansion of the Melbourne Convention and Exhibition Centre. It was interesting to hear the Minister for Innovation, Services and Small Business, whom I know supports this project and would like to see the Premier support her in expanding the exhibition centre, mention the Victorian Employers Chamber of Commerce and Industry. VECCI has been calling for this exhibition centre expansion for a period of time, as has the tourism industry.

Members would be aware that the previous Labor government, since the time that I was a minister, realised that the events industry has great potential. We wanted to boost our capacity in the conference market, and that is why we built the largest ever convention centre and put resources behind it. The area in which

we need to improve our competitive strength is the exhibition sector, where for years Sydney has been the frontrunner. I had the pleasure of being invited to the Fine Food Australia exhibition this morning, which is normally held in Sydney. Melbourne, as we know, is the food capital of Australia. The events and exhibition industry is looking at Victoria to expand these facilities.

The concern that the industry and I have is that we will lose the competitive advantage established when the previous Labor government committed to the completion of this facility. We have already seen that, as Sydney invests in its facilities, those events then come to Melbourne because we have the next biggest facility. The feedback I received this morning was that Melbourne should be the home of these events. Melbourne is a better and higher functioning city, but I fear we will lose the competitive advantage we were building — —

The DEPUTY SPEAKER — Order! The member's time has expired.

Paralympic Games: Australian athletes

Mr DELAHUNTY (Minister for Sport and Recreation) — The London 2012 Paralympic Games have just finished. This was a sporting event that captured the heart of Victorians and in fact all Australians who sat up late at night to watch these inspirational Australians compete for their country. Australia finished fifth in the medal tally, with 32 gold, 23 silver and 30 bronze medals, taking our total for the games to 85 medals. What a fantastic result for Australia.

Inspirational performances were given by Jacqueline Freney, the London Dominator, and Matthew Cowdrey in the pool. They took home eight medals each. Our men's and women's wheelchair basketball teams showed true grit and determination to grab silver medals. The men's team included Jannick Blair from Horsham in western Victoria. Many of us viewed the sensational performance of our wheelchair rugby team, boosted by the incredible performance of Riley Batt, who scored 37 goals. At 23 years of age this was Riley's third Paralympics. No wonder he is considered the world's best player.

The Victorian government strongly supports our Paralympians and Olympians through the Victorian Institute of Sport. It provides a range of services and support to athletes, including advanced and specialised coaching, sports science and sports medicine services, career and education advice, and training and competition support.

The list of Victorian athletes with a disability who have achieved success in London is large and one for all of us to be proud of. Congratulations to all our athletes who have done Victoria and Australia most proud. Well done to you all.

Mount Ridley College: funding

Ms BEATTIE (Yuroke) — Once again I rise to urge the Minister for Education and the Premier to fund stage 5 of Mount Ridley P–12 college. Members will recall that this government failed to allocate any funding in the 2012–13 state budget to complete stage 5 of the college, leaving the principal, staff, students and families scratching their heads and in limbo, wondering when their school will be completed. Frankly this is not good enough, and I ask both the Premier and the Minister for Education to cough up the money and finish the school that the Bracks and Brumby Labor governments started. Stages 1 to 4 were fully funded under Labor, and stages 1, 2 and 3 were built.

Last week I received correspondence from Traci Coe, Mount Ridley College council president, calling on the Baillieu government to finish the job and provide a school that the students and staff deserve. She said that currently there are 1287 students across prep to year 9, and temporary buildings will be needed with the projected growth. She also said that unfortunately these temporary buildings will mean that students will not be able to experience delivery of the innovative programs to the same degree as students in the flexible learning spaces.

Under this government education has been kneecapped, with savage tax cuts, broken promises on teachers' pay and unfinished schools. Shame on the Minister for Education and the Premier.

Rail: protective services officers

Mr R. SMITH (Minister for Environment and Climate Change) — It was with great pleasure that I was able to announce yesterday the commencement of patrols by protective services officers (PSOs) at Ringwood station. Protective services officers are being further deployed this week as part of the coalition government's ongoing rollout of 940 PSOs to help keep Victorians safe on the public transport network.

Safety at Ringwood station has been a great source of concern to me and my constituents for some time. There have been criminal incidents in the past and a high public perception of a lack of safety at Ringwood station. Although I lobbied the previous Labor government to do something about safety at Ringwood

station — surprise, surprise! — my representations fell on deaf ears.

When asked in a survey 2700 Victorians said they supported PSOs and agreed that night train travel would be safer with their rollout across the railway network. These PSOs will not only give a real sense of safety to commuters but will also be able to respond to criminal acts. PSOs are trained in a range of strategies for dealing appropriately with antisocial behaviour, vulnerable groups and people who are in an agitated state or drink or drug affected. Importantly PSOs also have the power to detain offenders who are threatening the safety of other commuters or the public generally.

There has been a police presence at Ringwood station in the past, and with the new PSOs in place those police resources will be freed up for use in other parts of our community. The placement of PSOs at Ringwood in conjunction with the station redevelopment — another coalition government initiative — will contribute to making Ringwood station a safe community hub.

Country Fire Authority: Bendigo West electorate brigades

Ms EDWARDS (Bendigo West) — I was pleased to attend the Kangaroo Flat Country Fire Authority brigade's annual dinner and presentation night on Saturday night. The Kangaroo Flat CFA brigade is now in its 139th year. The presentation of this year's service awards was of particular note because Tommy Kilmartin received his 65-year service medal and was also made a life member of the brigade. Wally Browning, who is 86 and was captain of the brigade from 1929 to 1943, also received his life membership of the brigade. Glenn Brown and Kelly Hocking received their five-year service medals and Leighton Miller his 20-year service medal. I congratulate them on their outstanding achievements.

I also congratulate the Eaglehawk CFA captain, Eric Smith, and the Elphinstone CFA captain, Andy Chapman, on being recipients of the National Emergency Medal in recognition of their courage and leadership in Bendigo and Redesdale during the Black Saturday fires.

The Kangaroo Flat CFA volunteer brigade has a long and brave history which is carefully recorded on the walls of its station. The Kangaroo Flat CFA brigade is still waiting to hear if its planned new fire station will go ahead following the decision of the Leader of The Nationals to cut $41 million from the CFA budget. Of particular concern to the CFA in Kangaroo Flat is that the land that has been purchased by the CFA for its new building could be sold from under it. The captain of the Kangaroo Flat CFA has asked the CFA about this matter on several occasions but has been told nothing about what the future might be for the new station. Once again I say to the Minister for Police and Emergency Services, 'Over to you, Minister'.

Member for Albert Park: conduct

Mr SOUTHWICK (Caulfield) — In the past fortnight there have been reports about the fact that the member for Albert Park chose to threaten a 17-year-old constituent who is working as an intern in my office with academic retribution and union heavies. I remain appalled and shocked that a member of Parliament could act in this way. I repeat my call for the member to apologise to James Mathias.

The member for Albert Park has sought an apology from me for suggesting that he is a supporter of the boycott, divestment and sanctions (BDS) movement, a claim I strongly deny. The member is without question a supporter of the Jewish community. However, the member must be judged by the company he keeps. While the Labor Party's support for Israel is beyond doubt, its industrial wing continues to align itself with haters of Israel.

Ms Campbell — On a point of order, Deputy Speaker — —

The DEPUTY SPEAKER — Order! The convention is that points of order are taken at the end of members statements. Does the member want to take it now?

An honourable member — Stop the clock!

The DEPUTY SPEAKER — Order! If we stop the clock, the last person does not get to speak.

Ms Campbell — On a point of order, Deputy Speaker, I refer you to standing order 118.

The DEPUTY SPEAKER — Order! The member for Caulfield.

Mr SOUTHWICK — The Australian Services Union (ASU), of which the member for Albert Park is a proud member, is on the record as supporting the BDS campaign. The member claims that his union has no links to this campaign despite a union resolution passed on October 2010 to continue to participate in these boycotts. This motion was published by the Victorian branch secretary of the Australian Services Union, Ingrid Stitt. I note that in the member for Albert Park's inaugural speech in October 2007 he expressed his

gratitude for the friendship of Ms Stitt and, worryingly, said that the ASU forms the basis of much of his political activity.

I call on the member to speak the truth to his friends and stand up to extremism within the union movement. I call on the member to join with me, the government and the opposition in the spirit of bipartisanship to publicly condemn the actions of the union.

The DEPUTY SPEAKER — Order! The member's time has expired.

Rob Robertson

Ms HUTCHINS (Keilor) — I rise to acknowledge one of my constituents, Rob Robertson, for his outstanding service to our community over his 17 years of service in the police force, including undertaking high-risk undercover work for almost five years.

Mr Robertson visited my office last week and told me the unique story of his life. From 1963 until 1969 he served in the Australian Army in Vietnam, and upon his return he joined Victoria Police. In 1976 he was appointed to the observation squad, known as 'the shadowers', and in 1976 to the Australian Bureau of Criminal Intelligence. The work of his unit revolved largely around the St Kilda drug scene and resulted in the solving of many burglaries and the arrest of major drug dealers.

Over a period of five years Mr Robertson was involved in undercover activities aimed at combating organised crime in Melbourne. As part of his role he had to be undercover and live away from his family and children for the duration of the operation. That took a great toll on his first marriage. The Australian Bureau of Criminal Intelligence had acknowledged that Mr Robertson would be under extreme stress in attempting to maintain his assumed identity and gather intelligence on criminals. At one point during an investigation his quick thinking saved the lives of two fellow police officers whom the criminals were intending to shoot.

Mr Robertson is now seeking recognition from the Victoria Police honours and awards committee, and I fully support his application and wish him all the best.

Ballarat: regional sitting

Mr BATTIN (Gembrook) — I start by saying that I was pleased to attend the Ballarat regional sitting last week. As a relatively new member of this place, I represent communities from the growth corridor to the tourist towns around Emerald. We have potato farmers in Gembrook and wineries in Yarra Junction. The northern section of the electorate was built on the timber industry, and it currently faces a few challenges that could have a major impact on the local towns.

The coalition government proudly supports communities in regional Victoria. Earlier this year the Premier and members of the coalition cabinet came to my electorate of Gembrook to listen to the locals — taking the government back to the local communities. That, along with the regional sitting in Ballarat, ensures that regional Victoria and all Victorians are being heard.

During our recent visit to Ballarat I was surprised by the blatant disrespect shown towards the Ballarat community by the city-centric, latte-sipping Labor member for Albert Park, who tweeted a picture that insulted locals with the quote 'Lots of interest in the Spring Street regional sitting in Ballarat', after hundreds of children and members of the local community had visited their Parliament. If the member for Albert Park ever managed to get past the West Gate Bridge or visited the potato farmers on properties in my electorate, or if he was daring enough to see how hard the timber industry workers work, he would understand that regional Victoria is a major part of our economy, a massive part of our export trade and the backbone of our food security.

It is time that those opposite, in particular the member for Albert Park, got out of the city and showed support and respect for those who have supported us for many years. I am very proud to support regional Victoria.

Western Ring Road: noise barriers

Ms CAMPBELL (Pascoe Vale) — Moreland residents deserve noise walls on the widened Western Ring Road through Gowanbrae and Glenroy. We deserve quality noise walls, and we should have equality with other parts of Melbourne, particularly those around the Monash Freeway. The ring-road has been widened by one lane each way, and a new bridge has been built over Moonee Ponds Creek. That new bridge has in fact been built over the old noise walls, and the Melbourne-Sydney alliance that is building the ring-road has said that there will be no new noise walls over the bridge that has been built above the noise walls, which is hardly logical.

Residents have complained loudly and have had two public meetings — one in Glenroy and one in Gowanbrae — to highlight that this $2.25 billion widening needs only another $800 000 for noise walls at the back of Gowanbrae and extra funding for noise

walls at Glenroy as well as for over that bridge. The $2.25 billion allocated to that project allowed for noise walls so that people were able to have their health and wellbeing protected. As I said, the Gowanbrae noise walls would cost $800 000, and the Glenroy noise walls would be about the same. The Western Ring Road should have quality noise walls and equality with those along the Monash Freeway.

Ballarat: regional sitting

Ms MILLER (Bentleigh) — Last week we enjoyed the wonderful opportunity to travel to Ballarat for a regional sitting of the Legislative Assembly, and the government announced a new state mineral emblem which is particularly appropriate for Ballarat — that is, gold. In addition, it announced a new road safety initiative 'Stay alert stay alive'.

During a debate the member for Lyndhurst attempted to mislead the house into believing that the previous government had served the interests of regional Victoria. This is the same city-centric government whose greatest achievement in regional Victoria was to commit in a panic to a desalination plant that will hit the hip pockets of Victorians for $23 billion over the next 27½ years. However, the member for Lyndhurst's actions speak louder than his words. If Labor cared about regional Victoria, the member would have been physically present in the house to vote against the motion he had earlier announced he would not support when he said it was a motion that the opposition could not and would not support. Possibly the member had again become lost in regional Victoria.

The member for Melton similarly squandered an opportunity to address the concerns of regional Victoria. By saying in front of a regional gallery that the coalition had failed regional Victoria, the member demonstrated his ignorance. The coalition has invested $1 billion in the Regional Growth Fund among a number of other investments and initiatives for rural and regional Victoria.

But once again the worst conduct was demonstrated by the Leader of the Opposition, who continued to support the unions last week even when their behaviour was exposed to be illegal. It may be that the Leader of the Opposition was so busy running between Construction, Forestry, Mining and Energy Union demonstrations that he was unable to inform his colleagues of the many initiatives the coalition government has delivered for regional Victoria.

Ivanhoe electorate: former school sites

Mr CARBINES (Ivanhoe) — I rise to again express the frustrations and deep concerns of residents in my electorate of Ivanhoe regarding the wilful neglect of community assets in Bellfield and Heidelberg Heights at the sites of three former schools: Bellfield Primary School, Haig Street Primary School and Banksia-La Trobe Secondary College. For two years these sites have sat idle, vacant and neglected on the Baillieu government's watch. The school buildings have been destroyed, vandalised and left as eyesores and health and safety risks to the community.

Repeated requests from me, Banyule City Council, the mayor and community organisations and sporting groups, which have offered to use and maintain these facilities, have been ignored by the Baillieu government. Despite raising these matters many times in Parliament in the past two years, the Minister for Education has failed to make good on his commitment in this house on 6 December last year to meet with me and to take action on these sites. He has duckshoved the problem to the Minister for Planning.

In the *Heidelberg Leader* of 1 March 2012, in an article titled 'Banyule schools may end up in community hands', Mr Guy criticised his cabinet colleague. The article says:

> He said he was shocked at the state of Bellfield Primary School's basketball court. Opened in 2006, it had been trashed in three months.
>
> Mr Guy said negotiations with the education department and Places Victoria should take a couple of months.

I note that on 31 July 2012 a *Heidelberg Leader* article titled 'Minister's empty promise on Banyule schools' says:

> Three Banyule schools, including Banksia-La Trobe Secondary College, remain unused despite a pledge from planning minister Matthew Guy.
>
> Six months after pledging to help Banyule council win control of three closed schools, planning minister Matthew Guy still has no answers.

This government has had two years to act on these sites. It is neglecting them and ignoring the community, and it should reveal its secret plans for these sites now.

Goulburn Fish Festival

Dr SYKES (Benalla) — More than 400 people welcomed the opening of trout season in rivers at the inaugural Goulburn Fish Festival at Eildon on the weekend of 31 August to 1 September 2012. Visitors came from near and far, including Yarrawonga,

Bendigo, Shepparton and Cheltenham. Guest speakers revealed a few secrets, and Saturday's fishing clinics had several children able to catch their first trout. Families helped release 300 trout into the Eildon pondage that day. Over 220 people toured the Snobs Creek hatchery and fed the huge brood trout.

Anglers heading to the district in the weeks ahead can try their luck at the pondage, which was stocked with 10 000 trout on the weekend. These fish should continue to provide great fishing opportunities for several months and will be complemented by further trout releases into this water.

These great activities came together due to the efforts of the Goulburn Fish Festival planning group, whose members include Gary Constantine, Tom Hammer and Ed Stevens, Mike Sundstrom, Stuart Longhurst, Stephen Vidler, Victor Armstrong, Russell Strongman, Brian Mottram and Lee Carpenter.

This initiative, along with restocking Victoria's lakes and streams with over 2 million fish in the past 12 months, confirms that the coalition government is a great supporter of Victoria's 700 000 recreational fishers.

Latino-American Women's Association of Victoria: health and wellbeing program

Mr LANGUILLER (Derrimut) — I wish to take this opportunity to commend the work of the Latino-American Women's Association of Victoria Inc. and its program coordinator, Cecilia Gomez, for its program of free computer, English and business courses for seniors as part of its health and wellbeing program. Now more than ever millions of people around the world are using the internet and computers every day. Many older people are trying to make sense of this new-age technology as they try to keep up with younger, more technologically savvy generations. This program offers access to computers and the internet as well as a variety of computer classes at different levels to meet the needs of older adults in my community and to help them to stay up to date with today's technology.

The program coordinator says there are many advantages of seniors knowing how to use the internet. According to the Latino-American Women's Association of Victoria, access to the internet allows seniors to research the effects of the medicines they are taking and to learn about their options for any important areas of information they need. The benefits of using the internet for older adults can go beyond just staying current with the latest news and information. Recent studies have shown that internet use can strengthen social bonds and create a sense of connectedness amongst older adults. Using a computer and all those social networks keeps seniors connected with their children, their grandchildren and friends everywhere, which can reduce feelings of isolation and ease loneliness.

There are 55 participants from Turkey, Malta, Croatia, Macedonia, Greece, Ukraine, Portugal, Italy, Argentina, Uruguay, Paraguay and El Salvador.

The DEPUTY SPEAKER — Order! The member's time has expired.

Republic of Chile: presidential visit

Mr KOTSIRAS (Minister for Multicultural Affairs and Citizenship) — Yesterday I had the pleasure, with the member for Derrimut, of attending a luncheon with the President of Chile, and I have to say — —

The DEPUTY SPEAKER — Order! The minister's time has expired. I would like to reinforce the fact that although every member has a right to take a point of order, there is a convention that points of order are not taken during members statements because of the limited time available during that period. If a member does take a point of order, the last speaker on the list will often miss out.

PRIMARY INDUSTRIES AND FOOD LEGISLATION AMENDMENT BILL 2012

Second reading

Debate resumed from 6 September; motion of Mr WALSH (Minister for Agriculture and Food Security).

Mr THOMPSON (Sandringham) — The regulatory hand of government must be exercised lightly and wisely as it coordinates imposts upon industry. There have been examples in recent times in relation to the banning of the live export of cattle to Indonesia, and the introduction of the mining tax and the carbon tax where there has been a real impact upon industries. In relation to the bill before the house, the Primary Industries and Food Legislation Amendment Bill 2012, there was a prospective impact on egg producers, obliging them to invest in egg-stamping equipment to the value of $30 000. This bill defers that impact and impost for a period of time.

Other improvements in relation to the bill include the ability of government officials to obtain the address of property owners from local councils as opposed to going to the titles office and the ability to impound

earlier animals found wandering on roads that later returned to a property where a fence had fallen down.

Mr NORTHE (Morwell) — It gives me great pleasure to speak in the debate on the Primary Industries and Food Legislation Amendment Bill 2012, and it is a great pleasure to follow the member for Sandringham. We were a little bit disappointed with his last 56 seconds; we expected a really big encore from him and are not quite sure that he delivered. Nonetheless, there are three key aspects to the bill: improving the emergency response to fire, flood and outbreaks of disease; improving and tackling the issue of livestock on roads, which has been mentioned by other members; and the regulation of egg standards across Victoria.

It is interesting to note that from the perspective of the Latrobe City Council or the Morwell electorate the agriculture sector plays a significant role in our community. It is true that there is a stronger focus on other sectors, particularly the energy industry, but agriculture, forestry and fishing form a significant component of the economic output of the city of Latrobe. It is pleasing to see that in the last financial year there was a significant increase in the output of the agriculture, forestry and fishing sector to the tune of $26.6 million. The value-add to that is quite significant as well, so it is quite a significant sector.

While we are talking about big industries, in my electorate the dairy industry is very strong, particularly in the communities of Boolarra and Yinnar, where there are some very large farming enterprises. The sheep industry is also very strong in Glengarry and Toongabbie. A couple of Friday nights ago I attended the Gippsland Business Awards, which are very prominent awards within the Gippsland community. One of the award winners was Gippsland Free Range Eggs. This is a brand-new enterprise in our region, and Shane and Marnie Ellis ought to be commended on the work they have done in a short period of time. It was great to see them receive their award. On the poultry side, Lyndale Poultry Farm in Morwell is a very large enterprise and employer within our region.

It is great to be part of a government that has a very strong interest in the agriculture sector. Many of my colleagues are involved in horticultural or agricultural enterprises. The member for Mildura is one, as is the member for Benalla, the Minister for Agriculture and Food Security and my good friend and colleague the member for Rodney. I am not sure where he is at the moment; there he is, down the front there. It is great to see the member for Rodney. My mother's family is still farming in South Gippsland. My mother grew up in an area known as Binginwarri, between Yarram and Welshpool, and her family is still there. It is great to see government members with a very strong interest in agriculture, and it is important that we have legislation such as this which seeks to improve the agriculture sector.

On the bill itself, I wish to refer to two key aspects of it, one being livestock on roads and the other being emergency response. Many members have spoken about the dangerous situation of loose livestock on the roads and the trauma that can cause people. However, they are not only a danger from a vehicle perspective; if animals and livestock enter other premises or interact with other animals, there is the potential for spreading disease and for unwanted impregnation. Last week in the debate on the racing legislation, the member for Rodney talked about some of the export opportunities that come from unwanted impregnation. He also alerted other members on this side of the house to the fact that those frogs come back intact and can be eaten or used for other purposes.

But seriously, livestock that are uncontrolled on roads cause a lot of grief. I cannot remember who made mention of this at Ballarat, but someone mentioned Danlee Hollard, whose father was tragically killed in an accident in 2006 at Warrnambool when he struck a bull. Unfortunately there are far too many accidents, near misses and incidents that occur on the roads, so it is important that we improve legislation to ensure that councils are empowered to impound livestock. At the moment if livestock are found on roads and are moved back to private land, there are no powers for council to act. The bill will amend the legislation to enable councils to have greater powers to impound livestock in those circumstances.

One of the other important aspects of this legislation relates to making council information available across multiple agencies to ensure that people can act more quickly and in more circumstances than is currently the case.

In regard to emergency response capacity — Deputy Speaker, I am sure you can relate to this — in the second-reading speech the minister referred to the Black Saturday bushfires and the need to appoint inspectors in cases of emergency. Recalling the fires of January 2009 and Black Saturday in February 2009, I am sure the trauma experienced by people whose livestock either died or suffered terrible injuries as a consequence of those events is still very much in the minds of those people who encountered that type of thing following those bushfires. That trauma extended right across the region and other parts of the state, and it

is a traumatic thing to even contemplate. I could certainly recount many conversations I had with people who had lost dearly loved livestock which were actually pets or had livestock that was otherwise terribly injured. It is important that we have emergency response powers that are effective and can be called upon quickly.

This bill introduces a power that allows the Secretary of the Department of Primary Industries to declare an emergency and appoint a suitably qualified person as a general inspector for the duration of that emergency. It is very important that that be done, and I will go on to talk a little bit more about some of those people who can be appointed as inspectors — people who generally do a terrific job in our community. Currently it is a requirement under the act that a general inspector be appointed under the Livestock Disease Control Act 1994. That provision will be extended so that a general inspector can be appointed by the minister under part 3 of the Public Administration Act 2004. This will ensure that there is greater flexibility and an improved response to the types of emergencies to which I referred. It might be, for example, that a wildlife officer might be one of those persons who is appointed as a general inspector.

I will now reflect on some of my earlier comments about traumatic events, including those related to the bushfires. Having had conversations with wildlife officers who had to deal with the carnage that occurred as a consequence of the Black Saturday bushfires, I can certainly endorse and commend the work that wildlife officers do not just in those events but on a regular basis. The provisions in this bill allow for greater flexibility in the types of action taken following an emergency, and these are certainly sensible provisions.

With the egg standard, as I said, many members have made contributions with respect to the stamping of eggs or egg cartons, and the issues were well-articulated during the debate at the regional sitting in Ballarat. But this is a very important industry, and from a business perspective we need to make sure that we do not put major roadblocks and cost impediments in front of businesses and affect their ongoing ability to operate and sell their very important products. The egg industry is a very important industry not only to local and regional communities but to Victoria's economy more broadly.

This legislation is very sensible legislation. It makes a number of very practical improvements to the situation as it exists today. I commend the bill and the minister for this great piece of legislation.

Mr BATTIN (Gembrook) — I will take off exactly where the great member for Morwell finished in talking about some of the cost impacts that a bill like this could have on our smaller egg producers. It is super important that we support all farmers, whether large or small. We have fantastic agricultural and farming proprietors and workers throughout the whole of Victoria, and we saw some — —

Mr Helper — Farmers.

Mr BATTIN — Just called 'farmers'; thank you very much to the member for Ripon. We have some fantastic farmers throughout Victoria. It was fantastic that we had the opportunity to get out and support them during the regional sittings. This bill was originally debated whilst we were in Ballarat, and that shows how super important the bill is in regard to how it will affect some people.

One of the issues that came up in relation to the stamping of eggs was something that I, to be honest, was not aware of — that is, the cost of stamping. For some producers the cost of stamping is a ballpark figure of about $30 000 — and $30 000 is a big impost for a small business, not a small impost. When you are talking about some small businesses and with a particular focus on the farmers, some of those farmers struggle each year just to make ends meet. They struggle to pay themselves and struggle to pay their bills, and many of them run on overdrafts. When bringing in a bill like this, which involves this impost, it is very important that we do it delicately and make sure farmers have plenty of notice before they have to implement something along those lines.

However, I rise today to support the Primary Industries and Food Legislation Amendment Bill 2012, the purpose of which is to make amendments to the Impounding of Livestock Act 1994, the Livestock Disease Control Act 1994, the Prevention of Cruelty to Animals Act 1986, the Local Government Act 1989 and the Food Act 1984.

As I was saying in relation to the egg standard, the reason the bill has come into this place is that the relevant authorities want to put some standards in place to ensure that the eggs going out are of good quality and have unique identifiers to show the farms where those eggs were produced. That is an advantage for consumers and everyone throughout Victoria. The standard requires that egg producers and processors make sure they have records of where eggs are supplied to so there are records of where eggs are coming from.

The standard also requires approved food safety plans and a food safety management statement. Coming from a small business background in food — we had a bakery — we were quite lucky, I suppose, in that everything was basically baked on site. We did not have as big an issue with it, but even with the flour we knew where the wheat came from. We knew where the entire range of products in our store came from. It was one of those things that was very important. In relation to a Bakers Delight franchise that I was involved in, it was also very important to make sure that our food safety plan was spread out across the entire network. If we had anything that was faulty or any issue with any of the produce we got into the store, we could notify the supplier and they would then go out and follow it up with whoever they purchased it from and the other stores it had gone out to, thereby ensuring that a product that could cause health issues could be recalled.

The standard requires that cracked or dirty eggs must not be sold unless they are supplied for processing. The standard also requires that egg processors must meet certain hygiene and processing requirements. Again, it is essential that anything to do with food meets certain levels of hygiene. It is not just when you walk into a shop that you want to make sure the person working behind the counter is meeting those hygiene standards; you want to know that any produce in that store has come from a reputable environment and that the person in the store is making sure they supply the best standard of food and products and buy from the best places they can.

There are other changes made by this bill, including some in relation to the impounding of livestock. I will follow up on comments made by the member for Seymour, who in her contribution in Ballarat spoke about having a property located right next to a highway or freeway and the added danger should any cattle get out. Living in Berwick, I used to travel quite regularly to a prison in Won Wron. On the main highways you sat on 100 kilometres an hour and had no dramas, but when you got around the back streets through Won Wron and Yarram you quite regularly had to slow down because there were cattle on the roads.

Most times they were just crossing, going from one paddock to another under the supervision of the farmer. A lot of the time lights or signs were put out and it was quite safe, but there was the odd occasion when you would come around a corner and pull up because cattle were on the road due to a faulty fence, and they were obviously a major danger. On roads where you did not have a high volume of traffic it was quite easy to travel at high speed, but to then come around a corner and find a cow in the middle of the road was not the best start to your working day.

The increased powers to impound livestock give Department of Primary Industries officers the ability to impound livestock prior to contacting the owners of that livestock if required for public safety. Most officers would attempt to contact the owner of the livestock so they can come out and put them straight back into the paddock, but should the option not be available — if cattle are out on the road, you cannot contact the owner and the option is not there to push them back in and lock the gate because it is a faulty fence — this bill gives powers to the officers to straightaway impound the cattle and ensure, as I said, the most important thing, which is public safety by keeping cattle off the roads.

If there was a major issue with public safety in relation to that, as I said, they would generally try to contact the farmer. It is generally another farmer who finds cattle on the road, and farmers in those communities will go out of their way to assist, whether it be by putting the cattle back, fixing up the fence or contacting the owner. However, as I said, the owners may not always be around at the time.

As I said, many of these changes are common sense and will push us in the right direction on food legislation. It is important that the bill does pass. It is disappointing that we will not have any more contributions from members on the other side to the debate on such an important bill for food safety in Victoria. With that short contribution, I commend the bill to the house.

Mr KATOS (South Barwon) — It is my pleasure to make a contribution to the second-reading debate on the Primary Industries and Food Legislation Amendment Bill 2012. The bill amends several acts: the Food Act 1984, the Impounding of Livestock Act 1994, the Prevention of Cruelty to Animals Act 1986, the Livestock Disease Control Act 1994 and the Local Government Act 1989. The bill addresses three key issues: egg standards and the two-year exclusion from the requirement to stamp eggs; livestock straying onto roads; and emergency response capacity.

As far as egg standards go, the national primary production and processing standard for eggs and egg products, which arose out of a Council of Australian Governments (COAG) process, will come into effect on 26 November. Unless this bill passes, from that date Victorian egg producers will be required to comply with the standard by stamping every individual egg with a unique property identification mark. We

understand the need for this with regard to the traceability of diseases such as salmonella, for example, but the problem is that the standard requires each individual egg to be stamped with a unique identifying mark.

At COAG Victoria strongly argued that it is not necessary to stamp each individual egg; that the traceability could easily be provided for by stamping the cartons. It is much simpler to keep the carton after you have used the eggs. Obviously once you have cracked an egg and put the shell in the rubbish bin, you would have to rummage around in the rubbish bin to find the unique identifier, and who knows what other diseases are in that bin? It would be virtually impossible to trace what has gone on there. The contents of the bin could be gone, but it is easy to put a cardboard carton on the shelf for the two weeks, three weeks or one month that a retailer or restaurant might be required to keep it.

Victoria argued that this requirement would unfairly affect small producers who do not produce a lot of eggs — that this would be a really big cost to them. I used to be in the fishing industry, selling fish wholesale. This is a similar example to oysters — —

Mr Helper — Don't tell me we have to stamp them individually too now!

Mr KATOS — The member for Ripon asked about stamping oysters individually. That is precisely the point: basically what happens with oysters is that a label is put in each box of 10 dozen oysters. The label says who the processor who opened the oysters was, where those oysters were sourced from — maybe a South Australian oyster farm — and the lease numbers. This label is put in each box. As the member for Ripon implied, it would be absurd to stamp every oyster. A restaurant or retailer keeps that information, and if there is a problem, it is traceable because there is a record of which oysters were sold on which days. It is obviously much simpler to keep the box than to have each shell stamped individually.

The egg-stamping machines cost approximately $30 000. To a small, boutique producer, in particular duck egg and quail egg producers, who only produce a small number of eggs, this is a massive impost, so obviously this has not been thought through. The Department of Primary Industries (DPI) has been working with the Victorian Farmers Federation to get this two-year exemption and to see what can be done to resolve this problem.

The national egg standard also makes local government responsible for enforcing and monitoring compliance with the egg regulations. With all due respect to local government, the Baillieu government is of the view that local government does not have the expertise to be handling big egg farms and egg producers. Under this bill the DPI is empowered with these responsibilities.

The issue of livestock straying onto roads has already been touched on. The bill will empower council officers to impound livestock that is on a road or inadequately confined. At the moment if livestock is on a road, council officers have the power to impound those animals, but the nature of sheep and cattle is such that when a stranger approaches, they will herd back and go back to the property from whence they came. Once they physically go back to that private property, the council officer cannot impound them, but once the officer drives off the livestock will come out again. This amendment is important because of the risk of road accidents and the transfer of disease between farms. It is important that council officers have the power to impound livestock if a fence is down, even if the cattle, sheep or other livestock move back onto the property.

The bill also makes amendments in regard to emergency response capacity. It provides the Secretary of the Department of Primary Industries the power to obtain from local councils information relating to land, including the names and addresses of landowners. This is particularly pertinent in regard to the outbreak of disease in animals and also in regard to fire or flood. We have recently seen the horrors of the Black Saturday bushfires and also floods in northern Victoria and Gippsland. It is very pertinent that these powers are there so that authorities can respond in a timely manner. When you have floods, fire or a disease outbreak, every minute is critical in fixing the situation. Obviously local government having property information is of really big benefit in these emergency events, and the bill allows that sharing of information between the DPI and local government in such emergency events.

This is sensible legislation. Victoria has argued very sensibly around the egg standards. I gave an example earlier with regard to oysters. It is a quite silly situation to be stamping individual eggs, as the shells are thrown in the bin. Are we going to ask people to keep eggshells for three weeks just on the chance that something is wrong? I understand the need for food safety, but it would be much better achieved if the identifying marks were stamped on the cartons, as it is much simpler to store an empty cardboard carton on the shelf than cracked eggshells. With those words, this is good

legislation, and I am happy to commend the bill to the house.

Mr MORRIS (Mornington) — It is a pleasure to rise to address the Primary Industries and Food Legislation Amendment Bill 2012. Food and fibre is of course a particularly important and growing part of the Victorian economy, and it is important that we regulate primary production, in particular food production, and that we achieve a balance. We need to achieve minimum standards because public health is obviously a critical factor, but at the same time we need to ensure that those standards are not too onerous — that they are not imposing a regulatory burden on producers that impacts in a way that adds to their costs unnecessarily, because if it adds to their costs, that can only end in two ways. Either the price of the product goes up and becomes less affordable for the community, or alternatively market forces operate and then producers go out of business and that production is lost. Clearly we need to strike that balance, but, as I said, it is also important that we protect the community, particularly in the area of livestock, whether it be for meat, milk or eggs, which are one of the main themes of this bill.

It is sometimes remarked that people are surprised that I take an interest in agriculture. It is worth remembering that while the Mornington Peninsula is recognised for tourism — and the Minister for Tourism and Major Events is at the table — it is also recognised for its agricultural production. More than $650 million a year in agricultural production comes out of the Mornington Peninsula, and that is important to recognise.

The bill amends the Food Act 1984, the Impounding of Livestock Act 1994, the Prevention of Cruelty to Animals Act 1986, the Livestock Disease Control Act 1994 and the Local Government Act 1989. As I said, it is a bill that affects a significant sector and amends a series of acts. I find it rather curious that, despite the performance we saw earlier this afternoon and the complaints we heard about lack of speaking time, I am now the fourth speaker from the government on this bill without a single voice being heard from the other side. If memory serves me well, the opposition had ceased to make contributions to this important bill even before we finished at Ballarat last Thursday. That is a fair indication of where the opposition's priorities are.

An aspect of this bill arises from the ongoing COAG (Council of Australian Governments) process, the so-called state-federal reform process. This is not the first time I have mentioned this: sometimes that process gets it right, but too often it does not get it right. Too often we have to settle for lesser standards than we have had traditionally. Sometimes we have to opt for the lowest denominator, and in a federation with a variety of standards across the states sometimes the depth of that lowest common denominator is considerable. The agenda of having consistent standards is important, but at the same time you do not want to push for consistently inadequate standards.

There are three issues I want to address briefly in the limited time I have available. The first is the matter of the egg standards, and that is the process that came out of COAG. The second relates to livestock on roads, and finally there is the matter of emergency response and in particular the implications for local government.

With regard to the egg standard, the standard is the national primary production and processing standard for eggs and egg products. That will come into effect, I gather, automatically in November this year. Unless this bill is passed, and I am quite confident it will be, Victorian egg producers will be required by that standard to individually stamp each egg. We have heard from a couple of speakers, at least this afternoon, the view that that is perhaps neither practical nor necessary, and I certainly tend to support that view. The goal is laudable — whole-of-chain traceability for the egg product is entirely reasonable because food safety is a real issue, and you do not want to compromise food safety — but it is a matter of how you achieve that.

Certainly Victoria argued long and hard through the process that the stamping of individual eggs was not the best way to go. You can achieve the same traceability with egg cartons being stamped; the information is there. As the member for South Barwon said, you do not want people to have to rummage through rubbish bins. Things like salmonella can take 12 to 36 hours before they really kick in. Depending on the timing, rubbish can be picked up and gone, so it was not necessarily going to achieve the aim which was intended, or it was going to do it in a less than efficient manner. The standard was pushed through the COAG food council without an adequate response, particularly in terms of the regulatory impact statement; there was, I understand, a lack of rigour in that process. Given the outcome it is perhaps not surprising.

I understand that the cost of purchasing and installing the necessary equipment to stamp eggs is in excess of $30 000. That is a considerable capital cost. Certainly on the peninsula there are quite a few smaller producers. One only has to go to farmers markets all around the state to see small producers succeeding, but they have low production and little capacity to make significant capital investment in machinery that is not going to add any value to their product. I would suggest that these machines certainly do not add value. Then

you have the ongoing maintenance costs and so on. The Department of Primary Industries (DPI) has been working with the Victorian Farmers Federation and the egg industry on a proposal which would see a two-year exemption from the stamping requirement. I understand that New South Wales is looking at a similar provision, so it is appropriate that this bill should proceed.

The other factor in this is the requirement that local government should be the ones enforcing compliance on farms and farming systems. This bill provides DPI with the power to act to regulate compliance on farms within the national primary production standards, and that is entirely appropriate because it is all very well for the federal government to agree that these things should occur, but it then leaves it to local government to handle the consequences of that decision.

I indicated that I was going to come back to livestock on roads, but in the remaining time I will move straight on to the emergency response capacity, which once again has a bearing on local government. The bill provides the Secretary of the Department of Primary Industries the power to obtain from local councils information which relates to land — name, address, contact details and so on. This is about planning for emergency response. Sadly in recent years we have seen a significant number of natural disasters that have required us to be far more conscious of our emergency response.

If anything good has come out of those disasters, it has been the improvement in response. You need to be able to contact land-holders and occupiers, and you need to do it quickly. Timeliness of response is important whether in the case of a natural disaster or a disease outbreak — which is the main concern in this case — and you need to be able to get to people early. The data that is held by councils will assist in that timely response.

This is a good bill. It covers a number of issues and deals with an unsatisfactory situation that we inherited through the COAG process. I commend the bill to the house.

Mr McCURDY (Murray Valley) — I am delighted to rise to speak on this bill, the Primary Industries and Food Legislation Amendment Bill 2012. The amendments in this bill will certainly improve the protection of public health and safety. They will also protect the welfare of animals and improve our ability to respond during natural disasters such as fires and floods and outbreaks of serious or exotic diseases.

Having been a farmer for many years, I have great empathy for agriculture and farming communities, and I certainly understand some of the imposts that are placed on these communities and small businesses. In relation to eggs, which I am going to talk about in a moment, the costs keep getting put on small businesses. I am also going to address the issue of livestock getting out on roads. People still have livestock getting out on roads on a consistent basis, which is a recurring nuisance. We need to address this.

I come from the Murray Valley, where agriculture is a staple industry. We also see plenty of tourism, winegrowing and food processing, but the key to our local economy and the major player in our economic wellbeing is agriculture, particularly dairy, as Murray Valley dairy producers are major exporters of Australian produce and the no. 1 users of the port of Melbourne.

This bill will amend many different acts. It is going to deal with the Food Act 1984, the Impounding of Livestock Act 1994, the Prevention of Cruelty to Animals Act 1986, the Livestock Disease Control Act 1994 and the Local Government Act 1989. Many areas are addressed in this bill, and we will get some realistic outcomes for our communities. I would like to refer to three aspects of this bill, the first being that which relates to egg standards and exclusion from egg stamping. I also want to speak about livestock on roads and our emergency response capacity, particularly when it comes to disease outbreak, flood and fire.

In terms of an egg standard, the national primary production and processing standard for eggs and egg products will automatically come into effect in November of this year. Unless this bill is approved, Victorian egg producers will be required by the national egg standard to individually stamp each egg with the required property identification marks. The egg stamping requirement is intended to provide whole-of-chain traceability for egg products in the event of a food safety concern. I commend the industry for wanting to have that trace-back not just for domestic purposes but in export situations as well. If egg producers want to be competitive in international markets, they need to be able to show that whole-of-chain traceability.

However, Victoria argued that individual egg stamping was not required as trace-back could be achieved with equal or more efficiency via the stamping of egg cartons. Egg stamping would lead to the need to rummage through a garbage bin full of food waste in search of cracked shells, as I am sure the Acting Speaker, the member for Narracan, has had to do at some time in his life. It would require going through

bins to check eggs that may have been put on a plate. If someone presented as being sick from an event that took place 12 to 36 hours earlier, it would be far more difficult to look for eggshells than it would be to chase up an egg carton that could very well still be in the fridge. It would be easier to have the evidence in the fridge rather than in garbage that has already been taken away. As the member for Forest Hill said, egg shells are not something you would send to the recycle bin; you would send them to the waste bin.

Insufficient consideration was given during the national undertaking of the regulatory cost impact relative to food safety risk, especially for smaller egg producers. It is these producers I am concerned for. There are constant costs to small business and agriculture. We have Mother Nature either on our side or against us, but either way it is difficult to judge which curveball Mother Nature is going to send next. We need to remove the imposts on agricultural production so that people can continue running their day-to-day businesses without significant costs. At the same time we need to be accountable and have that traceability.

The egg standard was pushed through the Council of Australian Governments food ministerial council despite strong opposition from Victoria. Interestingly given that the Legislative Assembly sat in Ballarat last week, the chair of the food ministerial council is Labor MP Catherine King, the federal member for Ballarat, and Parliamentary Secretary to the Minister for Health. Without trying to get too political, the Victorian government would argue that Ms King could have paid heed to the Victorian concerns on behalf of Victorian egg producers and industry and required an amendment to the egg standard to remove the stamping requirement and the impost that I am talking about.

Industry estimates that the cost of purchasing and installing egg stamping machines will be in excess of $30 000, which is a considerable cost to any small business. There are additional concerns about delays in being able to service machines that break down. Again I say it is a cost that these business must absorb, and it is of great concern. Some Victorian egg producers currently have egg stamping machines; however, a large number do not. They will have to bear that cost. The Department of Primary Industries (DPI) has been working with the Victorian Farmers Federation and egg producers on the proposal to introduce a two-year exemption from the stamping requirement. It is understood from departmental discussions that New South Wales intends to introduce a similar two-year exemption for its egg industry.

The national egg standard also imposes a regulatory compliance obligation. Under the Food Act as it currently exists local government would be responsible for enforcing and monitoring the compliance of egg producers with the new egg standard. The government does not believe it is appropriate for local government to have that power or that council officers are suitably experienced or qualified to enforce compliance of farms and farming systems, and thus the bill provides DPI with the power under the act to regulate compliance of farms with national primary production standards.

In the limited time that I have left I would like to move to the provisions that relate to livestock on roads, an issue very dear to my heart. Having been a dairy farmer, I know there are times when cattle stray. Farmers need to make sure their fences are kept in order and, where possible, try to keep all their stock on their properties. From time to time stock do get out, and one needs to be careful. We know there are people who are constantly letting livestock get out onto the road. You have a near miss with a kangaroo or hit a kangaroo every once in a while, but the impact of running into a bull, a steer or another major piece of livestock is far more considerable.

We need to make sure we have provisions that allow local councils to impound those livestock. Where cattle have gone on the road because a fence is down, that cow or bull might be running along the road and then go back onto the same property. Under the current laws council officers cannot go and impound that animal, and this bill will change that. Council officers will be able to impound livestock that are presenting a public safety risk. Currently they cannot impound stock which have been on roads or roadsides where the fence is down but which move back onto the farm when the council officer approaches. This bill will give council officers the power to impound livestock in such circumstances. As I said, having been a dairy farmer, I understand how difficult it is to keep stock in at all times.

Some members may be familiar with a campaign by Ms Danlee Hollard of Warrnambool, who has been seeking tougher laws regarding boundary fences following the death of her father in a car collision with a bull in 2006. Ms Hollard established a Facebook page in support of the campaign and received considerable media coverage across south-west Victoria. While the measures in the bill will enable councils to better address the risk of stock crossing downed fences and walking onto roads, the provisions do not deliver the more regulated and precise fencing requirements that Ms Hollard was seeking.

I will not go into the provision of emergency response capacity to the DPI. I will leave it to one of my colleagues to go into further detail on that topic, as I have limited time left. I wish the bill a speedy passage through the house.

Mrs FYFFE (Evelyn) — I am pleased to rise to speak on the Primary Industries and Food Legislation Amendment Bill 2012. This bill will amend the Impounding of Livestock Act 1994, the Livestock Disease Control Act 1994, the Prevention of Cruelty to Animals Act 1986, the Local Government Act 1989 and the Food Act 1984. The bill has four main purposes: to introduce a regulatory framework for the egg industry, to allow the impoundment of wandering livestock by local governments, to give greater powers to authorised officers in the punishment of animal cruelty and to authorise various powers for responsible authorities regarding disaster response.

In regard to the changes to the egg industry that COAG (Council of Australian Governments) wants to impose, where each egg will be individually stamped, I support wholeheartedly the moves by the Victorian government to have the changes delayed by two years. When I was a child we all had to work, and one of my first jobs when I was 12 was washing, collecting and packing eggs at a local poultry farm. In those days the packing was very different: eggs were packed into crates and often broken. One of the things about washing an egg that is soiled is that once an egg is washed it cannot be used for incubation to hatch chickens.

The eggshell is one of nature's greatest wonders. It stores calcium for the embryo to use for growth, conducts heat, allows water evaporation and also regulates respiration, but first and foremost it protects the internal contents of the egg. It is very important. When an egg is first laid it is quite wet. It is vital that the wet egg is laid on a clean surface. If it is laid in muddy water, it can become contaminated, and this is where we get problems. It is also very important that eggs are collected on a regular basis. If an egg is left lying around for quite a while, it can, firstly, be exposed to extreme heat, and secondly, become contaminated. The cuticle — the outer layer of the eggshell — is the first defence of an egg. It helps prevent water and contaminants from entering the pores. As I said, it is very important that controls are put in place to reduce the number of dirty eggs so that eggs that are sold are as hygienic as possible.

The suggestion that egg suppliers will have to pay up to $30 000 for a piece of equipment is very concerning. There is a company in the Yarra Valley called Wagner's Poultry which has been there since 1965 and is a third-generation poultry farm. At the moment the company's flock has shrunk because it now relies on the sale of hatchlings as pets and backyard laying hens. All the restrictions around the production, marketing, handling and selling of eggs and the price cutting that has been evident for a while has meant the family has had to look at its business and get out of supplying eggs to the supermarket chains. For any small producer, putting in a $30 000 machine is very difficult.

Egg producers also have problems in terms of where they can actually operate because neighbourhoods grow and housing spreads. We had legislation pass through this house in the last full sitting week whereby land was being rezoned because housing had encroached on a poultry farm, the farm was being perceived as a nuisance and people were complaining. The areas in which you can have egg farms and poultry farms are getting more and more restricted and there are fewer and fewer of them.

It is far too costly in these economic times to have each individual egg, particularly quail eggs, stamped. I used to cook in my restaurant on a regular basis, and one year I decided to serve quail eggs at the Yarra Valley Grape Grazing Festival. I actually had to shell and cook 500 eggs. I started at about 10 o'clock at night and by 1 o'clock in the morning I was not shelling them very neatly at all. They are impossibly small and you get really fed up with doing it, but it was my decision to use them. To individually stamp quail eggs does not seem to me to be common sense. Yes, I agree with stamping the cartons. That can be done quite simply because you can order your cartons from the supplier with any information on them you want — as we did in the wine industry. We had our own codes printed by the supplier.

In fact, in referring to the wine industry, I am sorry the member for Yuroke is not in here, because she loves the wine industry. She actually asked me if I would mention it in my speech, and I certainly obey the member for Yuroke. Wine is a product that cannot give people food poisoning. People may not like the taste, but it is actually a product that will never, ever poison you. It is interesting how these different industries grow and develop.

The SPEAKER — Drink enough of it and it can poison you!

Mrs FYFFE — Well, if you drink too much, Speaker, I am sure it could poison anyone, but that is your own personal problem; it is not because of the product.

The Yarra Valley has small farms. It is an area of intensive horticulture and agriculture, and it is very important that we reduce the red tape and do not impose more red tape on the industries. We need to think carefully. I do not think COAG consulted enough on this or thought it through. Perhaps it got carried away by what large producers that are much further away from populations can afford in relation to this added impost. When I was sitting in the chair I was trying to work out how much it would cost per egg if you put in a $30 000 machine. That would come off the bottom line, and it is a lot to put in.

The bill also deals with the impoundment of livestock. We all know how dangerous it is for livestock to be wandering along the roads, especially on our narrow, twisting roads in the valley and in the Dandenong Ranges. It is exceedingly dangerous to go around the bend and see a cow, a horse or any other livestock on the road. On one occasion when it was my turn to go, I took my boys to play football on the Healesville-Koo Wee Rup Road. I had about six boys in the car — I had a four-wheel drive, so I had the seats. We were driving along the road coming back from the football and there were some young steers out on the road. Because we are country people we stopped to try to herd them in. If you have ever tried to deal with six excited young boys who are between six and nine years of age, you can imagine that it was difficult containing them, never mind the steers — and the steers ran everywhere.

We got the four steers together and I said, 'Look, I am going to open that gate and put them into the paddock'. I had no idea whose they were. So we put the steers into the paddock and closed the gate. That paddock had a pretty good fence. We got back and the restaurant was very busy so we did not have time to ring anybody — the local ranger or the police — to say, 'Listen, we found these steers and put them in a paddock. We don't know whose they are' et cetera. So it was not until about 11 o'clock the next day — —

Ms Green — They said you're a cattle rustler!

Mrs FYFFE — I think the member for Yan Yean might have heard this story before. It was not until 11 o'clock the next day that I remembered to ring the local sergeant and say, 'Listen, if anyone has reported half a dozen steers missing, they were out on the Healesville-Koo Wee Rup Road and we herded them into a paddock on the left, about 2 kilometres down the road'. He said, 'Bloody hell' — I am sorry, Speaker; I know I am not supposed to say that, but I was actually quoting him verbatim — 'I have had a report of stolen steers and we have a big argument because the owner of those steers is accusing the farmer whose paddock they are in of stealing them'. In the country we help our neighbours but perhaps a better approach than the one I took is to let someone know as quickly as possible. In our busy lives, as we rush here and there, it is very important that we protect our neighbours' stock, look after other drivers on the road and do what we can to keep livestock in. If anyone does not look after their fencing, that is carelessness and they should be fined.

The other provisions of the bill relate to the management of livestock during a trauma, like the time we had with Black Saturday. I appreciated the wildlife carers and all those people who took so much stock from everywhere onto their properties. They accepted horses, cattle, goats, turkeys — all sorts of stock were taken by other people onto their properties. The people who looked after the wildlife were absolutely fantastic, and my whole community was excellent in providing food, blankets and everything else that was needed to look after these animals. The local vets in particular rushed around checking all the livestock that was brought in, because it was very important to the farmers who were being generous in opening their paddocks to other people's animals that those animals did not have diseases of any kind. I heartily commend this bill to the house. It is an important bill and should be treated as such.

Mr CRISP (Mildura) — I rise to support the Primary Industries and Food Legislation Amendment Bill 2012. The purposes of the bill are fairly extensive, so I will just make note of the purposes as set out in the bill. They are to amend the Impounding of Livestock Act 1994; to amend the Livestock Disease Control Act 1994 to provide for additional offences relating to cattle, pigs and bees; and to amend the Prevention of Cruelty to Animals Act 1986, the Food Act 1984 and the Local Government Act 1989. They are fairly extensive purposes. I will begin my contribution with the issue of wandering stock.

The bill provides the power to impound wandering stock and allows an authorised officer to deal with inadequately complying stock. Sometimes you cannot just put stock back into the paddock they came from, and this provision allows the stock to be put somewhere appropriate. That is very important because of the risks that wandering stock represent to travelling motorists. It is also important that they are taken care of where disease and other things are concerned.

A number of issues have arisen prior to and during this debate, and I think they deserve some clarification. The annual fees for registered beekeepers are disallowable. Apiarists are important in my electorate. They are absolutely vital for the pollination of our almond crop,

which is now huge and probably heading towards 150 000 tonnes in the very near future. In order to support that crop huge numbers of hives travel to the Mildura region each spring, and keeping hives healthy is vital for this product. There is not a lot of nectar involved with almonds, but there is quite a lot of pollen.

Apiarists need access to large numbers of sites, and those sites need to be across very large areas because of climatic differences. Particularly in our native forests rains occur at different times and trees and native flora flower at different times, so they need huge areas in which to roam. The apiarists based in Mildura roam as far as south-western Queensland, well into Victoria and into extensive parts of South Australia. This is absolutely vital. In addition, the power to disallow some of the fees in certain circumstances is important in order to support our apiary industry.

Egg stamping has been widely discussed. The bill includes a two-year extension to the exempting of relevant persons from egg stamping. The cost of an egg stamping machine — now $30 000 — and its servicing has also arisen.

There has also been some discussion about the power of the Legislative Assembly to amend the proposed code. Let us be clear about this: in terms of the role of this place — and that of the upper house, for that matter — we can only disallow this code. I also note that there is no new power for Parliament arising out of this matter. Section 7(4)(a) now becomes section 7(5A), and this is a rearrangement of those powers in order to be consistent.

Returning to the egg standard, the national primary production and processing standard for eggs and egg products automatically comes into effect in November 2012. Unless the bill is approved, Victorian egg producers will be required by the national egg standard to individually stamp each egg with the required property identification. The egg standard requirement is intended to provide whole-of-chain traceability for egg products in the event of a food safety concern, and salmonella is a very common concern.

Victoria argued that individual egg stamping is not required and that trace-back could have been achieved by using the egg cartons — and we have heard quite a bit of debate about this — rather than rummaging through rubbish bins looking for cracked eggshells. In addition, insufficient consideration was given during the nationally undertaken regulatory impact statement on the regulatory cost impact relative to the food safety risk, especially on smaller egg producers. The egg standard was pushed through at a meeting of the Council of Australian Governments food regulation ministerial council, despite strong opposition from Victoria.

Interestingly, the chair of the food regulation ministerial council is Labor's Catherine King, the federal member for Ballarat and Parliamentary Secretary for Health and Ageing. I do not want to get too political, but the Victorian government could argue that Ms King — —

Ms Green — You are reading word for word what is in the — —

Mr CRISP — You bet I am! It is important to note that Catherine King could have avoided this.

Now I will look at our emergency response capability, which is important because from time to time we have to deal with outbreaks of disease. We need to have emergency response capacity to respond to such outbreaks, and the bill provides that. Some of the information already held by the Department of Primary Industries in the primary producer's property identification code (PIC) helps the department to deal with outbreaks of disease, but the more data you have, the better. This bill allows the DPI to access local government information.

I can give an example of how important this is — that is, with fruit fly. Fruit fly is a pest that causes disease outbreaks particularly in my area as well as in other parts of Victoria. Dealing with an outbreak requires the primary producer to put a circle around the outbreak area and draw a line on a map, and it is very important not to cut farms in half when do you this. You cannot use your local footy club's line marker to go out there and put a line across a paddock saying, 'The livestock on one side of this line are in quarantine, and the livestock on the other are not'. You need to follow not only fence lines but property lines. We see it as very important — particularly for our trading partners overseas who are concerned about disease outbreaks — that as you specify the boundaries you get that information as required by the phytosanitary agreements with our foreign markets, but we also need to line it up across properties and local roads. You need access to local road names when you are specifying the boundaries of such outbreaks.

This affects our access to markets, which is very important. Maintaining access to markets, whether they are local or international, is the key to all of this, and that then dictates the treatments required for those markets. Once you have the lines on the map, people either side of those lines have to obey a large number of rules and regulations, and that involves treatments.

With livestock it will control the movement of livestock, and in the case of fruit fly it requires on-farm treatment before the fruit is moved. It also has to be treated differently throughout the marketing chain. So it is very important that this council data comes across. As I said when I began this part of my speech, the more data, the better if we are to improve those decisions. It is an important bill, particularly for the electorate of Mildura. It is very important for apiarists and very important for quarantine issues, and I support the bill.

Mr SOUTHWICK (Caulfield) — I rise to speak on the Primary Industries and Food Legislation Amendment Bill 2012. As we have heard already, the bill amends five key acts: the Food Act 1984, the Impounding of Livestock Act 1994, the Prevention of Cruelty to Animals Act 1986, the Livestock Disease Control Act 1994 and the Local Government Act 1989. While we do not have many farms in the electorate of Caulfield we certainly have a number of farmers, and this bill is very important to all Victorians.

One of the first comments I would like to make concerns amendments to the Food Act, particularly around the stamping of eggs. They say in business, 'Never put all your eggs in one basket'. When we look at this bill and what it has to say, we see that it is about ensuring that we have proper rules and regulations when it comes to health but that we do not overregulate and place a huge impost on those already finding it hard to run their businesses — the primary producers — in difficult times.

I like to prepare a good plate of scrambled eggs on a Sunday, and we want to make sure our families are eating a good egg and not a bad egg. I know that from time to time we have some bad eggs — not on our side of the chamber but certainly a few on the other side — —

Honourable members interjecting.

Mr SOUTHWICK — I am not having a crack at the opposition, but I note that the opposition has failed to even get up and speak on this bill today. It has run out of speakers, so unfortunately we are not hearing any cackling from the opposition on this bill.

On a serious note, this is an important bill. We want to ensure that we do not overregulate or overburden the producers, and having to purchase egg-stamping machines at a cost of about $30 000 in order to stamp each individual egg to ensure that we can identify bad eggs is certainly, at this time, overregulating those who are producing the eggs. The stamping on cartons can identify any problems in terms of consistency of quality, and that is a way of protecting the industry. The government has made a strong push to reduce the burden of red tape by 25 per cent across all areas — it is something I have spoken on in this chamber many times — and we are continuing those efforts with this bill.

The amendments to the Impounding of Livestock Act 1994 aim to protect safety and reduce risks stemming from abandoned or straying livestock. It is very important to ensure that we take care of impounded animals and that we are able to impound animals that wander out into the streets in order to protect them. Most importantly, the amendment enables action to be taken against those owners who let their animals stray. This is an important amendment.

We used to play a game with the kids when we were driving. Kids at a young age hate to see dead animals on the side of the road so when we saw these animals we used to say to the kids, 'They're just sleeping. They're not dead; they're sleeping', and we would drive past. On a serious note, we want to make sure that animals are protected so that they do not wander away. We want to make sure not only that there are no animal fatalities but also that we lessen the risk of damage that larger animals can cause to people who might be driving on those roads.

This bill also amends the Prevention of Cruelty to Animals Act 1986, and that is very important. I am a strong supporter of cracking down on cruelty to animals of any nature. I am the proud owner of a dog, a cat, birds, fish and lizards — any animal going — —

An honourable member — What about a hippopotamus?

Mr SOUTHWICK — I have not got one of those yet. I believe we should treat our animals as we would any human and that when it comes to any cruelty inflicted upon animals the proper powers should be enforced, legislation should be put forward to ensure that animals are protected and, most importantly, that those demonstrating this sort of behaviour are dealt with appropriately. This bill grants the courts additional powers to disqualify or place conditions on a person who is in charge of animals and ensures that proper recourse can be taken.

This is good legislation. It does a number of things to look after animal welfare. It grants the power to the Department of Primary Industries to appoint people of good standing to carry out inspections in times of emergency. It ensures communities are properly taken care of in terms of animal welfare. This bill

demonstrates that the government is committed to animal welfare. I commend the bill to the house.

Debate adjourned on motion of Mr ANGUS (Forest Hill).

Debate adjourned until later this day.

CIVIL PROCEDURE AMENDMENT BILL 2012

Second reading

Debate resumed from 21 June; motion of Mr CLARK (Attorney-General).

Ms HENNESSY (Altona) — I rise to contribute to the debate on the Civil Procedure Amendment Bill 2012 and to outline the Labor opposition's position in relation to this bill. In doing so I indicate that the opposition will not be supporting the bill today. We will not be supporting the bill because we have serious reservations about a number of aspects of it and the effect they would have on the operation of our legal system here in Victoria and on the delivery of justice more generally.

You may recall, Acting Speaker, that in March last year we debated one of the Baillieu government's first pieces of legislation, the Civil Procedure and Legal Profession Amendment Bill 2011. That bill sought to repeal important aspects of the Civil Procedure Act 2010, including the statutory requirement to undertake prelitigation steps to resolve litigation prior to determination by a court. The opposition indicated that it did not support that bill. We did so on the basis that we felt the bill was an assault on fairness in the civil legal system. It seems that we face those same obstacles and considerations in the bill that is before us today.

This bill seeks to tip the balance of the civil legal system in favour of those with wealth and might against those without. As I said when I spoke on the 2011 civil procedure reform in March last year, the opposition very deeply supports a legal system that is fair, accessible, just and affordable regardless of who you are and how much money you have. We believe that a legal system that fails to recognise the differences in resources available to different parties is not a just one. We believe that it should be the merits of a person's case that determines their prospects of legal success, not the depths of their pockets.

We understand that ongoing litigation to enforce or defend your rights can be an overwhelming, stressful and debilitating experience for parties, one that is made even more stressful if litigation is hanging over your head, like the sword of Damocles, for a long time. The opposition is committed to working towards a justice system that meets the promise and expectations of our citizens in a modern democracy and that is the system they deserve. However, it is our view that this bill fails to meet those tests.

I understand the argument about attempting to improve the efficiency of the legal system, the court system and the civil law system specifically. I understand how an argument could be made that improvements in efficiency potentially improve access or address the old adage that justice delayed is justice denied. That is an argument with which I am prepared to engage because in the abstract sense I think it is a sensible position. However, in attempting to achieve that end this bill sacrifices too many other important principles in regard to the administration of justice.

In March last year when we were debating the 2011 civil procedure amendments I highlighted a proposition that I still hold true, and that is that that bill, now act, and this bill, in representing an approach to justice in the name of efficiency, whether intentional or otherwise, have the effect of delivering a justice system that essentially says it is survival of the fittest or, more pertinently, survival of the richest. That approach ought not trump the administration of justice. This is why the opposition did not support the bill before the house in March last year and it is why we will not support the bill before the house today.

I take this opportunity to briefly go back over the history of how we have come to debate this bill today. Members may or may not recall that in September 2006 the then Labor government embarked on a civil law reform process by giving the Victorian Law Reform Commission a reference to undertake a review of the state's civil justice system. The law reform commission presented its report to the government in March 2008. The commission's *Civil Justice Review* report put forward 177 recommendations designed to reform the way civil proceedings take place in Victoria. Many of those recommendations were picked up and implemented in the Civil Procedure Act 2010 — those recommendations that the then government supported.

Those reforms were implemented after the civil procedure advisory group chaired by the Chief Justice of the Supreme Court and senior representatives of the County and Magistrates courts, the Victorian Civil and Administrative Tribunal, the Victorian Bar Council, the Law Institute of Victoria, the Federation of Community Legal Centres Victoria, Victoria Legal Aid and the Australian Corporate Lawyers Association all had very significant input into its development. Having said that,

I note that it is not the case that each supports all the recommendations contained in the law reform commission's final report or the measures that were supported by the then government and subsequently adopted by governments past and present.

It is always the role and obligation of government to consider what measures ought to be implemented through such a process, and it ought to give due and proper consideration to what is fair and how each measure will affect access to, the performance and the delivery of justice for all Victorians. Those monumental reforms to the Victorian system implemented in 2010 built on what was a very strong trend — and not just a state or national trend; it was an international trend — of reforms being implemented not only in Australia but particularly in the United Kingdom. They sought to reshape the way that civil actions proceeded in Victoria, particularly with respect to prelitigation and the overarching obligations of the parties involved in litigation. The thrust of those reforms was about rebalancing and rebuilding a system that had as its essential goals accessibility, affordability, proportionality, timeliness and getting to the crux of cases and the truth quickly and more easily than had become the case.

I understand that it is the government's argument that the bill before us today is aimed and targeted at attempting to implement those principles in a way. It is simply the view of the Victorian opposition that in attempting to do so there are too many risks for us to take, and that is why we do not support the bill. The reforms of 2010 were about designing prelitigation processes that would promote the resolution of disputes outside the court or, if that was not possible, to try to narrow the issues in disputes so that resolution in court would be easier and faster to achieve. It was about requiring litigants, lawyers, insurers, litigation funders, expert witnesses and the courts to work together to resolve cases justly but still with a focus on doing so effectively, efficiently and rapidly, whether that be outside or inside the court.

An important part of that reform package was the reform that empowered judges to be more proactive in giving directions in cases, requiring parties to keep focused on the real issues in dispute. It is often the case that those involved in litigation might enhance, embellish, expand or inflate the items in dispute for the purposes of their litigation or negotiation strategy. That practice is obviously open to those with more resources or deeper pockets and who sometimes adopt the strategy of attempting to outlitigate a party. That package sought to reduce things like the number of interlocutory applications in complex litigation that could, for example, limit the time taken up in oral submissions.

In 2010, when the original piece of legislative reform was brought through in the form of the Civil Procedure Act 2010, the then Attorney-General foreshadowed that further legislation would be required to deal with matters broadly contained within that bill but that had yet to be considered or agreed to by the then government.

As I have already noted, the elements of the current bill, while broadly in line with the recommendations of the law reform commission's report, in the view of the opposition are ill considered if the purpose of what is being sought is the building of a system that is fair, accessible, just and affordable regardless of who you are and how much money you have. It is for this reason that we do not support the bill.

Having said that, I will briefly move through the provisions of the bill about which the opposition has particular concerns. The first issue of concern is the apportionment of costs in civil cases. Currently the court can direct legal practitioners acting for either party to give an estimate of the cost of a trial to the court, their client or to all parties involved, and they can do that at any time before the case is concluded. Lawyers are only required to give their clients an estimate of the total costs of the proceedings at the start of the trial — that is, not only for the trial itself but also the other costs associated with the claim. This bill seeks to create a system that directs or may direct lawyers to disclose the expected costs and disbursements of the trial to the other party, their client or the court at any time before the case is over.

One might say that that sounds like a sensible proposition. There is already some significant regulation around the obligations of legal practitioners in respect of what they are required to advise their clients and the basis of any evidence to indicate that their clients have accepted and understood. The practice is often that a costs agreement is signed. We should take heed of some of the concerns that the Law Institute of Victoria has outlined in respect of this particular provision.

I do not always agree with the position of the Law Institute of Victoria, but it has made a compelling argument with respect to this matter. Effectively its argument — the one we find persuasive — is that these measures have the capacity to erode confidentiality between legal practitioners and their clients. More pertinently, they risk giving a tactical advantage to a better-resourced party in some circumstances. There is

also the potential for these matters to slow down trial preparation and to make the entire process more expensive due to the need to engage independent auditors to consider the costs of a trial and provide necessary advice. On that basis, we do not support that measure.

The next aspect about which we have concerns relates to the amendments regarding expert witnesses. As we know, expert witnesses play a very important role in many civil proceedings and in some cases their evidence is key to and determinative of the outcomes of disputes. Certainly it is the case that before issuing proceedings some lawyers would seek the advice of expert witnesses. This bill enables the court to limit the amount and type of expert testimony it hears in cases before deciding outcomes. It requires parties to obtain the direction of the court before they are allowed to adduce evidence from expert witnesses. This allows the court to give any directions the court deems appropriate in relation to the testimony of expert witnesses at any time during proceedings. This includes limiting the number of expert witnesses who may be called and also the issues where it deems expert evidence necessary. As an example, it grants the court a discretionary power to direct two or more expert witnesses to prepare a joint report, and it allows the court to refuse to hear expert evidence in relation to a matter that has already been the subject of a joint expert report.

It provides the court with the power to direct that two or more parties agree on joint expert evidence reports as evidence about a particular issue. If the parties cannot agree, the court may appoint its own expert witness. It also enables the court to compel an expert witness to reveal the terms on which they are testifying. Again I must say that the concerns that the Law Institute of Victoria has outlined on this are persuasive. Effectively its concerns are that the provisions expanding the court's powers to dictate the terms on which expert evidence is tendered have the capacity to erode legal professional privilege.

During the last parliamentary sitting week, we were in this chamber debating the journalist shield laws. In the course of that debate there was a range of contributions about the history of how particular relationships come to be protected by the law. It seems that the time has come for protection relating to journalists and their sources in limited circumstances, and I must say it will be very interesting to see how that law evolves over time in its application and interpretation. However, legal professional privilege is incredibly important and it must be protected in all circumstances unless there is a compelling public policy reason to try to pierce those protections. I simply do not believe that, albeit there may be noble aims with which the government has introduced this bill, it has made a compelling argument as to why we ought take this risk with expert evidence.

There is a potential that the requirement for parties having to seek direction from the court prior to introducing expert evidence may make it difficult to decide on whether to commence proceedings. We share the concerns that the Law Institute of Victoria has outlined — that is, a party could seek expert advice before deciding to commence a proceeding but it then may be prevented from using or relying on that advice and evidence at trial. It is for these reasons that we do not support those elements of this bill.

In conclusion, while the government may argue that it is implementing a reform process that was commenced by the Victorian Law Reform Commission's work, the opposition does not accept that argument, given, as I have already outlined to the house, that one of the first reforms implemented by this government was the Civil Procedure Act 2010. It in fact repealed certain reforms that had already been adopted arising out of the Victorian Law Reform Commission's work on civil law. It implemented part of that reform process — that is, the review and many of the recommendations of the advisory group, specifically around measures to compel parties to engage in dispute resolution prior to entering a courtroom — as a way of resolving issues expeditiously and more cost effectively. The arguments we made then are on the public record.

We say that this bill is not about those reforms but that it will result in a civil system where the balance is tipped in favour of the more wealthy at the expense of those with fewer resources. We fundamentally accept the thrust of many of the arguments that the Law Institute of Victoria has put forward, and upon that basis we will not be supporting this bill going through the Parliament. It is our view that the government ought address the issues and concerns that the law institute has raised and outline and identify why it has found those concerns unpersuasive.

We recognise that the government may in fact be attempting to make the court system more efficient, but there is a number of attendant risks and costs to its attempt to achieve that objective. They are not risks or costs that we support. Despite the aim that the government may be attempting to realise through the introduction of this bill, we believe that the importance of trying to ensure that there is a fair, accessible and just legal system — in this case specifically a civil legal system — that is available to all parties and to deny big wealthy litigators the opportunity to use the provisions contained in this bill to trump those whose pockets may

not be as deep provide a compelling basis for us in the Victorian opposition to not support this bill.

Mr NORTHE (Morwell) — It gives me great pleasure to rise to speak on the Civil Procedure Amendment Bill 2012. It is disappointing to hear that the opposition is not supporting these very sensible amendments and provisions that will reduce a lot of the red tape and increasing costs associated with the judicial system and make life easier for all concerned.

The purposes of the bill are, first, to amend the Civil Procedure Act 2010. Essentially it provides further powers to the courts in relation to costs. It also provides further powers to the courts with regard to expert evidence. It amends the overarching obligations and the proper basis certification requirements and makes other technical and consequential amendments to the Accident Compensation Act 1985.

As I said, the bill makes reforms in three key areas. The first one is associated with costs. We are introducing new provisions for the courts with regard to discretionary powers by which orders can be made on the disclosure of costs in litigation. The bill introduces discretionary powers for the courts to make different types of costs orders and also to increase parties' access to information about litigation costs. These provisions will, as I said, provide greater flexibility and reduce the costs and delay in civil proceedings. The second reform is around managing and controlling expert evidence. At the moment there are concerns about the delays, complexity and expense — and even the overuse and possible misuse — of using experts in civil proceedings.

The third reform is around certification requirements. Currently there are two certification requirements in the act, those being the overarching obligations and proper basis certification requirements. The bill more broadly seeks to provide greater flexibility in the operation of these requirements, to reduce the administrative burden on frequent litigants and lawyers, and to clarify when certification is required. The main focus is on reducing costs and time delays in the court system. This is one of many bills the Attorney-General has brought before the Parliament that have sought to do these things. This particular bill introduces a number of specific case management powers for the courts and discretions in relation to costs and expert evidence.

As the member for Altona said in her contribution, a review of the civil justice system was undertaken by the Victorian Law Reform Commission in 2008. It is interesting to note that some of the commission's terms of reference speak to the very things that we are debating today. In part they refer to the modernisation, simplification and harmonisation of the rules of civil procedure within and across jurisdictions. They also refer to reduction in the cost of litigation and identifying the key factors that influence the operation of the civil justice system, including those factors that influence the timeliness, cost and complexity of litigation.

The commission's final report entitled *Civil Justice Review* made around 177 recommendations which were ultimately considered by the civil procedure advisory group that is referred to in the Attorney-General's second-reading speech for this bill. The group comprises senior representatives from a number of different organisations such as the Supreme, County and Magistrates courts, the Victorian Civil and Administrative Tribunal, the Law Institute of Victoria, the Victorian Bar Council, Victoria Legal Aid, community legal centres and the Australian Corporate Lawyers Association, all of which have an interest in and around the civil justice system and how it can be improved. The group is chaired by the Chief Justice of the Supreme Court.

Firstly, I will address the certification requirements. At the moment there are two requirements in the act. The first one is the overarching obligations certification, which requires each party to personally certify that they have read and understood the overarching obligations as set out in the act. The second one requires a party's legal practitioner to certify that the claims made in the proceedings have a proper basis in fact and law, and that is referred to as the proper basis certification. The amendments to the certification requirements have three objectives. One is to clarify when a certification is required, and this comes back to making sure we improve the flexibility in their operation and reduce some of that administrative burden for frequent litigants and lawyers.

The overarching obligations certification requires each party to personally certify that they have read and understood the overarching obligations set out in the act. While a litigation guardian, for example, or a representative can make a certification in place of a named party, there are some circumstances in which the party that has control over the proceedings cannot make a certification. In the second-reading speech the example of an insurer is used.

Following the amendments to certification we will also see improvements in the scenario whereby a litigant who is involved in multiple civil proceedings each year makes certification. The examples given are insurers and debt collection companies, which are well aware of

their obligations. The bill provides that where a party is involved in more than one civil proceeding in the same jurisdiction and has already made the certification within the previous two years, it will no longer have an obligation to make multiple certifications, which is a common-sense measure.

In addition, where courts consider a process to be strictly administrative or procedural in nature, legal practitioners will not be required to comply with the proper basis certification requirement. Again this gets back to the theme of making sure that we have improved processes, a reduction in red tape and greater flexibility.

With respect to expert evidence, as I said previously, there are some concerns about the use of expert evidence in terms of delays, complexity and expense. Currently the courts have general powers to manage aspects of expert evidence. What this bill does is give clearly defined powers to the courts with the objective of making sure that expert evidence before magistrates and judges is enhanced.

To take up a point made by the member for Altona, we want to improve the quality and integrity of the expert evidence that is presented in the courts. The bill before us seeks to do that. For example, in the higher courts the parties will generally be required to seek directions in the early stages of proceedings where they intend to adduce expert evidence. This might not be appropriate for all types of litigation; therefore the courts will be allowed to make exemptions for specific types of litigation. It is interesting to note that this will not apply in the Magistrates Court. Why is that the case? Generally it is because of the less complex nature of its proceedings. I will not go into the issue of expert evidence much more, save to say that they are sensible provisions. I will let some of my colleagues take up that point in their contributions.

In closing I want to speak, albeit briefly, to the costs aspect of civil proceedings. An important aspect of the bill is making sure that parties have increased access to information about litigation costs. This includes the estimated costs they have to pay to another party if they are unsuccessful in the proceedings. This will encourage quicker and more efficient settlement of cases and, I believe, make for better and more informed decisions with respect to what those costs might be. The bill makes it clear that the courts can also make various types of costs orders, not just the usual orders following the proceedings. This could prevent an assessment that is protracted and costly. This bill will provide flexibility. It could mean payments are in specified proportions or that the amount of recoverable items is capped. In closing, I commend the Attorney-General on this very good bill.

Ms KANIS (Melbourne) — I rise to make a contribution to the debate on the Civil Procedure Amendment Bill 2012. When I read the explanatory memorandum for this bill I thought that the objectives of the bill seemed admirable. They are to reduce costs and delays for persons involved in civil litigation in Victoria, which are two of the main complaints made by people involved in civil litigation.

But as legislators I think we should be working to improve the efficiency of the civil justice system. In seeking to do this, we should not sideline the aim of making sure that everyone has the opportunity to put their best case before the court and ensure that a litigant who is well resourced does not have an advantage over a less well-resourced litigant. Unfortunately a number of the mechanisms introduced by this bill do not work to reduce costs and delays but instead work to place some parties, particularly well-resourced parties, at an advantage over others.

Turning first to costs, as mentioned previously this bill gives a court the power to direct a legal practitioner to disclose a costs estimate to the other party or their client and to the court. Legal practitioners already have this important obligation to provide a costs estimate to their client. However, having to provide a costs estimate to the other side at any time can only provide your opponent, particularly a well-resourced opponent, with an insight into your case strategy and financial resources, and they will be able to take advantage of that. I can think of examples in litigation I have been involved in where if the other side were to have known what the costs estimate was, they would have known the cross-examination strategy. That is not what we should be doing. When a litigant is not well resourced financially — and it is individuals or small businesses who are often involved in litigation against large organisations — they need to be given the best opportunity to put their case forward.

A second aspect of this is that you cannot put together a meaningful costs estimate without understanding all aspects of your client's case. For that to happen, a client needs to share as much information as possible with their legal practitioner — indeed they have an obligation to share that information with their lawyer. But in litigation the sharing of a costs estimate with the other side would entail the sharing of just that information, and that would breach the confidentiality of the solicitor-client relationship. It will not improve the cost-effectiveness of litigation; rather, it will work to disadvantage less well-resourced litigants. We cannot

support a bill that favours a well-resourced litigant over one with more limited means.

Proposed section 65B gives a court the ability to order a legal practitioner to provide actual costs to their client. This seems like a benign provision, but it will actually work against the aim of improving the efficiency and cost-effectiveness of litigation. As the member for Morwell said, the aim of the bill is to reduce red tape. However, this provision is going to increase red tape because determining actual costs in litigation is a complex process. It requires files to be reviewed by experts in costs. This involves time and money, and those costs will ultimately be borne by the litigant, the client. This is especially pertinent in personal injury or negligence claims where the fees charged are often not charged unless the plaintiff is successful, and then they are charged on a particular scale. In that case the litigants know what the costs are going to be because they are based on a scale, but making the legal practitioner cost the file at an earlier stage is going to increase costs, not reduce them.

The bill also looks at evidence. It is important in our adversarial system that a litigant is able to present the best case to the court, and it is the judge who weighs up the evidence. This adversarial process is fundamental to our justice system in Victoria. Under the bill parties could be required to submit joint expert evidence, and this means that the evidence put before the court may not necessarily be the best case a plaintiff wants to put forward. The court is not going to have the ability to hear, or the benefit of hearing, competing evidence. This task of weighing up the evidence is a really important one and the fundamental thing that a court does. It should not be put into the hands of one single expert witness; it should be in the hands of the court. This provision cannot be supported. A court needs to hear different views, and then the judge needs to make his or her decision. This is integral to our adversarial process.

In my experience the single most effective thing enabling early resolution of a matter and therefore a reduction in the costs and time involved in litigation is mediation — and mediation before the parties get so involved in a court process that they lose perspective because they have so much time and money invested in it. It is a shame that this government has chosen not to go down that path because that is what would have achieved the aims listed and mentioned in the explanatory memorandum, not the provisions we have, whereby those with the deepest pockets who have more money and therefore more time to prepare for a trial get the benefit. Legislation brought before this place should aim to improve access to justice and equality before the courts, but parts of this bill do just the opposite and should be rejected.

Mr GIDLEY (Mount Waverley) — I rise to make a contribution this evening on the Civil Procedure Amendment Bill 2012, and I intend to focus on three key areas which will improve the justice system in Victoria for all Victorians. Those three areas are cost reforms, expert evidence reforms and certification reforms. As I said, the key aspect of this bill is continuing the good work of the Attorney-General and the government in improving our justice system.

This bill introduces an express discretionary power for the courts to require lawyers to disclose to their clients' estimates as to the length and costs of the proceeding or any part of the proceeding, the actual costs and disbursements incurred in relation to any part of the proceeding and other estimated costs as well.

The key purpose of this aspect of the bill is to increase parties' access to information. It is pretty clear. Our hope as a government is that by improving people's access to information on matters such as the length and cost of any part of a trial process — or any other process where somebody is being represented that is affected by this bill — they will be able to make better informed decisions that are tailored to their circumstances. That is important, particularly because information about litigation costs can play a significant role in a party's decision to settle in appropriate cases. As I said, that is part of the reason why this bill provides that parties may have access to additional information. For example, the power given to the courts could, in appropriate cases, be used to ensure that prior to going into a significant mediation, the litigation costs are understood by all parties. That would lead to not only improved decision making given the access to information but also, most likely, an improved mediation outcome because parties are better informed. That is a key aspect of the bill which is very much welcome.

The bill also gives the courts a specific discretionary power to make different types of costs orders, including that parties pay costs in specified proportions, awarding costs in a specified sum or amount, or fixing or capping recoverable costs in advance. The purpose of this provision is to give the courts greater flexibility in making various types of costs orders. That is important because there will be situations where it is important that such orders are made. Whether that is through capping the amount of recoverable costs in advance or through how payments are made, such orders will improve the justice system. I note that other jurisdictions, including New South Wales and that of

the Federal Court of Australia, have used legislative powers similar to the provision in this bill to avoid some aspects of lengthy assessments. That is a welcome provision of the bill that will improve our justice system.

It is true that in relation to costs the Legal Profession Act 2004 sets out various disclosure obligations for legal practitioners. However, those obligations are not well tailored to litigation. The opposition's argument that the status quo is the best way to go simply does not stack up, because, as I indicated, the Legal Profession Act 2004 is not well tailored to litigation. A good example of the shortcomings of that act is that costs estimates may be given in broad ranges such that they provide no meaningful guide to the parties as to the true cost of the matter. As I said, the opposition's proposition that the status quo is the best way to go simply does not stand up to scrutiny. It is desirable to have a litigation-specific obligation to ensure that parties are fully informed about costs at appropriate times, such as prior to mediation, as I mentioned. That will help parties to make better informed decisions.

Another thing we need to be frank about is the view put forward by the opposition that the bill's provisions for outlining additional costs estimates will be to the advantage of one side or the other. Again not surprisingly, that just does not stand up to scrutiny because under the bill the court can order disclosure to the other side only pursuant to new section 65A, which is inserted by clause 6 of the bill. This section is limited to estimates of trial costs and does not require disclosure of the actual costs involved. As the figure provided will be in the nature of a lump sum estimate, the party making the disclosure will not reveal the contents of its litigation strategy. It is clear that any costs estimates that parties might be obliged to make under the bill will not disadvantage such parties by obliging them to reveal their litigation strategy.

It is true also that currently the courts have relatively wide discretion to make costs orders in proceedings, However, again the status quo needs to be improved, and this bill does so. Under the status quo the typical order is that the unsuccessful party must pay the successful party's costs. This requires the successful party to prepare a detailed bill of costs and where the bill is disputed the parties proceed to a costs assessment. Unfortunately, that assessment can often be complex and time consuming. It is therefore desirable to avoid or narrow the scope of assessments where possible and encourage finality over costs issues.

In addition I note that the statutory provisions will also have a greater impact in increasing the use of other costs orders in appropriate cases. Similarly with other aspects of this bill, I note that a similar power has been used in other Australian jurisdictions, including that of the Federal Court of Australia and in New South Wales, to avoid the challenges that come with detailed assessments.

This bill, and in particular the costs aspects of this bill, will improve the quality of the information the parties have. It will ensure that those parties are better informed at different stages of the process, which is an important part of informed consent, if I could use that term. It is an important way of ensuring that parties who are making decisions are informed in the best way possible. Subsequent to that, the bill will also ensure that orders which the court could make, whether they are in relation to costs or in relation to other aspects of this bill, will very much be suited to the parties involved, which is great.

I also must say that in terms of the expert evidence reforms there is no risk of expert evidence not being heard by the court in some circumstances because of this particular bill. I say that because, for example, if there is a situation where there is going to be expert evidence obtained in one report, there is no requirement for the experts putting forward that report to come to exactly the same view. There is not that requirement in this bill. Indeed it would not be uncommon to have a situation where you might have expert evidence presented in a format detailed in this bill but where the people who are preparing that expert evidence disagree. Important evidence that might be put forward is not going to be missed out on as a result of the improvements to ensure a more efficient and effective legal system.

This bill will ensure that people are better informed about costs. It will help reduce some of the costs in the system. It will help produce a better justice system for Victoria, and I commend the bill to the house.

Ms BEATTIE (Yuroke) — I rise to make a contribution to the Civil Procedure Amendment Bill 2012. From this side of the house we have had the members for Altona and Melbourne make very erudite contributions on the bill, and you would expect that, because they each have a legal background and have practised law. I have not practised law, and fortunately I have not had to appear before a court in any way, shape or form, but, as the member for Richmond says, we are all legislators in this house.

We will not be supporting this bill. The bill proposes quite a number of changes to the role of expert witnesses and the apportionment of costs in civil

proceedings. We have a number of concerns, which have been outlined. I will outline them too, but I will perhaps take a bit of a different approach; rather than coming from the legalistic side, I will perhaps come from the side of the client who may be caught up in all this.

The government puts the view that this bill will reduce the costs and delays for those involved in litigation and that it will improve the effectiveness of the civil justice system. On this side of the house we do not believe the bill will promote efficient, timely and cost-effective dispute resolution. On this side of the house we believe that it will increase costs, delay matters further and endanger the fair and adversarial administration of justice. Those are the reasons we will be opposing this bill.

I would just like to go to some of the background of the bill. In 2008 the Law Reform Commission released its report headed *Civil Justice Review*, which contained some 177 recommendations to reform the way proceedings, particularly civil proceedings, take place in Victoria. Of course the previous Labor government took up those recommendations in 2010, and one of the highlights — and I say highlights — was to help litigants to resolve their cases without going to court, because on this side of the chamber we know that going to court is very expensive. It is not only very expensive, but also very time consuming, and if you go to court, you often find that people have invested heavily emotionally in their cases too, which does not present a basis for the resolution of a case or any satisfaction with whatever the court decides.

We implemented a system of mediation to stop some of those cases going to court, and it was very successful. However, the current government — I believe to its detriment — has decided not to go ahead with that. There are many in the legal profession who also feel that it is to the detriment of the legal system. Anyway, the Baillieu government repealed the great reform the Brumby government put in.

I would like to talk about the role of expert witnesses. Expert witnesses can be an important part of the legal system, and this bill proposes that parties are required to seek the direction of the court before they are allowed to adduce evidence from expert witnesses. It will allow the court to give directions about the testimony of expert witnesses, including the number of witnesses called and the issues on which they can provide evidence. It can give the court power to direct two or more expert witnesses to hold a conference and prepare a joint report without the consent of both parties. I have great concerns about that lack of consent. If I am going to be represented in court, I want my expert witness to talk to me about some of the evidence they might lead in the court, so I have particular reservations about that.

The bill proposes other technical amendments to increase the court's flexibility on the certification of documents in legal proceedings, and there can be some amendment to costs. However, on this side of the house we say cases should be judged on the merits of the evidence that is led in court, not by the depth of your pocket. We believe that this bill does nothing to promote justice, efficiency, timeliness and cost-effectiveness in going to court. As I said, there were very erudite contributions from this side of the house. I know another of my legal-type colleagues, the member for Brunswick, is waiting to make another very valuable contribution, so with those few words I state again that the opposition has grave concerns about the effectiveness of this legislation.

Mr WATT (Burwood) — I take great delight in rising to speak on the Civil Procedure Amendment Bill 2012. In speaking on the bill I will refer just briefly to *Alert Digest* No. 11 of 2012, which sets out the purpose of this particular bill and makes no other comment. I will just read from that:

> The bill amends the Civil Procedure Act 2010. It introduces additional specific powers and discretions for the courts in relation to costs and expert evidence. They are based on recommendations identified by the Victorian Law Reform Commission.

Just quickly diverting, we have not come up with this on a whim; we are following recommendations identified by the Victorian Law Reform Commission. The *Alert Digest* continues:

> The purpose is to further reduce delays and costs for persons involved in civil litigation. More specifically:
>
> > It gives the courts a discretionary power to order that a lawyer make costs disclosures to the lawyer's own client at any stage of the proceeding. It clarifies the courts' discretionary power to make other types of costs orders …
> >
> > It clarifies that the court can give any direction it considers appropriate in relation to expert evidence including limiting expert evidence to specific issues or limiting the number of experts who can give evidence on an issue. It also provides that the court may direct that two or more experts give evidence concurrently and be allowed to ask each other questions …
> >
> > Contains transitional provisions. These include matters of an application or savings nature that arise as a result of the enactment of the bill. The regulations dealing with the transitional matters 'may have a retrospective effect to a day on or before or from the date that the Civil Procedure Amendment Act 2012 receives the royal

> assent' … Subsequent section 4 of the new clause 84 will be repealed on 1 May 2014, reflecting the transitional nature of the power.

Having read that, what I would say is that the Scrutiny of Acts and Regulations Committee did not raise any particular issues; it made 'no further comment'. No issues were raised by SARC in relation to any person's rights, and nothing was raised in relation to the Victorian Charter of Human Rights and Responsibilities.

The overall objective of this bill is to improve the effectiveness and efficiency of the civil justice system. There is a nice quote that I would like to put on the record. It is 'Justice delayed is justice denied', which is a phrase first uttered by former British prime minister William Ewart Gladstone. He was Prime Minister in the 1800s. I think his last term was from 1892 to 1894. Upon reading that quote I make the point that we in government believe in expeditious justice, and that is what this bill is trying to bring about. It aims to create a more efficient and effective civil justice system, and this is achieved by increasing a party's access to information about litigation costs to encourage more informed decision making and settlement of appropriate cases.

I cannot comprehend why anybody would have a problem with more information being given to people in a trial; surely people should know what it is going to cost them. To be more informed is a good thing, I would say. People can find themselves in situations they might regret in the future, not knowing what the costs were at the time and whether it was worth their while.

The objectives of the bill are achieved by increasing the court's use of different types of cost orders to avoid the complexity, cost and time associated with the assessment of costs. They are also achieved by reducing the costs, delays and complexities associated with expert evidence. I refer to what I said previously about justice delayed being justice denied. The objectives of the bill are further achieved by improving the quality and integrity of expert evidence — and the way in which expert evidence works in the system is often raised with me — providing greater flexibility in the operation of the bill's overarching obligations and providing a proper basis for certification requirements. The bill also reduces the administrative burden on frequent users of the court.

Many on the other side of the house have obviously decided that they do not support the basic tenets of what we are doing here and that they will not support the bill. However, there is significant support for the bill in the community. Institutions such as the Supreme Court, the County Court and the Magistrates Court are all supportive of this bill. It is good that the system supports this particular bill.

The bill gives courts the discretionary power to order a legal practitioner to disclose to their client the estimated length and costs of the proceedings or any part of the proceedings, an estimate of the costs and disbursements that will be incurred in relation to the proceedings or any part of the proceedings and an estimate of the costs the party would have to pay in the event that they were unsuccessful at trial. I have listened to some of those on the other side, and I cannot understand why anyone would have a problem with a person involved in a trial having access to information about what it is going to cost them.

Mr Herbert interjected.

Mr WATT — I take up the interjection, even though it might be disorderly.

The ACTING SPEAKER (**Mr Weller**) — Order! It is disorderly to respond to interjections. The member for Burwood well knows that, and the member for Eltham knows it is disorderly to interject.

Mr WATT — I find it amazing that anybody in this house would find it acceptable that a person involved in a trial should have their head in the sand and not know what it is going to cost them at the end of the day. Access to more information allows people to make decisions based on that information. Without that information they could be getting themselves into a place where they do not want to be.

Mr Wynne — He hasn't prepared. Have you prepared for this?

The ACTING SPEAKER (**Mr Weller**) — Order! The member for Burwood will continue without the assistance of the member for Richmond.

Mr WATT — If members look at the purpose of the provision with regard to expert evidence, they will see that single, joint and court-appointed experts can provide significant time and cost savings to parties. Once again I refer to the quote by William Ewart Gladstone, the Prime Minister of Britain back in the 1800s: 'Justice delayed is justice denied'. The purpose of the provision regarding expert evidence is to provide significant time and cost savings to the parties, including by reducing unnecessary disputation. The provision also promotes the independence of expert witnesses and reinforces their overriding duty to assist the court impartially rather than become an advocate

for a party. The impartiality of an expert witness would lead to more people in a trial accepting the outcome of that trial rather than perceiving someone to be 'my expert witness' or 'your expert witness'.

Similar powers exist in New South Wales and Queensland and in the Family Court. The Australian Capital Territory recently amended the court's rules to provide that a court may, on its own initiative or on the application of a party, give directions providing for the appointment and instruction of one expert witness for the party in relation to a stated issue. So this is not only something that we are doing here in Victoria, it is also accepted in other states and jurisdictions. I take great pleasure in commending the bill to the house.

Ms GARRETT (Brunswick) — It is with pleasure that I rise to speak on the Civil Procedure Amendment Bill 2012. As has been made clear by the opposition, Labor will be opposing this bill. We will be opposing it on the very strong grounds that the provisions in this bill will increase costs and burden lawyers and clients, force judges to get involved in unnecessary levels of case management detail, threaten the sanctity of lawyer-client privilege and have serious impacts on the freedom of lawyers to run their cases on the instructions of their clients in order to ensure that the best possible case for the client is presented to the court, the evidence is able to be considered and weighed by an independent judge and a decision is reached.

As has been pointed out by my colleagues on this side of the house, the previous government introduced a comprehensive suite of provisions based on the report of the Victorian Law Reform Commission's civil justice review. The heart of those changes was diverting parties away from court processes and straight litigation and into mediation. The changes were designed to ensure that the parties exchanged as much information as possible in an appropriate manner so meaningful discussions could take place outside of litigation. These discussions are important for the people involved to understand the various merits of the opposing cases, the opposing party's position on issues and the evidence on which they may or may not be relying. This allows clients to have full and frank discussions with legal counsel and reach a decision as to whether a possible settlement could be forthcoming.

The changes were designed to reduce costs and delays and to divert parties away from the very technical processes of the court. The various events that happen in court processes — the adjournments, the procedural matters and the delays inherent in that, which are often compounded when one party is vastly more resourced than the other — are issues that litigants face on a daily basis. The provisions of the principal act were designed to address those issues and promote the efficient and timely resolution of litigious matters. Unfortunately this government has chosen to sweep away those changes. It will repeal those provisions, striking at the heart and capacity of those involved in litigation.

For individuals who have never butted up against court processes, the litigation process can be particularly alien, frightening and very expensive. This government is to be condemned for sweeping away provisions that were designed to ameliorate some of those issues, particularly for the small girl and guy. Instead we have been served up a series of provisions that will in fact contribute to costs and burdens, contribute to procedures being handled by lawyers and the courts, and, ultimately, create greater burdens for those in the litigation process who are least able to afford it — that is, individuals and smaller clients. That is why we oppose these provisions.

Of great significance is the fact that the Law Institute of Victoria has opposed these provisions and said that the provisions at their heart will impact on the administration of justice in this state. I will go to some of the matters that the law institute has raised because I believe they are worth specifically referring to as part of this debate.

As we have heard, the bill deals with a range of matters, one of which is costs. It allows the court to require the lawyers involved in particular matters to disclose their actual costs. Those of us who have been involved in legal processes in this state know there are already significant measures around cost disclosure and client agreements for lawyers, as there should be. Clients should be aware and sign up in full knowledge of the weighed merits of their case and an estimate of how long their case will take and the costs involved. This is exactly how it should be. There are also remedies for clients who feel aggrieved by the cost process and capacity for those costs to be independently assessed by the courts in the taxation process.

By adding another layer, which is the requirement of disclosure of actual costs during a legal proceeding, the bill may assist well-resourced clients by giving them advantage over those who are more vulnerable or who have less deep pockets. The provisions of the bill may also result in further costs because if an external provider is engaged to deliver an assessment of actual costs, those costs will again be borne by those litigants who are least able to afford them. At this point it is worthwhile to go to the memorandum from the Law Institute of Victoria, which says:

> If a lawyer were to be ordered to provide a memorandum setting out the 'actual' costs as identified in proposed paragraph 65B(1)(a) that would, in many cases, probably require the lawyer to forward their file to an external costs consultant who would then need to prepare an itemised bill. The cost of carrying out that task would, in many cases, be significant and may involve the lawyer being without their file for a lengthy period of time. This could have a serious impact on the lawyer's ability to carry out necessary work on the file including, perhaps, impeding preparation for trial.

Similar concerns in terms of the administration of justice can be raised about the provisions relating to the evidence of expert witnesses. Allowing courts to determine the evidence of experts in the manner suggested by the bill could impact on the capacity of a client to prosecute their case. Experts often have different views. Well-respected experts often have very different thoughts on and assessments of the causes of injuries and the impact of those injuries on the long-term quality of life of an individual in the case of personal injury, to name just one example. Again, the task of weighing up that evidence should be one for the judge, as has been pointed out.

Particularly, say, in a personal injury matter, evidence from experts is often obtained in the lead-up to the commencement of a claim to ensure that the claim should be commenced. It is important for the lawyers representing clients to have those assessments done in order to make professional judgements themselves as to whether claims should be commenced and to provide that advice to their clients. If they are unsure of whether the evidence would be able to be presented to the court, that creates a level of uncertainty in the litigation process and it disadvantages the client.

Again I go to the Law Institute of Victoria memorandum on this, which says on the issue of a single joint expert that:

> … it would not be appropriate for a single joint expert to provide evidence on issues of liability, particularly in complex professional negligence claims. For example, in medical negligence claims, complex issues of medicine are involved, with medical experts required to deal with the separate issues of negligence and causation.
>
> Such opinions would ordinarily have been obtained by the parties prior to commencing the proceedings as they would usually have been necessary to form a basis for the claim.

Labor opposes this bill. We are deeply concerned that the provisions we introduced to divert cases away from the court system and into mediation have been repealed, and that we have before us provisions which will increase costs and delay, and impede the capacity, particularly of vulnerable litigants, to pursue their matters.

Mr MORRIS (Mornington) — I am pleased to rise to support the Civil Procedure Amendment Bill 2012. It is important that we remember what this bill is actually about. It is about giving the courts the capacity to manage their affairs. It is about giving them the capacity to manage the evidence of expert witnesses. It is about giving them the opportunity to limit expert evidence if it becomes necessary because its use is excessive or it is becoming increasingly and unnecessarily complex. It is about giving the courts the opportunity to streamline their procedures, improving disclosure in terms of costs and providing the courts with the scope to make simpler and more flexible costs orders.

I listened with interest to a number of speakers from the other side of the house, particularly the opposition's lead speaker, the member for Altona. I was interested in their attempt to justify the decision that has apparently been taken to oppose the bill. Particularly with the lead speaker, there were many fine words and many sentiments expressed which I do not think anyone in the house would disagree with — such as the need for fairness, for accessibility of the legal system, for just decisions and for affordability. I do not think you would get an argument from anyone in the house with regard to those matters, and certainly not from me.

However, we then heard that in this proposal there are just too many risks. What is the risk? The risk is quite simply that the courts would have the discretion to manage their own affairs. Heaven forbid! How could we possibly give the courts the opportunity to manage their affairs? That would be a terrible state of affairs. I think that attitude summarises the interventionist approach that we saw from the former Attorney-General: the desire to control the courts and to limit their capacity to exercise discretion and manage their own affairs. That is certainly not the view this government takes. We are strongly committed to working with the courts. Indeed the Attorney-General remarked publicly not long ago that we are strongly committed to working with the courts to enable rights to be upheld and to ensure that disputes are resolved in an efficient and effective manner.

We also heard, certainly from the opposition's opening speaker, the spectre of class warfare. I thought that sort of language had gone long ago. There was talk about affordability, and we heard again that somehow access to justice is going to be limited to those who have deep pockets. There is absolutely nothing in this bill that suggests for one minute that money is going to play a part. It is about giving powers to the courts. It has been many, many years — if it ever was the case in this country; it certainly has not been the case for the last

150 or 160 years — since any court was impressed by the power of money. That suggestion is absolute and complete nonsense, and it is raising a spectre that I thought had gone from Victorian politics a very long time ago. I suspect the only deep pockets that are going to be affected are the pockets of professional expert witnesses or, dare I say it, the members of the legal profession running the cases. This bill is certainly not going to affect the pockets of those who need to resort to the legal system to settle their disputes.

The bill provides discretion to the courts of case management powers. It also strengthens some of the overarching obligations and the proper base certification requirements that are already in the act. Why is it doing that? Quite simply, the costs and the evidence provisions respond to recommendations made by the Victorian Law Reform Commission in 2008, and the certification requirements respond to concerns of a practical nature that have emerged from stakeholders since the act came into operation. Are the reforms supported? They are supported by the Supreme Court, the County Court and the Magistrates Court. Apparently, as we have heard, the Law Institute of Victoria has some concerns.

In the very limited time I have left I was intending to talk about the cost aspects of the bill, but instead I want to touch on the matter of expert evidence. We need to go back to first principles: what is expert evidence about? It is about ensuring that the court can benefit from hearing evidence in matters that are technical and complex. If it is presented well, it adds to the process, improves the operation of the court and provides a better outcome. If it is not managed well, it becomes a source of complexity, delay and considerable expense. As a result it has the opportunity to reduce the effectiveness of the justice system. There are a number of examples of this type of problem. In a 2011 Supreme Court matter the judge indicated that the behaviour of the experts throughout the case had unreasonably increased the legal costs of the parties and the judicial time and resources required to resolve the dispute.

We need to remember what expert evidence is all about. It is about assisting the court to provide impartial advice and form a relevant opinion. Expert witnesses who provide evidence that is overly partisan and who do not provide the court with an independent opinion do not assist the process at all. In a recent Supreme Court decision the judge considered that one expert witness was acting as a mouthpiece for one of the parties, so clearly there are matters here that need to be addressed. I believe the process put in place by this bill achieves that result. It is not about making justice less accessible; it is about making it more accessible, giving the courts the opportunity to manage their own affairs, improving the operation of the justice system and providing a more efficient and effective system. I commend the bill to the house.

Sitting suspended 6.30 p.m. until 8.02 p.m.

Mr PERERA (Cranbourne) — I wish to speak on the Civil Procedure Amendment Bill 2012. As many members on this side have indicated the opposition cannot and will not support this bill.

In 2008 the Victorian Law Reform Commission report contained 177 recommendations. These recommendations were to reform the way civil proceedings take place in Victoria. Many of these recommendations were implemented by the previous Brumby Labor government in 2010. The recommendations sought ways to help litigants resolve their cases without going to court, which is a costly affair. This was a genuine cost-effective reform. What is more cost effective than not going to court?

The bill will amend the Civil Procedure Act 2010. The government says this bill will reduce costs and delays for those involved in civil litigation. It gives the court the power to direct legal practitioners to disclose the expected costs and disbursements of the trial to the other party, their client and the court. This is only providing information about the cost. Most litigants have a fair idea about the cost; they know that going to court is not the cheapest thing in the world. In most cases these initiatives will not encourage litigants to not go to court because they are already aware of the costs. In comparison the Civil Procedure Act 2010 provisions strongly encouraged the parties to settle before litigation and before spending big dollars in the courts.

The 2010 act imposed a requirement that parties try to resolve disputes prior to commencement of litigation. The act asked parties to take reasonable steps to resolve a dispute by agreement and to consider all options for resolving those disputes. It encouraged parties to narrow down the dispute so it would become easier to establish consensus. It asked parties to exchange documents and information and consider alternative dispute resolutions such as mediation.

This government's Civil Procedure and Legal Profession Amendment Act 2011 repealed the statutory requirement to undertake prelitigation steps to resolve a dispute prior to determination by a court. The new bill is a bandaid to cover the wrong decision made through the 2011 bill. The government seeks to mislead by saying the bill builds on the foundation established in the 2010 act. In fact the government has bulldozed and

destroyed that foundation by repealing the key provisions in the 2011 bill. The Law Institute of Victoria, which participated in the 2008 review and supported the 2010 act, says this bill will lead to an erosion of legal professional privilege.

The Victorian Law Reform Commission believes the bill will have a detrimental effect on the administration of justice. This bill will make it a requirement for a party to seek the permission of the court before having their expert witnesses called for trial. The lawyers will have to commence seeking expert evidence prior to trial without knowing whether they will be able to use this evidence. It could well be money down the drain. This further empowers courts beyond the typical processes and conventions of case management, which reduces the efficiency and flexibility of the court.

Most importantly the bill enables the court to indemnify experts from whom evidence is to be heard. The bill gives a court the powers to direct experts to conference, prepare a joint report on their evidence and/or give evidence simultaneously. The Law Institute of Victoria is concerned that this infringes on a party's ability to present its best case. It believes that such directions should only be made with the consent of both parties.

The bill enforces the use of court-appointed or single joint experts. It can limit the right of parties to appoint their own expert when a court-appointed expert has already given evidence. This change erodes the adversarial process that is fundamental to a courtroom. Cases that require expert opinion are generally complex. The issues considered cannot always be handled by a single joint expert. It would not be viable for a single joint expert to give evidence on, for example, negligence liability that causes injury. Multiple experts would be required to each give evidence on the separate issues of negligence liability and injury. In some cases it would be actuaries who have to give evidence on liability, and on injuries it may be a medical person. It is very rare that one person would have both forms of expertise.

The government has been unsuccessful in convincing the key stakeholders to support the bill as a whole. It is time the Baillieu government went back to the drawing board and, in the interests of justice, came up with a package acceptable to the legal profession. At this point I conclude my contribution.

Debate adjourned on motion of Mr R. SMITH (Minister for Environment and Climate Change).

Debate adjourned until later this day.

FREE PRESBYTERIAN CHURCH PROPERTY AMENDMENT BILL 2012

Second reading

Order of the day read for resumption of debate.

Declared private

The ACTING SPEAKER (**Mr Morris**) — Order! Before we begin debate on this bill, the Speaker has examined the Free Presbyterian Church Property Amendment Bill 2012 and is of the opinion that it is a private bill.

Mr McINTOSH (Minister for Corrections) — I move:

> That this bill be treated as a public bill and that fees be dispensed with.

Motion agreed to.

Second reading

Debate resumed from 15 August; motion of Mr CLARK (Attorney-General).

Ms BARKER (Oakleigh) — I wish to speak on the Free Presbyterian Church Property Amendment Bill 2012, which confers additional powers on the body corporate created under the principal act to enable the church to use and manage the property held under the principal act more efficiently. The additional powers enable the body corporate to pool trust funds for investment purposes and to accept an appointment as and act as administrator, executor or trustee and to enter into the joint use of property with other denominations.

The bill clarifies that pursuant to section 3 of the principal act the trustees and the body corporate have power to deal with property matters and to deal with the financial affairs of the church. As indicated in the second-reading speech, the bill deals with these amendments, which are similar to provisions in other acts passed for the benefit of other denominations.

What we in Parliament are doing in debating this bill is debating a bill which reinforces that this Parliament is amending legislation which relates to a church property trust — legislation which has been used by some churches to avoid legal responsibility in relation to the most pernicious of acts, namely, the sexual abuse of children and the harbouring of those who perpetrated it. Debate and discussion on legislation which has been used in this way is totally inappropriate at this time, and I therefore move to the following reasoned amendment. I move:

> That all the words after 'That' be omitted with the view of inserting in their place the words 'this bill be deferred indefinitely'.

Mr Clark — On a point of order, Acting Speaker, I seek your guidance on this. It seems to me that the reasoned amendment is a complete negation of the bill, and therefore I question whether it is in order. I think the appropriate course is that if the honourable member is of the view that the bill should not proceed, she should be opposing the bill. My understanding is that reasoned amendments should propose deferral, for example, until there has been further consultation or until a specified event occurs or something similar to that effect, whereas the proposal that a bill be deferred indefinitely, as I said, is a complete negation of the bill and should be addressed by opposing the bill rather than moving a reasoned amendment in this form.

Ms BARKER — On the point of order, Acting Speaker, I refer you to standing order 63, headed 'Reasoned amendment to second reading', which says:

> (1) An amendment may be moved to the question 'That this bill be now read a second time' by leaving out 'now read a second time' and inserting 'deferred indefinitely', or other wording providing it is relevant to the bill.

So inserting 'deferred indefinitely' is, in my reading, relevant.

Mr McIntosh — On the point of order, Acting Speaker, in checking the standing orders that the member for Oakleigh has quoted from, I note that there is a footnote which says:

> A reasoned amendment normally sets out a reason or argument for opposing or delaying a bill. The accepted wording is that the bill is 'withdrawn and redrafted to provide for … or that the house 'refuses to read this bill a second time until (a specified relevant event takes place)'.

As the Attorney-General has indicated, my reading of that footnote is that a reasoned amendment is usually such that the bill is deferred on the basis of a particular reason and that particular reason should form part of the reasoned amendment.

Ms Hennessy — On the point of order, Speaker, standing order 63(1) clearly sets out a head of power. The footnote may or may not amplify that power, but it certainly does not limit that power. The power emanates from standing order 63(1), which clearly states:

> An amendment may be moved to the question 'That this bill be now read a second time' …

Further to that, the member for Oakleigh submitted her reasoned amendment to the clerks for the purposes of consideration. She sought advice. She has done so in good faith. This is the purpose of a debate, and standing order 63 clearly provides the capacity to move such a reasoned amendment. It is simply an incorrect reading to try to use a footnote to argue that the member for Oakleigh cannot move her reasoned amendment. That is the purpose of standing order 63.

The SPEAKER — Order! The amendment has been moved correctly, and it will now be a decision for the house to debate.

Ms BARKER — In moving the reasoned amendment, I provide the following context for why the bill should be deferred. From the outset, I state that opposition to debating this bill at this time is in no way a reflection on the Presbyterian Church. I am providing a context for the reasoned amendment and for why the bill should be deferred.

All members know that I have for some time called for an independent statutory inquiry into the internal processes of the Catholic Church in regard to clergy sexual abuse. In calling for this inquiry, I have consistently stated that state law, policy and practice have precedence over any internal processes of any organisation in Victoria. If state law is to be upheld in relation to organisations following our laws in regard to the reporting and alleged abuse of children and vulnerable adults and the reporting of such abuse, it follows that the appropriate state authorities can investigate those allegations of crime and obviously, if evidence can be provided, prosecution will follow.

The SPEAKER — Order! The matters that the member for Oakleigh is talking about do not relate to this bill.

Ms BARKER — No, they relate to my reasons for seeking to defer debate on the bill.

The SPEAKER — Order! However, they are not relevant to the bill that is before the house at the moment.

Ms BARKER — I can debate the reasoned amendment, which is that the bill be deferred, and I am providing the reasons I have moved that amendment.

The SPEAKER — Order! The reasons are not relevant to the debate that is before the house.

Ms BARKER — At this stage I am providing background and context for why I am moving the reasoned amendment.

The SPEAKER — Order! I am not sure that it is relevant to the bill.

Ms BARKER — Again I repeat that I am providing a framework, context and background as to why I have moved a reasoned amendment that the bill be deferred. I am debating, if you like, or providing the context for the reasoned amendment. As I understand it, I am entitled to do that.

Mr McIntosh — On a point of order, Speaker, this is a very narrow bill, and moving a reasoned amendment should not give any member of this house licence to talk about something that may be of some significance to a number of people but is completely unrelated to the purpose of this bill.

What we have here is a bill dealing with the Free Presbyterian Church, which I understand is a very small denomination. It specifically asks to amend the principal act, which was a private act that was passed in 1953. Because of the effluxion of time there is a desire to bring the legislation into more modern parlance. The bill deals with the pooling of trust funds; the appointment of an acting administrator, executor or trustee; joint use of property with other denominations; and a new title for and update of the legislation, all of which are the headings of paragraphs of the second-reading speech.

However, the critical thing here is that the purpose of a reasoned amendment is to delay, or defer, but ultimately — if it succeeds — to defeat a bill. There may be rational reasons why the member wants to move that reasoned amendment, but clearly it should relate to the purposes of the bill. The reason for deferral that the member is enunciating should still be consistent with what is in the bill.

Ms Hennessy — On the point of order, Speaker, initially I ask that you use your discretion to stop the clock. The Leader of the House has made a reasonably lengthy point of order during which the time allocated to the member for Oakleigh has diminished.

The SPEAKER — Order! Stop the clock.

Ms Hennessy — I also make the point to you, Speaker, that in making her contribution the member for Oakleigh is simply trying to provide context as to the basis upon which she has moved her reasoned amendment. Further the member for Oakleigh is the lead speaker for the opposition on this bill, and lead speakers, as you know, are afforded a degree of latitude in their contributions.

Mr Clark — On the point of order, Speaker, the member for Oakleigh is entitled to give reasons for proposing that the bill be deferred indefinitely, but those reasons need to be linked to the bill. I take it that you were simply giving her a warning to ensure that that happens. I do not think she had got to that point in her remarks and I think she needs to do so fairly expeditiously, so she can relate the remarks that she is making back to the bill.

As the Leader of the House said, this bill is a very narrow one that makes a number of procedural and operational changes to various trust powers. They are in legislation that dates back over many years. I cannot see any logical nexus between that and the broader issues that the member is alluding to. I suggest that in providing reasons for speaking to a reasoned amendment she needs to link it back to the very narrow provisions contained in the bill.

The SPEAKER — Order! I understand where the member for Oakleigh is heading, but I have concerns that it does not relate to the bill before the house. It is another issue that the member has some feelings for, and I understand those feelings and her concerns, but I do not believe the issues she is raising are relevant to the bill before the house.

Ms BARKER — I will respond with a further point of order. As I indicated earlier — —

Dr Napthine interjected.

Ms BARKER — I said a further point of order. If you wish to — —

Dr Napthine interjected.

The SPEAKER — Order! I have not yet ruled on the point of order.

Ms BARKER — On the point of order, Speaker, as I indicated, the second-reading speech states that the bill deals with amendments:

> … which are similar to provisions in other acts passed for the benefit of other denominations.

We are talking about a bill dealing with church property trusts and the way in which they are managed, and the appointment, if you like, or new appointment, of trustees who manage those church property trusts. The second-reading speech indicates that the provisions are similar to provisions passed for the benefit of other denominations. In the context of saying why I wish to defer this bill, I am providing context and I will come to some of the reasons once I have provided some context.

Dr Napthine — On the point of order, Speaker, during my time in this house when bills have been sought to be deferred or not dealt with at this stage, the arguments presented related to the bill and why that particular bill should be given further time for consideration or should be deferred until there was further consultation with the community on that particular issue. It is not an appropriate use of the house's procedures to argue that a bill be deferred while another completely separate matter is addressed. That is not the way this house has operated for the past 20 years, and it is not the way it should proceed today.

While the member clearly has interest in and passion on a particular issue, this is the wrong vehicle for her to seek to prosecute those ideas and those views. This is a very narrow bill about very narrow issues. One could argue that this bill should be deferred while there is further consultation with the members of the Free Presbyterian Church community or some other issue related directly to the bill, but it is not appropriate — and let me use an extravagant example — to say that this bill should be deferred while we talk about football or while we talk about something else completely unrelated to the bill.

Honourable members interjecting.

Dr Napthine — I did say it was an extravagant example. It is not appropriate under the guise of deferring a bill to talk about something which is quite external to the bill. While it may have some indirect link to the concept of church, it is external to the bill before the house. I think that is the point being made by the government. This is a very narrow bill and it cannot be used as a vehicle for the direction in which the member is now going. I ask you, Speaker, to suggest to the member that she confine her remarks to why this bill should be deferred with respect to the parameters of this bill and not to wider church and other issues.

Mr Herbert — On the point of order, Speaker, I have been here from the very start of this debate. Government members who have raised points of order against the reasoned amendment have taken up a lot more time than the opposition member who has spoken on the bill. It is unfair that a lead speaker, who always has latitude in debates, who has only spoken for probably about a minute putting a bit of context about the amendment and about why she has moved the amendment, is suddenly unable to speak about the amendment and its context. It is a very straightforward thing. It is nothing to do with football; it is nothing to do with a whole heap of issues. It is directly related to the bill. Unfortunately we have not got there yet, because the member is not allowed to provide the context that leads to the reason for the amendment. It is outrageous that the member, as a lead speaker, cannot provide the context around what she is about to say and the reasons why she is moving the amendment in this chamber. Undoubtedly her comments are directly related to this bill. The member should be allowed to continue.

The SPEAKER — Order! I say to the member for Oakleigh that I am sorry, but I do not believe the arguments that are being put forward are relevant to the bill before the house. The arguments for the amendment that she has moved do not relate to the bill before the house. As has been said, it is a very narrow bill. I ask the member, if she is going to return to the debate and is looking to speak to the amendment, to refer to the bill before the house and not bring other issues into it.

Mr Eren — On a further point of order, Speaker, with all due respect, the member for Oakleigh moved a reasoned amendment, which the house allowed her to do. I do not think the government objected to it. It did not reject it — —

An honourable member interjected.

Mr Eren — The debate continued. Further, with all due respect, Speaker, it was not the government that took the point of order after the member had been speaking for only 1 minute of her contribution. It was you, Speaker, who intervened. The member should have a go at putting into context her reasoned amendment. We have wasted 12 minutes already. The clock was not stopped while the points of order were being debated. I ask you, Speaker, to give the member for Oakleigh the opportunity, as the lead speaker on this bill, to have some latitude and to put into context the reasoned amendment that she has moved.

Mr McIntosh — With all due respect to the further point of order, Speaker, the reality is that the debate is very narrow. It is about the Free Presbyterian Church. It is about, as I said, dealing with the assets of that particular church. It has already been declared a public bill for the purposes of the payment of fees. It is a very narrow matter and the debate should be confined to, in effect, the church property. You are quite right, Speaker, to perhaps caution the member about this matter. But it should not be possible, by this mechanism, to move a reasoned amendment to defer the bill indefinitely and then be given licence to travel outside the scope of the bill. If that were to be allowed, then essentially members could debate anything on any bill on the basis that they wanted to defer it indefinitely.

The SPEAKER — Order! If the member for Oakleigh wishes to speak on her reasoned amendment, I ask that she do so on the basis of the bill before the house.

Ms BARKER — I am puzzled why I am not able to provide context as to why I wish to defer the bill. I do not understand why as a lead speaker I am not allowed the opportunity to provide that context. In Victoria and other state jurisdictions churches are generally unincorporated and therefore cannot be sued — that is a fact — except in relation to property matters whereby incorporation exists for the sole purpose of holding and disposing of property and managing the financial affairs of a particular church. That is what the bill amends: the manner in which the church can hold, dispose of and manage the financial affairs of its church.

The SPEAKER — Order! I am listening to where the member is going.

Ms BARKER — So acts which establish church property trusts and put in place trustees of those property trusts have used those acts to avoid legal liability, and victims of sexual abuse refer to those acts or those — —

The SPEAKER — Order! The member for Oakleigh is getting off the bill again. I bring her back to debating the issue before the house.

Ms BARKER — Victims, families and victims groups consider the structure of these types of ecclesiastical acts as an impediment to their ability to sue in a court of law. The case most commonly cited is the Ellis case, in which a church was unable to be successfully sued because the church's only legal entity was a property trust. That has relevance to this bill. Each act establishing a property trust is different. It is not clear whether the Free Presbyterian Church Property Act 1953 allows this defence, and it has not been tested in Victorian courts.

At this point in time the Parliament has — I am going to get picked up on this, I know — through a reference to the Family and Community Development Committee asked that the committee conduct an inquiry into:

> … the processes by which religious and other non-government organisations respond to the criminal abuse of children by personnel within their organisations.

One of the terms of reference indicates that the committee should consider and report on:

> whether changes to law or to practices, policies and protocols … are required to help prevent criminal abuse of children … and to deal with allegations of such abuse.

In dealing with allegations of such abuse, submissions which question the structure of these types of ecclesiastical acts, which are used as a legal defence, will be received by the Family and Community Development Committee and therefore will be considered by the committee, and I am aware that at least one submission directly relating to this matter has been submitted.

During the briefing on this bill, which I attended, this matter was raised, and a letter of comfort was sought from the government that amendments in this bill do not alter the liability of the body corporate in any legal claim. Advice was received that the amendments do not alter the legal entity — that is, the body corporate established under this act — nor do the amendments alter the liability of the body corporate in respect of possible claims against it. However, given the submissions and evidence likely to be presented to the Family and Community Development Committee inquiry regarding the structure of ecclesiastical acts, the opposition believes it is inappropriate for this bill to be considered and debated at this time.

I also add this comment in the context of why I have moved a reasoned amendment that the bill should be deferred. As members of Parliament we like to think that all that is debated in this place realises an enormous amount of interest in the wider community. While there may sometimes be some interest in certain sections of the community in regard to a bill, I hesitate to confirm that debate in this place is broadly known, particularly at the time of the debate.

However, in regard to the intention of a bill before the Parliament, which as I have indicated relates to a church property trust which has been used by some churches to avoid legal responsibility in relation to the sexual abuse of children, this current debate is viewed with some caution and, I would suggest, scepticism by victims, survivors and their families. At this time they are undergoing severe trauma as they submit to a parliamentary committee inquiry details of what happened to them and what they believe should be done to ensure that they receive justice following the crimes perpetrated against them, including the structure of ecclesiastical acts.

They need to know that the Parliament genuinely wants to ensure that all matters pertaining to the trauma and crimes perpetrated against them, and what many have lived with silently for such a long time, will be considered seriously and supported. Debating this bill at

this time does not provide the confidence that the Parliament is serious about the commitment to consider practices, policies and protocols for the handling of allegations of criminal abuse of children, and particularly whether the changes to law to deal with allegations of such abuse should be implemented to ensure that justice for many residents of our state can finally be obtained to its fullest extent in accordance with the laws of this state.

The reasoned amendment is a procedural way in which the opposition can clearly indicate that we do not believe it is appropriate for this bill to be considered at this time, particularly in light of the current parliamentary committee inquiry, and I ask that the reasoned amendment be supported.

Mrs VICTORIA (Bayswater) — I rise to speak on the Free Presbyterian Church Property Amendment Bill 2012, and it has been mentioned that this is a private bill. At the outset I would like to thank the Reverend Dr Rowland Ward, the convenor of the Law and Advisory Committee for the Presbyterian Church of Eastern Australia, who has done an enormous amount of work and brought this matter to my attention several years ago. Dr Ward was the minister at my local Free Presbyterian Church in Wantirna. I am delighted that the church has brought this matter to us and that it would like to have some changes made to bring it into line with other church groups.

The bill amends the Presbyterian Church Property Act 1953 to give additional powers to the body corporate created under the act to enable the church to use and manage property held under the act more efficiently. It will give the church the power to pool trust funds for investment purposes — and I will get onto that in a moment — to accept an appointment as, and act as, administrator, executor or trustee and to enter into the joint use of property with other denominations. It is another good initiative which I will come back to.

The Presbyterian Church of Eastern Australia was founded in Sydney in 1846. It was not until 107 years later, in 1953, that the three congregations of the Free Presbyterian Church of Victoria were received into the Presbyterian Church of Eastern Australia. The Free Presbyterian Church Property Act 1953, the act we are amending today, was a private act introduced to facilitate the union of those congregations.

It is important to understand the history of the church and how that initial act came about. The beginnings of the church go back to the early colonial days of Victoria. At the beginning of 1838 Reverend James Forbes came to Victoria as one of the first Christian ministers in the settlement. He served in a variety of roles, in particular as a minister of Scots Church until 1846. But in 1846 he withdrew from Scots Church and formed what would become the Free Presbyterian Church of Victoria because the synod of Australia refused to break its legal and moral connection with the established Church of Scotland.

At the time there were a lot of things going on in Scotland which, even with the tyranny of distance, were being felt in Victoria. People felt there was a problem in that the state had interfered in what was thought of as the spiritual affairs of the church, and we all know that the state and church should not mix. Because of this, about 40 per cent of ministers gave up their positions, as a result losing everything, from their homes to their allowances or salaries — they walked away from all of that — and established the Free Church of Scotland in 1843.

Looking back a little further at the history of the eastern part of Australia, in 1841 the Presbyterians in the colony of New South Wales, which at that stage still included Victoria and Queensland, generally belonged to a group with a very long name, the Synod of Australia in Connection with the Established Church of Scotland.

I spoke before about what was happening in Scotland. That was what they called ‘the disruption’, a politico-religious issue. It was an extremely important factor in how the church got to where it is now. The authorities in Scotland interfered in the spiritual affairs of the church, and this was an absolute no-no. It was felt that many changes needed to be made. The state demanded that ministers who were found unacceptable by the church and had not been chosen by their local communities or local congregations should be settled in certain parishes. This was in opposition to what had gone on before and what was the norm in terms of the constitutional relationship between the church and the state. As I said earlier, many ministers left the Church of Scotland and formed the Free Church of Scotland in 1843.

As I said, those problems filtered through to Australia and certainly to the colonies down here. After a series of events, the Australian Presbyterians split into two trains of thought. A minority in the synod of Australia led by the Reverend William McIntyre of Maitland and the Reverend James Forbes of Scots Church, Melbourne, broke away, saying:

> A church must honour Christ in the way she orders her life, even if it means considerable cost. She must back up her words with consistent behaviour.

They also said:

> We are not prepared to prefer the established church over the free church for our supply of ministers.

Again it came back to whether they felt as though the state had interfered. The churches had split, and they wanted to make their own decisions out here.

William McIntyre and three of his colleagues withdrew and formed the Presbyterian Church of Eastern Australia in 1846. At the same time there were changes in Melbourne and what would become the Free Presbyterian Church of Victoria was established. Other free Presbyterian churches were founded in South Australia and Tasmania. A few congregations stayed out of that union: namely, the congregations in St Kilda — which is one of the things we are going to talk about — Geelong and Hamilton, as well as further afield.

I turn to the clauses of the bill, in particular clause 10, which inserts new section 12. What will happen is that there will be a change in the way trusts are administered. Let us take the nominal amount of $10. At the moment if multiple $10 bequests are left by separate parties, they can only be invested as $10 lots. The amendment allows the church to pool those amounts of money. Obviously from an administrative point of view that is very sensible. However, the estates the bequests have come from will still need to know where that money has been invested, and if there are dividends from that, they will still need to be attributed back to those estates. The administrative costs of managing individual bequests will be much reduced.

At the moment the trustees can only look after the portfolio of property as it is, and there are nine pieces of property in that portfolio. This gives them more capabilities there. There is also an ability to pool funds with other denominations. For example, if a community centre for the good of the whole community were to be established, the Free Presbyterian Church could come together with the Catholics and the Anglicans and whoever else might be in that area to create something for the greater good so they do not have to all go out and try to compete against each other. In fact they would be coming together for the good of the community.

There are many good initiatives in this bill. It is certainly well thought through, and it is a logical step in the history of the church. As the lead speaker on the other side said, there are other denominations that are subject to similar legislation, and there is no reason why this particular church should not benefit from legislation along those lines. The Uniting Church, the Roman Catholics and the Anglicans all have very similar legislation applied to their respective churches. I commend the Free Presbyterian Church for its initiative in having this legislation brought right up to date, and I wish the bill a speedy passage through both houses.

Ms HENNESSY (Altona) — I rise to make a very brief and — members will be pleased to know — technical contribution to the debate on the Free Presbyterian Church Property Amendment Bill 2012. I intend to support the member for Oakleigh's reasoned amendment, but for the purposes of my contribution I shall confine my comments to the technical components of the bill.

The bill itself is a relatively short one; it has only a couple of key objectives. In effect it seeks to confer additional powers on the body corporate that was created by the primary act in 1953, the Free Presbyterian Church Property Act 1953, and to enable the Presbyterian Church of Eastern Australia to use and manage the property held under the principal act more efficiently. In doing so the bill affords additional powers to enable the body corporate, which is in effect the church's trustees, to pool its trust funds for investment purposes; to accept an appointment as and to act as an administrator, executor or trustee; and to enter into joint use of property with churches of other denominations. It also seeks to update the title of the principal act and to amend and repeal provisions in that act which are now redundant for a whole range of historical reasons the previous speaker outlined. I will not seek to further amplify those.

The bill also provides the church with the power to pool individual funds into a common fund, and that presumably enables the church to manage its assets far more efficiently. Currently funds arising from individual bequests are held separately, and I imagine that comes with a whole range of opportunity costs and administrative burdens. In order to overcome those costs, the church has requested express statutory power to pool those funds into a common fund, which this bill seeks to implement. The bill also seeks to ensure that income or losses arising from investments are distributed proportionately among the separate purposes for which the fund was originally held.

The bill also has an impact in terms of how wills will be administered. Under the current law, as a general rule body corporates cannot act as an executor of a will and take probate unless they have a specific exemption under the Trustee Companies Act 1984. The bill empowers the body corporate to apply for probate of a will or administration of an estate in which the church has a beneficial interest. The bill also seeks to make

sure that any commission that is earnt by the body corporate is used for the purpose approved by the governing council of the church in Australia.

Earlier you used the phrase 'Roman Catholic', Speaker. I come from the Irish Catholic tradition, and the distinction is quite significant in my family.

Dr Sykes — You like Guinness.

Ms HENNESSY — Guinness certainly is a liquid that is often imbibed at a family function.

Dr Sykes — We'll be around to your place later tonight!

Ms HENNESSY — I shall not be diverted by the enthusiastic passion of the member for Benalla. I have never understood whether the word was pronounced sy-nod or sin-nod. That is a long way of apologising for any disrespect arising from my mispronunciation.

The bill also allows for the joint use of property. Currently the church is unable to enter into arrangements with churches of other denominations or share property. It also lets the church use joint schemes of cooperation with churches of other denominations with the permission of the synod. Those schemes of cooperation are entered into by the church with churches of other denominations. For example, doing something as simple as sharing a church hall would provide for a more efficient use of resources. Given that such arrangements would ordinarily entail the provision of things like securities over properties to raise funds, express statutory provision is required, as the church may otherwise be in breach of its trust under the current legislation.

As I noted earlier, the bill changes the title of the principal act to the Presbyterian Church of Eastern Australia Property Act 1953. That is obviously sensible as part of this package of reforms, and it also reflects the fact that the principal act, whilst relevant at the time of its passage in 1953, is no longer relevant, as the union of the congregation of the Free Presbyterian Church of Victoria with the church was achieved under the principal act on 25 November 1953.

In terms of some of the broader issues associated with this bill, I understand that when the shadow Attorney-General in the other place, Mr Pakula, had the briefing — and I thank the minister's office and the Department of Justice staff who provided that briefing — one of the questions asked, which is a question that has been raised with the opposition, was: is there any possibility, however remote, that these changes could in any way enable in a technical sense any ability to limit liability or limit assets in such a way that they would not be capable of being the subject of an order of a court? It is my understanding from the shadow Attorney-General that such an undertaking was given by representatives of the Attorney-General. We rely upon those undertakings, and given that second-reading speeches are often used in the interpretation of legislation when litigation cases arise, we wish to make it clear that the provision of those undertakings forms a very important basis for our support of the bill. In making that point I wish to emphasise beyond any shadow of a doubt that that issue has been raised and pursued on a purely abstract and technical level, and in no way whatsoever do we attach any of those questions, doubts or concerns that have been put to us specifically to the Presbyterian Church.

As the member for Oakleigh outlined in the course of speaking about her reasoned amendment, the corporate structure, for want of a better term, is an issue that is going to be canvassed by the Family and Community Development Committee in the course of its inquiry. That is certainly what has motivated the member for Oakleigh to move her reasoned amendment. That is also what has motivated our pursuit of some reassurance that the church that is the subject of this bill will be given the proper and rightful opportunities to become more efficient and to enjoy a corporate structure that better reflects its modern activities in a way that is analogous with the structure, protections, powers, obligations and opportunities that churches of other denominations might have. We certainly support that without any shadow of a doubt, and we are pleased to be reassured that this legislation could in no way enable the sort of structuring we have seen at the corporate level. James Hardie comes to mind, and certainly some of the cases the member for Oakleigh has been involved with in the course of being such a passionate and effective advocate for victims in the policy areas of which she is intimately aware come to mind as well.

We certainly do not oppose the technical content of the bill; it is the timing and some of the broad policy issues that the member for Oakleigh outlined that have motivated the reasoned amendment. I intend to support the reasoned amendment, and if and when this bill is brought before the house again I also hope to support it. Having said that, I conclude my contribution.

Mr CRISP (Mildura) — I rise to support the Free Presbyterian Church Property Amendment Bill 2012. It is probably on the record that I am a practising Anglican, but my mother was Presbyterian. Such things happen in life. The purpose of the bill — and it is a reasonably short purpose — is to amend the Free

Presbyterian Church Property Act 1953 to confer additional powers on the trustees for Victoria of the Presbyterian Church of Eastern Australia and amend the act to repeal redundant sections of the act. I cannot say it any better than the preamble, I think, so with your indulgence, Speaker, I will read the preamble of the bill into *Hansard.* It states:

> In 1953 the Free Presbyterian Church of Victoria was received into the Presbyterian Church of Eastern Australia. The Free Presbyterian Church Property Act 1953 established the trustees for Victoria of the Presbyterian Church of Eastern Australia to hold the property of the Free Presbyterian Church of Victoria in connection with the Presbyterian Church of Eastern Australia. Amendment of the Free Presbyterian Church Property Act 1953 is required to allow for the more efficient use and management of the property held in trust by the trustees for Victoria of the Presbyterian Church of Eastern Australia. Amendment is also required to alter the title to that act to reflect the change in the title of the church and to make any other changes that are necessary to remove redundant and unnecessary provisions.

This is very much a housekeeping bill that reflects a time past. I congratulate the member for Bayswater, who went into great detail about that history, particularly the differences between the Presbyterian and Free Presbyterian churches, which obviously were of a great deal of importance more than 100 years ago. The split became quite legal by about 1890, according to the notes I read. It was a period in which people were very passionate about this issue. Although I have not been highly aware of the Free Presbyterian Church here in Melbourne, I have spent a little time in Adelaide and while walking around that city have seen plenty of cornerstones on churches dedicated to the Free Presbyterian Church. It is a very interesting part of our history.

This is a private bill, and I think we need to state for the record the difference between a private bill and a public bill. A private bill affects the rights and interests of an individual person or corporate body and does not affect the wider public. Private bills are generally sponsored by an individual body affected by the bill. In this case the church has requested the amendments we are discussing today. Technically this means that this is a private bill that benefits the church rather than the public. However, standing orders 83 and 85 provide that the house may agree to treat a private bill as a public bill. We have done that, and we have dispensed with the need for the church to pay the expenses incurred in preparing and passing the bill. That is the history of this legislation.

principal act was passed in 1953 to facilitate the union of the Free Presbyterian Church of Victoria and the Presbyterian Church of Eastern Australia. I was born after that time, so this bill is dealing with something that happened a long time ago. The bill allows the management of property and also allows the body corporate to be the legal entity in which the property is vested. The bill allows for up to five trustees, three of whom are to be appointed. The trustees act on the direction of the church synod. The body corporate has power to buy, sell and mortgage property. The bill's objectives allow additional powers to enable the body corporate to have the power to accept appointment and act as an administrator, executor or trustee, pool trust funds for investment purposes and enter into the joint use of property with other denominations.

It is probably a diversion to mention it at this moment, but the Presbyterian Church in my electorate has a bush pastor who travels across vast areas of northern Victoria and south-western New South Wales visiting families living in remote areas. It is a mission operation, and it provides a wonderful service to some of the people in remote areas of my electorate and in neighbouring electorates in New South Wales.

Regarding the reasoned amendment, I take note of the member for Altona's explanation as she worked through the difficult position of the opposition on this in circumstances where we will be voting on both the reasoned amendment and the bill. We now have that clarification from the opposition on the record.

This is very much a mechanical bill. During the bill briefing the Attorney-General provided the advice that the purpose of the bill is to enable the church to use and manage more efficiently property held under the act. The bill does not alter the liability of the body corporate in respect of possible claims against it, except to make it clear that it is acting lawfully when exercising the powers conferred by the amendments. The church has confirmed that it is not currently involved in any litigation against it. With those words I commend the bill to the house and wish it a speedy passage.

Mr CARBINES (Ivanhoe) — I am pleased to rise to make a contribution to debate on the Free Presbyterian Church Property Amendment Bill 2012. Perhaps I could start in the manner of the previous speaker, the member for Mildura, who was making some declarations. As someone of the Catholic faith, I was pleased to be in Ballarat last week where I had the opportunity to catch up with Fr Tom Brophy, my uncle, who is the parish priest at Our Lady Help of Christians in Wendouree. I mention that because he was also the parish priest at Sacred Heart in Mildura, where the previous speaker, the member for Mildura, is from. I make that broad point because interaction with the church is important to me as a member of Parliament, just as it is important to many people in the community.

We interact with the church as contributors in the community or we interact with it more broadly through our own views and allegiances around faith. We certainly understand that those in the church are integral contributors to the strengthening of our community in Victoria. I am pleased to make a contribution to debate on this bill, which effectively gives the Presbyterian Church of Eastern Australia power to manage church assets and resources in a more effective manner.

Regardless of denomination, churches are amongst the biggest land-holders in Victoria and therefore have significant responsibilities and significant custodianship of community resources. These are resources that people connected with the churches have contributed to over many years. Churches in given communities interact with other communities and their neighbours, which means the way their assets are managed is very important for the benefit of not only their congregations but also their neighbours and other communities right across Victoria.

There are obligations and responsibilities that churches need to consider in relation to these matters, and that is why the way we deal with these matters as lawmakers is important. Changes that affect the way churches of any denomination have an opportunity to administer and manage their assets and resources need to be considered very carefully given that churches have significant land-holdings — not this denomination in particular but across all denominations. Because churches have significant land ownership in Victoria they have a significant effect on neighbourhood character and the way others in the community relate to them. While I have no doubt that the changes we make here will provide greater flexibility and greater capacity for the church to manage its assets for the benefit of the community, the changes are something we need to consider very carefully.

There is a disappointing aspect. If the Baillieu government had as much enthusiasm for encouraging contributions from members who represent diverse electorates and communities as it seems to have for limiting contributions on this bill from the parliamentary Labor Party in relation to the reasoned amendment, then perhaps we would truly be a people's house. The Labor Party has indicated that it is not going to be opposing this bill but does feel strongly about the reasoned amendment that has been moved by the honourable member for Oakleigh. I note the measured, considered and determined contribution of the member for Oakleigh, and I support her reasoned amendment. I do not believe this house has anything to fear from the reasoned amendment moved by the member and supported by the parliamentary Labor Party, given the context of the Labor Party's decision that it will not oppose the bill.

It is easy to wax lyrical around the history of the Free Presbyterian Church. History is important. It gives context to the decisions and actions of churches of all denominations down through the ages. Previous speakers have commented on the matters into which the Family and Community Development Committee of the Victorian Parliament is conducting an inquiry. I do not need to say much more about those at this time; they have been covered.

There is much happenstance in the reasoned amendment coming at this time. In my view it is not particularly related to the specific denomination that is the context of the bill before the house. The reasoned amendment is not trying to pick up on any denomination. A bill dealing with these specific matters in regard to any faith-based organisation could bring about the same reasoned amendment that has been put by the member for Oakleigh.

To give an overview of the bill, the three key points that I want to mention are that it provides the body corporate of the church with the power to pool trust funds for investment purposes; the power to accept an appointment as, and act as, an administrator, executor or trustee; and the power to enter into the joint use of property with other denominations. Other speakers have touched on the letter of comfort that the government has provided via the Attorney-General's office, which has been received by the Labor opposition, that says the bill does not alter the liability of the body corporate of the Presbyterian Church of Eastern Australia in any legal claim.

I am conscious of the desire of other members to make contributions on this bill, so I will conclude my comments at this point. The points raised by the member for Oakleigh are supported by the parliamentary Labor Party; they are very fair and reasonable in the context of the matters being broadly discussed and considered in relation to the bill. I conclude my comments.

Mr THOMPSON (Sandringham) — The Presbyterian Church has a number of strands in Australia, and the bill before the house is the Free Presbyterian Church Property Amendment Bill 2012. The work of Flynn of the Inland was supported by a number of Presbyterian ministers in yesteryear. It is interesting to note that the first member of this particular denomination in Australia was Reverend Forbes, who arrived in the Port Phillip District in 1838. He was described by a historian from

Melbourne University as Victoria's first public educationalist. James Forbes founded several schools, including Scotch College, which has been associated with the Presbyterian Church of Victoria since 1859. He died in 1851 just before the school was opened. The influence of Forbes was felt in a number of areas. When he arrived in the Port Phillip District the population of Melbourne was judged to be about 1000 people, 500 of whom were the Indigenous population and 500 of whom were early settlers. History records that the welfare of the Indigenous population was a primary concern of his.

It is interesting to note also that around that time the work of Governor La Trobe, who was sent to the Port Phillip District in 1839 following the decimation of the Aboriginal population in Tasmania. Great regard was held for the ways in which they could be protected in Victoria, and it was people such as Forbes and La Trobe who carried that brief in caring for the Indigenous community of the day.

There have been contributions by other people who were members of the church. Their work extended to overseas service, including to the Xhosa people near King William's Town in South Africa where Dr Campbell Andrews was a medical doctor who was aggrieved by the policy of apartheid. There was also the work of Dr Helen Ramsey, who served in central India for 24 years and was at times the only European in the area. There was a close relationship with the Dutch migrants who came to Australia after the Second World War and who formed what was later known as the Christian Reformed Churches of Australia.

The Presbyterian Church of Eastern Australia has contributed to some leadership in Melbourne within the wider Presbyterian community. A professor of theology, Dr Allan Harman, has made a worthy contribution to theological studies in Australia. The principal of Presbyterian Ladies College in Melbourne between 1986 and 1997 was the Reverend William Mackay.

A contemporary leader of the church today is Dr Rowland Ward, who has provided significant historical and doctrinal information, which is widely used within the church in Australia. He is of agile mind and has been a primary sponsor of the bill before the house. Interestingly, a number of years ago in this Parliament there was a commemoration of the 200th anniversary of the abolition of the slave trade, and Dr Ward attended on that night. In the possession of his family is an original letter from Mr William Wilberforce, which remains in Dr Ward's family archives. Wilberforce was regarded as being the prime mover for the abolition of slavery, and the 200th anniversary was marked in Queen's Hall in 2007 with a number of awards being given to people such as Eva Burrows, a general of the Salvation Army; Dame Elisabeth Murdoch, marking her philanthropic works; Sir James Gobbo, a former Governor of Victoria; and Professor Graeme Clark, a developer of early research into the bionic ear.

It is interesting, too, that Wilberforce, who dedicated his life to the abolition of slavery, had as a strong influence on his life a converted former slave trader, John Newton. In addition, the work of Wilberforce was influential in early appointments to the Australian colonies, and through his close friend Prime Minister William Pitt, Richard Johnson was appointed under royal warrant as chaplain to the colony of New South Wales.

There are other accounts, but time eludes me. I make the point that a clerk of this Parliament — and I note the Clerk is here — was Thomas Greenlees Watson, who was general secretary for the commonwealth celebrations in Melbourne in 1901. He wrote a book entitled *The First Fifty Years of Responsible Government in Victoria* and received the thanks of the house for his valuable services in connection with the jubilee of the Victorian Parliament and the preparation of the educational record presented to the house. He was a member of the church which is the subject of the bill we are debating tonight.

Ms HALFPENNY (Thomastown) — I rise to speak on the Free Presbyterian Church Property Amendment Bill 2012. The amendments contained in this bill are themselves relatively inoffensive and routine. They make small changes to the property trust legislation that enable the body corporate of this church to pool funds for investment purposes and enter into joint use of property arrangements with other denominations. There are also some minor updates to the original act of 1953, such as updating the title and addressing some redundant provisions. However, the timing of the introduction of this legislation is unfortunate; it is wrong and insensitive. For this reason I support the reasoned amendment proposed by the member for Oakleigh to defer this bill.

Many would be gobsmacked that the Liberal government has introduced this legislation regarding church property trusts to the Parliament at this time, to be debated today and decided during this parliamentary sitting week. I note that the member for Bayswater stated in her contribution that representatives of this church approached her a number of years ago raising these issues, so why is it that we cannot introduce this

bill and debate this issue in 12 months time rather than today?

Many Victorians may not be aware that over the years parliaments of all persuasions have passed legislation allowing religious organisations to establish property trusts to hold the assets and wealth of a church or other religious organisations. The bill we are debating today makes amendments to an existing act that has already established such a property trust for the church. The original act is the Free Presbyterian Church Property Act 1953. But it would not really matter what church property act or trust we were discussing today, because the point I seek to make is that the Parliament should not be looking at passing any changes to legislation about church property trusts at a time when the parliamentary inquiry into child abuse in non-government organisations is under way.

The argument is that we should defer this bill out of respect for the victims of sexual abuse at the hands of people who were working in non-government organisations such as churches across the state, many of whom may wish to participate in the inquiry. It should be deferred so that the Parliament is not seen as pre-empting the outcome of the parliamentary inquiry in any way, because looks are very important.

Now I would like to explain the relevance of the parliamentary inquiry to this debate and note that I am a member of the committee that is going to undertake this inquiry. First I would like to quote an extract from the terms of reference of the inquiry and then explain how that relates to this legislation regarding church property trusts. The Family and Community Development Committee is requested to:

> inquire into, consider and report to the Parliament on the processes by which religious and other non-government organisations respond to the criminal abuse of children by personnel within their organisations.

That includes:

> … whether changes to law or to practices, policies and protocols in such organisations are required to help prevent criminal abuse of children by personnel in such organisations …

A response from some religious organisations — not the one we are talking about today, as I understand it — has been to invoke what has come to be known as the Ellis defence. Some churches have used property trusts created by our parliaments to avoid paying the full extent of damage claims to children who were sexually abused in their care. The argument goes that a property trust is not a legal entity and therefore cannot be sued. A person may be able to prove in court their allegations of abuse and the perpetrator can be found guilty without doubt, but the church's wealth and assets will be tied up in a property trust and cannot be touched or claimed as compensation.

One of the responsibilities of the committee conducting this inquiry into sexual abuse against children is to look at changes to the law. There may well be all sorts of evidence and submissions to support the system of property trusts, but we do not know this. It may well be that the evidence puts a strong case to review such legislation, and the parliamentary committee may make recommendations to government to change legislation on property trusts; we just do not know.

I believe that to pass this bill now would damage this Parliament's credibility and integrity in the eyes of victims. This inquiry was sparked by pressure from victims and their families, and we should be mindful of their views and beliefs. Many people have been disappointed that the government announced a parliamentary rather than judicial inquiry — —

Mr Clark — On a point of order, Acting Speaker, the honourable member is straying from the bill. She was in order insofar as she was relating her argument to the reasoned amendment, but she is now proceeding to canvass the merits of the parliamentary inquiry. There may be separate issues in relation to her entitlement to pre-empt the work of the committee, but in relation to this bill and the reasoned amendment, she is not being relevant to either, and I ask you to bring her back to the bill and to the reasoned amendment.

The ACTING SPEAKER (**Dr Sykes**) — Order! If the member has made her point, she should return to the bill.

Ms HALFPENNY — I can do that, Acting Speaker. In closing, to pass and not to defer this bill at this time will again disappoint those people who may be looking for justice or support through the parliamentary inquiry into the sexual abuse of children. Therefore we should wait until that runs its course before starting to debate legislation around church property trusts.

Ms McLEISH (Seymour) — I rise tonight to make a contribution to the debate on the Free Presbyterian Church Property Amendment Bill 2012. As has been noted earlier, this amendment bill has come around because it was requested by the church. It involves amending a 1953 act, which is a private act.

I want to provide a little background. The members of my family have been in Australia since 1840 and have been Presbyterians from a long way back, certainly on

the McLeish side. My grandparents were actually elders of the Presbyterian Church at Yea for a very long period. I am not sure about their grandparents, but I suspect they would have been quite involved also. I am very aware of the number of small Presbyterian churches in many rural areas, particularly those that were established a very long time ago. Not so long ago I attended with pleasure the 100-year anniversary of the Broadford Presbyterian Church, and I congratulate its members on the work it has done. Another congregation in that same area, that of the Anglicans, was marking 150 years. When we look at these religions we see they have been in the country for a very long time. The principal act that is amended by this bill, for instance, was enacted in 1953.

The act was established in 1953 so that the church could use and manage the property it had. The amendments made by the bill are really about making sure that the church's holding and management of property can be conducted more efficiently. The church is currently quite limited in what it can do. I mentioned that this act was established in 1953. The church was established in 1846, which is quite some time ago — nearly 170 years ago. The 1953 act was established also to facilitate the union of three congregations. At the time it additionally established a body corporate. Members will know churches have property, but they also take bequests. At the time this legislation was relevant for the purposes of the church in that respect. As times have changed, however, the legislation has proved to be somewhat limited.

There are three key areas that the bill alters. The first one is the power to pool trusts for investment purposes; the second is the power to accept an appointment and to act as an administrator, executor or trustee; and the third is the power to enter into joint use of property with other denominations. I will talk about each of those in turn.

I will refer particularly to the first element, which is about pooling funds for investment purposes. As the legislation stands, it creates a little bit of constraint in terms of the use of funds the church receives or holds in trust. If, for example, you hold in trust 10 bequests of $1000 each, you are holding them all individually. This bill allows the church to pool the bequests, so that it will be able to have one trust of $10 000 instead. It certainly will reduce the administrative costs and burdens associated with that management by enabling the management of one trust rather than 10.

It is also important to recognise that if your $1000 was part of that $10 000 and it was bequeathed for a specific purpose — when that income comes back it is to be used as originally intended. The church cannot, even though it has pooled it, change the use and decide to use it for something else rather than for the purpose for which it was bequeathed, and that is pretty important.

I mentioned also that this measure allows for the appointment of a person to act as an administrator, executor or trustee. The body corporate that was established under the legislation cannot act as an executor of a will. An executor must appoint a person to seek specific types of probate, so this bill will allow in certain circumstances a church, as a body corporate, to apply for probate or administration of a will or estate as it sees fit.

Another important area concerns the joint use of property with other denominations. Currently the church cannot enter into arrangements with others. I refer here to the joint use of properties or sharing of facilities, and that is important because it can be difficult at times to establish new projects or to raise the up-front capital. If you are working with other organisations, you can share facilities in a much cheaper and more feasible way, particularly in smaller rural communities where they do not have as much money as some of the larger ones. The church can enter into a scheme of cooperation with other denominations, which will help better use the resources and help free up any redundant property.

An example of a church group acting collectively for the greater good is the Healesville Interchurch Community Care Inc., known as HICCI. It is a collection of seven Christian churches which work together and have a food bank, a community meal every month and volunteer transport — people who take others to medical appointments and so on. It is an unusual, unique and successful cooperative in Healesville, and I admire the work those churches have done. I have visited their refurbished premises and very much admire the welcoming environment and great use of volunteers as well as paid employees. Kerri Goding has done a terrific job there.

Finally, the bill provides for a new title to accompany the update of legislation. The act originated in 1953 with the intended purpose of bringing together three congregations. Things have changed over that time and a number of provisions are redundant. Therefore some provisions will be amended and some repealed. The name of the act will change from the Free Presbyterian Church Property Act 1953 to the Presbyterian Church of Eastern Australia Property Act 1953.

The Victorian Government Solicitor's Office has looked at this bill and provided input into the technical

issues and commented that it is similar to other religious private acts and that therefore the changes put forward are absolutely appropriate and reasonable. With those remarks, I commend the bill to the house.

Ms KNIGHT (Ballarat West) — I rise to speak on the Free Presbyterian Church Property Amendment Bill 2012 and in support of the reasoned amendment. I want to be clear at the outset that my issue with the bill relates to the process. I join with my colleagues on this side of the house in supporting, under standing order 63, the reasoned amendment moved by the member for Oakleigh that the bill be deferred indefinitely.

I understand that we are part of a parliamentary institution and that our role in this place is to debate and enact legislation. However, I also point out that we are human beings who are part of this parliamentary institution and as such we are capable of compassion, and deferring the bill in light of the current parliamentary inquiry into the handling of child abuse by religious and other organisations is the compassionate thing to do. I in no way infer any wrongdoing on the part of the Free Presbyterian Church, but we are debating a bill about a religious institution at the very same time as we are asking the victims of horrific abuse of other religious institutions to tell us their stories.

I represent a community that has been shattered by a level of trauma that is almost incomprehensible. I would argue that victims, embedded in trauma, would have difficulty in separating out the difference between one religious institute and another. I would argue that victims whose trust has been shattered over and over again would have difficulty when we say, 'Trust us on this bill'.

I would suggest that one of the reasons the inquiry is being held is to ensure that past practices that enabled the continuation of abuse of children within a hierarchy of unquestioned power do not ever happen again and that we learn something from the past to protect children in the future. We as a Parliament should respect that process and respect the victims who are courageously stepping forward to talk about the most painful aspects of their lives with people they do not even know, and we should acknowledge that at this time of extreme pain and anguish it is important that we do everything we can — everything a compassionate person can — to not exacerbate that pain. And if that means waiting to debate a bill that may cause further distress to a community that is already fragile and vulnerable, then I think that is what we should do, and we should do it without question.

I will conclude by stating that debate on church property and appointing trustees to church property trusts should not be occurring at a time when evidence and submissions regarding the structure of ecclesiastical acts such as the act that is the subject of this bill are being presented to the Family and Community Development Committee inquiry.

Mr NEWTON-BROWN (Prahran) — Betty Cuthbert, Malcolm Fraser, Sir Robert Menzies — these are just a few famous Australian Presbyterians. The Presbyterian Church of Australia has over 50 000 adults and children within its communion and more than 600 ministers and 740 congregations. At the last commonwealth census nearly 720 000 people described themselves as Presbyterians. This makes Presbyterianism Australia's fourth largest denomination.

The type of Christianity that Presbyterians follow is in the Calvinist tradition and emphasises the sovereignty of God and the authority of scriptures. A number of schools in Victoria are Presbyterian schools. The Presbyterian Theological College is operated by the church, and it has oversight over schools such as Belgrave Heights Christian School, King's College Christian School in Warrnambool, Presbyterian Ladies College, St Andrews Christian College and Scotch College. This bill does not affect the assets of any of these schools.

The structure of the church is quite interesting. The spiritual leaders in the church are called ministers, and they are primarily responsible for preaching. Then there are elders, who are primarily responsible for pastoral care and oversight. The ministers and elders are elected by members of the congregation. Each congregation looks after its own affairs under the guidance of the presbytery, which is a gathering of ministers and elders from congregations in the area. There is a general assembly of each state, which provides leadership in wider areas of the church's work and philosophy. It works in areas such as social services, chaplaincy and the training of ministers.

The Presbyterian Church has within it many different committees, and many do great works within our community. Just some of the committees include the Australian Presbyterian World Mission Committee, the Christian Education and Nurture Committee, the Church and Nation Committee, the Defence Force Chaplaincy Committee, the General Mission Program Committee, the Ministry Development Committee, the Presbyterian Women's Missionary Union and Presbyterian Youth Victoria.

The Presbyterian Church is also very active in Victoria in promoting multiculturalism. The church actively promotes cultures such as Arabic, Chinese, Cook Islander, Indonesian, Japanese, Korean, Samoan and Sudanese, and there is a Presbyterian church for the deaf, which is quite an interesting specialisation. The Presbyterian Inland Mission continues the work of the Australian Inland Mission, which was founded by John Flynn in 1912. There are roving padres who work in outback Queensland and New South Wales, South Australia and Western Australia. I understand the church hopes that this roving padre scheme will expand into the Northern Territory and Tasmania when resources become available; indeed this bill may assist in this process.

The Presbyterian Church also publishes a monthly magazine called the *Australian Presbyterian* and provides various social and educational services. As a general philosophy the Presbyterian Church places great importance on education, lifelong learning, continuous study of the scriptures and theological writings and an understanding of church doctrines. The church considers it important that you put your faith into action — that it is not just about words but that you work in the community to show you are living your faith by giving back through generosity, hospitality and the constant pursuit of social justice.

As far as the history of Presbyterianism goes, many speakers have taken us on a history tour so I will not cover that ground as well, except to say that it started back in the 16th century in European countries such as France, Germany, England, Switzerland and the Netherlands. The movement grew most rapidly in Scotland. When the First Fleet arrived in Australia in 1788 it included some Presbyterians, presumably Scots. However, it was not until 1802 that free Presbyterian settlers began forming into Presbyterian congregations. Congregations started to form in Victoria in 1837, followed by South Australia in 1839, Queensland in 1847 and Western Australia in 1868.

In my electorate of Prahran there are two very prominent Presbyterian churches. The first one is the St Kilda-Balaclava Presbyterian Church in Barkly Street. Interestingly that church also has Korean services for the local Korean population. The second church is the South Yarra Presbyterian Church in Punt Road, which is one of the oldest Christian churches in Melbourne. It was established in 1854 and is still running regular services as well as providing additional free English language classes on Saturday mornings. It has a youth ministry called Shebab, or 'youth' in Arabic, that combines Arabic and South Yarra Presbyterian Church members who meet regularly. The church is also affiliated with Orbus, a Christian school for orphans and vulnerable children in Malawi, and Marine Reach Ministries, which has a partnership with the Samoa National Health Service to treat vision-related illnesses in Samoa. They are just two examples of local churches and the work they do that goes beyond parish boundaries.

As far as the bill goes, the church has requested a number of amendments to the act to enable it to manage its affairs in a more efficient manner. There are four prime areas with which the bill is concerned. The pooling of trust funds is probably the most important in terms of the church being able to better manage its affairs and maximise its available resources in order for it to continue to do its good work in the community. At the moment if the church has a bequest, it must be managed separately. Obviously there are administrative costs involved with managing lots of separate funds and bequests. This act will enable the church to pool trust funds and in so doing will enable it to more efficiently manage those funds and thus its available resources.

The bill also enables the body corporate to accept an appointment as and act as administrator, executor or trustee. Currently a body corporate is unable to act as an executor for a will and take probate. This bill sets out the specific circumstances in which the church as a body corporate may be able to apply for probate or administration of a will or an estate where the church has a beneficial interest.

Joint use of property with other denominations is another area the bill touches on. Currently the church is unable to enter into any arrangements where it shares its facilities. This may be sought in instances where, for example, there is a desire to jointly put up a building for a community purpose. This bill enables the church to enter into a cooperative sharing arrangement, which will again allow better use of the church's resources by streamlining its administration.

Finally, the bill also amends the act so that its previous title is removed because it is no longer relevant. I commend the bill to the house.

Mr SHAW (Frankston) — Bad things happen in institutions. Extremely bad things happen and extremely bad things are done by individuals and groups, but extremely good things are also done by institutions, groups and individuals. Tonight it was suggested by members on the other side of the house that we should not pass this bill but should have sympathy for the victims of sexual abuse by members of the clergy who will be the subject of a parliamentary inquiry. I have sympathy for that view, but legislation

still has to go through Parliament. There is no such litigation in connection with the Presbyterian Church, and it has confirmed that.

In contributing to the debate on the Free Presbyterian Church Property Amendment Bill 2012, I am reminded that the Presbyterian Church has a long history dating back to the time of the Reformation, when Martin Luther protested. Protestants are called Protestants because they protested against the Catholic Church. Martin Luther hammered the words of his theses on the door of the Catholic Church, and the Reformation all came from that. The Lutheran Church was named after Martin Luther. Presbyterians come from that side as well. The word 'Presbyterian' comes from a Greek word meaning an elder or a mature Christian. The aim of Presbyterians is to be faithful to the bible and its teachings.

Some very popular schools that we all know have a Presbyterian background, including Scotch College, Presbyterian Ladies College, St Andrews Christian College in Wantirna, King's College Christian School in Warrnambool and Belgrave Heights Christian School, just to name a few. Some famous people were Presbyterians — I like to call them Christians with a Presbyterian background. There was the famous Billy Sunday, the fantastic preacher who in the 1800s stormed through America as an evangelist. One of his followers was Mordecai Ham, and two of his followers were the most popular preacher of the 20th century, Billy Graham, and his wife, Ruth. Billy Graham started off as a Presbyterian and then became a Southern Baptist. What an impact he made on Australia. In 1959, just three years after the Olympic Games were held in Melbourne, Billy Graham packed out the MCG with 130 000 people, the highest number of people ever to attend an event there**.** That beats a Madonna concert or an AFL Grand Final. Billy Graham was born in 1918 and is now coming up to 94 years of age and still going. His wife, Ruth, has unfortunately passed away.

Some great American presidents — for example, Abraham Lincoln — were Presbyterian. The member for Sandringham was talking earlier about Wilberforce and the end of slavery in the British Empire. Abraham Lincoln was a Presbyterian who ended slavery in America. Ronald Reagan and Mark Twain were Presbyterian, as was Sam Walton, the founder of Walmart and probably one of the richest people in the world, if not the richest. Andrew Carnegie was also a Presbyterian, as were many other famous people. Possibly the most famous Australian who was a Presbyterian — and who was probably the best Prime Minister and saw us through some treacherous times as well as some of our most blessed and prosperous times — was Sir Robert Menzies. His wife was also Presbyterian.

It is all right for some people to point the finger and say there is a parliamentary inquiry, but let us have a look at some of the good generated from people named in literature from presidents to prime ministers, without even talking about the unnamed people who do great charitable works in this country, all in the name of Christianity, as Presbyterians or Christians in general. I do not think it is necessarily a good idea to say, 'Let us stop debating this bill because of the inquiry that is taking place'. Let us look at some of the good that is happening in society and the good works that Christians do, particularly, as was pointed out, the Presbyterians have no litigation taking place against them.

In the 1970s there was a time when approximately half of the Methodists and half of the Presbyterians became the Uniting Church, and that is another thing altogether. But the true Presbyterian Church of Australia requires ministers and elders to agree to the *Westminster Confession of Faith*, which states:

> Along with other true Christian churches, the Presbyterian Church believes that the Bible is the infallible Word of God. As a result of this commitment to the Bible, we uphold the historic Christian faith.
>
> > We believe in one God in the Trinity of the three persons of the Father, the Son and the Holy Spirit.
> >
> > We affirm the real historical events of Christ's birth, life, death, resurrection and future return. We look to Him for the forgiveness of sins and eternal life.
> >
> > We submit to the Scriptures as the final authority in all matters of faith and conduct.
> >
> > We seek to live in obedience to the Great Commandment of the Lord Jesus Christ: 'Love the Lord your God with all your heart and soul and mind and strength, and love your neighbour as yourself'; and we endeavour to fulfil the Great Commission: 'Go into all the world and preach the Gospel'.

Some of those people I mentioned before have adhered to that. The famous Billy Graham has done that in all the crusades he has undertaken. He has been personal pastor, if you like, or minister to presidents from Harry S. Truman, the 33rd president, right up to Barack Obama, now the 44th president — every president since World War II. There would not be many people who would be able to brag that fact and have had such an influence; and he was named in *Time* magazine as being amongst the most influential people of the 20th century.

There are some great things that Christian churches have done. I have heard criticism of churches because

they get tax breaks and can lock up assets. Businesses can lock up assets too and that is why we have company structures. It is not just for tax reasons; it is also for asset protection. We are able to protect what has been built up in our short lifetime, but when you look at the church's lifetime, which is hundreds of years, then it is a simple, basic thing. My background is in accountancy and there is always an effort to protect the business owner's assets and separate the business from the assets. I would never have a client who would buy a factory, for example, and run his manufacturing business under the same entity that owns the factory because it just does not make sense. It is bad advice, and it is important to keep the assets separate from the business for asset protection purposes. It is not trying to hide anything; it is not trying to do anything like that; it is a simple business practice.

The bill provides for easy management of trust funds and for the pooling of trust assets to save on administration. At the moment those assets may be in separate accounts, if you like. Anyone in business who has more than five or six accounts should be concerned that there is too much administration and too much burden. The Presbyterian Church has asked for this to be amended and I think that is a good amendment. The bill also gives the church power to enter into joint use of property with other denominations. If it wishes it can pool investment assets with other denominations and join forces to either buy a property or make some investment. This bill concerns only the Presbyterian churches.

Without the Christian churches throughout Australia, where would we be? Without the Salvation Army, where would we be? There was a slogan many years ago 'Thank God for the Salvos'. It is not up to government to give handouts, although the opposition would quite like that. The opposition would probably like to get rid of a lot of churches and take away those church deeds. But the church takes up charity because it reports to a higher power than government. Right from the *Westminster Confession of Faith*, churches hold up God's word — the bible; the infallible word of God. The church reports to a higher power. Through the bible God asks it to do something, and that is what it does. There are the Salvos, the Presbyterians and other Christian churches. If it were not for Christian churches, where would charity come from? It does not rely on government; it will not be reliant on individuals. It goes through churches. Large charitable institutions have been set up through the church. Many hospitals were set up in the early days.

We want to look at the positives without neglecting the negatives. But the positives are the good people and the good things that have come from the Presbyterian Church and other Christian denominations.

Mr McCURDY (Murray Valley) — I am delighted to rise and speak on the Free Presbyterian Church Property Amendment Bill 2012. This bill has great significance to this house. I am sure members have heard some wonderful contributions this evening. I do not want to go over too much of that old material, but I need to point out that the Presbyterian Church of Eastern Australia was founded in 1846. I will provide a bit of history. In 1953 the three congregations of the Free Presbyterian Church of Victoria were received into the church. The Free Presbyterian Church Property Act 1953 is a private act that was enacted to facilitate this union. The act also established a body corporate in Victoria in which the property of these congregations and the church in Victoria was vested. This property included moneys which have been given and bequeathed to the church since that time.

The church has requested a number of amendments to the principal act to enable it to manage church property more efficiently. This bill contains some of those amendments, which are similar to provisions in other acts passed for the benefit of other denominations.

I will speak about the pooling of trust funds for a moment. Currently each bequest to the church must be invested and managed separately as the intermingling of funds held in trust is prohibited at law. The administrative costs of managing individual bequests as separate trusts can be high. The ability of the church to pool funds from different gifts and bequests into a common fund or investment will minimise these administrative costs. That is what we are trying to do in relation to all businesses — that is, minimise administrative costs to make lean, mean machines. That is no different in community organisations from what it is in business. Given the charitable work of the church, it is important that it has maximum resources available to carry out these works. Enabling the church to invest funds in this way will greatly assist it to maximise its resources.

I will move away for a moment from commenting on the bill, with your indulgence, Acting Speaker. The church has played a very important role in the recovery from the floods that have recently hit the electorate of Murray Valley. Communities throughout the Moira shire faced a lot of devastation. The church has played a very active role. Very early, church members were on the scene doorknocking and talking to individuals. They made sure people were heard and found out the different needs and requirements of individuals. We often lose that perspective of what churches can offer.

Many people see a church as a place to get married or as a place to spend time in when attending a funeral. But it is also important to understand that in times of devastation, which we have seen in Murray Valley, the church has been a great attribute.

I will move back to addressing the bill, because I know the member for Rodney is very keen to speak also on this bill. I just want to cover a few more points. As the night has gone on, we have heard a bit about the ability of the appointed body corporate to act as an administrator, executor or trustee. In relation to the joint use of property by other denominations, the church is currently unable to enter into arrangements with other denominations for the use of property or the sharing of facilities. This can cause practical difficulties when establishing new projects, as I am sure you, Acting Speaker, well understand. This bill will enable the church to enter into a scheme of cooperation with another denomination; for example, to erect a new building for joint use and enjoyment.

There are some practical outcomes in relation to this bill. As always, the bills we present to Parliament have good, common-sense outcomes. That is what we are trying to do for our communities. These schemes may include conditions requiring monetary contributions for the acquisition or alteration of assets vested in the church or that are cooperating towards the church. The ability to share buildings and facilities will allow for the better use of the church's resources and could free up redundant property to be used for more productive activities. I have colleagues who are anxious to speak on this bill, so I commend this bill to the house and wish it a speedy passage.

Mr WELLER (Rodney) — It gives me great pleasure to rise this evening to speak on the Free Presbyterian Church Property Amendment Bill 2012. The bill amends the Free Presbyterian Church Property Act 1953. It confers additional powers on the body corporate created under the principal act to enable the Presbyterian Church of Eastern Australia to more efficiently use and manage the property held under the principal act.

These additional powers enable the body to pool trust funds for investment purposes. As has been pointed out by previous speakers, to pool the trust is more efficient and makes a lot of sense. It enables the body corporate to accept an appointment as administrator, executor or trustee, which is a common-sense thing to do, and this government is about getting on and doing the common-sense things. The bill also allows the church to enter into joint use of property with other denominations. As you would be well aware, Acting Speaker, in country areas there are not as many people attending church as there used to be. Upkeep is expensive, and these days it makes sense for the likes of the Anglican Church and Uniting Church to share venues.

I would like to tell the Parliament that I was indeed fortunate. We have heard of Scotch College, but I was fortunate to attend Sunday school at St James Presbyterian Church at Lockington, and what a wonderful thing it was. It should be remembered that going to Sunday school you were taught values for the rest of your life and how you should treat people.

Mr Wynne interjected.

Mr WELLER — I might say to the member for Richmond that those lessons are well learnt and should be learnt by people on both sides of this house — that is, the values of respecting and doing unto others as you would have them do unto you. Those were the values taught at the very important Presbyterian Church in Lockington. It has now moved on, and there is a Uniting Church there, but the Presbyterian Sunday school taught me a lot of values.

I might add that on the great occasion of the christening of my second daughter at St James Presbyterian Church in Lockington, the minister came around to visit prior to the christening. I said that unfortunately I did not get the time to go to church as much as I would have liked, and the minister very honestly said, 'Paul, there will always be a chair there for you if you do find time'. She said, 'How you treat people day to day is more important than attending for an hour on Sunday'. That rang true to me — that is, you must treat people with respect. That is how I was brought up: with the values I was taught at the Presbyterian Sunday school at St James Church in Lockington. One of the highlights of the year used to be the anniversary — —

Mr Andrews — The anniversary of what?

Mr WELLER — Of the St James Presbyterian Sunday school at Lockington. At the anniversary at Lockington, if you behaved well, you got a book. I valued those books I got at the end of the year. They are very valued, and they sit there — —

Mr Wynne interjected.

Mr WELLER — To answer the member for Richmond, I still have those books on my shelf at home. They are treasured and valued. I would just like to say this is a very important bill. The Presbyterian Church has been very important to the communities in my area, and I commend this bill to the house.

Business interrupted pursuant to sessional orders.

ADJOURNMENT

The DEPUTY SPEAKER (Mrs Fyffe) — Order! The question is:

That the house now adjourns.

Rail: rolling stock

Ms RICHARDSON (Northcote) — The matter I raise is for the Minister for Public Transport. It refers to the minister's commitment to deliver additional trains for regional and metropolitan commuters right across Victoria. The action I seek is that he get on with the task of ordering these trains as a matter of urgency, because further delays will not only set back our local manufacturing sector, if indeed the government is going to support Victorian jobs and buy local, but also diminish the hope of commuters who are struggling to get onto train services every day on the minister's watch.

Members on this side of the house, particularly those representing regional and rural communities, will recall that I have called on the minister to crawl out from under his desk and get on with the job of ordering additional trains, especially V/Line carriages, because they are experiencing an incredible patronage increase right across the network. The CEO of V/Line warned the government about delays in ordering additional carriages and called on it to put in an order of at least 40 additional carriages. Following that, communities right across Victoria joined the campaign and finally the minister was dragged kicking and screaming to do something.

The trouble is that in this year's budget no funding has been allocated and the government has not provided details of the number of carriages that will be ordered, so we are still very much in the dark about whether or not the minister has got on with the job of ordering the additional V/Line carriages.

With regard to metropolitan trains, the story is even worse. There was nothing allocated in this year's budget for additional rolling stock for metropolitan trains. The signs are not good that we will see anything soon from the minister in respect of this important issue.

We all know that it takes a considerable period of time for specifications to be completed, for tenders to be drawn up and won and for manufacturers to tool up so that they can deliver the stock. Given all the dithering and delays we can be sure that commuters are not going to see any additional rolling stock around the system for a considerable period of time. The minister's commitments in this important area remain somewhat hollow.

Meanwhile, the peak load surveys continue to show that commuters desperately need this rolling stock as a matter of urgency. Therefore I call on the minister to make good on his commitments and get on with the job of delivering rolling stock.

Marysville Sparkling Wine Festival: funding

Ms McLEISH (Seymour) — I rise to call on the Minister for Tourism and Major Events. The action I seek is that she provide support to the community of Marysville by providing funding to help support the marketing elements of this year's Marysville Sparkling Wine Festival.

It is always very easy and a pleasure to get up to speak in support of the community of Marysville, which is doing well getting back on its feet after the devastation of the Black Saturday bushfires. Some great milestones are about to be achieved. Very soon Julia will be back in the Marysville Old Style Lolly Shop, which will be fantastic. This morning I was speaking to Dave Harrison at the men's shed, on which building work has begun, and that is a great thing.

The town has had some fantastic events. I was thrilled to go to the long lunch earlier this year. There was a level of state government support for that, and that was fantastic. Poh from *Poh's Kitchen* was a special guest, and she was an absolute delight. She did so much to help support that event and make it fantastic. We have given some support to Lake Mountain as well, and one of the things that I find particularly pleasing is the commitment of the government to a conference centre. We know that the development of a conference centre will certainly help bring more people to the town. More people coming to the town will mean that more shops will be able to provide and sell their goods and services, and that will help build the economy of Marysville. That is a good thing. More and more things are starting to be developed and to open. It has been terrific.

I want to talk about the Marysville Sparkling Wine Festival. The festival organisers looked to find a bit of a niche in the market for themselves, and last year they held a very successful event. It was terrific that last year the minister was able to provide a level of support to help with that marketing element, and we certainly got a great bang for our bucks. In 2010 there were 68 entrants in the sparkling wine festival. That has not just doubled; it has more than tripled, increasing by 148 last year to 216 entrants. I think that is testament to the additional resources that helped the festival to market

its event. This year the additional resources will help with the branding opportunity for the region, not just for Marysville and the Murrindindi region but also the Yarra Valley and Dandenong Ranges regional tourist body.

The festival is to be held in the week leading up to the Melbourne Cup. As I said, it will help with the ongoing recovery. It will help the community of Marysville and those involved in Mystic Mountains Tourism and other local businesses to consolidate last year's event, and it will work to consolidate regional tourism. I know the minister and the coalition government have been very supportive of the community of Marysville, and the community has been very grateful for that support. I know the support will be much appreciated.

Fire services levy: Bendigo West constituent

Ms EDWARDS (Bendigo West) — The matter I raise is for the Minister for Consumer Affairs, and the action I seek is that he intervene as a matter of urgency on behalf of a constituent in my electorate who this financial year has been charged a 400 per cent increase in his fire services levy by his insurance company. Mr Reg Nicholson is a pensioner who resides in Maldon and has done for decades. He received his home and contents renewal notice from his insurer this month and is required to finalise payment by 26 September. Mr Nicholson lives alone in a very modest home in the very beautiful and historic town of Maldon. He is a father and grandfather and is still actively involved in his community, particularly the Maldon Bowling Club and the Maldon men's shed.

Last year the fire services levy component of his home and contents insurance was $125.98. This year the fire services levy component is $511.90. That is a 400 per cent increase in that aspect of his cost of living, and one that Mr Nicholson can barely afford to pay. It is likely that there are many pensioners and families on fixed incomes in my electorate who will be facing this sort of massive increase in their cost of living through massive hikes in the fire services levy component of their insurance premiums. There is no doubt that the increase in the fire services levy being imposed by insurance companies will be a massive burden on thousands of families and individuals if the government does not do something to stop this happening.

An article in the *Australian Financial Review* of 21 August reported that insurers in Victoria have increased their prices because of the uncertainty about the introduction of the government's new property-based tax. The article further points out that insurance companies were not able to begin phasing out the fire services levy from 1 July 2012 because the government delayed the necessary legislation. As a result, in some circumstances both the insurance and property-based levies will need to be paid in the same period. This will lead to significant hardship for many people on low incomes, and I fear that Mr Nicholson is just one example.

Now that the government has announced the introduction of a new property-based tax to replace the fire services levy, it is imperative that it guarantees that pensioners like Mr Nicholson will not be worse off, and that all Victorians know just how much they will have to pay as a result of the new property tax. Candy Broad, a member for Northern Victoria Region in the other place, raised this matter on behalf of Mr Nicholson at the regional sitting in Bendigo last week. But now, because of the massive financial burden being imposed on him and because of the short time available for him to pay his home and contents insurance, I am asking the minister to intervene and take this problem up as a matter of urgency so that Mr Nicholson is not forced to forfeit his home and contents insurance, because he is not in a financial position to pay the outrageous 400 per cent increase in the fire services levy.

Swinburne University of Technology: Prahran campus

Mr NEWTON-BROWN (Prahran) — The matter I raise is directed to the Minister for Higher Education and Skills. The action I seek is that he fully considers all alternative educational uses for the Prahran TAFE site when Swinburne relocates some of its courses to its Hawthorn campus. For over 100 years educational courses have been offered to local students at the Prahran TAFE site. I believe that one of the most important responsibilities of government is to provide educational opportunities for our children. The National Tertiary Education Union has used Swinburne's decision to relocate some of its courses to its Hawthorn campus for its own political purposes. The union has erroneously suggested that the Prahran TAFE will be closed because Swinburne has made an operational decision to relocate its design courses alongside complementary courses on the same campus in Hawthorn.

As the local member, I am committed to ensuring that the Prahran TAFE site is retained in its entirety for educational purposes. Swinburne may choose to cease offering some courses on the site, but this does not mean the site cannot be used for other educational purposes. Indeed many of the courses Swinburne offers at Prahran will continue to be offered at Prahran into the future.

The Prahran campus is well located behind Chapel Street. It has great local amenity, cafes and public transport and a young student population living in the area. I have no doubt that the southern end of Chapel Street has only become such a buzzing place due to the presence of the students at TAFE and the nearby National Institute of Circus Arts.

I believe there would be no shortage of other education providers that would jump at the chance to utilise this site if any part of it became available. It could also be an ideal site for a state secondary school, which is desperately needed in our area.

Public land used for educational purposes in the inner city is a scarce resource that must be protected from private encroachment. It would be unacceptable for Swinburne to be able to simply sell part of the site to the highest bidder. I have spoken with the minister on this issue and made it clear that land used for educational purposes in Prahran must be retained because it is so difficult to find large parcels of land in the inner city.

I am working productively with the minister, with Swinburne, with students and with staff to ensure that while this is a time of change for TAFE institutions in Victoria the end result will be one which will be great for our local community and will see the continuation of our education precinct in Prahran.

Planning: Ivanhoe structure plan

Mr CARBINES (Ivanhoe) — I raise a matter for the attention of the Minister for Planning, Matthew Guy, who is also an upper house member for Northern Metropolitan Region. The action I seek from the Minister for Planning and the local upper house member is that he immediately commit to implementing interim planning controls for the Ivanhoe structure plan to protect the community from overzealous developers who may choose to get in ahead of the community's work and the council's work and to ensure that we secure the neighbourhood character of our area into the future.

This goes back some time — in fact to 29 August 2011 — when I wrote to the mayor of Banyule City Council and to all residents in Ivanhoe indicating that the original draft structure plan for Ivanhoe should be withdrawn and that a new residents committee should be set up to help council develop a draft plan that reflected the needs and aspirations of the local community. I came to that conclusion after attending a meeting of some 300 residents who expressed their concerns with plans, particularly the lack of representation of local residents on the Ivanhoe structure plan committee.

That was over one year ago, and I am pleased to say that within a few months of that letter being sent not only to the mayor but to all residents of Ivanhoe, the Banyule City Council withdrew and scrapped the original draft Ivanhoe structure plan. It scrapped the committee and extended the membership, and some local organisations that have worked tirelessly and very hard on behalf of local residents, such as the Save Ivanhoe group, have had great success in ensuring that the new draft Ivanhoe structure plan has been released, and it has certainly had a much more positive response from the local community.

Over a year ago now the original proposition was put forward to the community that the council was out of step and had got the structure plan wrong. To its credit it went back to the drawing board and has come out with a new draft structure plan, which was released in the last month.

I have again written to all residents in Ivanhoe with the update that what we need to do is not only make contributions and comments on the new draft structure plan but also ensure that the government provides interim planning controls in the Ivanhoe community to make sure that we do not see overzealous developers trying to get in there and beat the community consultation process, beat the work that the community has done to secure the neighbourhood character of Ivanhoe and make a fast buck under the current planning laws.

The minister's commitment to interim planning controls is very important. The Banyule City Council has also now sought that commitment from the minister in the last couple of weeks. The need for this commitment saw 1500 signatures tabled in this Parliament by me recently, and I ask the minister to deal with this matter.

The DEPUTY SPEAKER — Order! The member's time has expired.

Numurkah District Health Service: rebuilding

Mr McCURDY (Murray Valley) — I wish to raise a matter for the Minister for Health, and the action I seek is for the minister to update the people of Numurkah as to the progress of quotes to repair Numurkah District Health Service after major flooding in March. As I have mentioned quite often in this house since the major flooding, our community was hit very hard and there was an impact on small businesses and

farmers. Many homes were flooded throughout the region at Yarrawonga, Tungamah, Telford and even Katamatite, but most significantly at Numurkah, where over 83 houses were inundated with water.

Out of all the property damage sustained by individuals and families, the single greatest community challenge is to the Numurkah District Health Service. At the time more than 30 hospital patients and aged-care residents were relocated to other hospitals and health facilities due to the floods. Since that time we have had a temporary urgent care centre deployed at Numurkah, for which we are very grateful. The minister came to launch the centre, which is basically a group of tents in the car park of the Numurkah District Health Service grounds. We are getting the job done and assisting people with their urgent care needs; otherwise they need to go to a base hospital at Goulburn Valley Health in Shepparton or beyond. Services are still being provided in Numurkah but under considerable pressure, which is not ideal.

Deployment of the temporary urgent care centre will continue as we go forward. Over the next couple of months it will be replaced by temporary buildings rather than tents in the car park. Again, this will be a purely part-time, short-term proposition. What the community is looking for now is some direction from the minister about where we are at with quotes for a rebuild or what process we are going to go through. In this time of need the community is looking for some guidance and direction as to what is going to happen to its most important facility. Again, the action I seek is an update on the progress of the quotes and when we can expect them to be finalised so the community can best understand the way forward for the hospital.

Rail: Moonee Ponds level crossing

Mr MADDEN (Essendon) — My adjournment matter tonight is to the Minister for Public Transport. I request that the minister seek advice from his department in relation to safety protocols when there is a major rail line disruption and to provide that advice to me to ensure that there is a safety protocol and/or guidelines and that they were followed in the specific instance which I will detail tonight. On 16 August this year there was a major disruption on the Craigieburn line when overhead powerlines became entangled. The line was closed for most of the day. The level crossings at Park Street and Puckle Street–Holmes Road, Moonee Ponds, were closed for the major part of the day whilst repair works were undertaken. Traffic and pedestrians were not permitted to cross at these gates by the supervising police and various officials.

There are pedestrian gates at Norwood Crescent on the western side that link with Railway Crescent on the east side. At the end of the school day many students from Lowther Hall Anglican Grammar School and Penleigh and Essendon Grammar School cross at the pedestrian access at the level crossing at Park Street. I am informed by concerned parents that on this particular day students were directed up the line away from this level crossing, and it was unclear to them where they could cross. I am informed that there was no supervision at Norwood and Railway crescents but the bells were ringing and the gates were buzzing and open. Students were confused, and against their better instincts they crossed without supervision.

I am concerned that whilst there may be procedures in relation to level crossings, from the descriptions given to me by parents it would seem that pedestrian gates do not come under this consideration. Fortunately in this instance no harm came about from the confusion, but I am concerned that either these gates were overlooked on that particular day or protocols in relation to supervision are lacking for such instances. I ask that the minister investigate this matter and report back to me why this occurred on this occasion.

Desalination plant: water quality

Mr BATTIN (Gembrook) — My adjournment matter is for the Minister for Water. The action I seek is that the minister provide a response to my constituents' concerns about when water from the desalination plant will enter Melbourne's drinking water supplies and what the quality of that water will be. As we all know, the desalination plant project is running well and truly over time. The poorly executed contract for the desalination plant is an issue that was left to us by the previous government. It will cost the state $23 billion over 27 years. We have heard plenty from those opposite regarding the desalination plant. The opposition often asks, 'Where would you find that in the budget? It is not in the budget'. However, I found it in the budget. It has taken me a while, but I have found it. The amount is $400 a year for every household in Victoria while people are also trying to cope with the cost of living. This is a legacy of the former Labor government. Constituents of the Gembrook electorate will have to pay an extra $400 per household for the desalination plant.

The member for Yan Yean said it would never rain again. Currently we have 70 per cent water levels throughout Victoria, including nearly 100 per cent in the Upper Yarra, which is in my electorate, and also in the Cardinia Reservoir. The cost of the desalination plant will play a significant role in the increases of

water prices over the next year. Once the desal plant is commissioned, Melbourne water users will have to pay for it even if no water is produced. Even if the government does not order one drop of water, Victorians will still have to pay to cover the cost of a desalination plant that they will not be using, which is absolutely disgusting. The coalition government has announced it will not order one drop of water from the desal plant in the first year.

Constituents in my electorate are asking what the water supplies will be like and whether the water will be safe drinking water when desal water is added to Victoria's drinking water. These are genuine questions. What are the safety measures that will protect the drinking water of my constituents from the water that is fed into Cardinia Reservoir? I am sure that the minister will provide us with a good outline of that. We must never forget that although water from the desal plant will be available and will be tested, the Victorian government has not ordered any water from the desalination plant in its first year of operation, despite the fact that $23 billion of taxpayers money has been spent on this facility.

Schools: Fishermans Bend

Mr FOLEY (Albert Park) — The matter I wish to raise is for the attention of the Minister for Planning. I seek that the minister acts on the advice of his department so that there is adequate social and community infrastructure — in particular, schools — in the new capital city zone high-rise, high-density suburbs in Fishermans Bend before the estimated 60 000 people begin to move in. In doing so, I refer the minister to advice that was given to him, as revealed under FOI documents released to the opposition, that calls for coordinated delivery across government departments of education, transport and community services. I make this request because some members of this government have made announcements that contradict the Minister for Planning's position.

The background to this is that the minister has declared Australia's largest inner urban redevelopment project to build four new suburbs around Fishermans Bend, which will increase by four times the population of the surrounding communities in Port Melbourne and South Melbourne. As FOI documents show, the minister's department advised him that his non-social-engineered, organic, urban renewal, private sector-delivered suburbs will be home to up to 60 000 residents, next to the already growing communities of Port Melbourne, South Melbourne and Southbank, which in turn will be sitting next to the $1.6 billion port development at Webb Dock and the continuing northern industrial precinct of Fishermans Bend — the home to a host of large-scale industrial businesses and IT operations.

As recently as last Friday, at the Property Council of Australia's Growth Summit 2012, the minister made it clear that the provision of this social infrastructure would be his priority. He stated that in the very near future the government would ensure that there would be an announcement about the development of an education precinct. Such a zone would be, in the minister's words, home to a kindergarten, an early childhood development and family support facility and a P–12 school, providing whole-of-life learning and development opportunities. This would not be a traditional school, as the government had flogged these off in the 1990s, but would be a new model facility with multiple community uses.

Yesterday the Minister for Education announced that the government would move to acquire a site from the University of Melbourne to develop a 400-plus student primary school in the zone, in the soon to be reinvented suburb of Montague. Whilst we all welcome the ending of the Baillieu government's investment holiday of the last two years in education and community infrastructure, it seems the announcement by the Minister for Education does not quite stack up with the position of either his department or the education and development precinct promised by the Minister for Planning. As the report released by the Department of Education and Early Childhood Education shows, the government still needs to acquire the land from the university, fund any development in the 2013 budget process, deal with complex site issues, engage the community stakeholders, work on pedagogical issues and develop the educational rationale of what will be a very different school. Then, if all goes well, it might open in 2017.

It is noteworthy that the state government has finally adopted the policy position of the former government by picking up Labor's 2010 commitment to deliver a new school in the catchment of Port Melbourne Primary School to ease the load of the surrounding primary schools. The trouble is that the policy promises to more than quadruple the population catchment of the school and, in so doing, risk drowning the school before it even enrols one student.

Monash Freeway: noise barriers

Mr GIDLEY (Mount Waverley) — My adjournment matter is for the Minister for Roads, and the action I seek from the minister is that he outline to the house the action the government is taking to reduce

traffic noise on the Mount Waverley section of the Monash Freeway.

To fully understand the challenge of managing noise on the Monash Freeway, it is important to look at the context, history and development of the freeway. Let us turn our attention to the early 1990s, some of the darkest days in Victoria's history — the Cain and Kirner governments, which left us with a legacy of debt and deficit — and some of the most challenging times that the state has ever had to endure. Labor members should hang their heads in shame about the sale of the State Bank of Victoria to the Commonwealth Bank, orchestrated by the former Kirner Labor government.

But for us the benefit was the Liberal-Nationals coalition government, which even in those dark days had the vision to look at what the Monash Freeway could become through CityLink. We connected the west to the south-east. It was unheard of to have an infrastructure project of that size, to have tolling technology and other things put in place in those darkest days of our state history, thanks to the Cain and Kirner Labor legacy.

Whilst that has bought the east–west link through to residents of Mount Waverley and Glen Waverley, it has also created the challenge of the growth of that corridor, with more than 160 000 vehicles using it each day. In addition to that challenge, as we all know too well, it has also resulted in nearly $400 million of taxpayers money being flushed down the drain through the blow-out of the cost of the Monash Freeway upgrade, which should have been $1 billion but blew out to $1.4 billion dollars.

Mr Nardella interjected.

Mr GIDLEY — Whilst members of the opposition may interject, all I think of are the services that that could have provided for our children — child protection services and services for children at the Royal Children's Hospital — and for taxpayers. That money has well and truly gone.

What was not gone was my determination from 2006 to 2010 to raise the issue of the challenges that CityLink has brought to the residents of Mount Waverley and Glen Waverley — the challenges of increased traffic volumes and interactions between pedestrians, cyclists and drivers on shared road infrastructure. I have raised this issue consistently since being given the privilege of being preselected as a candidate for the 2006 state election.

What I seek from the minister tonight is that he outline how the government is meeting that challenge of reducing noise on the Monash Freeway.

Responses

Ms ASHER (Minister for Tourism and Major Events) — The member for Seymour has raised with me the issue of funding for the Marysville Sparkling Wine Festival. She wishes funding to be granted to assist with marketing the 2012 festival, to be held from 23 October to 5 November. The member for Seymour has consistently raised issues associated with Marysville and her entire electorate. She has been strongly supportive of businesses overall and tourism businesses in particular, and she has been very active with the ongoing recovery efforts following the February 2009 bushfires.

As the member would be aware, the coalition government supports the regional tourism industry's recovery through the Marysville tourism and events marketing program 2011–14, which has provided funding support for events in Marysville and surrounding townships.

The member for Seymour detailed to the house the great success of the festival last year, as well as other events in her electorate. As a consequence of that, the government will allocate $20 000 to support this year's Marysville Sparkling Wine Festival. Funding is delivering results, and the member for Seymour touched on this in her adjournment matter. Last year's festival has grown substantially from the previous year's, and that is an outstanding achievement of the festival itself.

The funding allocated will assist with costs associated with marketing as per the member's request, which will include print advertising in metropolitan Melbourne and local newspapers. It is very important to get visitors from Melbourne into regional Victoria through such means as radio advertising, promotional flyers, signage, website development and online marketing.

While I am on my feet — the member for Seymour would be well aware of this, but other members of the house may not be — I refer to recent results of Tourism Research Australia's Marysville and Eildon visitor profile and satisfaction survey, which I had great pleasure in announcing jointly with the commonwealth Minister for Tourism, Martin Ferguson. The survey found that most visitors had travelled to support the town's recovery from the devastating bushfires and 82 per cent of visitors considered Marysville was ready for more tourists. I am delighted to be working with the

commonwealth minister. I am delighted to acknowledge that, as a result of Victoria's request, he has intervened to ensure that Victoria has a greater profile in Tourism Australia's marketing. I am delighted the commonwealth has responded to this request from Victoria. A responsive minister is a good thing but a rare thing in this federal government, so I am happy to give credit where it is due. More importantly for the member for Seymour, I am delighted to inform her of a positive response to her request.

Mr MULDER (Minister for Public Transport) — The member for Northcote raised an issue with me in relation to the purchase of additional trains for Metro and V/Line. She suggested I get on with the task of ordering these new trains. I advise the member for Northcote that I have no doubt that she is aware that immediately following the state election members of the government got on with it very quickly and we ordered seven new trains for the metropolitan network, with $222 million allocated for that particular project. That included not just the order of new trains but also stabling at Calder Park. The government also provided funding for the development of a business case for the order of 33 new trains, and that business case is being developed at the moment for new-generation trains. We are going to make sure we get the absolutely best outcome for those 33 new trains that will be ordered as part and parcel of that particular project.

As the member rightly pointed out, you have got to do the work, you have got to make sure you get the specifications right and you have got make sure you have full consultation with the manufacturers to make sure Victoria gets the best possible outcome, and that is work in progress.

In relation to the issue of the V/Line trains, the member indicated there was no budget allocation. There was a budget allocation, but members of this government do things a little bit differently. Rather than going out and saying, 'We have got X amount of dollars; we are going to get X numbers of trains', we do not flag the dollars we have available; we go out and we negotiate. The original indication was that we will get around 30 new trains, but I think we will do better than that with the money we have. We are involved in discussions at this very early stage.

Ms Richardson interjected.

Mr MULDER — You think 28? I said our starting point was 30. Let us see what sort of a deal we can negotiate for the Victorian public. We will just see. I will keep you to your 28. Is there any advance on 28? If I hear 29, I will — —

The DEPUTY SPEAKER — Order! I ask the minister to direct his comments through the Chair.

Mr MULDER — We will get the absolute best. What about 32? We will get the absolute best outcome for the Victorian community. We will drive a hard bargain. We will not throw money around like the former Labor government did. We are not a soft touch like members of the former Labor government were. We will get value for money for Victorian taxpayers, and we will continue to make improvements on the network that have shown in the five months to August 92.39 per cent of trains running on time. I think we are doing a little bit better than the former Labor government. There is a lot of work to do, but we are doing a hell of a lot better than the former Labor government did in that space. In a very short time we are making a difference for the Victorian public.

The member for Essendon raised an issue with me in relation to safety protocols when there is an incident on the rail network, and he referred to an incident on the Craigieburn line whereby overhead lines got entangled in the pantograph on the top of a train. This has been an ongoing concern since we came to government. As the member for Essendon would no doubt be aware, a lot of those overhead lines are very old and very run down. They sag, and we have had this issue as an ongoing problem. Our $225 million in rail asset renewal and maintenance is starting to show improvements in those areas. We are replacing a lot of those old overhead lines, and we hope that the investment we are making will ensure that we do not have these sorts of problems going forward. However, as I said, we inherited a very run-down system.

The member for Essendon pointed out that this incident occurred somewhere around Park Street and that, while there were people on duty, there seemed to be some confusion as to where school students should be sent in terms of where they could and could not cross safely. The member has asked me to investigate with Metro, the Department of Transport and Public Transport Victoria as to whether or not the proper protocols were followed and whether or not those protocols need to be looked at and addressed in relation to the way in which this particular incident occurred and the way in which the students were ushered down to another location on the line.

I will follow that up for the member for Essendon. I will certainly get back to him, because we want to make sure that if and when we do have these incidents, safety

protocols are followed, particularly when we are dealing with schoolchildren, who probably do not act in the same manner as adults would. Everyone would want to know that those issues are handled in the most professional manner possible. As I said, I will certainly get back in touch with the member on that matter.

The member for Mount Waverley, a hardworking member in his electorate, raised the issue of noise barriers on the Mount Waverley section of the Monash Freeway. The member rightly pointed out that he was on this case from 2006 right up to 2010, fighting to get this outcome for his community. It is no wonder he was elected to be a member of the Victorian Parliament; he took this issue on board and pushed to make sure that this project was delivered for the people of the Mount Waverley electorate.

This is a $2.2 million project, and the works on this particular section have just achieved practical completion. That involved the installation of timber noise walls as part of the noise barrier retrofit program. I can inform the member for Mount Waverley that decibel testing will follow in the next couple of months, once those works are fully completed. I am sure that the people of the Mount Waverley electorate would greatly appreciate the fact that the member has advocated so strongly for them in relation to this project. I am sure he will be out there at the completion of works to welcome these improvements for his constituents, because he certainly deserves the outcome he has achieved.

Mr WALSH (Minister for Water) — I thank the member for Gembrook for raising his adjournment issue. I know he is passionately interested in representing the concerns of his constituents on the matter of desalination and on other issues as well. All members of the house know the saga of the decision making of the previous Labor government on the Wonthaggi desalination plant and that once the desalination plant passes full reliability testing it will cost Melbourne water customers, including the member for Gembrook's constituent, $1.82 million per day for the holding charge on the desalination plant plus the additional cost of any water that is ordered.

As the member for Gembrook would be well aware, the desalination plant was to have produced its first water by the end of December 2011 and was to have passed full reliability testing by 30 June this year. I can inform the member for Gembrook to relay to his constituent that on 6 September 2012, AquaSure and Thiess Degrémont Joint Venture announced that the Victorian desalination project started producing drinking water that meets Australian drinking water guidelines. Initially this water was released into the ocean for seven days to prove water quality and to validate fluoride levels for the Department of Health before water was allowed to be introduced into the pipeline. That seven-day period ends tomorrow.

The independent reviewer and environmental auditor (IREA) will then need to receive all final test results from Thiess Degrémont, the design and construct contractor. IREA will also need to receive confirmation from the Department of Health officers who administer the Safe Drinking Water Act 2003 and the Health (Fluoridation) Act 1973 that their water quality requirements have been met. IREA will then write to the Department of Sustainability and Environment (DSE) and AquaSure to advise that the contractual requirements have been met.

The desalination water quality standards were developed by the water authorities in consultation with the Department of Health. As well as meeting Australian drinking water standards, the desalinated water must also meet the requirements of the Victorian Safe Drinking Water Act 2003 and the World Health Organisation guidelines. The water quality requirements, which were written into the contract between the state and AquaSure by DSE, will be met at the plant site and at each delivery point.

Following successful completion of the first-stage performance test, water from the desalination plant will enter the pipeline for the second stage of testing in order to commission the pipeline. This stage of testing involves allowing water to enter the network via Cardinia Reservoir, and, subject to AquaSure's progress, this could happen later this week. The third stage of testing involves transferring water through the pipeline for seven consecutive days for reliability testing.

The member for Gembrook can inform his constituent that Melbourne Water customers are not required to make any payments to AquaSure for the water used during the stages of commissioning. AquaSure has advised that it expects commissioning to be completed and production to be in full swing by the end of 2012, when reliability testing will be finalised. This is currently scheduled for the end of February 2013. As the member for Gembrook said in raising this issue, the Baillieu government has determined not to order water from the plant for the 2012–13 financial year because of good rainfall and improved water storages. The decision not to order water applies after the plant is fully commissioned.

I thank the member for Gembrook for his interest in this issue and ask that he passes this information on to his constituent.

Mr R. SMITH (Minister for Environment and Climate Change) — The member for Bendigo West raised a matter for the Minister for Consumer Affairs regarding an increase to the insurance bills for one of her constituents.

The member for Prahran raised an issue for the Minister for Higher Education and Skills regarding the Swinburne TAFE site in Prahran, and I will pass that on to the minister.

The member for Murray Valley asked for an update from the Minister for Health on the progress of the Numurkah District Health Service.

The members for Ivanhoe and Albert Park raised issues for the Minister for Planning, and I will ensure that those issues are passed on to the minister.

The DEPUTY SPEAKER — Order! The house stands adjourned.

House adjourned 10.42 p.m.